

To: Andy Lanier, Oregon Department of Land Conservation & Development
From: North Coast Rocky Habitat Coalition
Date: May 20, 2022
Re: Cover letter for CHAPMAN Point Marine Conservation Area, modified to a Marine Education Area

Thank you for helping guide us through the process of moving this proposal through the last two years of updating the 1994 Rocky Habitat Management Strategy. In the year since we addressed the Working Group's considerations (the Initial Recommendations, in April 2021), this group of Cannon Beach volunteers and local partners continued to meet and discuss the MEA designation in the context of the changing landscape of the north Oregon coast - namely, increased visitation. Since then, a number of important things have occurred. First, fireworks rules were implemented in Cannon Beach in 2021, increasing capacity for enforcement at Ecola Point. Second, a local campaign to educate the public about Oregon State Park dog rules began this month. Third, Rulemaking around drones is occurring right now. And fourth, the informal proposal group (the North Coast Rocky Habitat Coalition) has grown to include representatives from the Haystack Rock Awareness Program, the Friends of Haystack Rock, CoastWatch. and the North Coast Land Conservancy's new Marine Program.

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. After careful consideration, we believe 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.

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. City ordinances and local campaigns to enforce a fireworks ban as well as to enforce State Rules for dogs on beaches will be detailed in our presentation to OPAC at their meeting on June 6. We will also address concerns brought up in the workshop about infrastructure capacity (restrooms and parking) for supporting a designation of MEA at Chapman.

These changes from the 2020 proposal reflect the group's facilitation, cooperation and coordination among nearby coastal conservation groups to ensure that marine resources and habitats are holistically managed. The public comments of support we received during the April 29 workshop demonstrated our success with outreach to the local community. We are grateful you provided the opportunity to workshop with agencies, as we continue to refine our proposed designations.

As the proposal request has now been modified, some recommendations and responses are now moot, as there are a number of differences between an MCA and MEA.

Thank you,

North Coast Rocky Habitat Coalition

Attachment: Table summarizing final recommendations for Chapman Point MEA

Regulation category	Final Recommendation
Fish harvest	No additional site-based fish harvest regulations beyond baseline ODFW regs (status quo)
Invertebrates	Commercial: status quo no harvest (scientific research permit only)
Invertebrates	Recreational: no harvest in all categories except for single mussels for bait (everything else scientific research permit only) intertidal only
Marine plants	no harvest (scientific permit only) - intertidal only
Dogs	Retracted regulatory recommendation. Shift to non-regulatory outreach only
Fireworks/wildlife harassment	Retracted regulatory recommendation. Shift to non-regulatory outreach only (existing new rules for fireworks)
climbing on rocks/trampling	Retracted regulatory recommendation. Shift to non-regulatory outreach only (existing rules)
Drones/planes/kites	Retracted regulatory recommendation. Shift to non-regulatory outreach only (drone rules may be adopted by OPRD)
Boats	Retracted recommendation for 500' buffer
Designation boundary (Statutory Vegetation Line)	Resolved to mean high water line
Non-regulatory category	Final Recommendation
Volunteer on-site education	Roving on-site education will be implemented at Chapman Point MEA focused on best etiquette practices to minimize wildlife disturbance, proper tidepooling, harvest monitoring, dog best practices, point intercept surveys as needed.



OPAC TERRITORIAL SEA PLAN

ROCKY HABITAT MANAGEMENT STRATEGY

ECOLA POINT & CHAPMAN POINT MCA - FURTHER EVALUATION WORKSHOP

SUMMARY

April 29, 2022, 12:30 PM Pacific Time

WORKSHOP SUMMARY

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

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

MEETING LOGISTICS

Date & Time: April 29, 2022, 12:30 PM – 5:00 PM Pacific Time

Location: Virtually via Zoom

Workshop Participants: Andy Lanier – DLCD, Michael Moses – DLCD, Laurel Hillmann – OPRD, Guy Rodrigue – OPRD, Chris Parkins – OPRD, Justin Parker – OPRD, Ben Cox – OPRD, Blake Helm, Shawn Stephensen – USFWS, Jesse Jones – Oregon Shores Conservation Coalition & Coastwatch, Pamela, Mickey, Angela Whitlock – North Coast Rocky Habitat Coalition, Tabea - North Coast Rocky Habitat Coalition, Joe Liebezeit – Portland Audubon & OPAC, Margaret Treadwell – Deb Atiyah - North Coast Rocky Habitat Coalition,

Members of the Public: Jason Schmierhorn - Cannon Beach Police Chief & Cannon Beach Fire and Rescue, Pamela R., Sharon Heinrich – Cannon Beach resident, Kelly Ennis – Haystack Rock Awareness Program, Kristen Byance – Cape Falcon Marine Reserve Program, Nadia Gardner, Ali Burman – Portland Audubon, Kent Doughty – ASLC, Charlie Plybon – Oregon Surfrider, Joe Liebezeit, Peggy Joyce - OPAC

Meeting Video Link: <https://youtu.be/CJt-5hGDyK8>

Proposal Presentation: <https://youtu.be/CJt-5hGDyK8?t=2021>

Wrap-up summary of the discussion: <https://youtu.be/CJt-5hGDyK8?t=10591>

Public Comment: <https://youtu.be/CJt-5hGDyK8?t=770>, <https://youtu.be/CJt-5hGDyK8?t=11391>

PROPOSAL MODIFICATIONS:

The North Coast Rocky Habitat Coalition agreed to several modifications of the original proposals. These were made in response to the initial Working Group Recommendations. The modifications to the proposal were made in the period between the finalization of the working group recommendations and the Further Evaluation Workshop. A brief summary of those modifications is provided below, most of which are also available in the Initial Recommendation and Response Documents for both proposals at [Ecola Point](#) and [Chapman Point](#):

- The Chapman Point proposal is being changed into a Marine Education Area (Marine Garden). This change is supported by the Haystack Rock Awareness Program, Oregon Shores Conservation Coalition,

and the North Coast Land Conservancy's Marine Program at Cape Falcon, and Friends of Haystack Rock Awareness Program.

- The recommendations regarding fireworks and other wildlife disturbance have been removed from the proposal. New rules in Cannon Beach have banned fireworks in the City of Cannon Beach, and they are also prohibited on the beach via OPRD rules.
- The recommendation regarding access maintenance improvements (at Ecola Point) was clarified to apply to only trails from the parking lot down to the headland (specifically the unofficial trails).
- The recommendation for "No additional restrictions on off-leash dogs" ... was clarified, and the group was amenable to removing the restriction.
- No additional restrictions on subtidal invertebrate harvest – The group was amenable to removing the provision at Ecola Point. Changing the Chapman Point designation to a Marine Education Area would modify the site to conform to the harvest restrictions in that designation, and NOT include subtidal invertebrate harvest restrictions.
- The recommendations for boating and airspace closures were retracted, in favor of non-regulatory management measures (education) via interpretive programs.

DISCUSSION SUMMARY:

Note: This workshop was substantially different from the other workshops as two sites were discussed. The North Coast Rocky Habitat Coalition views both sites as independent proposals, while acknowledging that the two area designations are designed to complement each other for the enhancement of stewardship and resource protection of the rocky habitats and the species. For the purposes of the notes, the considerations are separated into the outcomes and agreements for a particular site.

Chapman Point Site Discussion:

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

- **No additional restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, fireworks, subtidal invertebrate harvest, invertebrate harvest in the sandy beach area**

Due to the significant efforts of the proposal team with the community in Cannon Beach and their supporting organizations to emphasize outreach, education, and proactive stewardship they are retracting the restrictions for climbing on the rocks and for requiring dogs to be leashed.

The proposal team provided an update on the issue of prohibiting fireworks, where the City of Cannon Beach implemented a new law that bans fireworks within the city limits. As fireworks are already prohibited from State Parks property (including the beach), and the new law was enacted at the local government level, there is no need to keep the recommendation related to fireworks in the proposal.

The proposal team also agreed to removal of the subtidal harvest restrictions associated with the Chapman Point Marine Education Area. Harvest of invertebrates in the intertidal will be limited to single mussels for bait, consistent with other Marine Education Area (Marine Garden) rules. The agencies did not have any concerns associated with keeping that recommended regulation, as harvest in sandy areas could occur away from the marine garden.

- **No regulatory buffers (500 ft. buffer for boats, 2000 ft. buffer for airplanes, drones, kites)**

The proposal team acknowledged that there is a need for further investigation about the concerns associated with disturbance to wildlife from motorized boats. Workshop participants highlighted the lack of data available to inform the need for a boating closure. The proposal team has retracted this

recommendation, while recognizing the need for further study. For any future proposal to close the site to motorized vessels, an assessment by the Marine Board would be required for consideration.

The group discussed the ongoing OPRD rulemaking effort focused on the use of unmanned aerial systems (UAS – which includes drones) in State Parks, for which there are proposed regulations in specially designated rocky habitat areas. The proposal team has agreed to retract the recommendations related to airplanes and UAS's (drones), along with the prohibition on kites.

- **Reconciliation of boundaries with respect to the statutory vegetation line (SVL)**

The proposal team concurred with the working group recommendation and will accept the landward proposal boundary to be placed at the Mean High-Water line. The Proposal Team is proposing to add a goal to our stewardship program to monitor human activity in the subtidal for any potential disturbance impacts.

Ecola Point Site Discussion:

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

- **No additional restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, fireworks, access maintenance improvements, subtidal invertebrate harvest**

The summary points provided in the Chapman Point Site discussion apply to Ecola Point as well.

The proposal team has retracted the proposed restrictions on climbing on the rocks, dog leashes, fireworks, subtidal invertebrate harvest, and clarified their recommendation on trail maintenance to only apply to the unofficial (pirate) trails from the parking lot down to the point at Ecola Head.

- **No regulatory buffers (500 ft. buffer for boats, 2000 ft. buffer for airplanes, drones, kites)**

The summary points provided in the Chapman Point Site discussion apply to Ecola Point as well.

The proposal team has retracted the recommended restrictions for boating and airspace closures (airplanes, UAS's, and kites).

- **Reconciliation of boundaries with respect to the statutory vegetation line (SVL)**

The proposal team concurred with the working group recommendation and will accept the landward proposal boundary to be placed at the Mean High-Water line. The Proposal Team is proposing to add a goal to the stewardship program to monitor human activity in the subtidal for any potential disturbance impacts.

Andy Lanier | Marine Affairs Coordinator | Oregon Coastal Management Program

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Rocky Habitat Site Proposal Final Recommendation

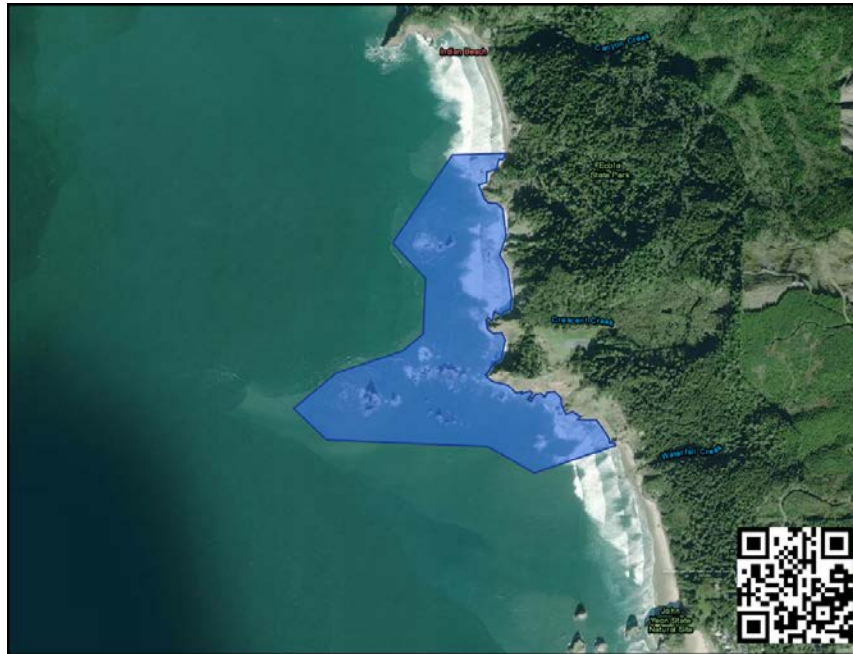
The Rocky Habitat Management Strategy Initial Proposal Process (2020-2021)

Proposed Site

Site Name: Ecola Point Marine Conservation Area

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

Proposal Materials: <https://bit.ly/382YRBP>



Final Recommendation

This document summarizes the site proposal evaluations conducted by the Rocky Habitat Working Group. The summary below represents an evaluation and recommendation synopsis for Ecola Point Marine Conservation Area. During evaluations, the agencies and Working Group identified considerations for potential recommendation by the Ocean Policy Advisory Council (OPAC). Consideration are those aspects of a proposal, identified through the evaluation process, which the Working Group believes should be addressed to facilitate implementation of the designation as proposed. These considerations were outlined in draft initial recommendation summaries, which were made available for a 30-day public comment period. Proposers were invited to submit written responses to the initial recommendations, and present their proposals and responses in the April 29, 2021 Working Group meeting. Following discussion with proposal presenters, the Working Group deliberated and crafted their final recommendations.

Final Recommendation: *Not Recommended, Continuing Consultation (consensus)*

Summary of Considerations

The Rocky Habitat Working Group identified the implementation considerations listed below for the proposed Ecola Point Marine Conservation Area. Any potential recommendation from OPAC should address these considerations as outlined in the following summary to ensure that implementation of the proposed site is a) consistent with state agency authority and coastal policy, b) appropriately inclusive and representative of stakeholder interests, c) reasonably achievable within the existing framework of rocky habitat site management, and d) in balance with the merits and goals of the proposed site.

