

Rocky Habitat Proposal Working Group Evaluation

The Rocky Habitat Management Strategy Initial Proposal Period (June – December, 2020)



Working Group Evaluation

Evaluation by the Rocky Habitat Working Group is intended to be a merit-based process, the final product of which is a packet of recommended proposals and other evaluation materials that is forwarded to OPAC. Following the Agency Feasibility and Completeness Analysis, rocky habitat site designation proposals are forwarded to the Working Group, which will review them and sort them as “**Recommended**” or “**Not recommended**”. Recommended proposals will be made available for a formal 30-day public comment period, after which the Working Group may modify the recommendation prior to submitting the full packet of materials to OPAC for review. The following summary is an aggregate of the rocky habitat proposal evaluations conducted by the Working Group in winter, 2021.

Site Information

Proposed site location: [Cape Foulweather](#)

Designation category:

Marine Research Area

Marine Garden/Education Area

Marine Conservation Area

Is this a proposal to *add*, *delete*, or *modify* a rocky habitat site designation?

New Site Designation (addition)

Existing Site Removal (deletion)

Alteration to Existing Site

Name of principle contact: [Dawn Villaescusa](#)

Affiliated organization(s): [Audubon Society of Lincoln City](#)

Date of proposal submission: [December 31, 2020](#)

Evaluation Criteria Matrix

The following rubric is a simplified way to objectively evaluate key aspects of rocky habitat site designation proposals that can be assessed categorically. The criteria listed below largely correspond with each section of the proposal questionnaire form. This rubric should be used to evaluate how well the components of the proposal come together, rather than evaluating answers to individual questions in isolation. The rubric can also be used to compare reviewer evaluations and ensure consistency of interpretation across reviewers, and across proposals over time. While this matrix can aid in making final recommendations, as this is a merit-based process, it should not be the *only* criteria by which a final determination is made. As part of the Initial Proposal Process, this is a pilot effort and therefore subject to change for future iterations of the evaluation process.

For each of the criteria below, indicate your selection and add notes as you see fit.

| Criteria | Does not meet criteria | Has merit, needs work | Meets criteria |
|--|------------------------|-----------------------|---|
| Goals, objectives, or other criteria for site success should be clearly stated and reasonably achievable. | | | X - Good development of objectives. However, some may be difficult to meet, such as viewsheds, kelp coverage, and avoiding human disturbance of nesting seabird colonies. |
| Measurable results and outcomes should be reasonably measurable and achievable. | | | X – Clearly stated and well outlined and technically achievable, but relies heavy on community investments and collaborative capacity, both which have provided for some level of metrics. Good use of existing monitoring for BLOY and MR comparison area for metrics. Great recommendation development and metrics. |
| Site Uses should be characterized appropriately, with reasonable expectations for potential impacts. | | | X – Well characterized with reasonable expectations. Some foresight for future uses, particularly water-based activities and harvest, may need further evaluation and discussion. Shore-based harvest opp. limited to north and south of site. |

| | | | |
|--|--|---|---|
| <p>Key Natural Resources, should be characterized appropriately, including features, values, and anticipated impacts.</p> | | | <p>X – Well characterized and linked to key managing state agency strategies.</p> |
| <p>Regulations & Enforcement should be clearly stated with reasonable expectations.</p> | | <p>X – R16 leaves high discretion to ODFW and should be evaluated against the goals of the proposal for conservation, i.e. some proposed uses may be at-odds with those conservation goals. Otherwise, clearly stated with reasonable expectations. Some improvement needed to address metrics and measures for enforcement.</p> | |
| <p>Non-Regulatory Management Mechanisms should be clearly stated with reasonable expectations.</p> | | <p>X – These were excellently outlined but may very well be too ambitious (and some of the education recommendations may be better combined). Volunteer activities are not established with few firm commitments. Appreciated the outline structure, especially as they were linked to further development of plans for accountability and timelines. Symposium idea is unique.</p> | |
| <p>Stakeholder Engagement should be characterized appropriately, and include clear and actionable outreach.</p> | | | <p>X – Strong outreach and letters of support. Concerns were clearly outlined and actionable.</p> |

| | | | |
|---|--|---|--|
| <p>Additional Information should provide relevant context.</p> | | | <p>X – Great linkages to existing state strategies.</p> |
| <p>Goals, objectives, management principles, and policies within TSP3 should be adequately addressed and/or advanced.</p> | | | <p>X – Goals objectives and policies within the TSP were adequately addressed and clearly stated. References to cliffs may not be within purview of TSP3. Proposal consistent w/maintaining long-term sustainability and existing use.</p> |
| <p>Designation and associated changes to regulatory standards or and management practices should be appropriate for the site and reasonably effective to achieve the stated goals.</p> | | <p>X – While designation may be appropriate for the site, some of the regulatory standards and management practices may not fully align with conservation objective. Many goals do not require designation.</p> | |

