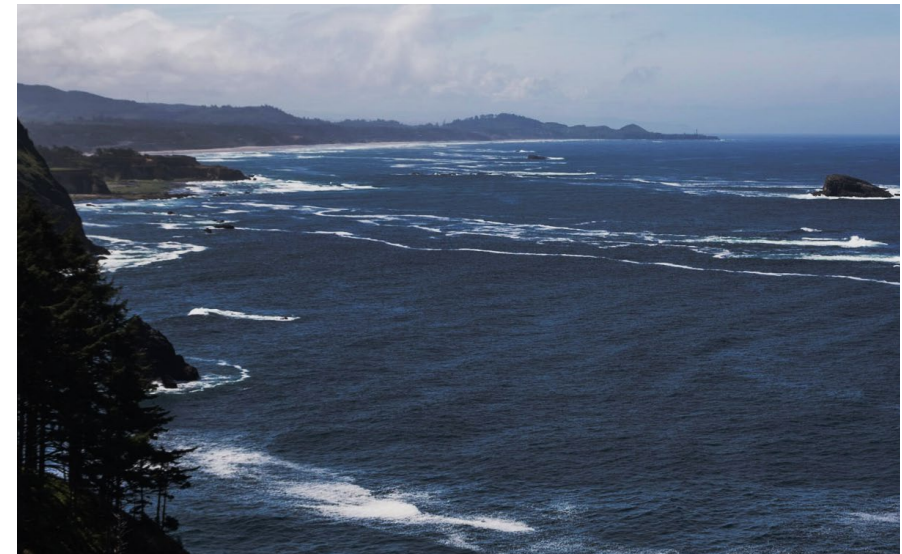


# Territorial Sea Plan

## Part Three

### Rocky Habitat Management Strategy

## Rule Amendment Public Hearing



April 20, 2023

Andy Lanier  
Marine Affairs Coordinator  
Oregon Coastal Management Program



# Rocky Habitat Management Strategy Public Hearing & Rule Adoption

1. Ocean Policy Advisory Council (OPAC) Leadership Introductions and Transmittal of Recommendations
2. Staff Briefing on the Draft Recommendations
  - a) The OPAC Process of Getting to Recommendations
    - Adoption of six new sites:
      - Ecola Point Marine Conservation Area
      - Chapman Point Marine Garden/Marine Education Area
      - Cape Lookout Marine Conservation Area
      - Fogarty Creek Marine Conservation Area
      - Cape Foulweather Marine Conservation Area
      - Blacklock Point Marine Conservation Area
  - b) Proposed Rule Amendment
3. Public Comment
4. Commission Deliberation & Potential Adoption





**Oregon**  
The Great River State

Ocean Policy Advisory Council  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540  
Phone: 503-373-0050  
Fax: 503-378-5518  
[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



**Voting Members**

Tara Brook, Vice Chair  
Osama  
(Coastal Conservation Organization)

Walter Chook, Jr.,  
(Ports, Marine Transportation or Navigation)

Skate Chambers, Chair  
West Coast Seafood Processors Assoc.  
(South Coast Commercial Fisheries)

Jamie Feraday  
(Coastal Public Representation)

Margaret Corst  
Confederated Tribes of Coos, Lower  
Umpqua and Siskiyou Tribes  
(Oregon Coastal Indian Tribes)

Pam Becht  
(Coastal City Elected Official)

Joe Liebenalt  
(Statewide Conservation Organization)

Richard Hepp, Jr.  
(South Coast Charter, Sport or  
Recreational Fisheries)

John Hollenavy  
(North Coast Charter, Sport or  
Recreational Fisheries)

Bob Mate  
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(South Coastal County Commissioner)

Charles Flynn  
Starfisher  
(Coastal Non-Fishing Recreation)

Peggy Joseph  
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David Yamamoto  
Commissioner, Tillamook County  
(North Coastal County Commissioner)

**Ex-Officio Members**

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Department of Geology  
And Mineral Industries

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Department of Fish and Wildlife

Alicia Taylor  
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Department of Agriculture

Ray Monroe  
Oregon Coastal Zone Management  
Association

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Governor's Office

Jim Paul  
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OCMP Manager, Department of  
Land Conservation and Development

Lisa Shuppert  
Director, Department of Parks and  
Recreation

Karina Nielsen  
Director, Oregon Sea Grant College  
Program

Eric Wall  
Federal Agency Liaison, NOAA OCM

February 22, 2023

Oregon Land Conservation and Development Commission  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

LCDC Chair Hallová and Members of the Commission:

We are sending this letter on behalf of the Ocean Policy Advisory Council (OPAC) to communicate the Territorial Sea Plan (TSP) recommendations made during the December 9, 2022, and January 27, 2023, meetings of the Council. The OPAC recommendations are related to OPAC's work in completion of the amendments to Territorial Sea Plan Part Three - the Rocky Habitat Management Strategy, as mentioned in the February 1, 2022, transmittal letter to the Commission.

Background: TSP Part Three - Rocky Habitat Management Strategy

On March 31, 2022, the Commission approved comprehensive amendments to the Strategy, thereby completing the rulemaking amendment process. Since then, agency staff and the OPAC have worked diligently to complete the further evaluation of sites that were not completed during the initial site designation proposal process. The sites required further agency consultation with the community groups who proposed the sites and OPAC review and consideration. DLCD staff hosted and facilitated workshops in April 2022 for all six sites, where the marine management agencies provided guidance and feedback on the management recommendations associated with each of the proposals. In most cases, this resulted in improvements to the proposals which were then incorporated into their designs. The site proposals were again presented to the Council during the Council's September 27, 2022, meeting. The Council subsequently met on December 9, 2022, to provide a final review and recommendation for each site. The Council met again on Jan. 27, 2023, to finish discussion and business related to the six sites approved in December.

OPAC Recommendations:

The Council deliberated and acted to recommend all six sites that were being evaluated as part of the conclusion of the Rocky Habitat Management Strategy initial proposal process. Each site was discussed and acted on individually, and there were varying degrees of support, which are documented in the list below.

The Council recognizes the importance of these sites to Oregon's indigenous peoples and therefore also recommends that consultation, per Oregon Territorial Sea Plan policies, and local engagement continue to ensure that implementation meets commitments to tribal nations in Oregon.

