

Possible Modifications to the Proposal for the Cape Foulweather Complex Rocky habitat Site Designation submitted by the Audubon Society of Lincoln City

The Rocky Habitat Management Strategy allows local community groups and individuals to submit site-based proposals for inclusion in the Strategy. The Audubon Society of Lincoln City (ASLC) submitted a proposal to the Department of Land Conservation and Development (DLCD) to have nearshore rocky habitats at Cape Foulweather designated within the Strategy as a Marine Conservation Area (MCA).

This proposal was extensively reviewed by the Working Group of the Ocean Policy Advisory Council (OPAC). ASLC is submitting the following possible changes in response to the Final Recommendations of the Working Group (Rocky Habitat Site Proposal Final Recommendation DLCD April 13, 2022). Note that we originally responded to Working Group Initial Recommendations a year ago, which was inclusive of some of the possible changes listed below (Audubon Society of Lincoln City. Letter to the Working Group dated April 14, 2021, Response to Working Group Recommendations). Our proposal will be discussed at a workshop (04/27/22) as part of the further evaluation prior to OPAC's review. Our requested modifications are shown in *red italicized text* within the narrative below.

We want to note that our proposal, like every other Rocky Habitat Management Strategy proposal, contains Management Recommendations, not management mandates. As with any other recommendations of this type, we fully expect them to be reviewed and revised as we work with agencies and stakeholders throughout the rulemaking and implementation process.

Recommendation (R8) socioeconomic studies As noted in our initial response to Working Group considerations for our proposal,¹ ASLC has requested the recommendation to conduct social and economic studies be withdrawn from the proposal as it is a regional concern and not site-specific.

This modification is in response to the Working Group's consideration that some non-regulatory management measures "*may very well be too ambitious or benefit from revision through agency coordination.*"

Recommendation (R10) invasive species As noted in our initial response to Working Group considerations for our proposal,¹ ASLC has requested the recommendation to develop rapid qualitative survey methods for early identification and management responses to invasive species be withdrawn from the proposal as it is a regional concern and not site-specific.

Recommendation (R16) harvest of marine invertebrates ASLC requests this recommendation be modified to state, *For intertidal waters of the plan area*, 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. *Statewide harvest regulations apply for subtidal portions of the plan area.*

¹ Audubon Society of Lincoln City. Letter to the Working Group dated April 14, 2021, Response to Working Group Recommendations

This modification is in response to the Working Group's consideration that enforcement of invertebrate harvest regulations, if applied to the subtidal area, would be challenging offshore. We request that Recommendation R16 only be applied to the intertidal portion of the plan area. Regulatory compliance with boat-based harvest from subtidal waters is most commonly conducted dockside (personal communication with Dave Fox, ODFW). The exact location of harvest is not readily identifiable. Therefore, enforcement of site specific special invertebrate restrictions for subtidal areas is problematic.

Recommendation (R17) Kelp harvest ASLC requests this recommendation be modified to state, *Within subtidal portions of the plan area*, no commercial or personal use harvest of kelp except as incidental to other permitted activities.

This modification is intended to make the recommendation more consistent with the regulatory framework regarding algae harvest. The intention of this recommendation is to protect and, where possible, restore subtidal canopied kelp forests. This modification also reduces equity of access concerns raised by the Working Group.