Questions

Please fill in information and answer the questions below for *each* rocky habitat site designation proposal, and provide a brief summary of your thoughts at the end. Please provide additional information, interpretation, concerns, or context where necessary.

Working Group Evaluation Questions

1. Please answer the following based on the proposed site designation category:

Marine Conservation Area:

- a. What are the primary conservation priorities or concerns at this site (i.e. species, habitats, public use, etc.)? Protection of intertidal and subtidal habitats and the species dependent on them creates a platform for consideration of climate change as part of decision making. Other priorities relate more to education, long-term planning, and adaptive management of the site. Beyond conservation, many of the proposal priorities are related to education and scenic enjoyment.
- b. What are the specific management objectives relating to the concerns above? 1. Maintain or enhance scenic viewsheds from public areas that offer the public safe enjoyment of the Cape Foulweather Complex. [R2, R3] 2. Maintain the spatial area of kelp beds within the mid to upper range of natural annual variability. [R17] 3. Maintain or improve the ecological integrity of kelp beds as measured by habitat complexity, species biodiversity, and population structure of keystone and other Nearshore Strategy species. [R10, R14, R15, R16, R17] 4. Avoid human disturbance of shore nesting seabird colonies and Black Oystercatchers utilizing rocky habitat during nesting season (April - August). [R3, R6, R12 R13].
- c. What are the proposed management measures to help reach these objectives? What is the provided rationale for these measures, and is it appropriate? This proposal emphasizes education, stewardship, and active community engagement as mechanisms to protect rocky habitat natural resources while providing appropriate use. Site access will be maintained as consistent with the land manager's policies and directives. The proposal recommends no change to coastwide commercial and recreational fish harvest regulations. No commercial or recreational take of shellfish and marine invertebrates, except clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, squid, and shrimp may be taken. No commercial or personal use harvest of kelp except as incidental to other permitted activities.
- d. In what ways would the proposed site management prescriptions limit adverse impacts to habitat and/or wildlife? This is a little unclear for the regulatory recommendations, but a bit clearer for some of the non-regulatory recommendations - monitoring over time will be required to determine efficacy of these measures. Further discussion and evaluation of how regulatory measures will support site goals is needed. May be issues with Marine Reserves comparison area overlap in that it needs to maintain current harvest regulations for comparison purposes with the Marine Reserve, which is no take.

2. Regarding the site map(s) provided:
 - a. Is the polygon appropriate for the location (e.g. size, shape, placement, etc.)? The location is appropriate, but the extent of the subtidal area may be too expansive.
 - b. Does it reflect the goals or intentions of the proposal? A little puzzling how the northern boundary was arrived at given the extent of significant rocky habitat beyond that boundary.
 - c. What are the strengths and/or weaknesses of this particular shape and placement? Excellent rocky intertidal and subtidal habitat. The Marine Reserves and their comparison areas may present both challenges and opportunities as nearby management and research areas.
3. Are the goals and objectives of the proposal clearly stated, and what are their strengths and/or weaknesses? Yes. The goal of the proposal was well outlined with associated objectives and aligned with the TSP3.
4. Will the proposed criteria to evaluate site goals, objectives, or success, be reasonably measurable or achievable? How effective will they be? See comments within matrix – many of the recommendations linked to the objectives were excellently outlined, but may be overly ambitious. They are however measurable and achievable in many areas. Some new management measures will require time and monitoring to fully understand how effective they will be at achieving the site goals.
5. How does the proposal change the status quo of management protections at this site? What are the implications of this change as you see it? While the proposal has many status quo qualities in not expanding harvest restrictions on many popular-to-harvest species in a relatively difficult to access rocky habitat area, preservation and conservation of existing site conditions (status quo) is the stated goal and aligns with TSP3 with respect to conservation. The implications of this change in designation will be directly related to the community and state investments and collaborative capacity in executing the proposed monitoring and management actions.
6. The rocky habitat site proposal process focuses on allowing for adaptable and holistic management at the site level and is not intended to manage on a species-specific level. With this in mind, are the proposed regulatory goals, objectives, outcomes, or changes appropriate for this process? Yes, highly. There is great consideration in this proposal for adaptive management, deference to ODFW in harvest regulations and evaluation of other state strategies and opportunities (kelp and Governor’s directed Oregon Climate Adaptation Framework, Nearshore Strategy, etc.)
7. Does the proposal indicate whether any of the desired outcome(s) cannot be met with a site designation proposal? (If so, proposers are encouraged to outline their concern or desired regulatory change in a formal letter to OPAC.) The proposal does seek to make some