Any potential recommendation for implementation of this site should address the following considerations:

- No additional restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, fireworks, access maintenance improvements, subtidal invertebrate harvest
- No regulatory buffers (500 ft. buffer for boats, 2000 ft. buffer for airplanes, drones, kites)
- Reconciliation of boundaries with respect to the statutory vegetation line (SVL)

The original 1994 Territorial Sea Plan recognized the ecological significance of Ecola Point and Sea Lion Rocks with their exceptional biological richness and scenic value. The upland area, Ecola State Park, is a relatively high-use area and likely to see increasing human use. Access to the shore area from the upland is maintained via trails, which are experiencing erosion. OPRD strives to keep the trails open and maintained, although re-routing has been necessary in the past due to erosion. The site is also accessed from nearby Chapman Point via the beach to the south. Consequently, the rocky shore habitats at Ecola Point experience lower use than the upland or other nearby rocky sites. Additionally, this is a long-term monitoring site for the Multi-Agency Intertidal Network (MARINE).

The concerns expressed in the proposal are primarily focused on the impacts of increasing site use on seabird nesting sites and pinniped haulouts, as well as trampling of the rocky intertidal habitat. Site goals include preserving and strengthening the ecological integrity and wilderness character of the site by maintaining low site use, and largely rely on another site (Chapman Point) for education and interpretation and, to some extent, management. There is merit in many of the recommended management prescriptions and the goals and objectives may be appropriate for measuring site success. The proposal demonstrates good foresight with respect to increasing site use in the area, including at Chapman Point and Haystack Rock. Proposed restrictions on harvest of invertebrates and algae in the rocky intertidal habitat could help reduce human impacts. However, extending those restrictions into the subtidal area would not address an identified need since the primary human use impact to invertebrates is only in the intertidal area. Impressive efforts were made for stakeholder outreach and community engagement. Both stakeholder support and concerns were well characterized, and incorporated into actionable management recommendations.

Many of the proposed management measures are intended to address wildlife disturbance, including the restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, detonation of fireworks, the buffers on boats, airplanes, drones, and kites, and avoiding access improvements. However, most of these proposed restrictions are already addressed in rule, statute, federal law, or not implementable as proposed. Wildlife disturbance is already prohibited in existing statute and rules (e.g. ORS 498.006, 736-021), as well as federal law (e.g. Marine Mammal Protection Act, Migratory Bird Treaty Act). This includes disturbing wildlife through the use of low-flying aircraft, drones, kites, and

fireworks. The need to implement additional site rules to further restrict these activities is unnecessary, duplicative, and in some cases problematic for agency authority and enforceability.

The proposed restriction on climbing or walking on intertidal rocks would necessarily restrict north-south access along the Oregon Coast, which is protected in state statute as implementation of Oregon's landmark 1967 Beach Bill (ORS 390.610). Climbing on USFWS refuge rocks above the intertidal is already prohibited. A restriction on access and use of this nature is also not in line with TSP-3 objectives of balancing site use and access with ecological protection. This would represent a large departure from current site management, and would be the only site on the coast with such restrictions. It would also halt all current human use of the rocky habitat including tidepooling, on-site education, shore angling, mussel collection for bait, and other forms of allowable harvest and use.

The proposed sea and airspace buffers are problematic for implementation and enforcement, and would require coordination with state and federal agencies not engaged in this process (e.g. Oregon State Marine Board, US Coast Guard, Federal Aviation Administration). USFWS already recommends, but does not require, these buffers for rocks, islands, and cliffs within Oregon Islands NWR to avoid disturbing wildlife and incurring related violations. The site boundaries do not reflect the proposed 500 ft. boat buffer, and would necessarily expand the footprint of the site for recreational boaters if implemented in rule. Creating vessel closures around the offshore rocks may be justifiable with documentation of occurrences of vessel disturbance, but none have been provided. Even if there were a documented problem, the closure would only need to occur during the marine mammal breeding and seabird nesting seasons, which would balance access with protection. Additionally, if the 500 ft. vessel closure applies to small non-motorized watercraft such as kayaks and stand-up paddle boarders, then there could be a safety concern about requiring the watercraft to paddle further out to sea to get around the buffer. This would also limit nearshore fish harvest.

Other proposed restrictions would be difficult to enforce, and could be better addressed through education and awareness efforts without the need for rule changes. The restriction on off-leash dogs presents many enforcement challenges. Harassing wildlife is already prohibited in state rule (736-021-0070). The restriction on detonation of fireworks already exists in rule (736-021-0100), and is also covered by wildlife disturbance rules.

The proposed volunteer stewardship and education program for on-site activities would be administered at nearby Chapman Point, one of the main access routes. Such a program could help to reduce bird and pinniped disturbance if clear support can be identified, implemented, and sustained over time. The proposal seeks to build off of many existing partnerships and the strength of the local community network. The City of Cannon Beach has invested in the Haystack Rock Awareness Program, but it's unclear whether they would be able to support additional capacity for efforts at Ecola and/or Chapman Points at this time. Clear timelines and benchmarks should be identified to ensure desired outcomes are being met by management measures. However, there is concern that implementation of a new site designation may increase site use, which may be at odds with goals focused on maintaining lower site use and preserving ecological integrity.

The landward site boundary was requested to be the statutory vegetation line (SVL), rather than the Oregon mean high water shoreline (MHW), which the site polygon is automatically clipped to by the Rocky Habitat Web Mapping Tool. While a landward boundary above MHW may be considered for a rocky habitat site designation, the proposed site abuts Ecola State Park along the entire length of its

landward boundary. OPRD does not define an SVL for designated State Parks lands, so any consideration for a landward boundary above MHW would need to be sufficiently justified and reconciled with the agency. The Working Group recognizes that there is value in connecting the proposed site with Ecola SP given the quality of habitat. At this time, a boundary of MHW appears to be sufficient to meet stated site goals. Inclusion of the subtidal habitat as proposed would extend management protections in the area, but would be more comprehensive than most other existing rocky habitat designations and require strong justification for implementation. Further, there does not seem to be sufficient rationale or benefit for extending the proposed harvest restrictions into the subtidal areas. Final site boundaries will need to be reconciled with the involved agencies to ensure site goals focused on preservation are balanced with proper site access, use, and management.

Where possible, the Working Group supports addressing the considerations and concerns above through statewide and site-specific non-regulatory management plans, where appropriate, with a focus on volunteer monitoring, interpretation, education, and awareness efforts. Additional considerations for potential recommendation include the other merits and perspectives identified above and in the full packet of evaluation materials, in balance with the proposed site goals.

Rocky Habitat Site Proposal Initial Recommendation

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

Proposed Site

Site Name: Chapman Point Marine Conservation Area

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

Proposal Materials: <https://bit.ly/2NNVUy6>



Initial Recommendation

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

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

Average Vote Ranking: 2.8

Initial Recommendation: Recommend, with considerations

Summary of Considerations

The Rocky Habitat Working Group identified the implementation considerations listed below for the proposed Chapman Point Marine Conservation Area. Any potential recommendation from OPAC should address these considerations as outlined in the following summary to ensure that implementation of the proposed site is a) consistent with state agency authority and coastal policy, b) appropriately inclusive and representative of stakeholder interests, c) reasonably achievable within the existing framework of rocky habitat site management, and d) in balance with the merits and goals of the proposed site.

Any potential recommendation for implementation of this site should address the following considerations:

- No additional restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, fireworks, access maintenance improvements, subtidal invertebrate harvest
- No regulatory buffers (500 ft. buffer for boats, 2000 ft. buffer for airplanes, drones, kites)
- Reconciliation of boundaries with respect to the statutory vegetation line (SVL)

Situated adjacent the City of Cannon Beach, Chapman Point is a high-use rocky site that offers many opportunities to appreciate rocky habitats and coastal wildlife. The highly-visible seawalls, active seabird colonies, and easy access from town make it a popular site for visitors, many of whom pass by on their way north to visit nearby Ecola Point. The site is well-suited for volunteer stewardship groups to intercept the public to provide education and awareness about the sensitive nature of the organisms and habitats present at both sites, and the potential impacts associated with increasing and improper human use.

The concerns expressed in the proposal are primarily focused on the impacts of increasing site use on seabird nesting sites and pinniped haulouts, as well as trampling of the rocky intertidal habitat. Site goals include preserving and strengthening the ecological integrity of the site, and providing an opportunity for public outreach and education, including in support of visitors to nearby Ecola Point. There is merit in many of the recommended management prescriptions and the goals and objectives may be appropriate for measuring site success. The proposal demonstrates good foresight with respect to increasing site use in the area, including at nearby Haystack Rock. Proposed restrictions on harvest of invertebrates and algae in the rocky intertidal habitat could help reduce human impacts. However, extending those restrictions into the subtidal area would not address an identified need since the primary human use impact to invertebrates is only in the intertidal area. Impressive efforts were made for stakeholder outreach and community engagement. Both stakeholder support and concerns were well characterized, and incorporated into actionable management recommendations.

Many of the proposed management measures are intended to address wildlife disturbance, including the restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, detonation of fireworks, the buffers on boats, airplanes, drones, and avoiding access improvements. However, most of these proposed restrictions are already addressed in rule, statute, federal law, or not implementable as proposed. Wildlife disturbance is already prohibited in existing statute and rules (e.g. ORS 498.006, 736-021), as well as federal law (e.g. Marine Mammal Protection Act, Migratory Bird

Treaty Act). This includes disturbing wildlife through the use of low-flying aircraft, drones, kites, and fireworks. The need to implement additional site rules to further restrict these activities is unnecessary, duplicative, and in some cases problematic for agency authority and enforceability.

The proposed restriction on climbing or walking on intertidal rocks could restrict north-south access along the Oregon Coast, which is protected in state statute as implementation of Oregon's landmark 1967 Beach Bill (ORS 390.610). Climbing on USFWS refuge rocks above the intertidal is already prohibited. A restriction on access and use of this nature is also not in line with TSP-3 objectives of balancing site use and access with ecological protection. This would represent a large departure from current site management, and would be the only site on the coast with such restrictions. It would also halt all current human use of the rocky habitat including tidepooling, on-site education, shore angling, recreational mussel collection, and other forms of allowable harvest and use.

The proposed sea and airspace buffers are problematic for implementation and enforcement, and would require coordination with state and federal agencies not engaged in this process (e.g. Oregon State Marine Board, US Coast Guard, Federal Aviation Administration). USFWS already recommends, but does not require, these buffers for rocks, islands, and cliffs within Oregon Islands NWR to avoid disturbing wildlife and incurring related violations. Implementation of the proposed 500 ft. boat buffer would create a *de facto* marine reserve, and it would be unclear to which offshore rocks it would apply and how it could affect the nearby crab fishery. The site boundaries do not reflect this buffer, and would necessarily expand the footprint of the site if implemented in rule. Creating vessel closures around the offshore rocks may be justifiable with documentation of occurrences of vessel disturbance, but none have been provided. Even if there were a documented problem, the closure would only need to occur during the marine mammal breeding and seabird nesting seasons, which would balance access with protection. Additionally, if the 500 ft. vessel closure applies to small non-motorized watercraft such as kayaks and stand-up paddle boarders, then there could be a safety concern about requiring the watercraft to paddle further out to sea to get around the buffer. This would also limit nearshore fish harvest.

Other proposed restrictions would be difficult to enforce, and could be better addressed through education and awareness efforts without the need for rule changes. The restriction on off-leash dogs presents many enforcement challenges. Harassing wildlife is already prohibited in state rule (736-021-0070). The restriction on detonation of fireworks already exists in rule (736-021-0100), and is also potentially covered by wildlife disturbance rules.

The proposed volunteer stewardship and education program for on-site activities would be administered at sites including Ecola Point and Sea Lion Rocks, for which Chapman Point is one of the main access routes. Such a program could help to reduce bird and pinniped disturbance if clear support can be identified, implemented, and sustained over time. The proposal seeks to build off of many existing partnerships and the strength of the local community network. The City of Cannon Beach has invested in the Haystack Rock Awareness Program, but it's unclear whether they would be able to support additional capacity for efforts at Chapman and/or Ecola Points at this time. Clear timelines and benchmarks should be identified to ensure desired outcomes are being met by management measures.

The landward site boundary was requested to be the statutory vegetation line (SVL), rather than the Oregon mean high water shoreline (MHW), which the site polygon is automatically clipped to by the Rocky Habitat Web Mapping Tool. While a landward boundary above MHW may be considered for a

rocky habitat site designation, the proposed site abuts John Yeon State Natural Site along a significant portion of its landward boundary. OPRD does not define an SVL for designated State Parks lands, so any consideration for a landward boundary above MHW would need to be sufficiently justified and reconciled with the agency. At this time, a boundary of MHW appears to be sufficient to meet stated site goals. The southern portion of the proposed site abuts several residential properties, and care will need to be taken to avoid any potential conflicts with private property owners as well. Inclusion of the subtidal habitat as proposed would extend management protections in the area, but would be more comprehensive than most other existing rocky habitat designations and require strong justification for implementation. Further, there does not seem to be sufficient rationale or benefit for extending the proposed harvest restrictions into the subtidal areas. A significant portion of the site is sandy habitat. Since a primary goal is to protect rocky habitat, invertebrate harvest restrictions in the sandy beach area are unwarranted without further justification. Final site boundaries will need to be reconciled with the involved agencies to ensure site goals focused on preservation are balanced with proper site access, use, and management.

The Rocky Habitat Working Group recommends OPAC consider Chapman Point Marine Conservation Area for potential recommendation to LCDC, with an understanding that this recommendation hinges on appropriately addressing the considerations described above. These considerations include:

- not implementing some of the provisions on human use activities (climbing/walking on rocks, off-leash dogs, fireworks, access maintenance improvements, subtidal invertebrate harvest),
- not implementing the recommended sea and airspace buffers (500 ft. for boats, 2000 ft. for airplanes, drones, kites),
- and reconciling site boundaries with respect to the statutory vegetation line.

Where possible, the Working Group supports addressing the considerations and concerns above through statewide and site-specific non-regulatory management plans, where appropriate, with a focus on volunteer monitoring, interpretation, education, and awareness efforts. Additional considerations for potential recommendation include the other merits and perspectives identified above and in the full packet of evaluation materials, in balance with the proposed site goals.