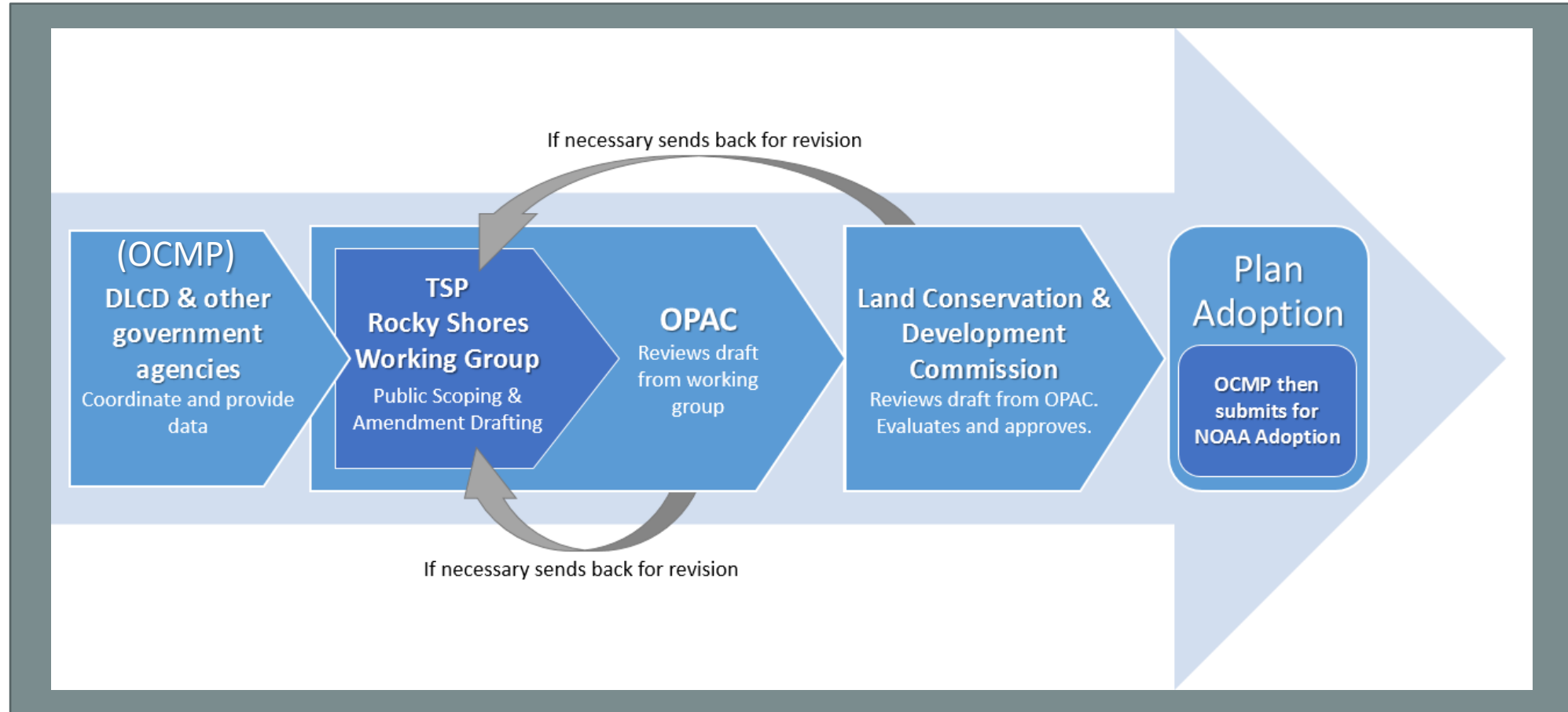
# OPAC Transmittal Letter

## February 22, 2023

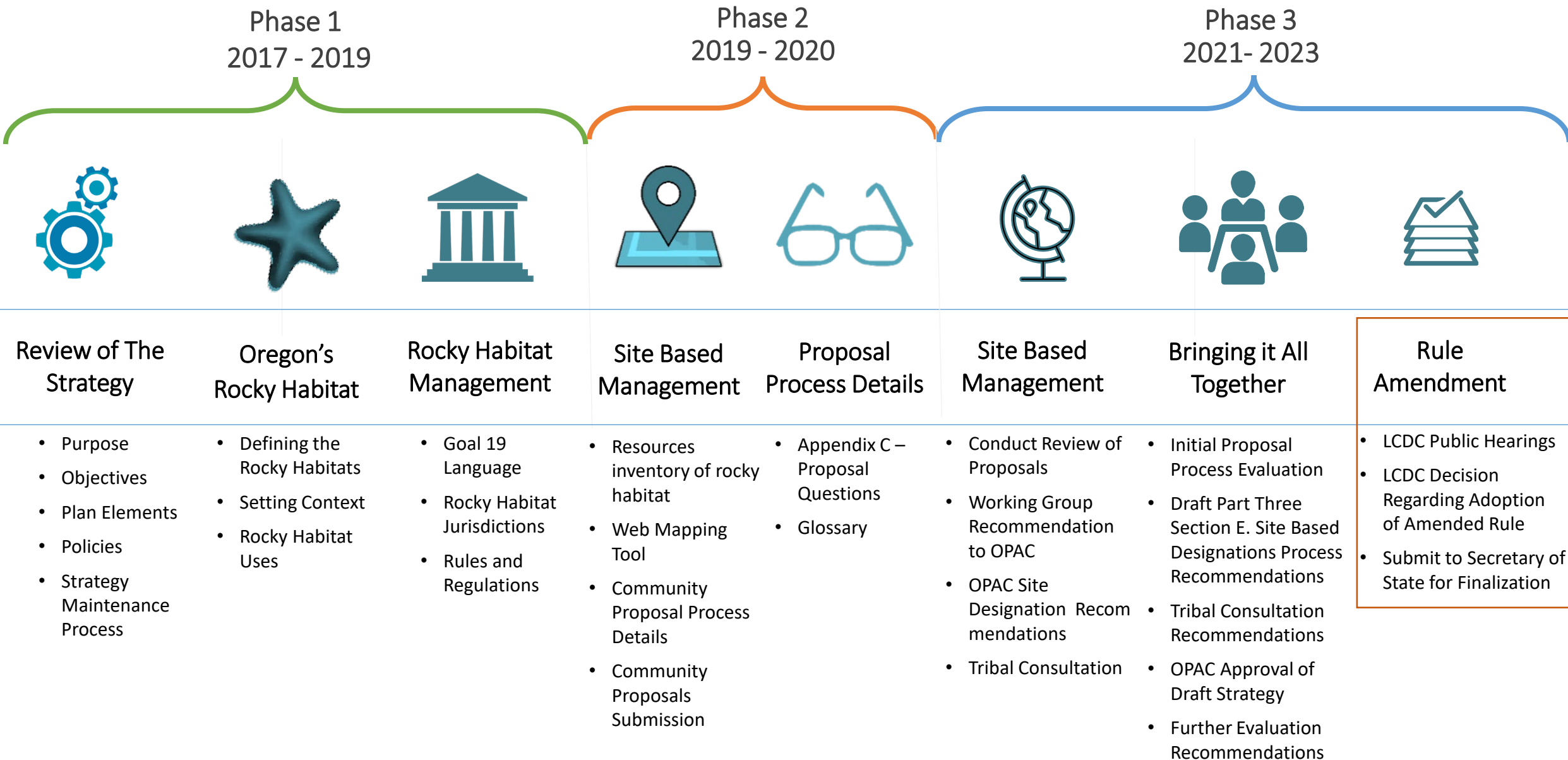
Letter provides a brief summary of the process and recommendations regarding the further evaluation sites:

- All six sites were recommended for designation, with varying levels of support documented.
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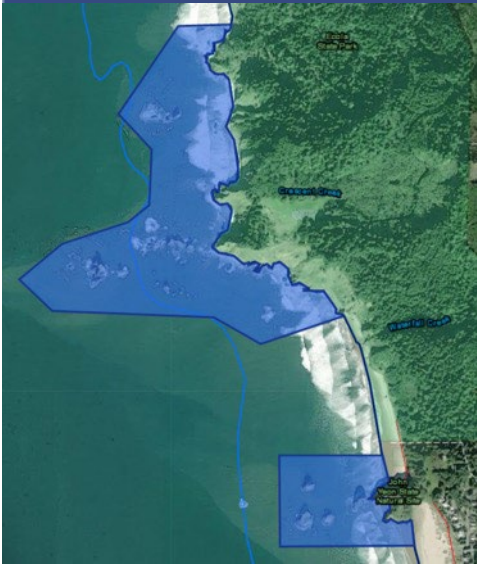
# The Update Process



# Part Three Plan Amendment Phases & Work Activities



# 12 Proposals Submitted! (Jan 2021)



## North Coast

- Ecola Point MCA
- Chapman Point MCA
- Cape Lookout MCA



## Central Coast

- Fogarty Creek MCA
- Cape Foulweather MCA
- Otter Rock N. MCA
- Seal Rock MCA

## South Coast

- Coquille Point MG
- Blacklock Point MCA
- Cape Blanco MRA
- Crook Point-Mack Reef MCA



