

# PHASE 2 Process Doc

Draft updated as of March 12, 2020

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## PROCESS UPDATES

The Rocky Habitat Working Group is currently nearing the site designation proposal process phase of its work which focuses on reviewing feedback on the Rocky Habitat Management Strategy from the Feb. 2020 30-day public comment period. [Read the draft strategy here.](#)

### TIMELINE

The following timeline is intended to be adaptable and may change as the process progresses. The timeline has been updated to incorporate a formal public comment period prior to beginning the initial proposal process.

MONTH	MAIN WORKING GROUP TASK(S) & MILESTONES
<b>March</b>	<p><b>Tasks &amp; Benchmarks</b> – Review and incorporate public comment.</p> <p><b>Key Dates</b> - (2/1-3/1) Public Comment Period on Rocky Habitat Proposal Process and Web Mapping Tool; (3/20) Working Group Meeting; <del>(3/19-20) LCDC Meeting</del></p>
<b>April</b>	<p><b>Key Dates</b> - (4/21) Bandon Coastal Planners Meeting; (4/23) Tillamook Coastal Planners Meeting</p>
<b>May</b>	<p><b>Tasks &amp; Benchmarks</b> – Potential OPAC recommendation.</p> <p><b>Key Dates</b> - (5/6) Ocean Policy Advisory Council reviews the Rocky Habitat Proposal Process and Web Mapping Tool with incorporated public comment, and potentially makes decision to begin Initial Proposal Process.</p>
<b>June</b>	<p><b>Begin Initial Public Proposal Process</b> [If recommended by OPAC in May]</p> <p>Proposals will be accepted during this limited duration period for approximately 3-4 months.</p>

\* The initial proposal process is estimated to accept proposals for 3-4 months and then close for proposal review. Due to uncertainty around the quantity of public proposals that may be submitted, the date of review completion and recommendation is uncertain.

## PUBLIC COMMENT OPPORTUNITIES

Public comment opportunities are available throughout this update process. The main forms of comment are listed below.

1. Directly through email to [TSP.Comments@state.or.us](mailto:TSP.Comments@state.or.us). These comments will be accepted into the process record at any time and shared to the working group for review.
2. Through oral comment at the beginning and end of all working group meetings. More information about meeting public comment protocol is available [here](#).
3. Through oral or written comment to the Ocean Policy Advisory Council. This most commonly takes place during formal meetings which are scheduled in advance and offer time on the agenda for oral testimony.

\*Please note that although all public comment received through approved methods will be accepted, due to the complexity of this process and a responsibility to balance viewpoints the working group may not be able to incorporate all comments into the final plan.

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### STAY UPDATED ON THE UPDATE

To stay up-to-date on this process and other marine policy initiatives the state supports an email listserv. This listserv sends out notifications on a weekly to monthly basis based on current events and includes notifications on meeting reminders, public comment period notifications, and other important information.

[Click here to sign up for email notifications.](#)

(Unsubscribe at any time)

## A.6. Policies

The policies for rocky habitat management have been crafted to ensure consistency with state goals and priorities. These policies are mandatory and all actions of local or state agencies in relation to managing rocky habitat areas and resources shall be consistent with them. A subset of these policies will be used for federal consistency review purposes and can be viewed in Appendix D. Refer to Section B.1. for rocky habitat classifications and definitions.

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### A. POLICY STATEMENT

Oregon's rocky habitats, in the broadest definition, are unique and carry coastwide importance ecologically, economically, culturally, and recreationally. The Rocky Habitat Management Strategy recognizes the importance of these interconnected habitats and the resources within them regardless of designation or recommendation. Therefore, this strategy recommends management actions that protect ecological values and biodiversity within and among Oregon's rocky habitats while allowing appropriate use.

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### B. POLICIES

Policy I. Original text:

*Harvesting, gathering, or scientific collection of marine plants and animals in rocky habitat areas shall be conducted in a manner that minimizes impacts and disturbance to habitats or other organisms.*

Policy I. Suggested language change:

*Harvesting, gathering, or scientific collection of marine plants and animals in rocky habitat areas, **where allowed**, shall be conducted in a manner that minimizes impacts and disturbance to habitats or other organisms.*

**Rationale:** This policy implies that harvesting, gathering and scientific collection is allowed everywhere and is contradictory with Policy Q.