North Coast Rocky Habitat Coalition
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PO Box 496
Manzanita, OR 97130-0496

Charlie Plybon, Chair
Rocky Habitat Working Group
c/o Michael Moses, Rocky Habitat Coordinator
Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

April 15, 2021

Re: Rocky Habitat Site Proposal Initial Recommendation
For Chapman Point Marine Conservation Area

Dear Chair Plybon and members of the Rocky Habitat Working Group,

We are pleased that the Rocky Habitat Working Group's review supports our proposal of Chapman Point Marine Conservation Area for a potential recommendation. Thank you for providing the evaluation comments, which we reviewed and discuss in detail below. We are concerned about some of the considerations presented by the Rocky Habitat Working Group (Working Group) that, according to DLCD staff, would need to be addressed in order for the proposal to be considered for any further recommendation. We also provide several clarifications on some apparent misunderstandings regarding the proposers' intentions. Finally, we would like to share our concerns about this process so that these can be resolved and improve the process moving forward.

Response to Working Group Recommendation

Below we provide our issue-by-issue response to the Rocky Habitat Site Proposal Initial Recommendation (Recommendation) published on March 15, 2021. We have sorted the many considerations presented into the three categories in the bulleted list at the beginning of the Recommendation (items 1-3, below), and an additional issue presented in the Recommendation but not included in the bulleted list (item 4).

(1) No additional restrictions on climbing/walking on intertidal and offshore rocks, off-leash dogs, fireworks, access maintenance improvements, subtidal invertebrate harvest

(1.a) Subtidal invertebrate harvest:

"Proposed restrictions on harvest of invertebrates and algae in the rocky intertidal habitat could help reduce human impacts. However, extending those restrictions into the subtidal area would not address an identified need since the primary human use impact to invertebrates is only in the intertidal area."

Response: Our group is amenable to this recommendation and so retract our interest in extending proposed regulations to subtidal rocky habitats. However, in this case we propose to add a goal to our stewardship program to monitor human activity in the subtidal for any potential disturbance impacts.

(1.b) Climbing and walking on intertidal rocks:

“The proposed restriction on climbing or walking on intertidal rocks could restrict north-south access along the Oregon Coast, which is protected in state statute as implementation of Oregon’s landmark 1967 Beach Bill (ORS 390.610). Climbing on USFWS refuge rocks above the intertidal is already prohibited. A restriction on access and use of this nature is also not in line with TSP-3 objectives of balancing site use and access with ecological protection. This would represent a large departure from current site management, and would be the only site on the coast with such restrictions. It would also halt all current human use of the rocky habitat including tidepooling, on-site education, shore angling, recreational mussel collection, and other forms of allowable harvest and use.”

Response:

- Access: We understand the concerns and recognize that this restriction would make some rocky habitat areas inaccessible to people. However, due to the geography of the Chapman Point site, with five intertidal/offshore islands with steep sides, most rocky intertidal areas at Chapman Point are typically accessible from the sand. There are many locations where one can walk on sand right up to a nearly vertical rock face covered with mussels and other intertidal life. While the sand shifts every year, sand “paths” typically provide passage through the area at one or two spots (depending on the water depth at low tide), allowing for north-south travel. There is sufficient access for on-site education. Regarding shore angling, the shoreline is mostly sand at this site.
- Beach Bill: While the Beach Bill contains provisions on north-south travel and unfettered access to beaches, it also “declares that it is in the public interest to do whatever is necessary to preserve and protect scenic and recreational use of Oregon’s ocean shore” (ORD 390.610 (4)). Protection of some sensitive ecological areas is essential to preserving and protecting what makes Oregon’s ocean shore so treasured for its scenic and recreational value. Many surrounding and nearby areas would still be available for the public to climb and walk on intertidal rocks for tidepooling and other activities.
- Balancing site use: If this restriction is not in line with TSP-3 objectives of balancing site use and access with ecological protection, how does the Working Group recommend that intertidal animals that live on rocks be protected from trampling?

The Strategy states:

“Rocky habitat areas account for millions of annual visits to the Oregon Coast. Oregon’s rocky habitats are a tremendous resource for recreation, exploration and hands-on, field-based learning, especially the easily accessible rocky intertidal areas (e.g. tidepools). Like sandy beaches, access to these rocky shoreline resources is critical to the bioregional identity of Oregonians. With ecotourism and experience-based vacations becoming more popular, the number of visitors to rocky coastal areas continues to increase along with the potential ecological impacts of recreation. This strategy recognizes that recreation in rocky habitat areas is critical to Oregonians and coastal economies. Balanced management is needed to ensure long-term stewardship of these important resources. The strategy further recognizes that it is the diversity of landscapes and natural resources that drives this strong recreational interest, supporting the need for a balanced approach.” (p.17)

Balance means equal weight is given to both site access and ecological protection. Yet, the Working Group appears to be taking a position that unfettered site access in rocky shore areas is the only way to honor the Beach Bill, putting all the weight on the side of site access to the detriment of ecological protection. This is contradictory to the Working Group's own stated goal of long-term stewardship and conservation of natural resources by lessening the potential ecological impacts of recreation, as quoted above. Conserving biodiverse areas that are "in the line of fire" of increasing visitation, like Chapman Point's rocky intertidal and offshore rocks, *now* before serious degradation occurs, is a great way to do this.

We ask the Working Group to reconsider their view of "balanced site use" to put a bit more weight on the side of ecological conservation, bringing it into closer *balance* (equilibrium) with access, by keeping our proposed restriction on climbing and walking on intertidal rocks.

(2) No regulatory buffers (500 ft. buffer for boats, 2000 ft. buffer for airplanes, drones, kites)

(2.a) Boats:

"The proposed sea and airspace buffers are problematic for implementation and enforcement, and would require coordination with state and federal agencies not engaged in this process (e.g. Oregon State Marine Board, US Coast Guard, Federal Aviation Administration). USFWS already recommends, but does not require, these buffers for rocks, islands, and cliffs within Oregon Islands NWR to avoid disturbing wildlife and incurring related violations. Implementation of the proposed 500 ft. boat buffer would create a de facto marine reserve, and it would be unclear to which offshore rocks it would apply and how it could affect the nearby crab fishery. The site boundaries do not reflect this buffer, and would necessarily expand the footprint of the site if implemented in rule. Creating vessel closures around the offshore rocks may be justifiable with documentation of occurrences of vessel disturbance, but none have been provided. Even if there were a documented problem, the closure would only need to occur during the marine mammal breeding and seabird nesting seasons, which would balance access with protection. Additionally, if the 500 ft. vessel closure applies to small non-motorized watercraft such as kayaks and stand-up paddle boarders, then there could be a safety concern about requiring the watercraft to paddle further out to sea to get around the buffer. This would also limit nearshore fish harvest."

Clarification: Our proposed vessel closure only applies to recreational boats, and thus would not create a "de facto marine reserve," as stated by the Working Group. This is clearly stated on pages 4, 10, 17, and 23 of our proposal.

Response: It was not our intention to extend the boundaries of the site through the 500-ft. buffer. Our intention is to prevent disturbance of marine mammals, seabirds, and shorebirds, during nesting and pupping season. For commercial vessels, the USFWS recommendations and awareness of commercial fishermen are likely sufficient to prevent wildlife disturbance. For recreational vessels, a seasonal closure as proposed by the Working Group may work well. We did not intend for the vessel closure to apply to small non-motorized watercraft and would welcome the inclusion of an exception for them.

We ask the Working Group to retain our restriction on recreational vessels within 500 ft. of the offshore rocks, with the exception of small non-motorized watercraft. While we do not have data from this specific site regarding wildlife disturbance, there are many studies and published recommendations on seabird and marine mammal disturbance and use of buffers as solutions (e.g. Rodgers and Schwikert 2003¹, Burger et

¹ Rodgers, J.A. and S.T Schwikert. 2003. Buffer zone distances to protect foraging and loafing waterbirds from disturbance by airboats in Florida. *Waterbirds* 26: 437-443.

al. 2010², Faulhaber et al. 2016³) and evidence from nearby areas (e.g. Three Arch Rocks, see TSP Appendix I) that such a buffer will help limit negative wildlife disturbance impacts at this site. In addition, the Rocky Habitat strategy emphasizes a precautionary approach to Ecosystem-based Management (pg. 30) which supports a conservative approach to habitat protection even if site-specific data is lacking at present.

(2.b) Kites, drones and aircraft:

“Wildlife disturbance is already prohibited in existing statute and rules (e.g. ORS 498.006, 736-021), as well as federal law (e.g. Marine Mammal Protection Act, Migratory Bird Treaty Act). This includes disturbing wildlife through the use of low-flying aircraft, drones, kites, and fireworks. The need to implement additional site rules to further restrict these activities is unnecessary, duplicative, and in some cases problematic for agency authority and enforceability.”

Response: The Working Group correctly states that wildlife disturbance is already prohibited. But, existing state and federal prohibitions on wildlife disturbance, including by kites, drones, and fireworks, have proven to be ineffective at this site, where disturbance of wildlife is a current and ongoing problem that will only worsen as visitation increases. If new restrictions are not possible, the state should increase resources dedicated to enforcement, post additional signs, and launch an extensive awareness campaign, so that visitors to all parts of the coast are more likely to be aware of the existing rules.

We ask the Working Group to include in its recommendations to OPAC a statement of support for additional enforcement of existing rules and a coast-wide awareness campaign of those rules and the reasons for them. We are amenable to removing these restrictions from the site proposal.

(2.c) Dogs:

“The restriction on off-leash dogs presents many enforcement challenges.”

Response: We agree that a restriction on off-leash dogs would be difficult to enforce, however we do not believe that is a valid reason to not include it in the site management prescriptions. Disturbance and injury to birds, marine mammals, other wildlife, and people by off-leash dogs has frequently been observed at this site, including killing and maiming of birds. This problem will only worsen as visitation increases.

The purpose of the rocky habitat proposals was to help the state craft site level management goals, both an objective of the Rocky Habitat Management Strategy (Strategy) and of Statewide Planning Goal 2. Community groups were asked to consider what is needed from a resource perspective, and asked specifically to explain how what is needed is different from current management. Outside of the proposal process and the Strategy are common agency restrictions like enforcement and funding that can be relieved, whether funded by public or private sources.

It is crucial for the state to be forward-looking in this process. The rocky habitat site designation proposals were meant to lay out the public’s recommended long-term efforts and goals to improve site management. While the resources to enforce this restriction are not presently available, if protection of marine wildlife is a priority for the state, the state should have a plan to allocate resources to their

² Burger, J., M. Gochfeld, C.D. Jenkins, F. Lesser. 2010. Effect of Approaching Boats on Nesting Black Skimmers: Using Response Distances to Establish Protective Buffer Zones. *Journal of Wildlife Management* 74: 102-108

³ Faulhaber, C., A. Schwarzer, K. Malachowski, C. Rizkalla, and A. Cox. 2016. Effects of human disturbance on shorebirds, seabirds, and wading birds: Implications for Critical Wildlife Areas. Technical Report Florida Fish and Wildlife Conservation Commission.

protection in the near future, including increasing enforcement of existing restrictions on dogs and implementing and enforcing new restrictions in critical areas such as Chapman Point.

In our proposals for Chapman Point and Ecola Point, we purposely left Crescent Beach and Indian Beach out of the site boundaries to provide ample space for people to let their dogs run off-leash. This meets the TSP-3 objective of balancing site use with ecological protection.

We would like the restriction on off-leash dogs to be maintained if the Chapman Point proposal moves forward. We received 27 letters of support from local citizens, businesses, and other organizations supporting the dog restrictions in our site proposal.

(2.d) Harassment of wildlife; fireworks

“Harassing wildlife is already prohibited in state rule (736-021-0070).”

Response: The purpose of the proposal process was to identify specific issues at specific locations along the coast. We understand wildlife disturbance is already prohibited in state rule, however it still occurs and is a problem at this location. The acknowledgment that it is a problem at this site provides strategic direction for the future for both the state and coastal organizations that would like to see it reduced, whether via a volunteer stewardship and education program, increased state capacity for enforcement, and/or other creative solutions. Stewardship programs have often proven to be effective in limiting human disturbance to wildlife including coastal birds.

We would be open to revising the proposal to remove the proposed rule while still acknowledging that harassment of wildlife is a problem at this site and that Chapman Point is prioritized for additional enforcement and/or volunteer programs.

(2.e) Restriction on access maintenance and improvement:

Clarification: This issue was listed in the first bullet point in the list at the beginning of the Recommendation for Chapman Point. However, it is not included in the body of the Recommendation. Our site proposal for Chapman Point did not include any proposed restriction on access maintenance and improvement. We ask the Working Group to revise the Recommendation to remove this item from the bulleted list.

(3) Reconciliation of boundaries with respect to the statutory vegetation line (SVL)

Response: We defer to the state on this issue and are amenable to your recommendation.

(4) Concerns with education program:

“The proposed volunteer stewardship and education program for on-site activities would be administered at sites including Ecola Point and Sea Lion Rocks, for which Chapman Point is one of the main access routes. Such a program could help to reduce bird and pinniped disturbance if clear support can be identified, implemented, and sustained over time. The proposal seeks to build off of many existing

⁴ Michel, N.L., S.P. Saunders, T.D. Meehan, and C.B. Wilsey. 2020. Effects of stewardship on protected area effectiveness for coastal birds. *Conservation Biology*.
<https://conbio.onlinelibrary.wiley.com/doi/10.1111/cobi.13698>

partnerships and the strength of the local community network. The City of Cannon Beach has invested in the Haystack Rock Awareness Program, but it's unclear whether they would be able to support additional capacity for efforts at Chapman and/or Ecola Points at this time. Clear timelines and benchmarks should be identified to ensure desired outcomes are being met by management measures."

Clarification: We do not propose to run an education program at Ecola Point, only at Chapman Point. If the Ecola Point proposal is approved but the Chapman Point proposal is not, we would still plan to run an education program at Chapman Point to provide an outreach interception point for members of the public accessing Ecola Point from the beach to the south.