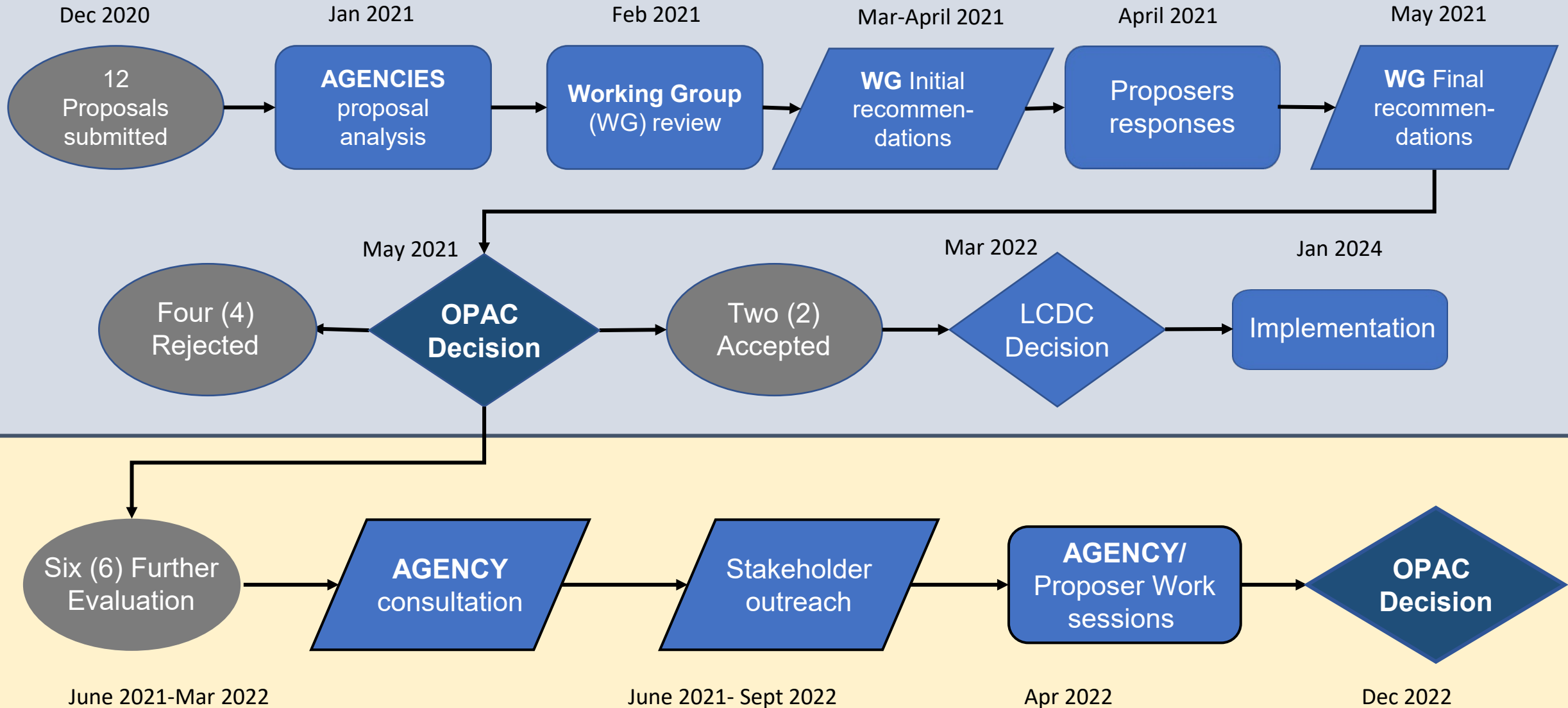
## Other

- Coastwide Kelp Forests MRA



# Review Process for Rocky Habitat Site Proposals in the Initial Phase

Note: Tribal consultation has occurred throughout the process ahead of decision-making meetings.





**Voting Members**

Tara Brook, Vice Chair  
Cooswa  
(Coastal Conservation Organization)

Walter Chack, Jr.  
(Ports, Marine Transportation or Navigation)

Susan Chambers, Chair  
West Coast Seafood Processors Assoc.  
(South Coast Commercial Fisheries)

Jamie Peralta  
(Coastal Public Representative)

Margaret Gorsl  
Compendium Tribes of Coos, Linn  
Douglas and Multnomah Counties  
(Oregon Coastal Indian Tribes)

Fran Ruck  
(Coastal City Elected Official)

Joe Libenit  
(Statewide Conservation Organization)

Richard Hoop, Jr.  
(South Coast Charter, Sport or Recreational Fisheries)

John Hollaway  
(North Coast Charter, Sport or Recreational Fisheries)

Bob Main  
Commissioner, Coos County  
(South Coastal County Commissioner)

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Federal Agency Liaison, NOAA OCM

February 22, 2023

Oregon Land Conservation and Development Commission  
635 Capitol Street NE, Suite 150  
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# OPAC Transmittal Letter

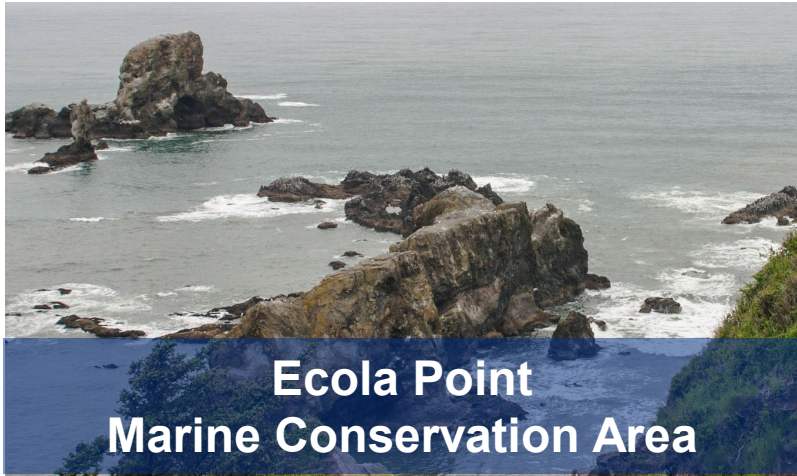
## February 22, 2023

### Letter provides a brief summary of the process and recommendations regarding the further evaluation sites:

- All six sites were recommended for designation, with varying levels of support documented.
- Recognized the importance of supporting the designations via efforts of the agencies, communities and tribal governments.

# OPAC Recommended Site Designations

[View Online at: https://arcg.is/5yu09](https://arcg.is/5yu09)





# Ecola Point Marine Conservation Area



# Ecola Point Marine Conservation Area

Site Name:	Ecola Point	
Proposal Type:	New	Designation Type: MCA
Proposer:	North Coast Rocky Habitat Coalition	
Links:	<a href="#">Ecola Map from Seasketch (better image)</a>	

**Site Specific Goals:** This proposal's goals are to preserve and strengthen the ecological integrity of the site including existing marine life, fish, seabird and shorebird nesting areas that exist in these rocky habitats for long term sustainability, and to preserve the area's wilderness character in the face of increasing tourism and population on the North Coast.



**Site Location:** The site boundaries follow the statutory vegetation line for 3.5 miles from approximately 0.11 mi northeast of the tip of Bald Point to approximately 0.1 mi north of the mouth of Waterfall Creek at the southern end of the site, and extend from the statutory vegetation line out into the ocean to form an irregular polygon that roughly follows the rocky substrate.

**Key Natural Resources:** Ecola Point and Sea Lion Rock are an otherworldly treasure of dramatic rock formations and extensive tide pools with healthy mussel beds and a rebounding population of sea stars, along with many other tide pool animals. This area is also a crucial haul-out site for seals and sea lions, and a home for nesting shorebirds and seabirds, the most threatened group of birds on our planet. Ecola Point was identified in the 1994 Rocky Shores Management Plan as an area with a "complex mixture of resources and high usage" needing "more detailed study and assessment before designation into" a management category. Similarly, Sea Lion Rock, right offshore of Ecola Point, was designated as a "priority rock for possible study and future management measures."