Policy K. Original text:

*Management actions shall consider adaptation and resilience to climate change, ocean acidification, and hypoxia effects on rocky habitat ecosystems.*

Policy K. Suggested language change:

*Management actions shall consider adaptation and resilience to climate change, ocean acidification, and hypoxia effects on rocky habitat ecosystems **in accordance with the Oregon Ocean Acidification & Hypoxia Action Plan.***

**Rationale:** There is currently no mention of the OAH Action Plan in the draft, and this helps make that connection.

Policy K. OCMP alternative:

*Management actions shall consider adaptation and resilience to climate change, ocean acidification, and hypoxia effects on rocky habitat ecosystems **in accordance with relevant state guidance and policy.***

**Rationale:** If such a statement were to be included, a more broadly-stated policy will be more effective in addressing the range of effects we expect to experience from these issues, and more resilient to changes in relevant state organization and planning.

Policy Q. Original text:

*Harvest of aquatic vegetation is prohibited except as regulated by state agencies for appropriate recreational, scientific, restoration, and educational use.*

Policy Q. Suggested language changes:

*Harvest of **marine** aquatic vegetation **of concern in intertidal and submerged rocky habitat** is prohibited except as regulated by state agencies for appropriate recreational, scientific, restoration, and educational use.*

**Rationale:** Staff can apply clear standards more easily and can convey to the public why they are taking action, and can help accurately describe the intent of policies and advance agency missions.

Policy R. Original text:

*Development activities occurring within or near an area with aquatic vegetation must have no significant adverse effects to the aquatic vegetation or its habitat.*

Policy R. Suggested language changes:

***Marine** development activities occurring within ~~or near~~ an area with **marine** aquatic vegetation **of concern in intertidal and submerged rocky habitats** must have no ~~significant~~ adverse effects to the **marine** aquatic vegetation **of concern** or its habitat.*

**Rationale:** Rationale: Staff can apply clear standards more easily and can convey to the public why they are taking action, and can help accurately describe the intent of policies and advance agency missions. Inclusion of “**marine** development activity” is consistent with Policy J.

Policy S. Suggestions - Additional policy statement addressing SAV (could also be appended to Policy R):

*Marine aquatic vegetation of concern creates environmentally sensitive, biogenic habitats that support unique, sensitive, and economically important species and the best available science indicates that impacts to such areas can cause irreparable harm and warrant a standard of protection as described in Policy R. This standard of protection may be overcome by submitting scientific evidence that clearly indicates that no adverse effects will occur from the activity.*

**Rationale:** This is an operational application of Goal 19’s precautionary principle that shifts the burden of proof of sustainability to proponents of an activity that may impact SAV.

**adverse effects** original definition:

*degradation of ecosystem function and integrity, including but not limited to, direct habitat damage, burial of habitat, habitat erosion, a reduction of biological diversity, or a degradation of marine living organisms including, but not limited to, abundance, growth, density, species diversity, and species behavior.*

**adverse effects** suggested language change:

*Degradation of ecosystem function and integrity, including but not limited to, direct habitat damage, burial of habitat, habitat erosion, a reduction of biological diversity, or a degradation of marine living organisms including, but not limited to, abundance, growth, density, species diversity, and species behavior. **Effects from activities that are necessary for human health, safety, scientific research, or are beneficial to marine organisms, ecosystem function, or habitat resilience, are not considered adverse.***

**Rationale:** The definition can be clarified to specify what it is and what it is not. Doing so can help broaden or narrow the scope of activities by their likely degree of effect, while also acknowledging necessary exceptions.

**adverse effects** OCMP comment:

**Rationale:** While we certainly do not wish to discourage scientific research activities, many of which are small in scale and impact, some scientific research activities can be larger in terms of development and impacts (e.g. wave energy generation testing facilities), and their impacts should therefore not be exempt from consideration. Consider qualifying the phrase “scientific research” or striking it from exemption.

**aquatic vegetation** original definition:

naturally occurring marine plants, including macroalgae (e.g. kelps and seaweeds), vascular plants (e.g. seagrasses such as surfgrass and eelgrass), and other marine vegetation. This does not include microscopic or planktonic algae. This definition does not apply to aquatic vegetation grown for aquaculture or mariculture.