Response: The updated Strategy clearly states that proposals cannot be rejected based on funding or the capacity of agencies' programmatic support for implementation (pg. 64, Appendix C). The proposals were meant to lay out the public's recommended long-term efforts and goals to improve site management. Including this recommendation in the site-level prescription, like occurred in the 1994 plan for Coquille Point (TSP Part 3-G, item 25 (1994)), would help community groups secure grants to create and run an outreach and education program. Support from a state-approved document is helpful and can help garner additional resources.

Some site proposal areas have the benefit of an existing education program. At Chapman Point that is not the case, although limited public outreach about nesting seabirds has been conducted by the volunteer Black Oystercatcher monitor for Portland Audubon. While it would be ideal to have an existing education program and/or a fully-fleshed out funding and support plan for such a program at Chapman Point, we do not believe that our proposal should be downgraded due to lack of these. And, while it is unclear whether the City of Cannon Beach's Haystack Rock Awareness Program (HRAP) would be able to support an education program at Chapman Point, both the City Council and the HRAP director have been supportive of that idea and interested in exploring the possibility.

We ask the Working Group to reconsider this consideration in light of the clarification and response we have provided here, and refer to page 64 of Appendix C of the Strategy.

The Process

Rather than asking for the Working Group's comfort level or the proposers' comfort level, we would prefer that we all weigh the proposal on the objectives of the Strategy, the guidance already presented in the approved Draft, and including site level prescriptions that will guide the state and public's work into the future for these well-loved and used sites. We think a better outcome would result from a collaborative back-and-forth between the Working Group, agencies, and proposers, than the approach taken so far.

The proposal development process has been challenging for our group due to a confusing proposal form, getting access to historical documents and helpful reports only during that last few weeks before the December 31 deadline, and confusing and in some cases erroneous data in the Web Mapping Tool. Moving forward, we recommend that (1) erroneous data be removed from the Web Mapping Tool and that all available good data be added, (2) relevant historical documents and reports be organized and provided to proposers on one easy-to-find website, and (3) the proposal form be revised to remove redundancies, increase clarity on what each question is looking for, and add an executive summary field.

We recommend DLCD hold a lessons-learned session with the public (particularly members of the public that have submitted site designation proposals) so that the process and evaluation can be improved and

run more smoothly and transparently in time for the maintenance phase and future of the rocky habitat process. This would include a review of previously submitted public comment that included recommendations on improvements to the process.

Conclusion

We ask the Working Group to reconsider their recommendations for restrictions on climbing and walking on intertidal rocks per our input in item 1.b. Furthermore, due to ongoing disturbances we strongly recommend actions to minimize the environmental trauma caused by off-leash dogs, as stated in item 2.c. Additionally, we ask that the recommendations regarding site access and boats be revised based on the clarifying information presented in items 2.a and 2.e., respectively. We ask that concerns regarding funding or the capacity of agencies' programmatic support for implementation be removed per the Strategy's Appendix C, page 64, and that the Working Group recommend increased funding for enforcement of and outreach about existing wildlife disturbance laws.

For subsequent proposal periods, we suggest that the state revise the process considering the feedback from proposers on the Initial Proposal Period that has already been provided in multiple venues and that may be provided in the future.

Finally, we ask that the Working Group allow a presentation and Q&A session during the last Working Group meeting on April 29, and possibly also at the next OPAC meeting, to allow proposers to directly discuss the proposals with the decision-makers.

Sincerely,

Margaret Treadwell
Proposal Coordinator, North Coast Rocky Habitat Coalition

North Coast Rocky Habitat Coalition Members:

Deb Atiyeh, Cannon Beach
Tabea Goossen, Cannon Beach
Angela Whitlock, Seaside
Ed Joyce, Astoria

Oregon Rocky Habitat Management Strategy Site Designation Proposal Template

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

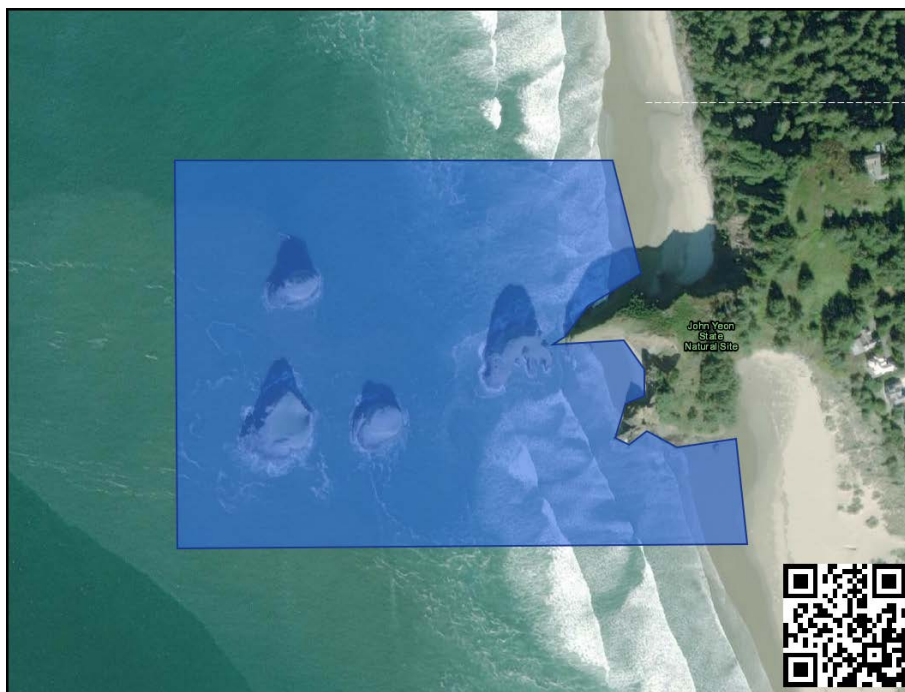
All proposals must be accompanied by a map and site report which may be generated under the "My Plans" tab on the Rocky Habitat Web Mapping Tool, or you can attach your own map to the proposal form. Interested parties should also review the [Rocky Habitat Management Strategy](#) to determine the eligibility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

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

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

Proposed Site

Chapman Point Marine Conservation Area - <http://seasket.ch/2wjOOjOjbT>





Contact Information

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

Name of Principle Contact

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

Margaret Minnick

Affiliation, agency, or organization (if applicable)

North Coast Rocky Habitat Coalition

Phone Number

503-298-5190

Email Address

northcoastrokyhabitat@gmail.com

Mailing Address

% Lower Nehalem Community Trust
PO Box 496
Manzanita, OR 97130-0496

General Proposal Information & Rationale

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

Proposal Type

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

☒ *New Site Designation (addition)*

☐ *Existing Site Removal (deletion)*

☐ *Alteration to Existing Site*

What type of rocky habitat designation are you proposing?

☐ *Marine Research Area*

☐ *Marine Garden/Education Area*

X Marine Conservation Area

Proposal Rationale and Goals

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

Located at the northern edge of the City of Cannon Beach, the rocky habitat at Chapman Point boasts breathtaking views, magnificent rock formations, and tide pools full of life. Chapman Point is loved by residents, serving as a stunning place for community members and visitors to walk, watch sunsets, take their children and grandchildren, and view wildlife. It is located just 1.7 miles north of Haystack Rock, one of the most iconic locations on the Oregon Coast and home to a breeding colony of Tufted Puffins. This stretch of rocky habitat includes some of the most visited on the coast, putting it at high risk of habitat degradation.

Tourism traffic at Chapman Point has increased significantly since the Rocky Shores Management Plan was written in 1994, and challenges facing inhabitants of the rocky shores are growing. Human-caused disturbances include disrupting bird nests by climbing on rocks, drones flushing nesting wildlife, visitors trampling through tide pools, fireworks disrupting seabird and black oystercatcher nests, and dogs chasing defenseless chicks that are unable to fly. Educating visitors and residents regarding care of these habitats would help to reduce pressure on sensitive wildlife and other marine species.

a) Please describe the site-specific goals for this proposal:

This proposal's goals include: 1) 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 2) provide an opportunity for public outreach and education to help achieve the first goal and to educate members of the public that are walking north toward Ecola Point (another site our group is proposing).

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

There are many potential outcomes and metrics that could be measured to determine progress toward achievement of the goals stated above, some of which would require varying levels of financial support. These are the outcomes and metrics that are most likely to be realized with existing support or with support we believe has a good chance of being secured in the short-term:

- Increase in Black Oystercatcher nesting success and potentially increased recruitment of new nesting pairs: Data collected by volunteer monitor(s) for Portland Audubon Oregon Black Oystercatcher Project.
- Reduction in harvest of intertidal animals and algae and increased health of intertidal ecosystem: Observations and reports by CoastWatch volunteer(s) and potential photo point monitoring.
- Reduction in disruption of birds by off-leash dogs: Data on rescued birds and nesting success collected by volunteer monitor(s) for Portland Audubon Oregon Black Oystercatcher Project; data on police calls or reports of dog attacks.

- Small volunteer outreach program during bird nesting season with tabulation of how many members of the public reached/educated about the site, regulations, and disturbance issues
- Signage stating regulations and wildlife protection at site access points at West 7th and West 5th Streets

Longer-term, more aspirational metrics could include:

- Stable or increasing biodiversity of intertidal flora and fauna at this site
- Return of local population of Cassin's and Rhinoceros Auklets

To achieve these goals and outcomes, we propose the following:

1) Harvest rules:

- Fish Harvest: No additional site-based fish harvest regulations. Coastwide Oregon Department of Fish and Wildlife regulations apply.
- Invertebrate Harvest:
- Commercial: No harvest
- Recreational: No harvest in all categories, except 25 mussels per day per permit
- Algae Harvest: No harvest
- Fish, invert, and algae harvest for scientific research by permit only

2) Rules for other human activities:

- Dogs are required to be on leash within beach areas of the Marine Conservation Area and prohibited on any rocky habitat.
- Possession and use of fireworks are prohibited within the Marine Conservation Area.
- No climbing on rocks in intertidal and no climbing through the intertidal zone to the area above Mean High Water (MHW) on offshore rocks.
- No disturbance, harassment, trampling of wildlife.
- Operation of drones is prohibited within 2000 ft. of offshore islands.
- Airplanes are prohibited from coming within 2000 ft. of Marine Conservation Area.
- Recreational boats may not come within 500 ft. of offshore rocks that are included within the Marine Conservation Area.
- Kite flying is prohibited within the Marine Conservation Area.

We propose the following Non-Regulatory Management measures:

- Volunteer on-site education
- Focus on positive outreach during summer low tides
- Wildlife monitoring
- Ex: Black Oystercatcher monitoring; sea star surveys
- Beach monitoring
- Ex: CoastWatch
- Harvest monitoring
- Tracking impacts over time, rather than intercepting individual harvesters
- Support dog training
- Conduct public use intercept surveys

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

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

a) Maintenance, protection, and restoration of habitats and natural communities.

This proposal's specific new regulatory and non-regulatory measures will improve upon existing protections for the site (see the "Regulations and Enforcement" Section below for details) and are aimed at minimizing disturbance to marine life and nesting birds. Proposed non-regulatory actions, including a formal volunteer outreach effort (and subsequent coordination and information sharing with regulatory agencies) and better-supported community science projects, will improve maintenance of the site, thereby helping meet the goals described above.

b) Allowing for the enjoyment and use of the area while protecting from degradation and loss.

In this proposal, we balance enhanced protection with still allowing most uses for the enjoyment of the public. We propose no new recreational or commercial fishing regulations. Our recommendation for an adjustment to mussel harvest still allows enough harvest for family to have a meal on any given day yet safeguards against excessive take and expected increases in harvest pressure at the site. We recommend no take of marine plants in the proposed Marine Conservation Area, but there are many other places nearby where these activities would still be allowed. Activities including off-leash dog walking and usage of drones would be curtailed in the immediate boundaries of this small Marine Conservation Area but would be allowed in adjacent areas. We specifically did not include beach areas that are popular for dog walking in the boundaries of this site (i.e., Chapman, Crescent and Indian Beaches) and limited them to the areas immediately surrounding the rocky habitat. Many non-consumptive uses remain unaffected by the designation of this site including surfing, kayaking, walking on the beach and tidepooling, and other activities.

c) Preservation of public access.

See response above to section 'b' which addresses both public access and balancing enjoyment of the site with proposed restrictions.

d) Consideration for the adaptation and resilience to climate change, ocean acidification, and hypoxia.

While we do not include regulations or management recommendations that specifically address climate change and related impacts, we do believe that the increased protections we propose would aid in the resilience of the site in the face of these growing challenges to Oregon's ocean ecosystem. We also create an opportunity, via support of community science projects and education/outreach, to monitor for climate-related impacts to the system and educate the public on these growing threats. With the site designated as a Marine Conservation Area, it could facilitate climate change research by academic institutions in the future since it would have formal recognition as a site of ecological importance.

e) Fostering stewardship and education of the area or coastwide.

As described previously, a key goal of our proposal is to establish a more formal volunteer public outreach and education program at this site that would educate visitors and residents on its ecological and cultural value and ways to minimize impacts to the site. Through outreach, there would be the opportunity to recruit new volunteers that could engage in education and/or community science opportunities at the site or other sites, thereby facilitating increased stewardship.

Site Information

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

Name of Proposed Site

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

Chapman Point, Cannon Beach

Site Location

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

Common Place Name: Chapman Point and Bird Rocks. Latitude/Longitude of each corner of boundaries: NW: 45.910471, -123.974887; SW: 45.907127, -123.974887; SE: 45.907156, -123.969458; NE: 45.910471, -123.969458. Geographic references: From approximately 0.11 miles (0.18 km) north of the tip of Chapman Point to approximately 0.12 miles (0.19 km) south of the tip of Chapman Point, and extending from the statutory vegetation line out to approximately 0.23 miles (0.37 km) west into the ocean from the tip of Chapman Point. The southern boundary lines up with the West 7th Street beach access. Directly west of and adjacent to John Yeon State Natural Area.