**Stakeholder Outreach:** Two years of outreach in multiple formats (in person meetings, letters, webinars, public meetings, presentations) to the local community has resulted in enthusiastic support from the City of Cannon Beach Police Department, Haystack Rock Awareness Program (HRAP), Friends of Haystack Rock (FOHRAP) the North Coast Land Conservancy (NCLC), and Oregon Shores Conservation Coalition (OSCC). Changes from the 2020 proposal reflect the group's facilitation, cooperation and coordination among nearby coastal conservation groups and state and federal agencies to ensure that marine resources and habitats are holistically managed. Tribes expressed and reiterated that they wanted to be engaged in outreach efforts as projects developed.

**Management Overview:** Focusing on interpretation of tidepool ecology and natural resources instead of new regulations was agreed to be the best approach at this site. The North Coast Rocky Habitat Coalition will collaborate among agencies, research institutions, and organizations on monitoring and surveying wildlife and marine debris, engaging educated volunteers trained to interact with the public and knowledgeable about park rules. Education will



# Ecola Point Marine Conservation Area

take place mostly at Chapman Point, though CoastWatch will collaborate with OPRD on interpretation programs at Ecola Point. Signage will be updated at Ecola State Park near the tops of trails down to the beach.

## Non-Regulatory Management Recommendations:

- Add to and/or update and maintain informational signs at Ecola State Park parking lot day use area
- Build upon existing North Coast Rocky Habitat Coalition to continue monitoring black oystercatcher nests and cormorants, begin sea star surveys in cooperation with PISCO and marine debris surveys in cooperation with CoastWatch and NOAA
- With documented support from HRAP, FOHRAP, NCLC and OSCC, create a schedule of volunteers and tools for educational outreach during low tides
- Partner with Oregon State Parks (OPRD) to add to and/or update and maintain informational signs at Ecola Creek State Park near top of trails
- Work with OPRD to create messaging and talking points to the public
- Invite beach rangers to meet volunteers on the beach once per season

## Regulatory Management Recommendations: *You may collapse table if unapplicable*

Fish Harvest		Marine Plant Harvest	
Commercial:	No additional site-based fish harvest regulations beyond baseline ODFW regs (status quo)	Commercial:	No harvest (scientific permit only) - intertidal only
Recreational:	No additional site-based fish harvest regulations beyond baseline ODFW regs (status quo)	Recreational:	No harvest (scientific permit only) - intertidal only
Invertebrate Harvest		Other	
Commercial:	Commercial: status quo no harvest (scientific research permit only)	Boats: Retracted recommendation for 500' buffer Dogs: Retracted regulatory recommendation. Shift to non-regulatory outreach only	
Recreational:	Recreational: no harvest in all categories except for single mussels for bait (everything else scientific research permit only) intertidal only	Climbing on rocks/trampling: Retracted regulatory recommendation. Shift to non-regulatory outreach only (existing rules)	

*\*Rule change required*

Access and harvest by members of Federally recognized Tribal Nations are unaffected.

**Summary Statement :** This group has proposed Ecola Point as an MCA to retain this site's relatively pristine characteristics in the face of increasing visitors. In addition, Ecola Point was originally considered for site designation in the original 1994 Rocky Habitat Strategy. The people who make up the city of Cannon Beach are united in their pursuit to protect the largest draw to their community - the rocky habitat and amazing flora and fauna it supports.



Chapman Point Marine Education area



# Chapman Point Marine Education Area

<b>Site Name:</b>	Chapman Point		
<b>Proposal Type:</b>	New	<b>Designation Type:</b>	MEA
<b>Proposer:</b>	North Coast Rocky Habitat Coalition		
<b>Links:</b>	<a href="#">Chapman Seasketch Link (better image)</a>		



**Site Specific Goals:** The goals are twofold. 1. To preserve and strengthen ecological integrity including existing marine life, fish, seabird and shorebird nesting areas for long term sustainability. 2. To provide an opportunity for public outreach/education to help achieve the first goal and to educate members of the public that are walking north toward Ecola Point.

**Site Location:** 0.11 miles north of the tip of Chapman Pt, and extending from the tip of Chapman Pt to 0.12 miles south of the tip of Chapman Pt, and extending from the statutory vegetation line out to approximately 0.23 miles west into the ocean from the tip of Chapman Pt. The southern boundary lines up with the West 7th Street beach access. Chapman Point is adjacent to Ecola Point.

**Key Natural Resources:** This site hosts at least two dozen bird colonies of high importance, numerous black oystercatcher nests, is a resting place for harbor seal pups and adults, and has truly incredible rocky intertidal diversity, marine invertebrates and plants. Large boulders full of life dot the beach and caves lie at the bottom of the cliffs.

**Stakeholder Outreach:** Two years of outreach in multiple formats (in person meetings, letters, webinars, public meetings, presentations) to the local community has resulted in enthusiastic support from the City of Cannon Beach Police Department, Haystack Rock Awareness Program (HRAP), Friends of Haystack Rock (FOHRAP) the North Coast Land Conservancy (NCLC), and Oregon Shores Conservation Coalition (OSCC). Changes from the 2020 proposal reflect the group's facilitation, cooperation and coordination among nearby coastal conservation groups and state and federal agencies to ensure that marine resources and habitats are holistically managed. Tribes expressed and reiterated that they wanted to be engaged in outreach efforts as projects developed.

**Management Overview:** The North Coast Rocky Habitat Coalition has been monitoring the area's wildlife and providing peer to peer education for two years at Chapman Point during low tides in summer and fall months, resulting in greater public awareness of state park rules such as a new administrative rule that went into effect in March 2022 that prohibits recreationalists from taking home sea stars. This demonstrated activity, and the support from the Cannon Beach community encouraged the decision to propose this recommendation rather than new regulations, to meet site goals.



# Chapman Point Marine Education Area

## Non-Regulatory Management Recommendations:

- Build upon existing North Coast Rocky Habitat Coalition to continue monitoring black oystercatcher nests and cormorants, begin sea star surveys in cooperation with PISCO and marine debris surveys in cooperation with CoastWatch and NOAA
- With documented support from HRAP, FOHRAP, NCLC and OSCC, create a schedule of volunteers and tools for educational outreach
- Partner with Oregon State Parks (OPRD) to add to and/or update and maintain informational signs at the 7th street entry area
- Work with OPRD to create messaging and talking points to the public
- Invite beach rangers to meet volunteers on the beach once per season

## Regulatory Management Recommendations:

Fish Harvest		Marine Plants	
Commercial	No additional site-based fish harvest regulations beyond baseline ODFW regs (status quo)	Commercial	No harvest (scientific permit only) - intertidal only
Recreational	No additional site-based fish harvest regulations beyond baseline ODFW regs (status quo)	Recreational	No harvest (scientific permit only) - intertidal only
Invertebrate Harvest		Other	
Commercial:	Status quo no harvest (scientific research permit only)	Boats: Retracted recommendation for 500' buffer Dogs: Retracted regulatory recommendation. Shift to non-regulatory outreach only	
Recreational:	No harvest in all categories except for single mussels for bait (everything else scientific research permit only) intertidal only	Climbing on rocks/trampling: Retracted regulatory recommendation. Shift to non-regulatory outreach only (existing rules)	

*\*Rule change required*

Access and harvest by members of Federally recognized Tribal Nations are unaffected.

**Summary Statement :** Together, with cooperative planning and regular discussions, a shared goal emerged to safeguard Chapman Point rocky habitat with a designation of Marine Education Area (MEA) instead of an MCA, as it was first proposed in 2020. After careful consideration, the MEA designation would be more appropriate for this location. Chapman Point is an entry point to Ecola Point during low tide, making it a fitting place to intersect with members of the public and provide important etiquette tips to minimize wildlife disturbance as they head toward Ecola Point, one of the most special and pristine natural places on the north Oregon coast. Site stewardship and public education would be focused at the point itself, with roving volunteers at low tides.



