

PHASE 3 Meeting Process

Rocky Habitat Working Group, April 26, 2021

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PROCESS UPDATES

The Rocky Habitat Working Group is nearing the end of the initial rocky habitat site management designation proposal process, which focuses on evaluating site proposals, and final revisions to the Rocky Habitat Management Strategy. [Read the draft strategy here.](#)

TIMELINE

The following timeline is intended to be adaptable and may change as the process progresses.

MONTH	WORKING GROUP TASK(S) & MILESTONES
March	<p>Tasks & Benchmarks – Release Initial Recommendation Summaries</p> <p>Key Dates – (3/15-4/15) Public Comment Period on rocky habitat proposals; (3/18-19) LCDC meeting</p>
April	<p>Tasks & Benchmarks – Prepare proposal packet materials for OPAC</p> <p>Key Dates – (4/26 & 29) Rocky Habitat Working Group meetings</p>
May	<p>Tasks & Benchmarks – Potential OPAC recommendation; shift project focus to Rocky Habitat Communications Plan</p> <p>Key Dates – (5/17) Ocean Policy Advisory Council reviews TSP3 draft and rocky habitat proposals packet materials, and potentially makes recommendations on site proposals.</p>
June	<p>Tasks & Benchmarks – Begin preparing proposal materials for potential LCDC recommendation(s) (if recommended by OPAC in May)</p>
July	<p>Tasks & Benchmarks –</p> <p>Key Dates –</p>
August	<p>Tasks & Benchmarks –</p> <p>Key Dates –</p>
September	<p>Tasks & Benchmarks – Complete revisions of Communications Plan and site designation proposal process; prepare materials for fall OPAC meeting</p> <p>Key Dates – (9/30) Conclusion of NOAA Rocky Shores Project of Special Merit and DLCD Rocky Shores Coordinator position</p>

PUBLIC COMMENT OPPORTUNITIES

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

1. Directly via email to TSP.Comments@state.or.us. These comments may be entered 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 regular 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: 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.

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)

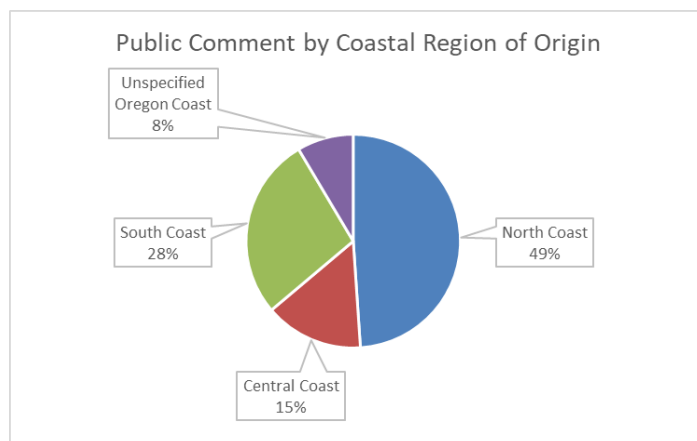
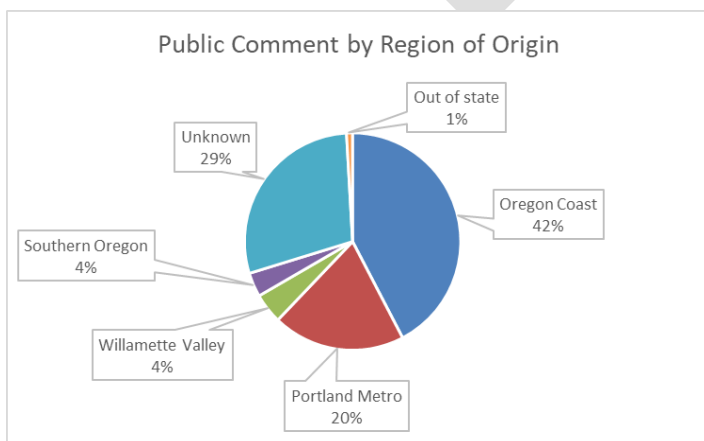
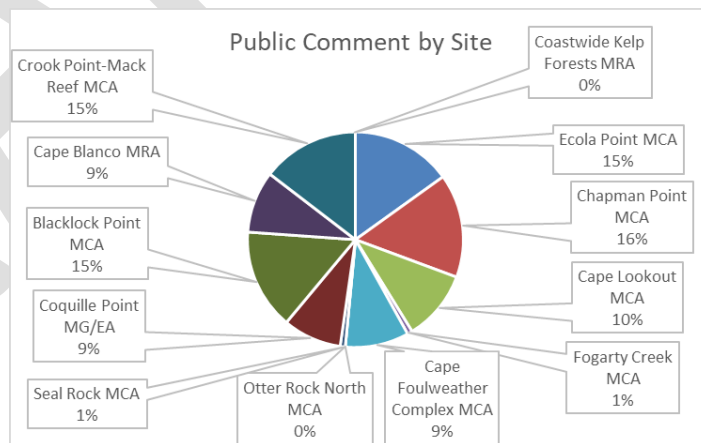
30-DAY PUBLIC COMMENT PERIOD