**aquatic vegetation** suggested language change:

**Marine aquatic vegetation of concern:** *Naturally occurring, native ~~marine plants, including aquatic vegetation and macroalgae inhabiting marine intertidal and submerged rocky habitats including kelps and other seaweeds, and plants including surfgrasses.~~ (e.g. kelps and seaweeds), vascular plants (e.g. seagrass, surfgrass, and eelgrass), and other vegetation in marine environments. **Not included in this designation: photosynthesizing single-cell algae (i.e. phytoplankton and diatoms), cyanobacteria, and soft substrate seagrasses, like eelgrass.** This does not include microscopic or*

~~planktonic algae.~~ This definition does not apply to aquatic vegetation grown for aquaculture or mariculture.

**Rationale:** this change is in conjunction with and support of suggested changes to Policies Q and R.

**aquatic vegetation** OCMF comments:

**Marine aquatic vegetation of concern:** naturally occurring marine plants, ~~including~~ and macroalgae (e.g. kelps and seaweeds), vascular plants (e.g. seagrasses such as surfgrass and eelgrass), and other marine vegetation. This does not include ~~microscopic or planktonic algae~~ **phytoplankton or non-planktonic single-celled algae**. This definition does not apply to aquatic vegetation grown for aquaculture or mariculture.

**Rationale:** Phytoplankton, which inherently includes free-floating single-celled and other microscopic algae (but is not necessarily exclusively single-celled), as well as diatoms, and cyanobacteria, should continue to be excluded from this definition. We do not believe that soft-substrate seagrasses should be excluded, since rocky habitats can be patchy in nature and may include interstitial areas with soft-substrate aquatic vegetation.

**development activities** original definition:

*a use involving the planning, construction, modification, or removal of facilities, or other structures. These activities may consist of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand; gravel, or minerals; bulkheads; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the overlying lands.*

**development activities** suggested language change:

**Marine development activity:** A use involving the planning, construction, modification, or removal of facilities, or other structures. These activities may consist of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand; gravel, or minerals; bulkheads; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the overlying lands. **Activities not considered marine development activities for this Part of the Territorial Sea Plan include aids to navigation, single boat mooring buoys (non-commercial), scientific equipment, habitat restoration activities, hazardous material removal, and derelict vessel retrieval.**

**Rationale:** The definition can be clarified to specify what it is and what it is not. Doing so can help broaden or narrow the scope of activities by their likely degree of effect, while also acknowledging necessary exceptions.

**development activities** OCMF comments:

**Rationale:** While we certainly do not wish to discourage scientific research activities, many of which are small in scale and impact, some can be larger in terms of development and impacts. Consider qualifying the phrase “scientific research”.

## SITE-BASED DESIGNATIONS

The original 1994 Rocky Shores Management Strategy recommended management designations at 39 sites, with at least 14 of these recommendations being implemented since then. The majority of the implemented sites are clustered on the Central Coast, with large stretches on particularly the South Coast with no management designations. The public has once again called for additional implementations of the 1994 recommended management designations, in particular the Habitat Refuges.

The table below outlines the areas suggested for consideration for implementation, their original 1994 recommended designations, their current designations, and the suggested site designations from public comments. Consider the options for implementation outlined below.

Options for Site Management Designation Implementations			
Site Name	1994 Recommendation	Current Designation	Suggested Designation
Tillamook Head	<u>Habitat Refuge</u> – no invert/algae harvest	None	Marine Conservation Area
Ecola Point	Not Yet Designated	None	
Sea Lion Rock	Priority Rock & Reef	None	
Cape Lookout	<u>Habitat Refuge</u> – invert/algae harvest by sci. permit; no comm. kelp harvest	None	Marine Conservation Area
Cascade Head*	Habitat Refuge	None/MPA	Marine Conservation Area
Rocks off Coquille Point	Habitat Refuge	None	Marine Conservation Area
Cape Blanco	<u>Research Reserve</u> – invert/algae harvest by sci. permit only	None	Marine Research Area
Humbug Mt./Lookout Rock	<u>Research Reserve</u> – invert/algae harvest by sci. permit only	None	Marine Research Area
Crook Point/Mack Reef	<u>Habitat Refuge</u> – no comm. kelp harvest	None	Marine Conservation Area
Hooskanaden Creek	<u>Habitat Refuge</u> – invert/algae harvest by sci. permit only	None	Marine Conservation Area
Cape Ferrelo	<u>Habitat Refuge</u> – invert/algae harvest by sci. permit only	None	Marine Conservation Area

\*Overlaps with Marine Protected Area

## OPTIONS FOR IMPLEMENTATION

Option A: Implement all (“as recommended” in 1994, or with slight variation).