recommendations around invasive species, climate and a number of other areas more broadly to the TSP3 and a coastwide context.

8. Is there any relevant historical or institutional context to this proposed site designation that should be taken into consideration? The adjacent lookout atop Foulweather is listed on the National Register of Historic Places (14001159). The lookout and gift shop provide views of the proposed designation area. The lookout is also significant for its association with the U.S. Coast Guard Auxiliary Beach Patrol, which operated in Oregon from 1942 to 1944, as defense surveillance against attacks on the coastline during World War II.
9. In what ways does this proposal address and/or further the goals, objectives, management principles, and policies within the Rocky Habitat Management Strategy and/or the TSP writ large? Conserve the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations, provides a platform and guidance for site-specific ecosystem-based management that provides long-term ecological, economical, and social benefits to the natural resources at Cape Foulweather. Education and stewardship are emphasized in this proposal as means for protecting rocky habitat and biological communities while allowing for use and enjoyment, enhances appreciation and fosters personal stewardship of rocky habitats.
10. How would designating this site fit into the broader context of the currently designated rocky habitat sites, and coastwide rocky habitat management? A really outstanding site. However, in the broader context of coastwide protections, it overlaps or is spatially near existing central coast protections.
 - a. Are there other site designations proposals at or near this site that may overlap, interact with, or support this one? If so, what and where are they? Existing site designations nearby: Otter Rock Marine Reserve (and associated research area), Otter Crest Marine Garden, Whale Cove Habitat Refuge/MCA, and USFWS Oregon Islands National Wildlife Refuge. Proposed site designations nearby – Fogarty Creek. The site encompasses a number of state park waysides and access points that may require some upgraded signs for any management changes.
 - b. What are the potential links, considerations, or conflicts between them? Research and monitoring represent potential opportunities for collaboration or conflict. Proposer demonstrated outreach to many of the managers of the existing and nearby management and research areas to determine most suitable area and minimize conflicts. Site will impose additional limits on access to harvest on this part of the coast, which may present equity issues.
 - c. In what ways does this proposed site designation differ from other proposals that overlap or interact with it? The highly varied nature of protected areas up and down this central coast portion present a myriad of differences given the regulatory and statutory construct of certain nearby designations - federal (Wildlife Refuge) and state (Marine

Reserves). This proposal is most reflective of existing regulations associated with Research Areas.

11. How might this site designation interact or fit in with the broader coastwide regulatory and management context of all habitats, resources, and designations? The proposal falls back on many existing coastwide regulatory and management measures. Also see above with respect to the many existing site designations nearby – designation would effectively result in a large coastal protected area, in combination with other nearby designations, with minimal access to harvest.
12. What, if any, practical feasibility concerns might you have about implementing the proposed site designation? Limited feasibility concerns given the limited nature of management measures recommended. Recommendations may need to be scaled back and managed adaptively to meet expectations and intended goals. Access points are limited and not easy for much of the site - public may be challenged by that factor with respect to access to harvest.
13. What are the organizational partnerships involved in this proposal? In what ways have those partnerships contributed to development of this proposal? ASLC is an experienced group with good capabilities at conducting volunteer activities and has good connections within the area. The proposal lists many potential cooperators associated with each management recommendation. They consist of private groups and businesses, NGOs and non-profits, state and federal agencies and Tribal Nations. These were well described in the proposal and the proposal's success will rely heavy on this collaborative capacity. Measures for sustaining collaborative capacity were addressed, but may need more work to be realistic.
14. Are there any additional materials or documents provided? If so, what are they and what is their purpose? Yes, many supporting documents and reference materials were provided relevant to the proposal.
15. Are there any additional site considerations that should be noted?