General Site Description

Located at the northern edge of the City of Cannon Beach, the rocky habitat at Chapman Point boasts breathtaking views, magnificent rock formations, and tide pools full of life. Chapman Point is loved by residents, serving as a stunning place for community members and visitors to walk, watch sunsets, take their children and grandchildren, and view wildlife. It is located just 1.7 miles north of Haystack Rock, one of the most iconic locations on the Oregon Coast and home to a breeding colony of Tufted Puffins. This stretch of rocky habitat includes some of the most visited on the coast, putting it at high risk of habitat degradation.

Chapman Point has impressive breeding colonies of seabirds - including 34 of high importance according to the SeaSketch report. This includes colonies of 10,000+ Common Murres and several nesting areas for the Black Oystercatcher, federally listed as a "species of concern" due to its decreasing populations. The tide pools are home to diverse wildlife including Ochre Sea Stars, Giant Green Anemones, California Mussels, Red Rock Crabs, and countless other animals, from chitons to octopuses.

Site Boundaries

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

From approximately 0.11 miles (0.18 km) north of the tip of Chapman Point to approximately 0.12 miles (0.19 km) south of the tip of Chapman Point, and extending from the statutory vegetation line out to approximately 0.23 miles (0.37 km) west into the ocean from the tip of Chapman Point. The southern boundary lines up with the West 7th Street beach access. Please see the attached map.

Per the SeaSketch report, the selected designated area totals 42.6 acres and touches 0.8 miles (1.28 km) of shoreline. It has an average depth of 2.7m, a maximum depth of -6m and a minimum depth of 16m.

It includes 10 acres of intertidal area currently (in the 0m Sea Level Rise Scenario), which is predicted to be reduced to 6.1 acres in the 0.5m Sea Level Rise (SLR) Scenario, 5.1 acres in the 1m SLR Scenario, and 3.5 acres in the 1.5m SLR Scenario. We recommend that any migration of the intertidal area outside of the site boundaries due to SLR be accommodated by revising the site boundaries in the future as needed.

Site Access Information

How is this site commonly accessed?

This site is most commonly accessed from several access points at Chapman Beach at the north end of the City of Cannon Beach, including at the western ends of West 7th Street and West 5th Street. It is also accessed from the central beach of Cannon Beach (the “main” beach, which sees the highest visitation), by crossing Ecola Creek, which separates the two beaches. It is also accessed from Crescent Beach to the north, at low tides by crossing the sand bridge between Chapman Point and the first Bird Rock, or around the western (ocean-facing) side of the first Bird Rock when tides are low enough.

What is your understanding of current management at this site?

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

Current Management:

The rock above MHW is managed by the U.S. Fish and Wildlife Service (USFWS) as a National Wildlife Refuge and the beach and intertidal area are managed by the Oregon Parks and Recreation Department (OPRD) as part of the ocean shore. Neither has active on-site management.

Ownership:

Submerged and intertidal lands: Division of State Lands (DSL);

offshore rocks above MHW: USFWS;

dry sands beach is a state recreation area under jurisdiction of OPRD;

upland beyond the statutory line of vegetation is owned by OPRD as John Yeon State Natural Site.

Site Uses

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

Site Uses

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

The following is a listing of the major site uses proximal to Chapman Point and Bird Rocks.

Beach and Dog Walking: This area is popular for walking on the beach, particularly for residents of the northern end of the City of Cannon Beach, which is adjacent to Chapman Beach. It is a popular spot for walking dogs off-leash. The presence of off-leash dogs is particularly problematic because many approach and/or walk on the intertidal rocks and upset the nesting of native birds and disturb marine life. Because this area has no oversight, off leash dogs kill, maim, and agitate wildlife. Chicks that are foraging on the beaches and rocks before they can fly cannot get away from unleashed dogs. This area is known to the Wildlife Center of the North Coast as the location of wildlife injuries and deaths resulting from dogs, according to a former volunteer. Human safety is also at risk, including injuries, equipment damage, and aggressive behavior from dogs experienced by the Black Oystercatcher monitor volunteer (see Attachment 2, “Descriptions of 2020 Dog Encounters”).

Tidepool Exploration: Tidepooling is popular in the area but causes problems due to visitors walking on environmentally sensitive intertidal rocks and disturbing nesting birds.

Birdwatching: Because of the large number of bird species and large seabird colonies found here, Chapman Point is a popular birding spot.

Crabbing: Recreational crabbing occurs infrequently at Chapman Point, when the tidepools are deep enough. Crabs are typically taken from tidepools with nets, pots, or rakes.

Mussels: The harvesting of mussels by recreational users is intermittent but ongoing at Chapman Point. During summer 2020, community members observed people harvesting “coolers full” of mussels on a daily basis.

Drones: Visitors have been observed operating drones at Chapman Point.

Surfing: Chapman Point is a popular spot for surfing. Community members have not noticed surfers disturbing wildlife. The impression is that the surfers are aware and respectful of wildlife.

Kayaking: This stretch of coast sees some recreational sea kayaking. Levels of use are unknown.

Fireworks: This area has been the site of illegal firework detonation, according to community members.

Rock climbing: Many visitors climb up to the top of the tip of Chapman Point, either from the beach through the rocky intertidal zone, or by accessing it from trails above the beach. They also climb First Bird Rock by climbing through the rocky intertidal zone.

Other: Other common beach uses in this area include kite flying, picnicking, swimming, photography, weddings and family events.

For a coastwide view of popular activities, the Oregon Parks and Recreation Department report “Visitor

Survey of Day Use and Overnight Use at Oregon State Park Coastal Region Parks” (Bergerson 2019) finds that the most popular activities at Coastal Region parks for 2017 were visiting the lighthouse* (81%), hiking or walking (77%), sightseeing (58%), visiting historic sites (54%), beachcombing (52%), and exploring tidepools* (47%). (*Note: Lighthouse facilities are located at two parks and tidepool areas at five parks that were included in the survey.).

Site Infrastructure

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

There is limited parking on city streets adjacent to Chapman Beach, with access points at the western ends of West 7th Street and West 5th Street. A public restroom and parking lot are at Les Shirley Park, which is three blocks from the West 5th Street access point. The streets are often overwhelmed with cars during the summer.

Potential Future Site Uses

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

With no changes in current site management, all current activities can be expected to continue and increase in volume, given increasing visitation on the North Coast (see next paragraph), the growing populations of nearby metro areas including Portland and Seattle, and the growing population of Clatsop County (Portland State University 2017). While current use may seem relatively benign (apart from poor nesting success of Black Oystercatchers caused by human and dog disturbances), if visitor volume continues to grow the impacts will also grow, degrading the natural resources and visitor experience at this unique location and biodiverse ecosystem.

OPRD data over the past 10 years indicates steady visitation at Ecola State Park at just under 600,000 people per year while the same data from nearby Oswald West State Park indicates a more dramatic increase (see Attachment 11 “State Park Day Use Estimates, 2010-2019”), more than doubling in the last decade to 1.2 million in 2019. Differences between the two sites may explain this discrepancy: First, Ecola has limited parking, especially at Indian Beach, and a \$5 day use fee. Second, Ecola is harder to access, being off the main highway and accessed by a windy narrow road that may dissuade some visitors, while the parking lots at Oswald West are on Highway 101, and many of the visitors recorded there are probably quick stops and bathroom use, like at a rest area. So, the uptick at Oswald West is more reflective of overall increases in North Coast visitors and traffic. Since we are proposing Ecola Point as a Marine Conservation Area in an effort to help ensure its long-term ecological viability, we look at the Ecola day use estimate data as promising, as we would like to see Ecola visitation remain steady and not increase too much with the risk of placing increased pressure on the local ecosystem.

The OPRD report “Visitor Survey of Day Use and Overnight Use at Oregon State Park Coastal Region Parks” (Bergerson 2019) offers some insight into trends in coastal visitation activities. Participation rates increased significantly between 2011 and 2017 for the following activities: hiking or walking, sightseeing, visiting historic sites, exploring tidepools*, bird or wildlife watching, agate / shell collecting, bicycling on trails, boating (motor, canoe, kayak), and bicycling on local roads. 2017 participation rates were significantly lower for visiting the lighthouse*, visiting nature / visitor center, surfing / boogie boarding,

and clam digging. (*Note: Lighthouse facilities are located at two parks and tidepool areas at five parks that were included in the survey.)

Impacts on Site Uses

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

Fish Harvest: No additional site-based fish harvest regulations. Coastwide ODFW regulations apply.

- No impact on site use since we are not recommending any change

Invertebrate Harvest: No commercial harvest; No recreational harvest except 25 mussels per day per permit

- While we propose no commercial harvest of invertebrates at the site, we are unaware of any commercial interests for harvesting invertebrates at this site (this is informed by multiple stakeholder outreach efforts and meetings with the public, including fishermen). In addition, the site area is relatively small and there are nearby areas where commercial harvest could still take place if desired.
- We believe our proposal of 25 mussels per day per permit strikes a good balance between what the existing baseline regulation is (72 mussels per day per permit) and no take (except single mussels for bait), which would have been the default regulation if we proposed this site as a Marine Education Area. The 25 mussels a day limit per person provides enough food for a family meal.

Algae Harvest: No harvest

- While we propose no commercial or recreational harvest of marine plants at the site, we are unaware of any commercial interests for take at this site (this is informed after multiple stakeholder outreach efforts and meetings with the public). In addition, the site boundaries are relatively small and there are nearby areas where both recreational and commercial harvest could still take place if desired.

Scientific research: Fish, invert, and algae harvest by permit only

- No impact to this site because we are not recommending any change in scientific research regulations.

We propose the following rules for other human activities:

Dogs: Required to be on leash within beach areas of the Marine Conservation Area and prohibited on any rocky habitat.

- In designing the boundaries of this Marine Conservation Area, we have intentionally left large beach areas out of the Marine Conservation Area boundary so it wouldn't impact members of the public that want to have their dogs off-leash at traditional sites like Crescent Beach and Chapman Beach. Dogs can still be in the Marine Conservation Area, but must be on leash and not on the rocks. We feel this is appropriate to protect habitat and human safety while still allowing dogs to be walked in the Marine Conservation Area and leaving lots of area for off-leash activity adjacent to the Marine Conservation Area.

Possession and use of fireworks are prohibited within the Marine Conservation Area.

- Fireworks are already prohibited from use on the Oregon coast, and this rule is enforced in Cannon Beach unlike in many other coast locations. Including this rule in the Marine Conservation Area

designation is a reaffirmation of the coastwide rule and we hope that signage could be installed at the access points to the site to indicate this specifically.

No climbing on rocks in intertidal and no climbing through the intertidal zone to the area above Mean High Water (MHW) on offshore rocks; No disturbance, harassment, trampling of wildlife; Operation of drones is prohibited within 2000 ft. of offshore islands; Airplanes are prohibited from coming within 2000 ft. of Marine Conservation Area; Recreational boats may not come within 500 ft. of offshore rocks that are included within the Marine Conservation Area.; Kite flying is prohibited within 2000 ft. of offshore islands and within any part of the Marine Conservation Area.

- Our proposed regulations for these activities are the same as those at the Haystack Rock Marine Education Area/Marine Garden. We propose these same regulations at Chapman Point because they provide the means to help meet our site goal #1, have worked well at Haystack Rock, are acceptable to the public at that site, and provide consistency with regulations at a nearby site with many of the same disturbance concerns and recreational activities.

Additional effects:

Potential positive effects of site designation are: (1) a healthier ecosystem because of better stewardship from visitors and locals with a deeper recognition of how immediate actions from visitation influence the long term, (2) increasing ecosystem health at other rocky habitat sites by educating the public on how to have a more sustainable “low footprint” behavior in everyday life, and (3) and the spillover effect of a healthy ecosystem into nearby areas.

Potential negative impacts of site designation include media coverage driving additional visitation to the area, including careless or negligent visitors. We ask for extra caution and coordination with our group from State agencies when announcing a Marine Conservation Area at this site.

Key Natural Resources

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

Rocky Habitat Present

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

Per the SeaSketch report, the selected designated area includes 10 acres of intertidal area currently (in the 0m Sea Level Rise Scenario), which is predicted to be reduced to 6.1 acres in the 0.5m Sea Level Rise (SLR) Scenario, 5.1 acres in the 1m SLR Scenario, and 3.5 acres in the 1.5m SLR Scenario. We recommend that any migration of the intertidal area outside of the site boundaries due to SLR be accommodated by revising the site boundaries in the future as needed.

Per the SeaSketch report, the selected designated area has 9.2 acres of rocky subtidal substrate, 21.7% of the area.

Key Resources

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

Key ecological resources at Chapman Point include 1) seabird colonies, 2) black oystercatcher nesting areas, 3) a number of species of conservation concern, 4) and intertidal diversity. We summarize these below:

1. Seabird colonies:

- According to the SeaSketch report, this site contains 34 Bird Colonies of High Importance, and 177 Bird Colonies of Medium Importance. As far as we are aware, this estimate is based on the most recent version of the USFWS Seabird Catalog (Naughton et al. 2007).
- The Oregon Rocky Shores Inventory from 1994 indicates this site supported more than 40,000 nesting seabirds, most of which were Common Murres (Fox et al. 1994). Recent eBird checklist report from July 2020 indicates the Common Murre colony is made up of approximately 10,000 individuals and nest on the Second, Third and Fourth Bird Rocks.
- Observations of other seabird nesting activity at Chapman Pt in summer 2020: Eight Pelagic Cormorants, several Pigeon Guillemot, and multiple Western Gulls on the Inner (First) Bird Rock (Tabea Goossen, Pers. comm. (Attachment 3)).
- It is important to point out that Chapman Point and Ecola Point were once home to colonies of Rhinoceros Auklets and Cassin's Auklets. Cassin's have not been documented in the area since 2014 and the Rhinos not since 2006 (Naughton et al. 2007).