Option B: Implement select sites (e.g. only adopt HRs, except for Cascade Head; implement Coquille Pt. as Marine Garden, or focus on southerly sites to improve connectivity).

Option C: Submit requested site implementations in table above to OPAC for review.

Option D: Utilize public proposal process to implement sites.



### E.3. INITIAL PROPOSAL PROCESS

Step 3.3. of the Initial Proposal Process (IPP) directs OCMP to conduct a 30-day public comment period on the Rocky Habitat Working Group recommendations for public proposals, prior to OPAC approval. The Maintenance Proposal Process (MPP) does not include a Working Group recommendation step, but instead sends proposals straight to OPAC following OCMP review. Step 3.3.a. of the MPP makes direct reference to a public comment summary, despite not clearly outlining when and if a public comment period would take place. This is most likely an artifact of copy-and-paste, however the intent was to include a public comment period. OCMP suggests adding the highlighted text in Step 2.5. of the MPP for clarification. See highlighted and bolded language below.



#### STEP 1 - BUILDING A PROPOSAL

Goal: Identify desired management changes and generate completed proposal.

1. Individual or entity identifies a necessary change in site management that aligns with the designations outlined in the Rocky Habitat Management Strategy.
2. Proposing entity builds a proposal using the Rocky Habitat Web Mapping Tool.
  - a) Draw a polygon around the area of interest to generate a report.
  - b) Answer remaining proposal questions using data report, local knowledge, and communications with natural resource agencies.
  - c) Conduct community engagement to gauge proposal support and concerns (to occur throughout proposal synthesis).
  - d) Modify proposal as needed and submit through the Rocky Habitat Web Mapping Tool.

#### STEP 2 – AGENCY PROPOSAL ANALYSIS

Goal: Analyze proposals and obtain tribal input. Agencies include ODFW, OPRD, DSL, OSP, and DLCD, and may include others based on the details of individual proposals.

1. Oregon Coastal Management Program staff are automatically notified of all submitted public proposals.
2. Agencies evaluate completeness of proposals to determine if all necessary information has been included in the proposal, as well as if the proposer has taken all necessary steps to create a complete proposal.
  - a) *Incomplete proposals will be rejected and not move forward in the review process. Proposers will be contacted with necessary information for completing and resubmitting the proposals.*
  - b) Rejected proposals may be revised and resubmitted as a new proposal.
  - c) If the deadline for the Initial Proposal Process has passed, resubmissions may occur during the Maintenance Proposal Process.

3. Agencies review complete proposals and create a report presenting an analysis of the proposal's alignment with the goals and policies of the Rocky Habitat Management Strategy and of implementation feasibility.
4. Oregon Coastal Management Program staff will gain tribal input on proposals from the four federally recognized coastal Oregon tribes concerning cultural resources and tribal interests. Formal government-to-government consultation with federally recognized tribal nations may be required during this step to assure conflicts with cultural and natural resources are addressed.
5. Proposal packet is submitted to the Rocky Habitat Working Group. The proposal packet will include the public proposal and agency analysis report<sup>1</sup>.

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### STEP 3 – ROCKY HABITAT WORKING GROUP REVIEW & RECOMMENDATION

Goal: Review public proposals on merit. Create a Working Group Recommendation that considers all recommended public proposals, and additional sites as capacity allows.

