

## **Possible Modifications to the Proposal for the Cape Lookout 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 Lookout be designated within the Strategy as a Marine Conservation Area (MCA). Rocky habitat on the south side of Cape Lookout was designated in the 1994 inventory but never implemented.

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 (04/28/22) as part of the further evaluation prior to OPAC's review. 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 (R9) invasive species** As noted in our initial response to Working Group considerations for our proposal,<sup>1</sup> 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to develop rapid qualitative survey methods for early identification and management responses to invasive species be withdrawn from the proposal as it is a regional concern and not site-specific.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 (R15) 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.*

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 R15 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.

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

**Recommendation (R16) 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.

**Clarification or refinement of northside boundary** As noted in our initial response to Working Group considerations for our proposal,<sup>1</sup> the seaward boundary is generally defined on the north side of the cape by a line that is, on average, approximately 75 - 100 m horizontal distance from the mean high tide line or by the 5 m depth contour, whichever is greater in area. Elsewhere, the north side seaward boundary extends into subtidal waters due to the near vertical cliff topography. While we consider the ecological diversity and connectivity of nearshore rocky habitats on both sides of the cape to merit designation as an MCA, we are amenable to working with the agencies to adjust and refine the seaward boundary, particularly on the north side of the cape. It is our understanding that a simpler polygon of the plan area on the north side of the cape would facilitate implementation.

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## **Additional Comments on the Proposal for the Cape Lookout Rocky Habitat Site Designation submitted by the Audubon Society of Lincoln City**

Subsequent to the Working Group meetings to review site designation proposals, Lincoln City Audubon (ASLC) met with several of the agencies to further discuss considerations on our two proposals. The following comments are in response to discussions with Oregon Parks and Recreation Department (OPRD) about our proposed rocky habitat site designation at Cape Lookout.

In response to concerns expressed at a meeting with OPRD, we are providing this additional definition on expectations and roles related to **Recommendation (R2) Signage** for discussion purposes at the workshop. Since any signage would likely be located within Cape Lookout State Park, the Oregon Parks and Recreation Department (OPRD) is the agency with a primary coordination role.

### Expectations for Community Groups

- ASLC and community groups to secure funding for and, in coordination with OPRD, be responsible for design, coordination, production, installation, and maintenance of signage.
- Demonstrate resources and capabilities to develop, implement and maintain signage.
- Seek input and approval from OPRD throughout all phases of signage development and installation.
- The decision to proceed with a signage project (schedule, location, content, style, etc) is at the discretion of OPRD.
- All aspects of signage must be approved by OPRD and comply with OPRD policies and standards.

### Expectations for OPRD

Any signage would likely be located within the Cape Lookout State Park. OPRD staff time and resources are necessary to communicate, coordinate and approve all aspects of a signage project including but not limited to conceptual design, sign design, location, schedule, content, construction standards, and review for compliance with ADA and cultural policies.

A signage maintenance agreement will need to be established.

Additionally, OPRD informed us that they have no scheduled update to the comprehensive plan as it was just recently updated and revisions occur on an infrequent basis. If OPRD considers it appropriate to omit **Recommendation (R7) State Lookout State Park Comprehensive Plan** from the proposal, we are willing to support that.