In their February 25th & 26th meetings, the Working Group made their initial recommendations on the twelve rocky habitat site management designation proposals submitted during the 2020 Initial Proposal Period. These recommendations included considerations for implementation that the Working Group needed clarification on, or identified potential issues with elements in the proposal. These considerations were summarized for OPAC, along with the main points identified in the Agency Feasibility and Completeness Analyses and Working Group reviews, in draft initial recommendation summary documents. The rocky habitat proposals and initial recommendation summaries were made available for a 30-day public comment period (March 15 – April 15, 2021). During this time, proposers were also invited to submit written responses to the initial recommendation summaries, to communicate how the considerations outlined would impact their site goals and proposed activities. These responses are appended to the initial recommendation summaries [here](#). Per the proposal evaluation process outlined in the Strategy, the Working Group will review and consider public feedback prior to making their final recommendations. A high-level overview and summary of the comments received during the 30-day public comment period, are provided below.

PUBLIC COMMENTS OVERVIEW

A total of 112 public comments were received from 124 individuals representing at least 21 different organizations. The comments contained 398 remarks on specific proposals, and 30 remarks directed at the proposal process itself. The overwhelming majority of comments were in support of specific proposals or advocated for site-specific protections in general, while 11 comments expressed clear opposition.

Comment Mentions of Specific Proposals		
Region	Count	Percentage
Ecola Point MCA	60	15.08
Chapman Point MCA	62	15.58
Cape Lookout MCA	42	10.55
Fogarty Creek MCA	3	0.75
Cape Foulweather Complex MCA	38	9.55
Otter Rock North MCA	0	0.00
Seal Rock MCA	3	0.75
Coquille Point MG/EA	35	8.79
Blacklock Point MCA	60	15.08
Cape Blanco MRA	37	9.30
Crook Point-Mack Reef MCA	58	14.57
Coastwide Kelp Forests MRA	0	0.00
total	398	



Count of Affiliated Organizations		
Region	Count	Percentage
Audubon & Affiliates	41	34.75
OR Shores Conservation Coalition	2	1.69
Garibaldi Charters	2	1.69
COASST	2	1.69
OR Recreational Divers	1	0.85
Coastwatch	1	0.85
NW Guides and Anglers Association	1	0.85
Snowy Plover Beach Patrol	1	0.85
Pew	1	0.85
Tillamook County Fishermen	1	0.85
PISCO	1	0.85
Not identified	64	54.24
total	118	

Site Mentions in Opposition	
Region	Count
Ecola Point MCA	4
Chapman Point MCA	7
Cape Lookout MCA	3
Fogarty Creek MCA	1
Cape Foulweather Complex MCA	0
Otter Rock North MCA	0
Seal Rock MCA	1
Coquille Point MG/EA	2
Blacklock Point MCA	1
Cape Blanco MRA	1
Crook Point-Mack Reef MCA	1
Coastwide Kelp Forests MRA	0
Non-specific opposition	1
total	22

What the Working Group needs to do: Review the public comments and proposer responses submitted during the 30-day public comment period, and prepare to discuss.

Meeting objective: The Rocky Shores Coordinator will present a high-level overview of the public comments. This information will be considered by the Working Group, along with the proposer responses, in making their final recommendations in the April 29th meeting.

ROCKY HABITAT MANAGEMENT STRATEGY TEXT REVISIONS

OPAC last approved a draft of the Rocky Habitat Management Strategy in their May, 2020 meeting. Since then, the Working Group reviewed and approved changes to the text in their November and December, 2020 meetings. These changes included clarifications on the proposal review and evaluation process, and modifications developed in coordination with coastal Tribal Nations and DLCD staff. OPAC was briefed on these changes in their December, 2020 meeting. Since December, DLCD staff have worked to prepare the document for approval. This includes correcting any remaining issues with grammar, formatting, punctuation, or other scrivener's errors. [Click here for the most recent draft of the Strategy.](#)