1. Working Group receives and reviews the proposal packet based on the merit of each proposal. Each proposal will be sorted as “recommended” or “not recommended”<sup>2</sup>.
2. Build a Working Group Recommendation.
  - a) *Review Public Proposals*: Public proposals sorted as “recommended” will be incorporated into the Working Group Recommendation packet, while public proposals sorted as “not recommended” will not be included in the Working Group Recommendation but will remain in the process record<sup>3</sup>. During this review, the Working Group may use public proposals to help inform additional site considerations.
  - b) *Additional Site Considerations*: The Working Group will prioritize review of public proposals and if time and capacity is available, will move on to reviewing additional sites of concern using Working Group expertise, including agency knowledge. The Working Group may also consider analyzing unimplemented recommended designations from the 1994 Rocky Habitat Management Strategy.
3. **Conduct a 30-day public comment period on the Rocky Habitat Working Group Recommendation.**
  - a) The Working Group Recommendation will be made available for a 30-day public comment period.
  - b) Agency staff will send the proposal packet to appropriate agency commissions as informational briefings. Due to meeting schedules, these briefings may take place outside of the formal 30-day public comment period.
4. Working Group will modify the recommendation as needed based on public comment and submit the full proposal packet to OPAC for review. The proposal packet contents will be organized into two sections:
  - a) All non-recommended public proposals, agency feasibility reports and recommendations;
  - b) Working Group Recommendation and public comment summary.

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### STEP 4 – OCEAN POLICY ADVISORY COUNCIL REVIEW & RECOMMENDATION

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<sup>1</sup> Tribal input will remain confidential to avoid possible impacts to sensitive cultural resources.

<sup>2</sup> This sorting process does not constitute a formal adoption or rejection but instead indicates review body support of either rejection or adoption for each proposal. The Working Group may implement certain parts of non-recommended proposals with minor modification as part of the Working Group proposal.

<sup>3</sup> This sorting process does not constitute a formal adoption or rejection but instead indicates review body support of either rejection or adoption for each proposal. The Working Group may implement certain parts of non-recommended proposals with minor modification as part of the Working Group proposal.

Goal: Review complete proposal packet and consider rationale for recommended proposals. Determine which proposals to recommend to the Land Conservation and Development Commission (LCDC).

1. The Ocean Policy Advisory Council (OPAC) receives the proposal packet a minimum of two weeks prior to the decision-making meeting.
2. OPAC meeting discussion and determination<sup>4</sup>.
  - a. OCMP staff present proposal packet at the OPAC meeting and provide details to Council members with an opportunity for question and answer.
  - b. Proposing entities with recommended proposals have an opportunity to answer OPAC questions where necessary.
  - c. Public testimony is collected.
3. OPAC makes determination on Working Group Recommendation.
  - a. If proposal is recommended, the Working Group Recommendation, and public comment summary will be sent to LCDC for review (now referred to as the “OPAC Recommendation” and moves on to Step 5).
  - b. If rejected, or if OPAC determines edits are required, the Working Group Recommendation will be returned to the Rocky Habitat Working Group to address OPAC tasks (return to Step 3).

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#### STEP 5 – LAND CONSERVATION & DEVELOPMENT COMMISSION REVIEW & POTENTIAL ADOPTION

Goal: Make final determination on which site proposals will be incorporated into the Rocky Habitat Management Strategy. Suggest recommended site proposals to appropriate regulatory commissions for review and adoption.

1. The Land Conservation and Development Commission receives OPAC Recommendation for review prior to decision-making meeting in accordance with commission procedures and protocols.
2. OCMP staff presents OPAC Recommendation to LCDC and provides details to Commissioners with an opportunity for question and answer.
  - a. Public testimony is collected.
3. LCDC makes determination on OPAC Recommendation.
  - a. If adopted: The site designation and management measures are incorporated into the Rocky Habitat Management Strategy and sent to the appropriate agency commission(s) where applicable components of the designation and management measures will be considered for incorporation into regulation.
  - b. If rejected: The recommendation will be returned to OPAC with recommended revisions.

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<sup>4</sup> OPAC review and determinations on proposals may require multiple meetings to complete.

## MAINTENANCE PROPOSAL PROCESS

### Maintenance Proposal Process Overview



\*The Ocean Policy Advisory Council may convene a working group to review and recommend public proposals based on the volume and complexity of submissions.

### STEP 1 - BUILDING A PROPOSAL

Goal: Identify desired management changes and generate completed proposal.

