

# 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: [Fogarty Creek](#)

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: [Fran Recht](#)

Affiliated organization(s): [Citizen, Depoe Bay, Oregon](#)

Date of proposal submission: [December 29, 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
<b>Goals, objectives, or other criteria for site success</b> should be clearly stated and reasonably achievable.		X – Very high use area – may be at odds with preservation goals. Good to see the focus on SAV and general habitat protection, but is thin on specifics.	
<b>Measurable results and outcomes</b> should be reasonably measurable and achievable.		X – Some attempt at measures for SAV success, but no clear measures for no take provisions.	
<b>Site Uses</b> should be characterized appropriately, with reasonable expectations for potential impacts.		X – Good characterizations and diversity of uses. Notes that increased use may occur with enhanced State Park. Potentially understated level of consumptive use that occurs. Additional outreach needed to determine levels of use.	

<p><b>Key Natural Resources</b>, should be characterized appropriately, including features, values, and anticipated impacts.</p>			<p>X – Good descriptions and notes interesting and unique features of area e.g. shallow water kelp beds – unique habitat for the area.</p>
<p><b>Regulations &amp; Enforcement</b> should be clearly stated with reasonable expectations.</p>		<p>X – Clearly stated with reliance on existing enforcement. Some concern with new designation increasing enforcement needs. Concerns about equity of access to harvest on this section of coast.</p>	
<p><b>Non-Regulatory Management Mechanisms</b> should be clearly stated with reasonable expectations.</p>		<p>X – No development of volunteer activities stated. Call for more signage at State Park easy fix, but no funding available.</p>	
<p><b>Stakeholder Engagement</b> should be characterized appropriately, and include clear and actionable outreach.</p>	<p>X – Buy-in from local supporters not demonstrated. Limited outreach conducted – additional efforts by agencies would need to be conducted.</p>		
<p><b>Additional Information</b> should provide relevant context.</p>			<p>None provided.</p>

<p><b>Goals, objectives, management principles, and policies within TSP3</b> should be adequately addressed and/or advanced.</p>			<p>X – Recognizes that protection of habitat is cited in TSP3 and puts special attention on kelp/SAVs.</p>
<p><b>Designation and associated changes to regulatory standards or and management practices</b> should be appropriate for the site and reasonably effective to achieve the stated goals.</p>		<p>X – Fits MCA category well. Designation boundaries clear and subtidal well within the -5m depth contour, limiting offshore impacts.</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.)? *Conserve intertidal habitats and SAV offshore.*
  - b. What are the specific management objectives relating to the concerns above? *Protect intertidal habitats from overuse, similar objectives for SAV. Protect SAV as important for local mitigation of OA impacts. Provide a control area of no take for the adjacent Boiler Bay RR (MRA).*
  - c. What are the proposed management measures to help reach these objectives? What is the provided rationale for these measures, and is it appropriate? *No take of algae, inverts (mussels mostly of concern), fish from surfcasting activities. Success of kelp was not a primary measure of site success, however.*
  - d. In what ways would the proposed site management prescriptions limit adverse impacts to habitat and/or wildlife? *Creating no take regulations for algae, fish and invertebrate harvest.*
2. Regarding the site map(s) provided:
    - a. Is the polygon appropriate for the location (e.g. size, shape, placement, etc.)? *Maybe – there was concern about overlap with the Boiler Bay MRA from both Working Group and the PISCO research consortium. Staff reached out to proposer to clarify and proposer reported boundary changes already made to accommodate PISCO research activities at Boiler Bay MRA.*
    - b. Does it reflect the goals or intentions of the proposal? *Yes, although it is difficult to determine if the offshore kelp beds would be sufficiently protected within the boundary.*
    - c. What are the strengths and/or weaknesses of this particular shape and placement? *Size and shape are reasonable, but appropriateness depends on access to shore fishing and overlap with Boiler Bay MRA.*
  3. Are the goals and objectives of the proposal clearly stated, and what are their strengths and/or weaknesses? *Goals and objectives are clearly stated, but possibly over-generalized. As a high-use area, it will be difficult to achieve goal to preserve as pristine comparison site.*