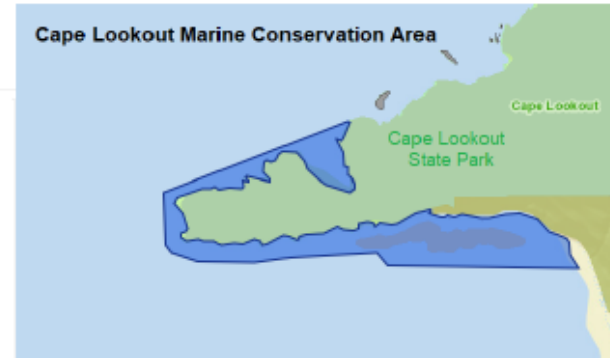
# Cape Lookout Marine Conservation Area



# Cape Lookout Marine Conservation Area

Site Name:	Cape Lookout	
Proposal Type:	New	Designation Type: MCA
Proposer:	Audubon Society of Lincoln City, info@lincolncityaudubon.org	
Links:	<a href="#">SeaSketch Map (Cape Lookout)</a>	<a href="#">Materials (Documents packet)</a>

**Site Specific Goals:** Conserve, to the highest degree possible, the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations.



**Site Location:** Cape Lookout is located 15 miles southwest of Garibaldi and 7 miles north of Pacific City. Most of the adjacent uplands are in Cape Lookout State Park. The Marine Conservation Area (MCA) lies within Sections 1, and 2 T35 R11W. The plan area is 217 acres with 3 miles of shoreline.

**Key Natural Resources:** Cape Lookout has been described as an undisturbed standard against which to monitor environmental quality, and an area from which to accumulate baseline data. There are extensive tidepools most easily accessible from nearby Camp Meriwether. The kelp forests, like most Oregon kelp forests, have recently experienced a rapid decline. There is a sea cave and a marine mammal haul out at the cape's tip. The south cliff face supports seabird nesting colonies with more than 8,800 birds representing eight species.

**Stakeholder Outreach:** Building community is central to this proposal. Outreach included webinars, social media posts, in-person conversations, phone calls, newspaper articles, and videos. A broad spectrum of stakeholders provided input, including charter boats, commercial fishers, educators, environmental groups, faith-based groups, local governments, the Pacific City dory fleet, Tribes, and watershed councils. ASLC listened to these groups' interests and concerns to shape the management recommendations. More than 1,100 people viewed the Youtube video for this proposal. The proposal's 17 letters of support include endorsements from the City of Garibaldi, the natural resources manager for the Confederated Tribes of Grand Ronde, and the Boy Scouts of America Cascade Chapter that owns and manages Camp Meriwether.

**Management Overview:** Education, community engagement, and monitoring rather than new regulation are emphasized in the recommendations to meet the site goal. Education programs will focus on collaboration with Camp Meriwether, which hosts many Outdoor Schools from around the state. Community engagement includes a biennial State of the Cape Symposium. This meeting is an ideal platform to foster collaboration of community groups, fishing interests,



# Cape Lookout Marine Conservation Area

agencies, Tribal Nations, and interested individuals in routinely evaluating progress toward achieving the designation goal and objectives, especially kelp restoration. The commitment of volunteer groups has been demonstrated by ongoing efforts to restore the kelp forests.

## Non-Regulatory Management Recommendations:

### General

- Consider climate change in management decisions
- Maintain access for all existing uses
- Collaborate among agencies, research institutions, and organizations on kelp restoration
- Place no restrictions on boat access and anchorage

### Education

- Educate on rocky habitat mostly through Camp Meriwether and signage
- Educate boaters and drone users on avoiding seabird and wildlife disturbance

### Community Engagement

- Implement stewardship program
- Enact community science focused on kelp restoration
- Hold a biennial State of the Cape Symposium

### Monitoring and Research

- Research and monitor climate change impacts to rocky habitat
- Monitor effectiveness of kelp forest restoration efforts

## Regulatory Management Recommendations:

Fish Harvest		Algae Harvest	
Commercial:	No change	Commercial:	Already closed
Recreational:	No change	Recreational:	Subtidal kelp harvest closed* Intertidal closed
Invertebrate Harvest		Other	
Commercial:	Subtidal No change Intertidal closed	Boat access/anchorage are unaffected	
Recreational:	Subtidal No change Intertidal Partial closure - open for commonly harvested species*		

*\*Rule change required*

Access and harvest by members of Federally recognized Tribal Nations are unaffected.

**Summary Statement:** Originally designated in the 1994 inventory but never implemented, the nearshore rocky habitats at Cape Lookout merit site-based management. This MCA designation will foster community involvement and prompt funding to address issues of climate change, the loss of essential kelp forests, and increasing use. Samuel Boardman called Cape Lookout one of Oregon's crown jewels. A designation now will ensure its pristine nearshore habitats remain accessible for all.



# Fogarty Creek Marine Conservation Area



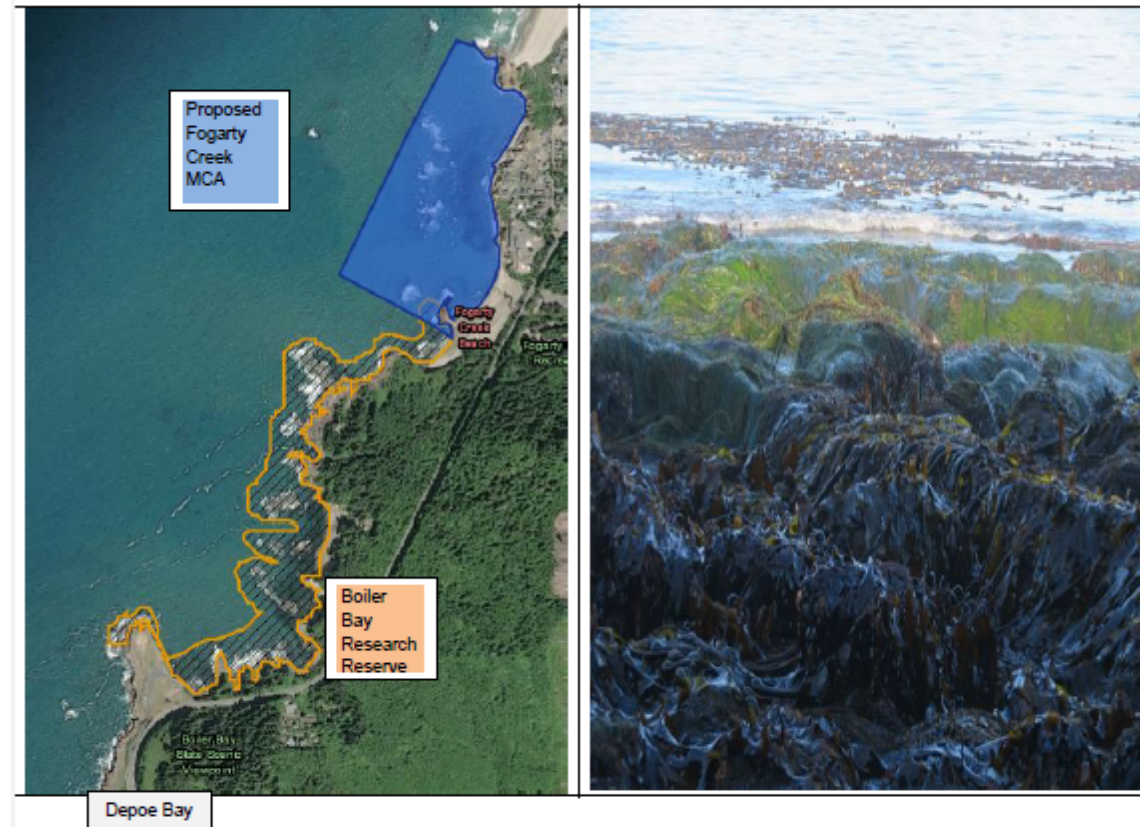
Proposer: Fran Recht, tranrecht@gmail.com

**Site Specific Goals:** Conserve the full diversity of species and habitats in the intertidal and shallow subtidal areas.