1. Individual or entity recognizes a necessary change in site management that aligns with the designations outlined in the Rocky Habitat Management Strategy.
2. Proposing entity builds a proposal using the Rocky Habitat Web Mapping Tool.
  - a) Draw a polygon around the area of interest to generate a report.
  - b) Answer remaining proposal questions using data report, local knowledge, and communications with natural resource agencies.
  - c) Conduct community engagement to gauge support and concerns (to occur throughout proposal synthesis).
  - d) Modify proposal as needed and submit through the Rocky Habitat Web Mapping Tool.

### STEP 2 – AGENCY PROPOSAL ANALYSIS

Goal: Analyze proposals and obtain tribal input. Agencies include ODFW, OPRD, DSL, OSP, and DLCD, and may include others based on the details of individual proposals.

1. Oregon Coastal Management Program staff are automatically notified of all submitted public proposals.
2. Agencies evaluate completeness of proposals to determine if all necessary information has been included in the proposal, as well as if the proposer has taken all necessary steps to create a complete proposal.
  - a) *Incomplete proposals will be rejected and not move forward in the review process. Proposers will be contacted with necessary information for completing and resubmitting the proposals.*
  - b) Rejected proposals may be revised and resubmitted as a new proposal.
3. Agencies review complete proposals and create a report presenting an analysis of the proposal's alignment with the goals and policies of the Rocky Habitat Management Strategy and of implementation feasibility.
4. Oregon Coastal Management Program staff will gain tribal input on proposals from the four federally recognized coastal Oregon tribes concerning cultural resources and tribal interests. Formal government-to-government consultation with federally recognized tribal nations may be required during this step to assure conflicts with cultural and natural resources are addressed.
5. **Conduct a 30-day public comment period, and prepare a public comment summary to be included in proposal packet.**

6. Proposal packet is submitted to the Ocean Policy Advisory Council (OPAC). The proposal packet will include the public proposal and agency analysis report<sup>5</sup>.

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### STEP 3 – OCEAN POLICY ADVISORY COUNCIL REVIEW & RECOMMENDATION

Goal: Review complete proposal packet and consider rationale for recommended proposals. Determine which proposals to recommend to the Land Conservation and Development Commission (LCDC).

1. After the completion of agency proposal analysis, OPAC receives the proposal packet a minimum of two weeks prior to the decision-making meeting.
  - a. If the volume or complexity of proposal packet contents is too large for review during an OPAC meeting, the council may convene a working group to carry out initial review and recommendation of proposals. This may take place at any point in the review process.
2. OPAC meeting discussion and determination<sup>6</sup>.
  - a. OCMP staff present proposal packet at the OPAC meeting and provide details to Council members with an opportunity for question and answer. Proposing entities with recommended proposals have an opportunity to answer OPAC questions where necessary.
  - b. Public testimony is collected.
3. OPAC makes determination on proposal packet.
  - a. If the proposal is reviewed favorably by OPAC, the proposal packet and **public comment summary** will be sent to LCDC for review (now referred to as the “OPAC Recommendation” and moves on to Step 4).
  - b. If rejected, proposals will be returned with rejection rationale to the proposing entity.

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### STEP 4 – LAND CONSERVATION & DEVELOPMENT COMMISSION REVIEW & POTENTIAL ADOPTION

Goal: Make final determination on which site proposals will be incorporated into the Rocky Habitat Management Strategy. Suggest recommended site proposals to appropriate regulatory commissions for review and adoption.

1. The Land Conservation and Development Commission receives OPAC Recommendation for review prior to decision-making meeting in accordance with commission procedures and protocols.
2. OCMP staff presents OPAC Recommendation to LCDC and provides details to Commissioners with an opportunity for question and answer.
  - a. Public testimony is collected.
3. LCDC makes determination on OPAC Recommendation.
  - a. If adopted: The site designation and management measures are incorporated into the Rocky Habitat Management Strategy and sent to the appropriate agency commission(s) where applicable components of the designation and management measures will be considered for incorporation into regulation.
  - b. If rejected: The recommendation will be returned to OPAC with recommended revisions.

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<sup>5</sup> Tribal input will remain confidential to avoid possible impacts to sensitive cultural resources.

<sup>6</sup> OPAC review and determinations on proposals may require multiple meetings to complete.