2. Black Oystercatchers

- Oregon Black Oystercatcher Project Portland Audubon abundance data from Chapman Point collected from multiple surveys from 2015-17 indicates an average detection of 2.1 individuals. Included in SeaSketch from Liebezeit et al. (2020).
- Oregon Black Oystercatcher Project Portland Audubon nest monitoring occurred in 2016, 2017, and 2020 at Chapman Point. In both 2016 and 2017: Two nests were monitored, both hatched but only one successfully fledged in each of those years. In 2020, there were three total nesting attempts. One pair nesting on the offshore Second Bird Rock failed in its first attempt for unknown reasons and successfully fledged two chicks on their second attempt. One other nest on the shoreside of Bird Rock 1 only was "successful" in fledging a chick that was rescued because it fledged prematurely due to human disturbance, was brought to the Wildlife Center of the North Coast and released back at Chapman Point after recovery. In total, for the three years, seven nesting attempts with three successful fledges not counting the "human-assisted" fledge. There may have been other nests or nesting attempts that went undetected or unmonitored.

3. Presence of threatened/endangered/protected species:

Chapman Point is known to support several listed endangered species and / or species of conservation concern including the following:

Birds:

- The Marbled Murrelet, listed under both the federal and state Endangered Species Act as threatened, is known to frequent waters just off the shore of Chapman Point, primarily during the fall when molting murrelets likely seek out rocky areas for weather protection (Craig S.

Strong, Crescent Coastal Research, pers. comm.). Nesting occurs in Ecola and Oswald West State Parks.

- Five bird species listed as strategy species of conservation concern in the Oregon Nearshore Strategy have been documented at Chapman Point and include: Black Oystercatcher (1), Harlequin Duck, Tufted Puffin, Caspian Tern, Peregrine Falcon, and Brown Pelican.

Mammals:

- Pacific Harbor Seals have been observed at this site and this is a strategy species in ODFW's Nearshore Strategy.
- Humpback Whales, Gray Whales, and Orca have been sighted offshore and are strategy species in ODFW's Nearshore Strategy.

Fish:

- Coho Salmon are listed as Endangered Species Act (ESA) Threatened and are a strategy species in ODFW's Nearshore Strategy.
- Columbia River salmon and steelhead (13 evolutionarily significant units), and Green Sturgeon Southern distinct population segment, which are all ESA listed.

Invertebrates and marine plants:

- California Mussel, Dungeness Crab, Ochre Sea Star, and Razor Clam are strategy species in ODFW's Nearshore Strategy.
- Surfgrass is an ODFW Nearshore Strategy species. Iridescent Weed, Coralline Algae, Black Pine, Sea Cabbage, Bull Kelp, Dwarf Rockweed, and Northern Rockweed are PISCO/DLCD species of interest.
- Other marine invertebrates that are listed in the Nearshore Strategy that may occur at Chapman are: Purple Sea Urchin, Pacific Giant Octopus, abalone species, Red Sea Urchin, and Sunflower Sea Star (listed as critically endangered by the International Union for Conservation of Nature (IUCN) on December 10, 2020).

4. Intertidal diversity:

The tidepools at Chapman Point host a typical north coast rocky habitat ecosystem assemblage: Giant and Acorn Barnacles, Gooseneck Barnacles, California Mussels, Ochre Sea Stars, Giant Green Sea Anemones, aggregating sea anemones, Purple Shore Crab, Dungeness Crab, Tidepool Sculpin, various species of chiton and nudibranch, and countless other animals. This ecosystem is in good shape, with healthy sea anemones and not a lot of indications of sea star wasting disease (SSWD).

Footnote:

(1) The Black Oystercatcher is also listed as a species of concern in the U.S. and Canadian National Shorebird Conservation Plans (Brown et al. 2000; Donaldson et al. 2000) and a "focal species for priority conservation action" by the U.S. Fish and Wildlife Service (Tessler et al. 2007). They are also a target species in the Pacific Americas Shorebird Conservation Strategy (Senner et al. 2016) and are on the Watch list in the most recent State of North America's Birds report (NABCI 2016).

Flora and Fauna

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

Birds:

A summary of data contained in the SeaSketch report, the Chapman Point eBird hotspot checklist, the USFWS Seabird Catalog, and other sources document over 40 bird species (most of these are captured in the eBird list footnoted below) that use Chapman Point. Thirty-one checklists have been submitted to the Chapman Point eBird hotspot checklists since 2005 documenting 71 species, of which at least 38 species are known to use rocky habitats as defined by the Rocky Habitat Management Strategy. This includes species in the waterfowl, shorebird, waterbird, and seabird groups as well as some raptors (e.g. Bald Eagle) and songbirds (e.g. Common Raven). Additional documented species at Chapman Point not included in the eBird list are: Bonaparte's Gull, Common Merganser, Red-necked Grebe, Caspian Tern, Wandering Tattler, Killdeer, Whimbrel, Marbled Godwit, and Belted Kingfisher. Several bird species that use this site are species of conservation concern (see "Key Resources" section for more information).

Pinnipeds:

There are no significant marine mammal haul-outs at Chapman Point, but Pacific Harbor Seal pups have been observed resting at this site while their mother is hunting.

Intertidal species:

The tidepools at Chapman Point host a typical north coast rocky habitat ecosystem assemblage, including Ochre Sea Stars, Giant Green Sea Anemones, aggregating anemones, Gooseneck, Acorn, and Thatched Barnacles, Purple and Lined Shore Crabs, and their associates. Particularly noticeable are the healthy Giant Green Sea Anemones. Although there are no scientific surveys of the intertidal being done at this site, we can look to the data collected by the Multi-Agency Rocky Intertidal Network (MARiNe) program at Ecola Point, just 0.75 mile to the north, as an indication of the species assemblage and abundance at this site. Additionally, a marine biology student at Oregon State University's Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO) lab assembled species information for Chapman Point and nearby areas (when information on a specific species was not available for Chapman). These data sources are attached.

See Attachment 5, "Ecola Biodiversity Survey Findings (MARiNe)," Attachment 6, "Ecola Species List (PISCO Coastal Biodiversity Survey)," and Attachment 9, "Species data for Chapman Point, compiled by PISCO student intern," for more details and additional species information.

Unique Features

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

This strikingly beautiful setting includes a headland (Chapman Point) and four offshore rocks (Bird Rocks) hosts an intact ecosystem at high risk of increased visitation due to its proximity to several major tourist draws: Haystack Rock, Ecola State Park, and the City of Cannon Beach.

This area is also culturally important for the area's indigenous people, located near the sites of two indigenous settlements prior to European settlement (Deur 2016). It is near the banks of Ecola Creek in northern Cannon Beach, which served as a "welcoming place for members of the Clatsop, Nehalem, and Tillamook tribes" for centuries (NPS 2019). The proposal site is undoubtedly a place of historical

resource harvest for the Clatsop-Nehalem people, given its proximity to villages and the welcoming place. For example, indigenous people of this area are known to have tended clam beds and harvested shellfish (Deur and Turner 2005).

For more information on the unique geology of the site, see the “Watershed Conditions” section.

Values and Resources

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

We expect the designation of Chapman Point as a Marine Conservation Area will enhance the natural resources of this site by helping ensure ecological integrity by minimizing human disturbances over the long term. At the same time, the ecological benefits of the site will also enhance the recreational value for both consumptive (e.g. recreational fishers) and non-consumptive users (e.g. wildlife watchers, surfers) as the additional regulations allow responsible harvest and help the site maintain characteristics and feel of a wilderness setting. The outreach and education program will enable volunteers to “tell the story” of the value of Chapman Point to the public, including its unique geology, historic and present cultural values, and biodiversity while at the same time reminding visitors to be responsible and respectful in this special place.

Regulations & Enforcement

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

Management Consideration

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

This proposal was drafted with the idea of balance in mind. Our goal is to help to create balance and sustainability with other parts of the coast and conflicting industries.

While it is not possible for our group to calculate cost estimates for State agencies to implement enforcement/compliance of management, if the designation is approved we will commit to working with State agencies and all other interested/concerned parties to come up with creative funding and staffing options, including developing budgets and external funding sources.

Potential partners include Oregon Coast Visitors Association (OCVA), Oregon Shores CoastWatch, Portland Audubon, Oregon Department of Parks and Recreation, Haystack Rock Awareness Program (City of Cannon Beach), North Coast Watershed Association Coastal Council, and US Fish & Wildlife Service. Haystack Rock Awareness Program and monitoring programs are already active at this site or nearby. The City of Cannon Beach is also much more proactive in enforcement than many coastal cities.

Enforcement Changes

In comparison to current site management, what changes would be necessary to enforce the proposed management measures? This may include the addition or removal of infrastructure, personnel, etc. Include the estimated financial impact of the proposal. Some designations incorporate larger financial or programmatic support. Please identify any entities or funding sources that may be available to continually support this proposal. This information is not required for a proposal to be accepted, but review bodies would like to be informed of any support that is already in place or expected for the site.

If the designation is approved and the Marine Conservation Area is implemented by the State, we will commit to working with State agencies and all other interested/concerned parties to come up with creative funding and staffing options, including developing budgets and external funding sources. Potential sources of funding, staffing, and volunteers include partners like Oregon Coast Visitors Association (OCVA), Oregon Shores CoastWatch, Portland Audubon, Oregon Department of Parks and Recreation, Haystack Rock Awareness Program (City of Cannon Beach), North Coast Watershed Association Coastal Council, and students from Clatsop Community College's Environmental Steward Certificate program.

Needed Regulations

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

We propose establishment of a Marine Conservation Area for this site, with a few exceptions to allow current uses that are not seen as detrimental to the natural resources. We seek to balance conservation and resilience of ecosystems with appropriate uses.

We propose the regulations for this site in accordance with the baseline Marine Conservation Area Regulatory Standards & Management Practices that are listed in Table 1 on pages 32-33 of the draft Rocky Habitat Management Strategy dated April 24, 2020, with exceptions as presented below.

Fish Harvest:

- Commercial - No additional site-based fish harvest regulations. Coastwide ODFW regulations apply.
- Recreational - No additional site-based fish harvest regulations. Coastwide ODFW regulations apply.
- Scientific & Educational - Requires a permit from ODFW or Oregon Parks and Recreation Department (OPRD), which may be issued if the research does not impede the management goals of the Marine Conservation Area.

Invertebrate Harvest:

- Commercial - Closing harvest in all categories.
- Recreational - Closing harvest in all categories, except: 25 per day mussels per permit. Justification: This limit would constitute a family meal while reducing the impacts of large, daily harvesting documented recently by members of the public. There is also concern about increasing harvest pressure as visitation to Chapman Point is increasing. We believe this proposed harvest level, which allows more than a Marine Garden but less than the current 72 mussels bag limit, strikes a good balance.
- Scientific & Educational - Requires a permit from ODFW or OPRD, which may be issued if the research does not impede the management goals of the Marine Conservation Area.

Algae Harvest:

- Commercial - Closing harvest in all categories
- Recreational - Closing harvest in all categories
- Scientific & Educational - Requires a permit from ODFW or OPRD, which may be issued if the research does not impede the management goals of the Marine Conservation Area.

Other Human Activities:

- Dogs are required to be on leash within beach areas of the Marine Conservation Area and prohibited on any rocky habitat.
- Possession and use of fireworks are prohibited within the Marine Conservation Area.
- No climbing on rocks in intertidal and no climbing through the intertidal zone up above MHW on offshore rocks.
- No disturbance, harassment, trampling and other “take” of wildlife.
- Operation of drones is prohibited within 2000 ft. of offshore islands that are included within the Marine Conservation Area.
- Airplanes are prohibited from coming within 2000 ft. of Marine Conservation Area.
- Recreational boats may not come within 500 ft. of offshore rocks that are included within the Marine Conservation Area.
- Kite flying is prohibited within 2000 ft. of offshore islands and within any part of the Marine Conservation Area.

Agencies that would be impacted:

- ODFW is charged with fish and invertebrates,
- OPRD is charged with marine plants in the intertidal zone and on the beach as well as public access issues, and contains the State Historic Preservation Office that manages cultural resources and archeological sites.
- DSL is charged with subtidal marine plants and removal/fill activities on the seabed floor,
- OSMB regulates boating activity,
- OSP enforces rules and laws of the above agencies, and
- DEQ implements marine water quality standards in state waters, which are triggered by an array of actions.

Improvements to Management

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

Visitation at Chapman Point has increased significantly since the 1994 Rocky Shores Management Plan, according to many of the community members and frequent visitors with whom we talked. And challenges facing inhabitants of the rocky shores are growing. Human-caused disturbances include disrupting bird nests by climbing on rocks and walking too close to nests, drones flushing nesting wildlife, visitors trampling through tide pools, fireworks disrupting nesting Black Oystercatchers and seabirds, and dogs chasing defenseless chicks that are unable to fly. (See Attachment 2 “Descriptions of 2020 Dog Encounters,” Attachment 11 “State Park Day Use Estimates 2010-2019” and Attachment 1 “Coastwatch Reports for Mile 314” for additional information and insight.)

Our proposed regulations improve upon the current situation by reducing the following human-caused

impacts: intertidal harvest, trampling in tidepools, bird disturbances and attacks by off-leash dogs, bird disturbances by beach walkers, drones flushing nesting birds and other wildlife, fireworks disturbing nesting birds, and disturbance to seabird colonies from people illegally climbing on the rocks.

Non-Regulatory Management Mechanisms

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

Management Mechanisms

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

Dependent on funding and capacity, our group proposes to create a volunteer interpretation program at Chapman Point, to communicate the new management changes and provide stewardship education to the community and visitors. To start, we envision a small volunteer community group supported by one person with 10-20 hours/week of grant-supported work to develop the volunteer program's operations and larger vision.

This small group would start by focusing on positive outreach during summer weekend low tides, when the need is greatest, incorporating the successful approach in place at Haystack Rock but at a smaller scale. This would include setting up a small information area with a spotting scope so visitors can see the nesting birds, including Black Oystercatchers, without disturbing them. The volunteers would also put up temporary signs during low tides to warn people when they are close to bird nests and advising them to keep their distance.

