UPDATING THE ROCKY HABITAT MANAGEMENT STRATEGY

PHASE 2
Initial Proposal Process Updates (DRAFT) as of September 10, 2019

CONTENTS

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

The Rocky Habitat Working Group is currently in the second phase of its work which focuses on updating the site-based management designations of the Rocky Habitat Management Strategy. Read the adopted general strategy policies and principles here (Phase 1 text).

TIMELINE

The following timeline is intended to be adaptable and may change as the process progresses. The timeline has been updated to incorporate a formal public comment period prior to beginning the initial proposal process.

MONTH	MAIN WORKING GROUP TASK(S) & MILESTONES
September	**Tasks & Benchmarks –** Complete discussion on regulatory & non-regulatory management measures. Finalize proposal process & criteria. Determine scope of working group proposal packet. Review proposal contents & questions. **Key Dates –** (9/12) working group meeting
October	**Tasks & Benchmarks -** Finalize proposal contents and questions. Review into data tool and publish tool (estimated completion 10/31). Conduct outreach to inform public on upcoming public comment period. **Key Dates -** (10/31) Publish Rocky Habitat Web Mapping Tool
November	**Tasks & Benchmarks –** Collect, review, and incorporate public comment. Draft process recommendation to OPAC. Outreach and engagement to interested parties. **Key Dates -** (11/1/2019) Public Comment Period opens; (11/29/2019) Public Comment Period closes; 11/21-22/2019 LCDC Meeting
December	**Tasks & Benchmarks –** Potential OPAC meeting to review phase 2 process (meeting currently being scheduled). Outreach and engagement to interested parties. **Key Dates -** (TBD) working group meeting
January 2020	**Tasks & Benchmarks -** Beginning of initial proposal process - accepting proposals, re-assess necessary outreach, and aid proposing entities with proposal process. Begin work on working group recommendation. **Key Dates -** (1/9/2020) Beginning of initial proposal process; (TBD) working group meeting
February 2020	**Tasks & Benchmarks –** Working group continues to conduct outreach, as well as collect and review submitted proposals. Continue drafting working group recommendation. **Key Dates -** (TBD) working group meeting

*The estimated closing date to submit proposals for the initial process is April 30, 2020. Proposals will be accepted on a rolling basis in a later maintenance process.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

PUBLIC COMMENT OPPORTUNITITES

Public comment opportunities are available throughout this update process. The main forms of comment are listed below.

1. Directly through email to TSP.Comments@state.or.us. These comments will be accepted onto the process record at any time and shared to the working group for review.

2. Through oral comment at the beginning and end of all working group meetings. More information about meeting public comment protocol is available here.

3. During formal public comment period scheduled for November 2019 via
    a. Email (TSP.Comments@state.or.us)
    b. Public comment meetings (both remote and in-person).

4. Through oral or written comment to the Ocean Policy Advisory Council. This most commonly takes place during formal meetings which are scheduled in advance and offer time on the agenda for oral testimony.

*Please note that although all public comment received through approved methods will be accepted, due to the complexity of this process and a responsibility to balance viewpoints the working group may not be able to incorporate all comments into the final plan.

STAY UPDATED ON THE UPDATE

To stay up-to-date on this process and other marine policy initiatives the state supports an email list serve. This list serve sends out notifications on a weekly to monthly basis based on current events and includes notification on meeting reminders, public comment period notifications, and other important information.

Click here to sign up for email notifications.
(Unsubscribe at any time)

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

The Territorial Sea Plan: Part 3, also known as the Rocky Habitat Management Strategy, aims to be Oregon's coordinated strategy for the management of coastal rocky habitat resources. This management aims to balance human use and ecological conservation consistent with Oregon's Statewide Land Use Planning Goal 19 the ocean resources goal. The strategy applies general management principles and policies to all coastal rocky habitats, while also incorporating site specific management designations to high priority locations. There are three types of site based designations associated with the strategy - 1) Marine Garden/Marine Education Area; 2) Marine Research Area; and 3) Marine Conservation Area.

The following tables outline the three management designation types that the strategy is responsible for, as well as their goals, characterizations, and management measures.

MARINE GARDEN (MARINE EDUCATION AREA)	
Goal - Protect rocky habitat resources to support learning opportunities and maintain ecological integrity. These sites should be prioritized for providing enhanced education, enjoyment, public access[1], and resource awareness. **Characterization -** High public visitation and educational potential.	
Fish Harvest	Commercial - Same regulations as in non-designated areas Recreational - Same regulations as in non-designated areas Scientific & Education - requires a permit from ODFW or OPRD, but permits are generally **not** issued in these areas.
Invertebrate Harvest	Commercial – no take Recreational – no take except for a single mussel for bait Scientific & Education – requires a permit from ODFW or OPRD, but permits are generally **not** issued in these areas, but may be issues if the research aligns to further the management goals of the marine garden.
Algae harvest	No recreational or commercial take in intertidal* areas except by a scientific or education permit issued by OPRD & DSL. Permits are generally **not** issued in these areas.
Access Priority	Increase and enhance visual and physical access on public lands to rocky habitats to best comply with ADA standards where practicable.
Non-Regulatory Measures	• Increased and enhanced messaging around rules and regulations in these sites, and indicate sustainable harvest of a single mussel. • Recommend increased monitoring of mussel populations to track impact from trampling and single mussel harvest.