## A.5.b. EDUCATION & PUBLIC AWARENESS

Paragraph three:

*As part of a strategic communication effort, new and already established locally-based and regionally supported programs are needed to disseminate accurate and timely rocky habitat knowledge and stewardship messages.*

**Public comment:** “We are concerned that this section speaks very loosely about which groups, new or existing, will provide education and public information, and very loosely indeed about the state’s role in supporting these efforts.”

Education Actions – Step 3:

*Support existing education and interpretive programs as well as creation and implementation of new education and interpretive programs to fill gaps.*

**Public comment:** “The first clause is fine, the second is problematic. Again, there are more than enough organizations and programs on the coast seeking to provide public education about coastal resources; the state should focus on collaborating with and supporting them, not fostering still more organizations with overlapping missions.”

**OCMP Suggested language change:**

*Support existing education and interpretive programs as well as creation and implementation of new education and interpretive programs to fill gaps **if future needs arise.***

## GENERAL STRATEGY AMENDMENTS & COMMENTS

Some of these comments will warrant more discussion than others, but all are worthy of consideration. Please review thoughtfully and be prepared to discuss as necessary.

1. Suggested language to incorporate SAV-focused actions from OAH Action Plan which commits the state to updates related to the Actions Plan:

*Until Actions 1 through 5 of Oregon’s Ocean Acidification and Hypoxia Action Plan are implemented in full, marine aquatic vegetation of concern policies of this Strategy will be updated as needed, but at least every 5 years, with appropriate public input, to stay consistent with new statutory and regulatory outcomes from state agency Action Plan implementation.*

**OCMP suggestion:** add this language to Section C.3.b.ii. Marine Plant Harvest

2. Link Statewide Planning Goal 19’s precautionary approach more clearly to this Strategy regarding protection of submerged aquatic vegetation.
3. Include a complete rocky habitat inventory in the Strategy, in addition to the Web Mapping Tool, for the public to consider for site designations.

**OCMP comment:** This is currently in progress. It will likely be a living document separate from the Rocky Habitat Management Strategy. The Tool will be maintained long-term.

4. If Marine Conservation Area proposals can exclude scientific research, this seems incongruent with fostering and promoting research and monitoring as described in Policy L, as well as making sure that the Strategy has comprehensive, up-to-date scientific information to rely on as described in Section A.5.a.iv.b. which states that the Strategy should “be based on the best available scientific information...”. Please consider allowing permits for scientific harvest in Marine Conservation Areas.
5. Revise the no harvest rule for Marine Gardens to eliminate the provision allowing the removal of single mussels.
6. Site designations should not be excluded from areas adjacent to Marine Protected Areas/Marine Reserves. These areas are politically vulnerable while the Strategy is not.
7. Periodic review of the Strategy should be incorporated within the Strategy itself.

**OCMP comment:** We could include additional language/section in A.4.a. for this, however it is technically already addressed in TSP Part One F.2. which requires LCDC periodically review the entire TSP and initiate amendments as needed.

8. The word “stakeholder” should be excluded from the Strategy. The territorial sea belongs equally to all Oregonians. There is no one who can claim a special stake in these common resources. Commercial or recreational fishing or harvesting interests, and businesses onshore that process their products, are allowed essentially free access (aside from modest fees) to these public resources, but this is entirely subject to the public’s will. No Oregonian should be credited any special stake in territorial sea resources.
9. The strategy should incorporate by reference the Oregon Marine Debris Action Plan. NOAA is mentioned in the draft, but not its role in convening the agencies and NGOs that collaborated on the marine debris plan and are in the process of implementing it.

- a. OCMP suggested language addition to Section C.2.a. Federal Agencies end of paragraph about NOAA:

*In addition, the NOAA Office of Response and Restoration oversees and coordinates development of the Oregon Marine Debris Action Plan.*

And Section C.3.e. Rapid Response:

*In these instances, a more general plan may be created to determine appropriate removal and jurisdiction **in accordance with the Oregon Marine Debris Action Plan.***

10. The state should have a policy concerning development of onshore buffers that will facilitate the upslope migration of intertidal habitats as sea level rises, i.e., it should be a stated policy that as part of the state’s responsibility for conserving rocky habitats on the shoreline, provision should be made for continuity of these habitats as sea level rises.