Other current and potential non-regulatory management mechanisms include:

- Portland Audubon Black Oystercatcher Monitoring program (currently active with one volunteer with good potential to add more)
- Reports on natural changes and human-induced impacts provided at least quarterly by Oregon Shores Conservation Coalition's CoastWatch volunteers (currently active)
- Conducting sea star surveys in collaboration with Oregon Shores Conservation Coalition's CoastWatch program (future)
- Establishing camera points where photos are taken at regular intervals to monitor intertidal harvest, e.g., tracking mussel bed depletion (future)
- Encourage through outreach and education dog training focused on training dogs to not chase and attack birds (future)
- Conducting public perception intercept surveys (future)

In addition, Oregon Shores Conservation Coalition, in conjunction with Clatsop Community College in nearby Astoria, offers an Environmental Steward Certificate encouraging students to take part in environmental projects. Students pursuing this Certificate could be a consistent source of volunteers for this program.

Note:

A coastwide shoreline interpretive program is called for in the State's Rocky Shores Communications

Strategy (OCMP 1995) and elsewhere. Haystack Rock Awareness Program in Cannon Beach, Oregon, and Makai Watch in Hawaii are examples of successful programs.

Support for Management Mechanisms

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

If the designation is approved and the Marine Conservation Area is implemented by the State, our group will work with partners like Oregon Coast Visitors Association (OCVA), Oregon Shores Conservation Coalition, Portland Audubon, Oregon Department of Parks and Recreation, Haystack Rock Awareness Program (City of Cannon Beach), North Coast Watershed Association Coastal Council, US Fish & Wildlife Service, and others to explore collaborative opportunities and funding sources for an education and compliance program.

Stakeholder Engagement

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

Letters of Support

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

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/8b6555d3-2e35-4bd9-8d8d-8a322660a5be/Letters from Businesses and other Organizations.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/8eb1b3fb-8dca-4484-a427-c1ebc953cf8a/Letters from Individuals Chapman.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/4f2c072c-3034-4da9-a63c-f32cebc7f888/RHMS IPP Promo v2.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/853e0c4e-6cbe-41e1-a1d3-f6b0a0a7b157/Support Marine Conservation Area Flyer-1.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/911c021c-e1ac-4a32-a82c-2da49777e72f/RH Proposal Summary Chapman and Ecola.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/73e24adf-f01d-4ba1-8365-4f66831469a1/Site visit agenda.docx>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/4fe9ebe5-0483-4707-a4c0-dcc27472fb22/Site visit invitees.docx>

Stakeholder Collaboration

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

Our group has worked tirelessly to contact stakeholders to inform them of this proposal and solicit their feedback. This task has been made much more difficult because of the restrictions in place to prevent spread of COVID-19 and the fact that many people and organizations were focused on adapting and responding to the challenges of the global pandemic and the wildfires in September, and the resulting economic devastation. Nonetheless, we were successful in reaching many stakeholder groups and received mostly positive feedback and no organized opposition.

Please see the “Public Outreach” section for details on public events that we held and press coverage garnered by our efforts. In addition, we reached out to the following stakeholders:

- Clatsop-Nehalem Confederated Tribes
- Confederated Tribes of the Grande Ronde
- Cannon Beach City Council
- Haystack Rock Awareness Program (City of Cannon Beach)
- Friends of Haystack Rock
- North Coast Watershed Association
- Necanicum Watershed Council
- North Coast Land Conservancy
- Lower Nehalem Community Trust
- Lower Nehalem Watershed Council
- Oregon Dungeness Crab Commission
- Oregon Fishermen’s Cable Committee
- Garibaldi Charters
- Northwest Guides and Anglers Association
- Clatsop County Board of Commissioners
- US Fish & Wildlife Service
- Oregon Department of Parks and Recreation
- Oregon Department of Fish and Wildlife
- Seaside City Council
- Seaside Visitor Bureau
- Cannon Beach Chamber of Commerce
- Sea Turtles Forever
- American Cetacean Society Oregon Chapter
- SOLVE
- C4C (dolphin conservation)
- Women’s Club Manzanita
- North Coast Communities for Watershed Protection
- Wildlife Center of the North Coast
- Cannon Beach Academy
- Cannon Beach History Museum
- Seaside Parks Department
- Consejo Hispano
- Sunset Empire Recreation District
- Dragon Boat Team
- NIA Blue Belt Dance
- North County Hiking Group
- Angora Hiking Club
- Cannon Beach Community Church

- Cannon Beach Conference Center
- Cannon Beach Chorus
- Cannon Beach Arts Association
- Tolovana Arts Colony
- Cannon Beach Library
- Coaster Theatre Playhouse
- Many local businesses (a list can be provided on request)

a) Please describe the community support and opposition for this proposal.

Letters of support were received from the following stakeholder groups and organizations:

- Friends of Haystack Rock
- Cannon Beach City Council
- North Coast Land Conservancy
- North Coast Watershed Association Coastal Council
- Lower Nehalem Watershed Council
- Angora Hiking Club
- Northwest Guides and Anglers Association
- Nehalem Bay TideRunners

The following businesses submitted letters of support or signed the Business Sign-On Letter:

- Lor's Tours
- Sea Breeze Court
- Cannon Beach Book Company
- Duane Johnson Real Estate
- Northwest by Northwest Gallery
- Sleepy Monk Coffee Roasters
- IceFire Glassworks
- Four Paws on the Beach
- Dragonheart Herbs and Natural Medicine
- DragonFire Gallery
- Land's End at Cannon Beach
- Crepe Neptune
- Holly McHone Jewelers
- Sea Level Bakery + Coffee

The following organizations signed the Organization Sign-On Letter:

- Sunset Empire Recreation District
- Oregon Coast Alliance
- North Coast Communities for Watershed Protection

Support from community members:

- We received letters and emails of support from 22 individuals.
- 35 people signed the Resident Sign-On Letter.
- We received 3 testimonials in favor of the designation at Chapman Point through a Portland Audubon form.

Please see the PDF files uploaded in the "Letters of Support" section in SeaSketch to view all of these

letters, emails, and testimonials.

No stakeholder groups were formally opposed. Please see the “Feedback from Stakeholders” Section, below, for information on the negative feedback we received from community members.

b) Please list the communities, organizations, and groups that have worked to develop and support this proposal, as well as those in opposition of the proposal.

The proposal was developed by:

- North Coast Rocky Habitat Coalition
- Portland Audubon
- Unaffiliated community members

No stakeholder groups were formally opposed. Please see the “Feedback from Stakeholders” Section, below, for information on the negative feedback we received from community members.

Feedback from Stakeholders

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

Concerns about activities at the site that were expressed by community members and stakeholders who were generally supportive of the site proposals include:

- Fireworks are already illegal, but there were a lot of fireworks launched from this area and all along Cannon Beach this year.
- Visitation is going up. There was a spike this year during the pandemic, however this has been the overall trend year-to-year.
- Keeping trails at Ecola Point unmaintained should be put in writing, to create an official policy not to increase recreational access.
- Camping was observed at Indian Beach this summer, with people taking advantage of the lack of State Parks enforcement personnel.
- Ecola Point is culturally important to the coastal way of life.
- Preventing increased foot traffic resulting from possible increased camping by working with OSP could fit in with a rocky habitat proposal rather than trying to impose regulations on land directly through the rocky habitat process.
- Haystack Rock Awareness Program (HRAP) is supportive, but running an additional program at Chapman could stretch them thin. Could a scenario play out where an educational program could fit in through the city/HRAP?
- Dogs off leash chase, kill, and maim birds and attack harbor seal pups.

Concerns expressed by community members and stakeholders about the site designation proposal include:

- Leashing of dogs infringes on community members’ ability to enjoy the area where they live
- Questions regarding how protections will be enforced when existing issues are not addressed, such as fireworks, drone usage, wildlife harassment, and so forth.

- Creating a “police state” in a place where people go to relax and rejuvenate. One way to address this may be to space out the times when interpreters are on the beach and limit their presence to the busiest days of the year.
- Driving unwanted and un-sustainable traffic to the area. The existing infrastructure is unable to handle increased visitation. Parking on city streets near Chapman Point and parking at Les Shirley Park is already filled to capacity during the summer. There is concern that these are places that are mostly known to locals and reluctance to see that change due to a designation.
- The entire 9 miles of Rocky Habitat adjacent to Ecola State Park should be protected, and protecting this small site isn’t worth the risk of attracting increased activity.
- The regulations on climbing through the intertidal and not allowing recreational boats to come within 500 ft. of offshore rocks would “effectively close the area to the public.”
- Objection to the proposal's prohibition of invertebrate harvest on the grounds that it would end crabbing, razor and butter clamming there.
- Haystack Rock Awareness Program already has challenges getting volunteers; can the community really support another education program?
- The community group process put the burden of public meetings and stakeholder contacts on the public, which led to it not being as thorough as it could have been had the State put more resources behind it.
- Outreach to the crab commission revealed that crabbers do come within the site boundaries and restrictions on crabbing would remove these areas from their crabbing grounds. We revised the boundaries of the site to not include the crabbing grounds.

Public Outreach

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

Traditional conferences, meetings, and tabling events have not been possible due to the COVID-19 pandemic. Our group has nonetheless conducted extensive public outreach through the following activities:

- September 5-7, 2020: Tabea Goossen and Margaret Treadwell did outreach with a spotting scope and information table at Chapman Point over Labor Day Weekend. We discussed possible rocky habitat designation proposals for Chapman Point and Ecola Point with over 84 visitors.
- Site visit by invitation to stakeholders and locals, September 19, 2020, that resulted in articles in local newspapers The Astorian and The Cannon Beach Gazette. The site visit was attended by Haystack Rock Awareness Program (Lisa Habecker, Kelli Ennis), Friends of Haystack Rock (Angela Benton), Oregon Parks Beach Ranger (Eric Crum), Wildlife Center of the North Coast (Kari Henningsgaard), The Astorian Reporter (Katie Frankowicz), North Coast Rocky Habitat Coalition (Margaret Treadwell, Frances Buchanan, Ed Joyce, Tabea Goossen), local residents (Susan Glarum, Les Sinclair, Bruce Kerr).
- Presentation to the Cannon Beach City Council (public meeting) on 10/06/20. Twelve members of the public participated with Zoom.
- Organized, promoted, and presented two public meetings on our site proposals (November 18 & December 3, 2020, via Zoom).
- November - December 2020: Volunteers conducted outreach to local businesses, elected officials, and residents.

For information on outreach to specific stakeholder groups, please see the section “Stakeholder Collaboration.”

The following newspaper articles resulted from our press releases and outreach efforts:

- (1) "New protections sought for rocky shores near Cannon Beach." The Astorian, October 9, 2020. https://www.dailyastorian.com/news/local/new-protections-sought-for-rocky-shores-near-cannon-beach/article_2ffc35ae-0a44-11eb-9e22-ff636f5bdc5b.html
- (2) "New protections sought for rocky shores near Cannon Beach." Cannon Beach Gazette, October 20, 2020. https://www.cannonbeachgazette.com/community/north-coast-rocky-habitat-coalition-hopes-to-protect-beach-wildlife/article_a91ee588-1225-11eb-b9b2-6392a3781da2.html
- (3) "North Coast Rocky Habitat discusses proposals for Ecola Point, Chapman Point." Cannon Beach Gazette, November 26, 2020. https://www.cannonbeachgazette.com/news/north-coast-rocky-habitat-discusses-proposals-for-ecola-point-chapman-point/article_8992eada-2e8a-11eb-aaa1-ef1c9fe46b58.html
- (4) "Marine Conservation Proposals for Chapman & Ecola Points, Cape Lookout & Cape Foulweather - Letters of Support by Dec. 18th." Tillamook County Pioneer, December 16, 2020. <https://www.tillamookcountypioneer.net/marine-conservation-proposals-for-chapman-ecola-points-cape-lookout-cape-foulweather-letters-of-support-by-dec-18th/>

Social media and newsletters:

We created a Facebook page, "North Coast Rocky Habitats", and posted regularly about Oregon's rocky shores and the RHMS update process.

We had a promotional image in the weekly Haystack Rock Awareness Program newsletter to increase awareness. This image is attached in the "Letters of Support" section of this proposal in SeaSketch.

Additional Information

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

Local Knowledge

How does this proposal incorporate local knowledge?

The following information was gathered from local residents: Black Oystercatcher nesting data, seabird nesting observations, other bird observations, mussel harvesting observations, bird nest disturbance information, off-leash dog disturbance and attack information, decades-long observations of visitation levels, information on access points including pirate trails, information on the elk trails to Ecola Point and elk swimming in the ocean there.

Scientific Knowledge

How does this proposal incorporate scientific knowledge?

This proposal incorporates scientific knowledge by using: data compiled and analyzed by PISCO interns including data from the Multi-Agency Rocky Intertidal Network (MARINe) Program, data gathered by community scientists, data gathered by eBird users, USFWS seabird survey and pinniped survey data available in SeaSketch, and observations by group members Ed Joyce (PhD in Oceanography), Margaret Treadwell (Master's Degree in Natural Resources) and Joe Liebezeit (Master's Degree in Wildlife Management).

Goals and Policies

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

The overarching Rocky Habitat Management Strategy goal is to “be a coordination and adaptive planning framework focused on the long-term protection of ecological resources and coastal biodiversity within and among Oregon's marine rocky habitats, while allowing appropriate use.”

This proposal addresses each of the goals and policies of the Rocky Habitat Management Strategy as follows:

1) To maintain, protect, or restore rocky habitats and biological communities:

By promoting existing relevant regulations, providing a few targeted new regulations and non-regulatory practices (see details in the “Regulations and Enforcement” and “Non-Regulatory Management Mechanisms” Sections), we aim to meet this rocky habitat goal to increase the maintenance, protection, and restoration of rocky habitats and biological communities at this site. A more formalized volunteer outreach program that we propose would help facilitate communication and education to the public of these regulations and best practices.