Site allows non-invasive research; fishing, algae collection from shore; supports public's stated interest in increased nature watching opportunities

**Site Location:** The area is within and offshore Fogarty Creek State Park day use area, about 3 miles north of Depoe Bay on the central Oregon Coast. It's siting avoids overlap with most of the existing Boiler Bay research reserve to the immediate south.

**Site Description:** This is a small, biodiverse 64 acres site, along .6 miles of shoreline that extends from the intertidal into shallow subtidal areas (within the 1 fathom contour).



# Fogarty Creek Marine Conserva

**Key Natural Resources:**

- Extensive and diverse kelps, sea grasses, and algae
- Pacific Coast feeding group of gray whales use the area
- Bird diversity and use



**Management Overview:** This designation will not change how the site is currently mostly used, so management of the site will largely be passive, utilizing educational signage and articles published in local blogs, newsletters to help people appreciate the site and its natural resources. Offshore boundaries visualized by extending line between rocky headlands.

**Non-Regulatory Management Recommendations:**

- Interpretive signs: place & maintain signs at each of the three entry areas to help the public appreciate the site. (Note: one sign already exists about kelp values; place two more interpretive signs).
- Rule boards: place & maintain information about rules on signs at each of the access points. (Note: two rule boards already in place; need one more).
- Utilize the Lincoln City and Depoe Bay Chambers of Commerce to help publish information in their blog/newsletters and help people appreciate the natural resources.

**Regulatory Management Recommendations\*:**

Allowed activities shown with check mark

	Intertidal	Subtidal	Note
Fish Harvest	✓	✓	from shore only
Invertebrate Harvest			
Algae Harvest	✓		in intertidal only. As per existing regulations (souvenir quantities)
Research	✓		non-invasive
Tidepooling, bird observation, agate hunting	✓		

\*Note: State is coordinating with Tribal Nations regarding tribal use rules

**Summary Statement :**

- This site is well supported locally and not controversial; agency concerns addressed.
- This small intact system may help promote and test resiliency on SAV benefits to OAH mitigation. OSU's Dr. Francis Chan and Dr. Bruce Menge are interested in helping to characterize & study the site
- Supports Oregon State Park goals for Fogarty Creek from master plan;
- Does not curtail fishing from shore or intertidal harvest of souvenir quantities of kelp; immediately adjacent shell fishing opportunities
- Meets Goal 19, TSP objectives: Conserve the long-term values, benefits, and natural resources of the nearshore ocean; maintain & protect, rocky habitats & biol. communities.

# Fogarty Creek Marine Conserva



# Cape Foulweather Complex Marine Conservation Area

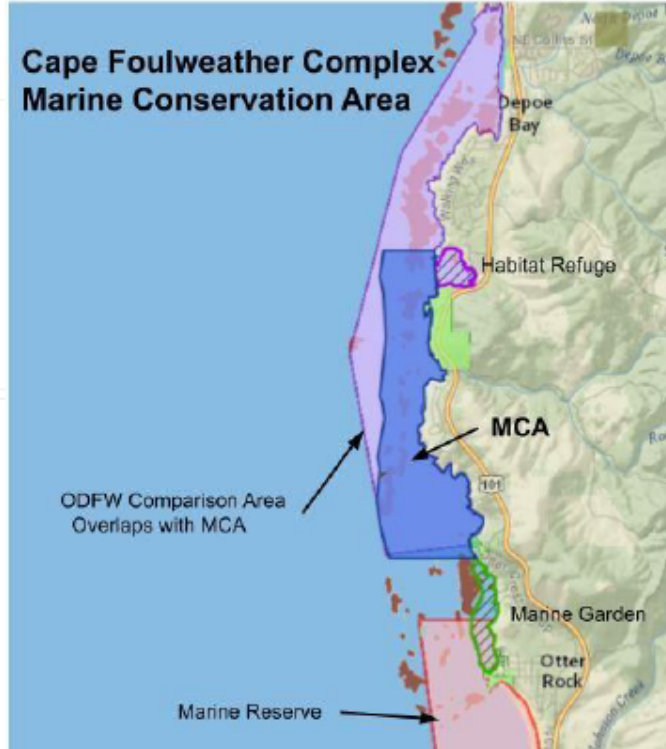


# Cape Foulweather Complex Marine Conservation Area

<b>Site Name:</b>	Cape Foulweather Complex		
<b>Proposal Type:</b>	New	<b>Designation Type:</b>	MCA
<b>Proposer:</b>	Audubon Society of Lincoln City (ASLC); <a href="mailto:info@lincolncityaudubon.org">info@lincolncityaudubon.org</a>		
<b>Links:</b>	<a href="#">SeaSketch Map (Cape Foulweather)</a>	<a href="#">Materials (Documents packet)</a>	

**Site Specific Goals:** In coordination with management of other nearby marine designations, conserve the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations.

**Site Location:** The Cape Foulweather Complex is on the central Oregon coast 12 miles north of Newport and 1.5 miles south of Depoe Bay. The shoreline is within T9S, R11W, Sec. 17,20,29. The plan area encompasses 599 acres with 1.9 miles of shoreline.



The plan area encompasses 599 acres with 1.9 miles of shoreline.

**Key Natural Resources:** ASLC chose the site for its iconic views and rich biodiversity including the largest nesting colony of Pelagic Cormorants in Oregon. The kelp forests, largest in Oregon north of Cape Arago, support our local fishing economy.

**Stakeholder Outreach:** Building community is central to this proposal. Outreach included webinars, social media posts, in-person conversations, newspaper articles, and videos. A broad spectrum of stakeholders provided input, including charter boats, commercial and recreational fishers,

educators, environmental groups, faith-based groups, local governments, neighborhood residents, Tribes, and watershed councils. ASLC listened to these groups' interests and concerns to shape the management recommendations. The outreach process built a community network ready to implement this MCA. More than 20 letters of support accompany this proposal, including endorsements from the cities of Newport and Depoe Bay, the natural

resources manager for the Confederated Tribes of Grand Ronde, and all the residents in the adjoining Miroco neighborhood.

**Management Overview:** Community engagement through programs that emphasize education and stewardship rather than regulations is ASLCs management strategy to achieve the site-specific goal. Area users will learn about the value and complementary function of all the local marine designations. Furthermore, this MCA provides ecological connectivity between several designated marine areas and allows for holistic and efficient management. Most importantly, the designation ensures habitat integrity for an area that serves as an open harvest comparison monitoring area for the nearby Otter Rock Marine Reserve.

#### Non-Regulatory Management Recommendations:

- Coordinate with educators, institutions, and media on education about rocky habitat.
- Host a biennial State of the Cape Symposium.
- Conduct onsite interpretive actions (signs, digital media, volunteer interpreters) for rocky habitat, kelp forests, and Black Oystercatchers.
- Implement a volunteer stewardship program.
- Consider climate change in management decisions, research, and monitoring (Nearshore Conservation Strategy).
- Review ongoing ODFW monitoring data to support adaptive management.
- Foster regional collaboration on rocky habitat ecosystem trends.
- Sponsor community science (kelp monitoring and effectiveness of management activities).
- Educate users on avoiding seabird disturbance.
- Focus education and stewardship activities along Otter Crest Drive.