**OCMP comment:** this is technically captured by Policies G and K.

11. Rocky Habitat designations or alterations to existing designations should have specific goals agreed upon by scientists, managers, affected users, and the public so that all stakeholders understand what resource(s) are being protected and the reasons for that protection. Designations should also consider long-term environmental stressors, such as those associated with climate change and be supported by the best available science. In summary, proposals for new or altered rocky habitat designations should:

- a. have specific, measurable goals understood by the public,

**OCMP Suggestion:** Amend question 5 in Proposal Rationale section of Appendix C to the following:

5. *Please describe the context for why this proposal is being brought forward.*

- a. ~~What are~~ **Please describe the site-specific goals of this proposal.**

**b. What are the outcomes or metrics which could be measured to determine progress toward or achievement of these goals?**

- b. reflect strong stakeholder and community engagement,
- c. balance protection and access,
- d. have support and realistic capacity for implementation,
- e. enhance the coastal experience by preserving wild recreational areas,
- f. address new and arising uses, and
- g. consider long term environmental and climate change stressors such as ocean acidification, disease outbreaks, warming waters, etc.

12. Please include plans to mitigate the impact of climate change on the rocky shores along our Oregon coast.

## TRIBAL GOVERNMENT COMMENTS

OCMP and the Working Group are limited in our ability to conduct appropriate government-to-government relations with our tribal partners. We feel that the letter from CTCLUSI warrants a formal response and that many of their expressed concerns are greater than the focus of the Rocky Habitat Working Group. With that in mind, OCMP asks for thoughtful consideration of their feedback and would like to limit discussion to the following points that may be within the purview of this update process:

1. The strategy should recognize the Tribal cultural value and utility associated with aquatic vegetation.

While there is some language acknowledging cultural value in Section B.3.a. Cultural Significance, it is limited. Consider additional language in this section or others to expand on the cultural value and utility associated with aquatic vegetation (see below).

2. Include tribal history to the setting context instead of limiting it to within the cultural significance section.

Section B.2. Setting Context is intended to describe the environmental context which physically shapes rocky habitats. That said, humans also have/have had significant impact on physically shaping rocky habitats as well. Per suggestion of the CTCLUSI letter, consider addition of reference to ODE-developed document to include tribal perspectives in education and public awareness. Potential language addition for both points 3 & 4:

Oregon's rocky habitats are home to a unique cultural landscape with a history long predating European settlement. Archeological studies have found many ancestral tribal villages dating back 6,000 to 7,000 years, with experts estimating tribal settlement of the coast at least 15,000 years ago. This legacy is connected to place and many rocky areas along the coast harbor a special meaning to past and present tribes of Oregon. Much like mudflats in estuaries, some rocky habitats were easily accessible areas where resources (**such as shellfish and aquatic vegetation**) could be gathered predictably. Additionally, Oregon's rocky coast has provided locations for ceremony, traditional cultural practices, and a general sense of identity. The Rocky Habitat Management Strategy cannot begin to appropriately summarize the rich lineage of tribal use of the coast and traditional connection to rocky habitats. The appropriate tribes should be contacted to learn more about the individual cultural history surrounding these areas.

**Additional information may be found in the Oregon Department of Education's Essential Understandings of Native Americans in Oregon<sup>12</sup>.**

<sup>12</sup> Oregon Department of Education (n.d.) *Essential Understandings of Native Americans in Oregon*. Oregon Educator Network. <https://www.oregonednet.org/groups/sb-13-tribal-historyshared-history/resources/essential-understandings-native-americans-oregon>



3. Appendix C: Proposal Contents & Questions lacks any question addressing tribal engagement. OCMP suggests adding the following questions to the proposals:

### **Tribal Engagement**

1. Please describe any steps taken to engage or collaborate with Native American tribes to develop this proposal.
  - a. Please describe the tribal comments of support and issues of concern voiced regarding this proposed change in site management/designation.
  - b. Please list the tribal communities, organizations, and groups that have worked to develop and support this proposal, as well as those in opposition to the proposal.
2. Please describe how your proposal would impact any tribal cultural resources at this site.
3. How does your proposal interact with traditional cultural property or landscape designations such as those internal to tribes, or through various federal processes such as the National Historic Preservation Act or the National Register of Historic Places?
4. **Before submitting your proposal**, please attach any materials, resources, or letters of support gathered as part of the development of this proposal.

DRAFT