Site Attributes and Reports

Geography

16. Briefly describe how appropriate the area and length of shoreline in the proposed polygon sketch are for the selected designation category and the stated goals. Unclear why the northern boundary cuts off significant rocky habitat to the north.

Physical

17. Briefly describe how appropriate the distribution of habitat features (such as offshore islands & rocks, substrate types, etc.) in the proposed polygon sketch is for the selected designation category and the stated goals. The polygon covers many significant habitat features of the rocky

habitat beyond its constrained boundaries. It is comprehensive in distribution of habitat features, but the extent of subtidal area included is inappropriate.

18. In what ways does the proposal appropriately address, reflect, or account for the risks associated with potential future sea level rise scenarios? This is well discussed in the proposal via adaptive management and within the broader climate change context. (R5, R6 and Scientific Knowledge section, etc.)

Biological

19. How well represented by the proposed polygon sketch are the species and/or habitats of interest that are mentioned in the proposal? Representative of species and habitats of interest.
20. How appropriate is the selected designation category and stated goals for the protection of the species and/or habitats of interest? Appropriate.
21. Are there other species, habitats, or natural resources of relevant management concern that were overlooked by this proposal, or could be negatively impacted by the proposed designation? None identified.

Human Uses

22. What are the most likely human use activities to impact, or be impacted by, the selected designation category and the stated goals? Has the proposer demonstrated how they expect these uses to change in the future? Site visitor intercept (education), stewardship activities may increase. Restricted harvest may impact some existing harvest. Some foresight for future uses, particularly water-based activities and harvest, may need further evaluation and discussion. The extent of kelp habitat, while not fully captured in the proposed polygon, may draw more interest in research and diving over time, particularly given the role of SAV in OAH issues.
23. In what ways are the selected designation category and stated goals appropriate for the kinds of human use activities known to occur within the proposed polygon sketch? Some of the regulatory recommendations that allow for certain harvest may one day begin to impede upon conservation goals of the site if increased consumptive pressures occur. Adaptive management should provide for this opportunity, but monitoring and evaluation over time will be important to maintain expectations of site goals.
24. Are there other human use activities not mentioned in the proposal or site report(s) that could be of relevant management concern for the proposed polygon sketch? Jet skis, stand up paddle boarding, kayaking, scuba and other growing water activities (some of these mentioned) are rapidly growing around this site, particularly given its access from the north (Depoe Bay) and south (Otter Rock) for small recreational craft launching.

Evaluator Comments and Feedback

In the space below, please provide a (brief) summary of your thoughts on the merits of the proposal, and your rationale for recommendation. If more space is required, please attach additional pages.

This proposal's strengths and merits build heavily off of the idea of tying together a "complex" of existing management and research areas under one geographic umbrella. However, the proposal does



fall short of some northern extent of the significant rocky habitat, particularly given some of the kelp conservation goals and extent of kelp beds to the north. Given these existing management and research areas, coordination will be critical to avoid further confusing an already “busy” with of designations.

Similar to the Cape Lookout proposal, conservation and preservation of the site leans heavily on an adaptive strategy that currently does little to change site protections today, but may provide for important future stewardship and conservation of the site – particularly given some of the recommended monitoring and coordination efforts. All of this relies heavily on a collaborative capacity in order to minimize impact on natural resource agencies. However, many of the recommendations will require long-term planning and some mutually agreed upon benchmarks for success, which may create additional time for agencies. No consistent independent funding sources have been identified, or who will pay for education programs. Many of the recommended actions do not require designation to be started.

There are general concerns about the potential confusion for the number of different types of designations on this portion of the coast, but given certain conditions are met and mutually agreed upon, expectations are well laid out (w/timelines & criteria for evaluation) this could support a “collaborative complex”. It may be worthwhile to explore with the diving and recreational fishing community what some goals and expectations for this area, given the number of existing designations, might look like. It’s clearly an important area to many nearby stakeholders.