

Rocky Habitat Site Proposal Final Recommendation

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

Proposed Site

Site Name: Crook Point-Mack Reef Marine Conservation Area

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

Proposal Materials: <https://bit.ly/3kDHDQo>



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 Crook Point-Mack Reef 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, No Continuing Consultation (4:8)*

Summary of Considerations

The Rocky Habitat Working Group identified the implementation considerations listed below for the proposed Crook Point-Mack Reef 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:

- Management changes with respect to status quo, balance between site goals and use, upland management, habitat sensitivity, Marine Reserves perceptions
- Challenges to stewardship program implementation (e.g. access, enforcement, infrastructure, agency capacity, support)
- Reconciliation of boundaries with respect to the statutory vegetation line (SVL)

The original 1994 Territorial Sea Plan recognized the Crook Point/Mack Reef area for the diversity of south coast rocky habitat types present, recommending a designation as a Habitat Refuge. Crook Point is part of a USFWS NWR, which prohibits access across its land to a substantial portion of the proposed designated shoreline. The rocks off Crook Point and the Mack Reef complex are home to a large number of seabird colonies and are also part of the NWR. The site is remote and access can be challenging, which lends some level of *de facto* protection. Most visitors access the site via a 1.5 mile walk along the beach from Pistol River State Park to the north. Hikers can only get around Crook Point on a low tide. Consequently, use of the shoreline south of the point is very low. Boaters are known to visit the rocks on occasion, particularly for views of Mack Arch Rock. While the site has relatively low fishing use for some fisheries compared to areas nearer ports, it is used by a nearshore commercial fishery, occasional charter and sport boats, salmon trollers, and crabbers that fish the sandy areas near the reef.

The concerns expressed in the proposal are primarily focused on wildlife disturbance such as impacts to seabird nesting success and harbor seal haulouts, habitat protection, and ecosystem-based management. Site goals are focused on conserving the ecological aspects of the site through site-based volunteer stewardship programs including education, interpretation, citizen science, and monitoring. The proposal does an excellent job of identifying key natural resources in the area, with an extensive characterization of kelp, seabirds, pinnipeds, and intertidal organisms. It also provides a good discussion of history, existing uses, site values, and many other aspects of the area.

The proposal does not recommend any restrictions on uses, but rather proposes non-regulatory management mechanisms to adaptively manage these uses into the future in the face of increasing human use activities and their impacts. Management would largely be achieved using an “enforcement through education” approach whereby volunteer stewards intercept visitors to provide site interpretation and encourage proper use, avoiding the necessity for regulatory management measures. The proposal provides strong linkages between Rocky Habitat Management Strategy goals, objectives, management principles and policies, and providing generally strong rationale for the use of non-regulatory management measures. However, in the absence of regulatory changes to site management

protections, the proposal does not actively change the status quo of current regulatory management. While limited application of regulatory management mechanisms may not currently be necessary at the site, a designation absent them creates some conflict with management interest the Working Group was striving for with simplified designation categories. The success of non-regulatory management measures will depend upon the leadership and capacity of local volunteers programs, so securing additional capacity will be critical to success of long-term goals. Further, while Crook Point-Mack Reef is unique with respect to its upland natural values, the upland management policies are outside the management intent of the Rocky Habitat Management Strategy.

As a remote site with limited access, goals for education, engagement, and monitoring will be challenged by safety concerns, seasonality, and volunteer capacity, potentially limiting opportunities to meet site goals. Coordination with agencies will be key to program development, but agencies in the region have limited capacity and funding to participate in programs, engage in additional enforcement, or develop new signage. Implementation of a designation at this site may additionally constrain agencies in a region with limited enforcement capacity, and increase hazards associated with access. While the education and monitoring goals and metrics are ambitious, the stewardship program has yet to be established, and may benefit from further development of conservation criteria, expectations, and clear timelines, in coordination with agencies.

The proposer put forth a good effort to engage a variety of stakeholders in proposal development. However, the nature of access at the site may prove challenging for ongoing and future stakeholder engagement. Further engagement with tour operators, the Pistol River community, and those involved in the 2008 Mack Reef marine reserve proposals, is likely needed at this site. Independent funding sources have not been identified to support the education programs, which would need to be developed within 1-2 years. While education and outreach activities may help improve the site, and a designation will likely lead to increased site recognition, implementation of a new site designation may also serve to increase site use at-odds with site goals. Further, increased visitation without a robust volunteer program in place may lead to increased degradation of the site. However, many of the recommended actions do not require a management designation to be implemented, and in the future would benefit from a coordinated coastwide volunteer interpreter program.

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 Pistol River State Park along a 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. Additionally, a landward boundary established at the SVL along USFWS land would necessarily overlap the NWR, and would need to be reconciled with USFWS. The MHW boundary appears sufficient given the upland property is managed as either a state park or a NWR.

Site use is extremely low, including by boaters and other watercraft users near the offshore rocks. While Crook Point-Mack Reef is a valuable and relatively pristine rocky site on the south coast, there are concerns about the increased attention brought to the site by implementation of a new site designation. Upland habitat at the site is highly erosive and sensitive to human impacts, and cannot sustain an increase in visitation. Given its remote and inaccessible nature, the site may already be afforded an

adequate level of natural protection. With no changes to harvest regulations proposed, low site use, and challenges to enforcement, there are concerns that this site would resemble the unimplemented “paper parks” of the original 1994 Rocky Shores Management Strategy. While ecologically it would make sense to manage the area as a cohesive unit, inclusion of the extensive subtidal area raises concerns about perceptions of the designation as a Marine Reserve.

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.