#### Regulatory Management Recommendations:

Fish Harvest		Algae Harvest	
Commercial:	No change	Commercial:	Already closed
Recreational:	No change	Recreational:	Subtidal kelp closed* Intertidal open*
Invertebrate Harvest		Other	
Commercial:	Subtidal No change Intertidal closed	Boat access/anchorage are unaffected	
Recreational:	No change		

\* Rule change required

Access and harvest by members of Federally recognized Tribal Nations is unaffected.

**Summary Statement :** This proposal aligns well with the policies and principles of the Rocky Habitat Management Strategy. Broad community support and a willingness to help implement this proposal underscore that both locals and visitors cherish this site for its biodiversity and grandeur. This MCA provides interpretive opportunities inclusive of all the nearby marine designations that will enrich the user experience while promoting good stewardship.

# Cape Foulweather Complex Marine Conservation Area



# Blacklock Point Marine Conservation Area



# Blacklock Point Marine Conservation Area

**Site Name:** Blacklock Point

**Proposal Type:** New

**Designation Type:** MCA

**Proposer:** South Coast Rocky Habitat Group

**Links:** [Blacklock Point proposed MCA](#)

**Site Specific Goals:** 1. Educate, monitor, and apply adaptive, ecosystem-based management to conserve the ecological structure, function, and resiliency of nearshore rocky habitat species facing effects of changing climate. 2. Allow for continued legal sustainable human uses of their

goods, services, and resources including fisheries, using non-regulatory management measures. 3. To provide long-term ecological, economic, and social benefits for current and future generations on Oregon's south coast.



**Site Location:** Blacklock Point (BP) is the coastal section of Floras Lake State Natural Area between Langlois and Port Orford and directly west of Cape Blanco State Airport in Curry Co. The proposed site is bounded by the approximate coordinates in degrees 42.8901 /

-124.5184 (NE cliffs); 42.8698 / -124.5347 (SE corner); 42.8786 / -124.5433 (NW corner); 42.8723 / -124.5470 (SW corner). The NW cliffs section has been removed from boundary per considerations/recommendations.

**Key Natural Resources:** BP has high biodiversity and productivity in part due to Cape Blanco, just to the south, a major marine biogeographic transition point. This is characterized by longer periods of upwelling to the south, and shorter periods to the north. There are several relatively small beds of canopy forming kelp included in the proposed site polygon. Seabird colonies ranging in size up to 1000-10,000 breeding birds have been documented. Black oystercatchers are present. The intertidal species diversity is extremely high due to the zone of upwelling & invertebrate species observed are abundant and span across many taxonomic groups. There are many species of red, brown, and green algae, and seagrass present which provide habitat for other intertidal and subtidal organisms.

**Stakeholder Outreach:** The South Coast Rocky Shores Group received support from community members and neighbors, the Kalmiopsis Audubon Society, hikers, and members of local conservation groups. Conversations happened with Coquille Tribal representatives, who asked to be consulted for any signage changes. At least one listening session was held, to seek feedback from members of the fishing community in Port Orford. Three informational webinars were held during 2020 and 2021 to solicit input from and to engage with the community.

**Management Overview:** We propose non-regulatory management measures including cooperation with OPRD, other agencies, and partner building to support enforcement through compliance-education and other management needs via a volunteer site stewardship program and formal cooperation.



# Blacklock Point Marine Conservation Area

## Non-Regulatory Management Recommendations:

~The creation of a site-based volunteer stewardship program. Key to this stewardship program is building formal MOUs and working relationships with law enforcement and other agencies in the area so that appropriately trained volunteer site stewards can safely act as eyes and ears for law enforcement, emergency response, and call on their support when necessary (i.e., as with Haystack Rock Awareness Program)

~Use brief public education encounters to achieve visitor conformance with site and coastwide policies, rules and regulations. Contact agency personnel in cases involving risks to human safety, threats or damage to resources, or emergency conditions.

~Improve signage at parking lot at main trail entrance, across the street from Cape Blanco airport.

## Regulatory Management Recommendations:

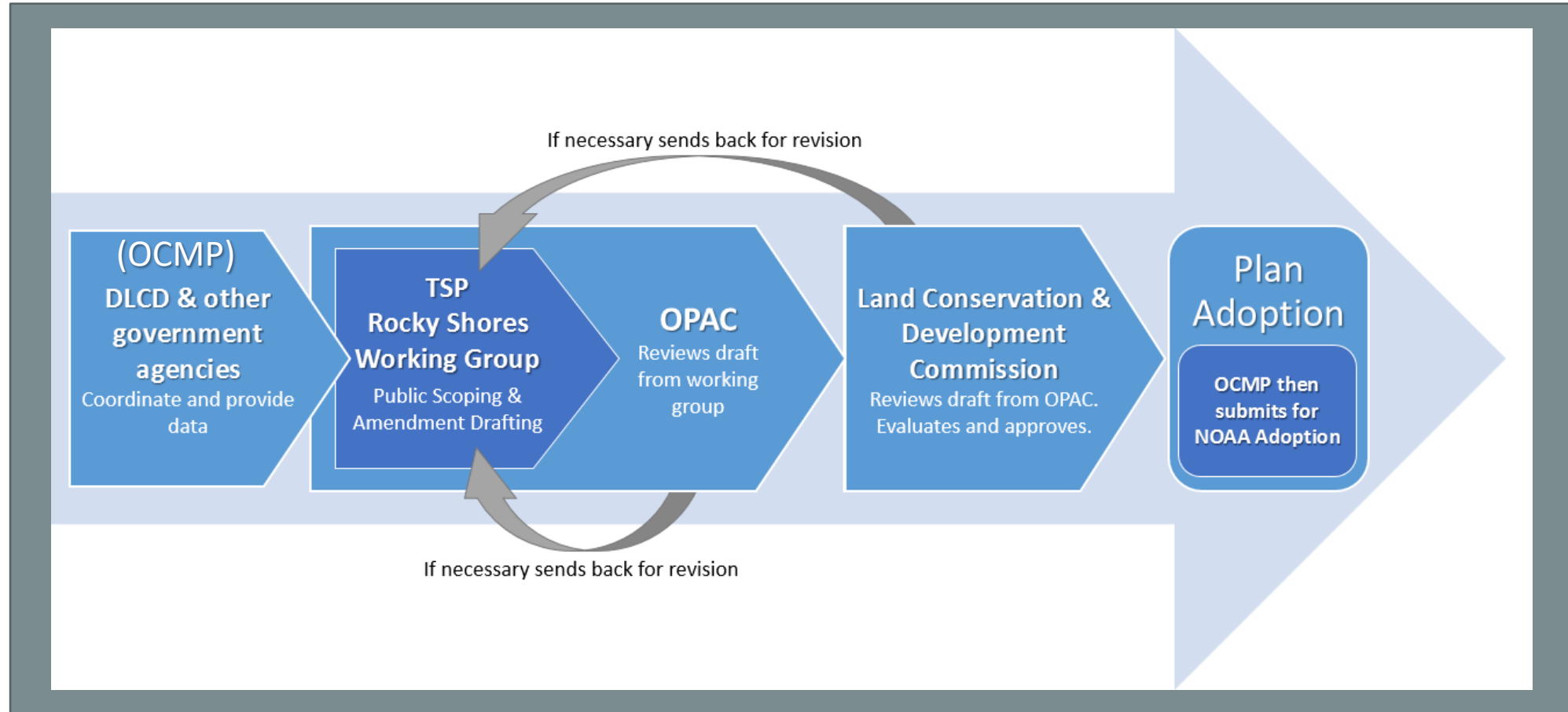
Fish Harvest		Marine Plant Harvest	
Commercial:	No additional site-based fish harvest regulations beyond baseline ODFW regs (status quo)	Commercial:	No additional site based plant harvest regulations
Recreational:	No additional site-based fish harvest regulations beyond baseline ODFW regs (status quo)	Recreational:	No additional site based plant harvest regulations
Invertebrate Harvest		Other	
Commercial:	No additional site based invertebrate harvest regulations		
Recreational:	No additional site based invertebrate harvest regulations		

*\*Rule change required*

Access and harvest by members of Federally recognized Tribal Nations are unaffected.