4. Will the proposed criteria to evaluate site goals, objectives, or success, be reasonably measurable or achievable? How effective will they be? Difficult to determine if measuring size and composition is enough to determine if SAV objective is being met. Enforcement and compliance for no take regulations may be sufficient for organisms and their habitat concerns.
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? No take is a change in regulations for fishing and mussel (invert) harvest. Will require outreach and enforcement for OPRD and others. Imposing a no take fishing regulation could increase fishing pressure to other areas nearby.
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, if sufficiently justified, as this is a protection-oriented proposal.
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.) There is some recognition that OA is impacting the nearshore in general, and that protection of SAV may not have all the intended consequences of lowering OA impacts. Proposed intention is to use the site to test this hypothesis.
8. Is there any relevant historical or institutional context to this proposed site designation that should be taken into consideration? The site is adjacent to Boiler Bay MRA, which has been used by OSU for many years for intertidal monitoring work. Fogarty Creek is also a long-term monitoring site for PISCO studies.
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? There is a strong focus on preservation and protection of site resources, but given that it is a high-use site, difficult to assess balance of the two aspects. Additional stakeholder engagement could help strike that balance.
10. How would designating this site fit into the broader context of the currently designated rocky habitat sites, and coastwide rocky habitat management?
  - 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? The southern end of the proposed site overlaps in part with Boiler Bay MRA. The proposer was contacted during evaluations to clarify intentions and adjusted boundaries were communicated to accommodate research activities by PISCO at Boiler Bay MRA. The proposer also indicated willingness to consider moving the southern boundary to abut, rather than overlap, the MRA.

- b. What are the potential links, considerations, or conflicts between them? Differing management regulations could push users and harvesters into the long-standing MRA, or other managed areas nearby. There is concern that closure of fish harvest may draw more people across private properties to access nearby fishing spots.
  - c. In what ways does this proposed site designation differ from other proposals that overlap or interact with it? N/A
11. How might this site designation interact or fit in with the broader coastwide regulatory and management context of all habitats, resources, and designations? Fits within the broader coastwide management of rocky habitats, but may end up eliminating shore angling with no take provisions. Currently seems to not be an issue as shore angling occurs just outside boundaries, but if use increases it could become an issue.
  12. What, if any, practical feasibility concerns might you have about implementing the proposed site designation? See above.
  13. What are the organizational partnerships involved in this proposal? In what ways have those partnerships contributed to development of this proposal? Partnerships not demonstrated sufficiently other than single letter of support. Outreach effort was very limited, if any. Educational goals seem aspirational with no clear commitments.
  14. Are there any additional materials or documents provided? If so, what are they and what is their purpose? No additional materials provided, but the video of the whale was greatly appreciated.
  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. The polygon is appropriate for the goals and designation. Site boundaries are clearly delineated extending from Fishing Rock in the north, to Rabbit Rock in the south. The seaward boundary is appropriately discrete, staying well within the -5m depth contour.

### 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. Appropriate. It encompasses several rocky outcrops and several shallow-water kelp beds – an uncommon occurrence on this section of coast.
18. In what ways does the proposal appropriately address, reflect, or account for the risks associated with potential future sea level rise scenarios? The proposal acknowledges loss of nearly half of the current intertidal area under a 0.5m sea level rise scenario.

### Biological

19. How well represented by the proposed polygon sketch are the species and/or habitats of interest that are mentioned in the proposal? **Very well-represented. The proposal has a strong focus on protecting the shallow water kelp beds present at the site, but also the high-use rocky intertidal habitats.**
20. How appropriate is the selected designation category and stated goals for the protection of the species and/or habitats of interest? **The designation category is appropriate, but the preservation focus of site goals may be at odds with the current and projected levels of visitation and use. Better stakeholder engagement would provide clearer understanding of current use and local understanding of need for site-specific management.**
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? **No.**

### 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? **The most likely use to be impacted would be harvest of fish or invertebrates, but without comprehensive community outreach and stakeholder engagement, it is difficult to understand the level of local participation in these activities.**
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? **Unclear without additional community outreach.**
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? **No.**

## 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.

Proposal is for a good site that has some important and unique qualities, and borders an already known and used high quality area (Boiler Bay MRA). Unclear if the new designation would aid the existing site in terms of management. No clear justification for closure of commercial and recreational fish harvest, and may raise concerns about Marine Reserves. Use of rip rap on some properties is a legal activity and cannot be restricted by designations. Stakeholder engagement was insufficient for the expectations of this process. If implemented, agency staff would be obligated to these efforts at agency time and expense. Unclear if there are other mechanisms of site support other than reliance on OPRD. This is a site that may be deserving of some level of protection, but without comprehensive community outreach and engagement it is difficult to justify the proposed restrictions or management plan.