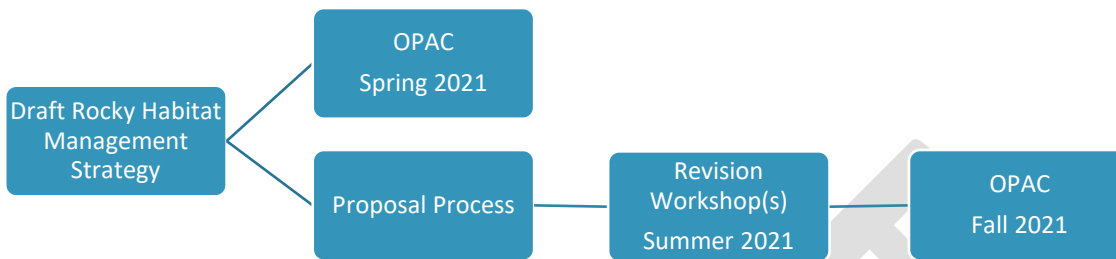
PROPOSAL EVALUATION PROCESS REVISIONS

In their November and December, 2020 meetings, the Working Group clarified details of the initial rocky habitat proposal review and evaluation process. The intention has always been to reevaluate and refine this process following its initial pilot run. In response to public request regarding the COVID-19 pandemic, modifications to the process timeline were approved by OPAC in their May, 2020 meeting, which significantly reduced the time available to complete this effort. Because the timeline is now tightly constrained, the Working Group must focus their remaining efforts on completing evaluation of the twelve submitted proposals. Appropriate efforts to address the necessary process revisions will require ongoing engagement with proposers and other members of the public to ensure a robust final process. These revisions will largely be limited to Section E., which describes the proposal review and evaluation process, and Appendix C., which outlines the proposal questionnaire form. While the bulk of the Strategy text is ready for OPAC approval, delaying revisions to Section E. and Appendix C. will allow sufficient time for all involved parties to coordinate on reworking the process. The aim would then be to forward the revised process to OPAC for approval in their fall 2021 meeting.

Revisions to the process should rely on additional feedback and coordination between proposers and state agency representatives. This effort may be likely to include a survey of proposers and one or more

collaborative workshop meetings between proposers and the agencies to refine process details. Engagement in these efforts would begin after the May 17 OPAC meeting, and aim to conclude by September 30, 2021. The timing and finalized process is likely to necessitate delay of the October 1, 2021 start date for the Maintenance Proposal Process. The new start date for the Maintenance Proposal Process would then be determined through the revision process, and would likely not be earlier than mid-2022.

Conceptual diagram of proposal process revision:



Working Group Decision Points: Shall the Working Group recommend approval of the draft Rocky Habitat Management Strategy to OPAC, with the exception of sections detailing the proposal process (Section E., Appendix C.) until the fall 2021 OPAC meeting? Shall the Working Group recommend a delayed start to the Maintenance Proposal Process, following a collaborative effort between proposers and state agency representatives to revise the proposal processes?

What the Working Group needs to do: Carefully review the current track changes draft of the Rocky Habitat Management Strategy, and report any additional issues to DLCD staff ahead of the April 26th Working Group meeting.

Meeting objective: Arrive at consensus regarding final changes to the Strategy text, delaying revisions to the proposal process (Section E. & Appendix C.) until the fall 2021 OPAC meeting, and collaboration between proposers and state agency representatives to workshop the process revisions.

PROPOSAL RECOMMENDATION PROCESS

When the Working Group devised the public proposal process, it was divided in two – an initial pilot process, and an ongoing maintenance process. The intent behind the initial process (which is ongoing), was to evaluate the process itself upon conclusion, to ensure a robust maintenance process. The Working Group is now tasked with making recommendations on both the process and the proposals. This necessarily includes facilitating final recommendations, appropriately addressing public feedback during process revisions, and acknowledging the significant efforts made by the public to develop the proposals. To achieve this, the Working Group must make recommendations to OPAC regarding the above, with considerations for the following:

FINAL RECOMMENDATION VOTING PROCEDURES

The Working Group will make their final proposal recommendations during their April 29th meeting. The voting method used to facilitate the Working Group’s final proposal recommendations will not be the same method used for the initial recommendations, and will instead be based on the voting procedures outlined for OPAC, which is described below (adapted from Procedures of the Oregon Ocean Policy Advisory Council). Initial

recommendations were made in the February 25th-26th meetings, using a vote ranking method whereby 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*. 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. This vote ranking method was devised to allow the Working Group to move proposals forward in the recommendation process by identifying for OPAC the necessary considerations for implementation of each proposal. Considerations are those components of a proposal, identified through the evaluation process, which the Working Group needed clarification on, or identified potential issues with elements in the proposal. These considerations were identified during the Agency Feasibility and Completeness Analysis and Working Group review steps of the proposal evaluation process.

Overall Policy Statement: The Working Group will endeavor to reach **consensus** on each decision, including recommendations and resolutions to the Governor, the Land Conservation and Development Commission (LCDC), state agencies or local government. A consensus process will enable the Working Group to more freely discuss issues to arrive at a decision acceptable to all. In some instances, precise wording of a consensus decision may be developed by staff after review of recordings of the discussion for approval by the Working Group.