2) To implement a holistic management program through site designations and management recommendations that allows for enjoyment and use of Oregon's rocky habitats while protecting them from degradation and loss:

We are recommending a balance between increased protection at the site and public enjoyment for a holistic approach. Most of the regulations at this site will continue to follow baseline regulations that already exist (e.g., we are not recommending any changes in fishing regulations). We worked with the Oregon Dungeness Crab Commission to avoid including areas where commercial crabbers harvest. The new regulations we propose still allow a balance of take. For those categories for which we are proposing no take, there are nearby areas to which members of the public can direct their harvest. Non-consumptive uses of the site would be largely unaffected (e.g., surfers, kayakers, cyclists are unaffected). Our decisions on proposed new regulations have been carefully considered with much feedback and consultation with members of the public and key stakeholders.

3) To enhance appreciation and foster personal stewardship of Oregon's rocky habitats through education, interpretation, and outreach:

The volunteer outreach we propose will help encourage (“soft enforcement”) the public to follow best practices and adhere to new and existing regulations. The intention would also be to provide the public information on the unique cultural and natural history of this site and also to highlight the value of Ecola

Point (located just to the north of Chapman Point and also a proposed Marine Conservation Area). members of the public access Ecola Point via Chapman Point. The intended outreach would also strive to build up stewardship through cultivating new volunteers to engage in outreach and community science opportunities at the site.

4) To improve our knowledge and understanding of rocky habitat ecosystems by fostering research and monitoring efforts:

We expect the designation of Chapman Point as a Marine Conservation Area to increase our ability to recruit volunteers to take part in existing community science efforts at this site and develop new community science and monitoring projects (including potentially human dimensions assessments). Information from such efforts would provide important feedback and metrics evaluation to help meet the goals of the site. In addition, we intentionally have not recommended any new regulations on scientific collection (other than the baseline ODFW regs) to facilitate any interest by academic institutions or others to conduct research at the site. An increased volunteer pool at the site could also potentially assist in such academic-led efforts.

5) To facilitate cooperation and coordination among local, state, and federal resource management agencies, and tribal governments, to ensure that marine resources and habitats are holistically managed:

Through increased volunteer activity at this site, we intend to have more “eyes and ears” on the ground to not only educate the public directly but also enable information sharing with agencies and tribal governments of any regulation and enforcement concerns that come up. We look at this as a way to help increase agency capacity and support especially in times of reduced agency budgets (as we are currently experiencing).

Watershed Conditions

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

Land:

The area landward of Chapman and Ecola Points is a compressed, biogeographically concentrated ecosystem. Here, eroded slopes rise from the sea and streams plunge directly into the ocean, without estuaries where freshwater and saltwater mix. The direct land-sea interface of this coastal-fronting upland environment results in a unique habitat home to a rare mix of plants and animals.

Landward of Chapman and Ecola Points is a typical Oregon coastal upland environment characterized by Sitka spruce and western hemlock, with lesser occurrences of western red cedar. The understory is composed primarily of salmonberry and evergreen red huckleberry, along with a host of other species including fern and salal, and hardwoods.

This area also includes a flowing water habitat with perennial freshwater streams, springs, seeps, and intermittent streams. Riparian areas occur providing refuge to many species and mitigating runoff and erosion. This area is characterized by steep slopes rising sharply from the ocean to more than 300 feet. These steep slopes support slow growing coniferous trees clinging to thin, rocky soils. The steep slopes are being continually eroded and are retreating landward due to sea level rise. The eroding slopes will

continue to transport terrigenous sediment to the adjacent rocky intertidal environments directly impacting local flora and fauna (NCLC 2017).

Watershed:

Ecola Creek Watershed is located in the southwest corner of Clatsop County. Ecola Creek drains a watershed of approximately 22 square miles directly into the Pacific Ocean, passing through the town of Cannon Beach. Ecola Creek Watershed provides water for Cannon Beach, as well as fishing and hiking. While the full-time residential population of Cannon Beach is approximately 1,600 people, this extremely popular tourist destination receives over 400,000 visitors annually (North Coast Watershed Association 2020).

Commercial forestry is the predominant land use of the watershed as multiple private industrial timber companies along with Oregon Department of Forestry comprise over 90% of forest land ownership. Additional forest lands are within State Parks and conservation ownership such as Ecola State Park, neighboring Oswald West State Park and Ecola Creek Forest Reserve. The Ecola Creek Forest Reserve totals over 1000 acres of contiguous forest land that is managed by local conservation organizations, protects the Cannon Beach water supply and provides ecological and recreational opportunities to the area. The reserve contains a diverse forest of spruce, alder, hemlock and cedar, including a remnant of old-growth rainforest providing a diversity of habitats for many wildlife species. The remaining land use comprises primarily residential uses within the City of Cannon Beach and unincorporated small coastal communities (NCLC 2020b; North Coast Watershed Association 2020).

The ODFW considers Ecola Creek West Fork a core area for coho salmon and has been designated an essential wild salmon habitat. Due to the watershed's steep gradient, stream flow in Ecola Creek fluctuates seasonally. The watershed contains high quality habitat for salmon species, cutthroat trout and Pacific Lamprey and contains classic forested riparian habitats within a temperate rainforest setting. Riparian vegetation is critical in regulating water temperature, which is very important to salmon because they are susceptible to elevated water temperatures. Riparian vegetation also provides food, cover from predators, and are spawning and rearing areas for salmon (City of Cannon Beach 2020; Ecola Creek Watershed Council 2001).

The proposed Chapman Point Marine Conservation Area is within the Columbia River plume. Tillamook Head is the first high productivity rocky reef headland south of the Columbia River, which goes through five states and has a basin the size of France. It has 15 listed fish species - salmon, steelhead, eulachon, green sturgeon. The proposed site is part of an important ocean mixing area (N. Gardner, pers. comm.).

Existing Protected Areas

Are there any other overlapping protected areas within the site?

There are no overlapping protected areas within the site. It is adjacent to John Yeon State Natural Area and surrounds, but does not overlap, five offshore/intertidal islands protected as part of Oregon Islands National Wildlife Refuge.

Site Characteristics

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

Chapman Point and Ecola Point are located in a region that has already prioritized conservation, through both local and state-level efforts. With the proposed designations in place, these sites will support and help sustain the resilience of adjacent and nearby conserved land and sea sites through interconnectivity of ecosystems and habitats, wildlife corridors, and landscape scale ecosystem processes such as the transport of nutrient-rich sediment from the land into estuaries and the nearshore ocean that provides the base of the food web in ocean ecosystems.

Adjacent conserved lands include 1,365-acre Ecola State Park, which is globally significant for its biodiversity (NCLC 2020a), and 11-acre John Yeon State Natural Area, which together conserve areas upland of the proposal site. Nearby publicly-owned conserved lands include: 1,466-acre Elmer Feldenheimer State Natural Area and Ecola Creek Forest Reserve, which is 1,040 contiguous acres of forest in the Ecola Creek watershed that is owned by the City of Cannon Beach and open for public recreation. The following nearby properties are owned by North Coast Land Conservancy (NCLC): Shorewood Wetland, a forested wetland bordering City of Cannon Beach property; Ecola Road Wetlands, a forested wetland; Boneyard Ridge, a 340-acre property of mixed stand forest and forested wetlands dominated by western hemlock and Sitka spruce that is being restored from decades of commercial logging and is between and adjacent to Elmer Feldenheimer State Natural Area and Ecola State Park; and Circle Creek, a 364-acre broad floodplain and upland forest. These sites and the proposal sites are all part of the larger Tillamook Head ecosystem.

Just to the south lies the proposed Rainforest Reserve that NCLC and Arch Cape Water District are working on acquiring, which will be 5,000 acres of conserved forest land adjacent to Oswald West State Park's 2,500 acres of conserved coastal rainforest. The Rainforest Reserve includes unique habitat and wildlife; some of the plant and animal species found in the Rainforest Reserve live nowhere else on the planet.

There are also conserved marine areas nearby. Haystack Rock Marine Garden is 1.75 miles south of Ecola Point and is home to 22 Bird Colonies of High Importance, including a well-known Tufted Puffin colony, and 77 Bird Colonies of Medium Importance. Cape Falcon Marine Reserve lies 7.5 miles to the south, offshore of Oswald West State Park and overlooked by the peaks of the proposed Rainforest Reserve. The Cape Falcon Marine Reserve site is 20 square miles and is composed of a no take marine reserve and two associated Marine Protected Areas.

Thus, the Chapman Point Marine Conservation area will join an interconnected system of conserved ecosystems. Land-sea connections drive many environmental processes along our coast, for example salmon whose lifecycle includes time in both rivers and the ocean, and sediment and runoff from land and rivers that ends up in the ocean. Having conserved land and conserved ocean side-by-side boosts the resilience of ecosystems on both.

See the "Watershed Conditions" section of this proposal, above, for more detailed descriptions of these conserved lands.

[Additional Designation Rationale](#)

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

Chapman Point serves as a logical place for education about delicate intertidal ecosystems due to its location at the north end of Cannon Beach. The geology of the site forms a kind of "gateway" funneling

beach walkers through a gap between the tip of Chapman Point and the first (easternmost) Bird Rock, providing an opportunity to station interpretive volunteers here to interact with people heading north on the beach toward Ecola Point. The education program here can provide information about sensitive wildlife and appropriate stewardship behavior at Ecola Point while avoiding the attention and increased visitation that an education program at Ecola Point might attract.

Additionally, this site's proximity to Haystack Rock and the more heavily visited portion of Cannon Beach lying south of Ecola Creek positions it as a spillover location when Cannon Beach is crowded. This effect is already being seen through higher visitation according to long-time locals and visitors we met with, and it is likely to continue to increase along with the populations of Oregon and Washington state and the popularity of the North Coast as a destination for day trippers and vacationers.

Other Proposals

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

This proposal should be evaluated in conjunction with our proposal for Ecola Point, because the sites are approximately 0.75 mile from one another, with a sandy beach between. We had originally considered proposing the entire area as one site, but decided to split it into two so that the sandy beach would remain free of additional regulations. Please note that implementation of one proposal does not depend on implementation of the other, so approving one of these two is agreeable from our group's point of view.

Additional Information

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

First Peoples:

Access for members of federally recognized Tribal Nations is unaffected by this designation. Tribal Nation agreements with the state cannot be altered through the Rocky Habitat designation proposal process. Federally recognized Tribal Nations may have, or obtain, consent decrees or other intergovernmental agreements, which outline separate rights or harvest regulations.

Access for members of the federally unrecognized tribes associated with this area is also unaffected by this designation, including but not limited to cultural use and harvest use.

Traditional Ecological Knowledge of the region's first peoples should be incorporated into management plans going forward.

List of Attachments:

- (1) Coastwatch Reports for Mile 314 (Cannon Beach, Ecola Creek, Chapman Beach south) during 2020.
- (2) Descriptions of 2020 Dog Encounters by Tabea Goossen, Volunteer Black Oystercatcher Monitor at Chapman Point for Portland Audubon and a Cannon Beach Resident
- (3) Descriptions of Harvest and Bird sightings by Tabea Goossen, Volunteer Black Oystercatcher Monitor

at Chapman Point for Portland Audubon and a Cannon Beach Resident, September 5, 2020

(4) Deur, D. 2016. "The Making of Seaside's 'Indian Place.'" OHQ vol. 117, no. 4. Oregon Historical Society.

(5) Ecola Biodiversity Survey Findings (MARINe)

(6) Ecola Species List (PISCO Coastal Biodiversity Survey)

(7) Metro Parks and Nature, 2016. "The impacts of dogs on wildlife and water quality: A literature review." Compiled by Lori Hennings.

(8) National Park Service. N.d. "Columbia Pacific Native American Guide"

(9) Species data for Chapman Point, compiled by PISCO student intern

(10) Species data for Ecola Point, compiled by PISCO student intern

(11) State Park Day Use Estimates, 2010-2019 (OPRD)

(12) Photos of the proposed site

(13) Site Map

(14) SeaSketch Report

(15) PDF version of site proposal

(16) Bibliography/Reference List

Additional Materials

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

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/24697e1c-dfb9-483a-921a-1108725f0349/Attachment 15 ChapmanPt Proposal PDF.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/3a282e24-efe9-4c3d-b956-adfb17e27349/Attachment 16 Bibliography.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/00b9dd2a-9e91-4e0f-9e9d-76ca807b5f0e/Attachment 13 Chapman Point MCA Map.png>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/850ef8cc-94d6-451f-b75b-b57838f923ac/Attachment 14 Chapman Point MCA SeaSketch Reports.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/13186a6e-80ca-4b54-9a1b-d000e4ed6989/Attachment 12 Photos of Chapman Point and Bird Rocks.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/850da20c-6ca5-43f1-846f-357cfe703b89/Attachment 3 TGoosen Harvest and Birds.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/7594eacf-e4b5-4c18-a0f8-744b77900887/Attachment 4 Deur 2016.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/c2f6d206-ac66-40c3-8c25-6f7f254b78c7/Attachment 5 Ecola Biodiversity Survey findings MARINe.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/26fa8350-8581-4d60-8238-9ba53c949199/Attachment 6 ecola specieslist PISCO MARINe.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/1cf33b37-b358-4bec-b639-1c9523606041/Attachment 7 MetroParksandNature Dogs.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/0a2bfbfc-350c-4e63-8001-5f07cb2a9967/Attachment 8 ColPacNativeAmericanGuide.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/af2dcc8b-1a45-4c56-86e8-d7696aa280c0/Attachment 9 PISCOStudent Species data Chapman.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/cbd207f3-a7a3-40f0-8f35-7265b58266e2/Attachment 10 PISCOStudent Species data Ecola.pdf>



<https://seasketch-uploads.s3-us-west-2.amazonaws.com/5863b257-4197-4dfe-b466-21f6b647e86b/Attachment 11 StatePark visitation Ecola and OsWest.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/18831330-af80-48f7-84b6-626f37adf2d1/Attachment 2 Dogs - TGoossen.pdf>

<https://seasketch-uploads.s3-us-west-2.amazonaws.com/aac8e416-35f5-4f1a-9f1a-bafa99315559/Attachment 1 Coastwatch Reports-Chapman.pdf>