**Summary Statement :** An overall rationale for this proposed designation is to establish consistent, seamless levels of protection and effective management across the site's existing and proposed protected areas. While the site and nature of the proposed MCA provides some degree of natural protection, the addition of an MCA designation will help ensure a higher level of protection for this exceptionally high-quality coastal-marine ecosystem. We consider this proposal to be conservation and sustainability oriented, in large part to allow, support, and enhance opportunities for continued fishing and tourism, major pillars of the southern Oregon coast economy, as well as healthy outdoor activities for local residents in places we love, all key to upholding and sustaining the society, culture, environment and economy of the southern Oregon coast region.

# The Update Process



# TSP PART 3 RULEMAKING

**The updated TSP text is  
incorporated by reference into the administrative rule.**

“The Land Conservation and Development Commission adopts as part of the Oregon Coastal Management Program, and herein incorporates by reference, an amendment to the Territorial Sea Plan Part Three: The Rocky Habitat Management Strategy as recommended by the Ocean Policy Advisory Council on December 9, 2022.”

# Public Comment Record

Additional Public Comment  
submitted after 3.23.2023

- 4/10/2023 – Audubon Society of Lincoln City

Public Hearings Report  
and Comments  
3.23.2023



Oregon  
Tina Kotek, Governor

Department of Land Conservation and Development  
Oregon Coastal Management Program  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540  
Phone: 503-373-0050  
Fax: 503-378-5518  
[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

March 23, 2023

To: Land Conservation and Development Commission

From: Brenda Ortigosa Bateman, Ph.D., Director  
Andy Lanier, Marine Affairs Coordinator  
Lisa Phipps, Oregon Coastal Program Manager



Subject: Presiding Officer's Report on the First Rulemaking Hearing for TSP Part Three

Presiding Officer: Andy Lanier  
Hearing Date: March 22, 2023  
Hearing Location: Hatfield Marine Science Center, Guin Library Seminar Room, Newport, OR  
Title of Proposed Rules: TSP Part Three - Rocky Habitat Management Strategy Amendment

The rulemaking hearing on the proposed rules was convened at 12:01PM. People were asked to sign the registration form if they wished to comment on the proposed rules and informed of the procedures for taking comments. They also were told that the hearing was being recorded. Before receiving comments, I briefly summarized the proposed rules. There was also an informal opportunity for people to raise questions about the proposed rules ahead of the public hearing, and I was available to answer questions. No participants asked any questions and the Public Hearing commenced without the need for an informational session.

#### Summary of Oral Comments (short version)

Six people attended in-person and four people attended remotely via Zoom. One person submitted written comments ahead of time, and two people submitted written comments following their testimony.

#### Summary of Oral Comments (long version)

The following persons testified at the hearing, and their testimony is summarized below.

- Kent Doughty, of Lincoln City Audubon Society, provided comments in support of the Cape Foulweather and Cape Lookout Marine Conservation Area designations. Comments highlighted how the proposals aligned with the Territorial Sea Plan Rocky Habitat Management Strategy and were community-based proposals. Written comments were provided following the testimony.
- Karen Lewis, a resident of the Miroco neighborhood adjacent to Cape Foulweather, provided comments supportive of the Cape Foulweather Marine Conservation Area designation. She noted that all of her neighbors are supportive of the new designation, especially given the responsiveness of the community involvement. Feedback that specified an interest in the continued ability to fish from shore was. Written comments were provided following the testimony.
- Ray Monroe, representing the Pacific City Diver's Association, commented in opposition to the designation of Cape Lookout as a Marine Conservation Area. Comment communicated fear that commercial or recreational fishing access would be restricted now or in the future. The comment also was concerned about the level of

# Questions?

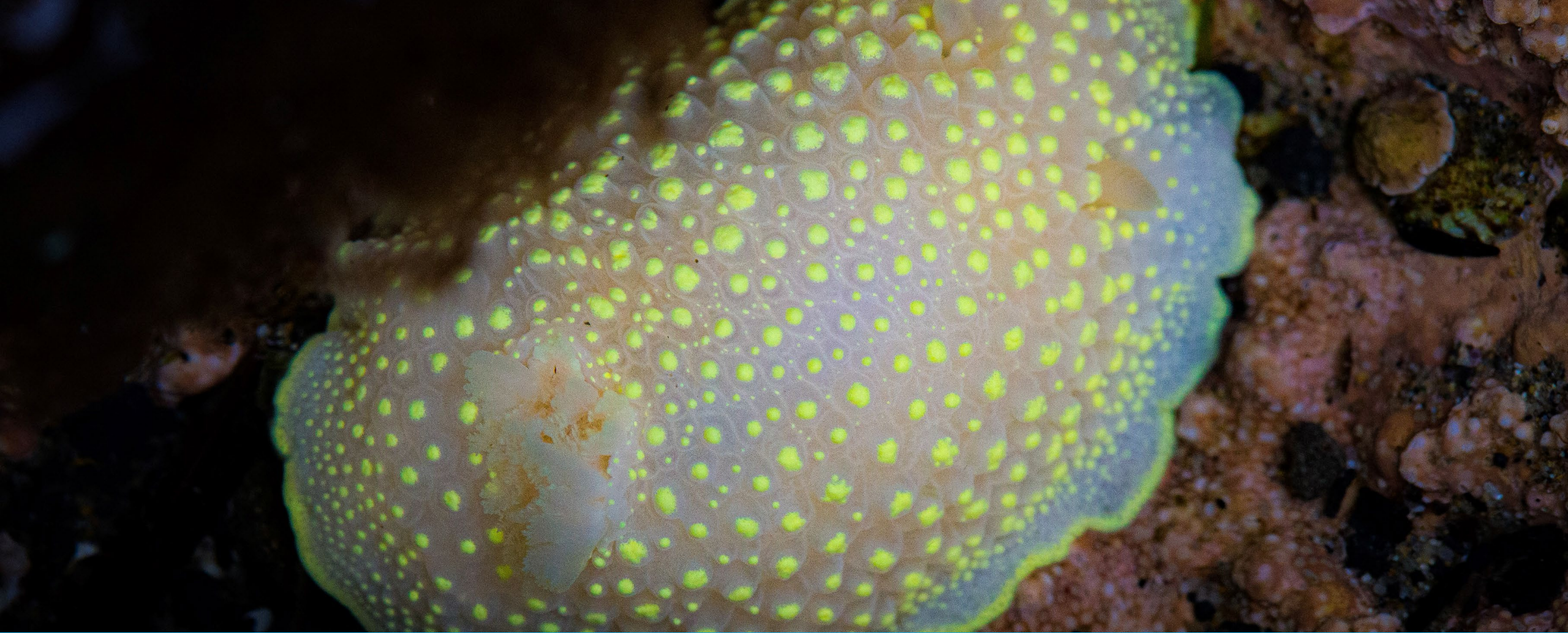
Andy Lanier  
Marine Affairs Coordinator  
[Andy.Lanier@dlcd.Oregon.gov](mailto:Andy.Lanier@dlcd.Oregon.gov)



# TSP PART 3 RULEMAKING

**The updated TSP text is  
incorporated by reference into the administrative rule.**

Recommended Motion: “I move that the Commission adopt the draft amendments to Part Three of the Territorial Sea Plan, OAR Chapter 660, division 36, as recommended by the Ocean Policy Advisory Council on December 9, 2022.



Thank you!