Consensus Defined: Consensus means that each Working Group member can say: (1) I was a respected member of the group that considered the decision; (2) my ideas (opinions, knowledge, concerns, beliefs, hopes) were listened to; (3) I listened to the ideas (opinions, knowledge, concerns, beliefs, hopes) of others; and (4) I can support the decision of the group, even though I might have made a different decision had I acted alone.

The Working Group will seek consensus decisions on their advisory recommendations. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements that they can accept, support, live with, or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on a recommendation, and the Working Group finds that 100 percent acceptance or support is not achievable, final decisions will require a **majority**¹ of members, per OPAC standard voting guidelines. This majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members. The consensus process will preserve the opportunity for minority opinions to be expressed and reflected in the record of the Working Group's deliberations.

Voting: In those instances where consensus cannot be reached after debate and discussion, the meeting facilitator or Working Group Chair may initiate or entertain a motion to vote on the issue. All members may fully participate in discussion and make motions and seconds. All motions must be seconded to be acted upon. The Chair may also elect to suspend debate and set aside the issue to a subsequent meeting. Minority reports will not be issued, but products and positions of the Working Group may reflect minority positions.

Working Group Decision Point: Shall the Working Group utilize standard OPAC voting procedures to make their final proposal recommendations?

¹ A majority of members of the Working Group, which may include the Chair, constitutes a quorum for the transaction of business.

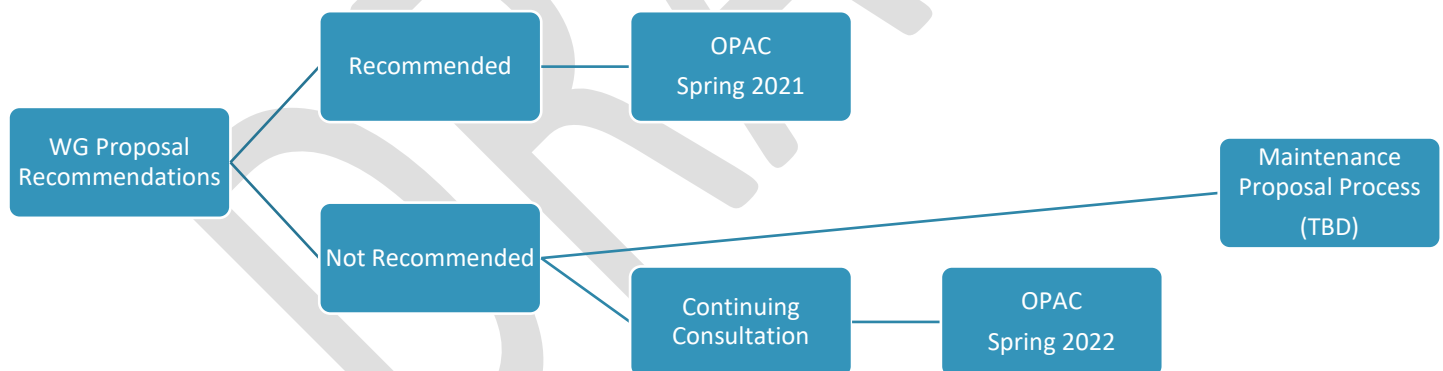
CONTINUING CONSULTATION FOR PROPOSAL REVIEW

The Working Group final recommendation consensus and voting procedures will sort proposals as “**recommended**” or “**not recommended**”. In recognition of the significant efforts made by the proposal teams to develop the proposals, proposals sorted as **not recommended** may be subjected to an additional round of Working Group consensus building and voting to remand them for **continuing consultation**. This continuing consultation would engage proposers and state agency representatives to collaboratively address site management issues outlined in the proposals, and refine proposals for potential resubmission. This process would ostensibly begin following efforts to revise the proposal process in summer 2021 (see above), and culminate in the spring 2022 OPAC meeting. The intent is to acknowledge the merits of proposals that did not receive full recommendation, and to provide an opportunity for collaboration between proposers, the public, and state agencies to address site-specific management needs.

If this alternate proposal pathway is utilized, then proposal recommendation would proceed as follows:

1. Establish consensus on proposal (with conditions) for **recommended** status
 - a. If consensus is not achieved, a vote is called
2. Establish consensus on proposal to receive **continuing consultation** status
 - a. If consensus is not achieved, a vote is called
3. Consensus is established for **not recommended** status

Conceptual diagram of the suggested proposal recommendation pathways:



Working Group Decision Point: Shall proposals sorted as **not recommended** be remanded for continuing consultation between proposers and agency representatives?

What the Working Group needs to do: Review the adapted OPAC voting procedures and alternate recommendation pathway described above. Address any concerns with Working Group leadership or DLCD staff ahead of the meeting.

Meeting objective: Confirm the final recommendation voting method and determine whether to allow a secondary vote for continuing consultation on non-recommended proposals.