---

[1] For the purpose of these designations the term "access" is used to refer to the physical and visual access to an area.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

MARINE RESEARCH AREA

Goal - Maintain the natural system to support scientific research and monitoring while maintaining ecological integrity.

Characterization - Relatively intact system that has, or may benefit from, scientific study and monitoring.

Fish Harvest	<u>Commercial</u> - Same regulations as in non-designated areas <u>Recreational</u> - Same regulations as in non-designated areas <u>Scientific & Education</u> - requires a permit from ODFW or OPRD; permits **are** generally issued in these areas.
Invertebrate Harvest	<u>Commercial</u> – no take <u>Recreational</u> – no take except at some sites which allow harvest of a short list of species. <u>Scientific & Education</u> - requires a permit from ODFW or OPRD; permits **are** generally issued in these areas.
Algae harvest	No recreational or commercial take in intertidal* areas except by scientific or education permit issued by OPRD & ODFW. Permits **are** generally issued in these areas.
Access Priority	Avoid enhancement and improvement of physical public access to public lands except in instances of safety concerns.
Non-Regulatory Measures	*To be determined at September 12, 2019 working group meeting.*

* Subtidal algae harvest consideration- consistency with intertidal regulation is currently favored by most working group members but was not finalized during this meeting.

MARINE CONSERVATION AREA

Goal - Conserve the natural system to the highest degree possible by limiting adverse impacts to habitat and wildlife.

Characterization - Relatively intact system with high ecological value.

Variable management based on site needs.
This designation allows for different magnitudes of management prescriptions based on site conservation needs. Management prescriptions require appropriate rationale prior to implementation.

Creating a Marine Conservation Area -
Entities proposing this type of designation must articulate the specific conservation goal(s) and management objectives relating to particular site concern(s), as well as how the proposed management measures would help reach these goals. Marine Conservation Areas begin with no take regulations in all categories, but can be variably proposed based on need. Any proposed regulations must be supported by appropriate rationale*.

Regulations pertaining to the coast-wide area cannot be added or removed as part of a Marine Conservation Area designation.

Federal Designations - Federally designated sites cannot be created through the Rocky Habitat Management Strategy, but the strategy recognizes these designations in order to provide a more consistent framework of coastal management areas. These areas include the Oregon Islands, Cape Meares National Wildlife Refuge, and Three Arch Rocks National Wildlife Refuges.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

SITE BASED PROPOSAL OVERVIEW

Purpose: To best incorporate local knowledge and maintain an up-to-date management strategy, members of the public, agencies, and other entities are invited to submit site-based management proposals for review and potential incorporation into the strategy. These proposals may outline desired *additions*, *deletions*, or *alterations* to rocky habitat site designations. Sites delineated in regulation are considered the starting point for any proposed changes. All regulatory management measures in the Rocky Habitat Management Strategy are recommendations and require adoption by the appropriate agency commission(s) to be incorporated into state law or rule. Independent agency processes are responsible for changes to species specific and action specific rules, regulations, and non-regulatory management mechanisms. These processes are outside of the scope of the Rocky Habitat Management Strategy.

PROPOSAL PROCESS APPROACH

Proposals will be accepted in a two part process as outlined below. Both processes will use the Rocky Habitat Web Mapping tool to inform and collect proposals.

1. INITIAL PROPOSAL PROCESS
(Estimated to begin January 2020)

The initial process period will accept proposals during a limited duration period beginning in the winter of 2019-2020 (exact dates TBD). This process will form the basis for the rocky habitat working group's recommended site designations for eventual OPAC and LCDC adoption during the current Rocky Habitat Strategy revision. This will act as a trial for accepting and reviewing proposals. It will also act as a trial for accepting and reviewing proposals to inform the following maintenance proposal process that will follow the adoption of the Rocky Habitat Management Strategy.

2. MAINTENANCE PROPOSAL PROCESS
(Estimated Summer-2020)

This is intended to be a rolling process in which proposing entities can submit proposals at any time for review after the Rocky Habitat Management Strategy has been adopted. Proposal criteria and review procedures for this process will be informed by the outcomes of the initial proposal process.

CREATING A PROPOSAL & ELIGIBILITY

Proposal content is generated using the online tool through interactive forms, and a generated report. The tool allows proposing entities to submit proposals directly to Oregon Coastal Management Program staff once complete. All applicable content must be addressed in submissions for the proposal to be deemed complete. View the necessary proposal information and questions in the supplementary section at the end of this document.

Nominating entities should review the purpose, objectives, strategy amendment, policies, and definitions sections of Part 3 of the Territorial Sea Plan, as well as the entirety of this section prior to determining if a designation proposal is applicable. In addition, proposing entities should contact Oregon Coastal Management

Program staff to determine if areas of interest have applicable pending proposals. Each proposal should include the information prompted by the Rocky Habitat Web Mapping Tool to the maximum extent possible, as well as any pertinent information not included in the prompts that the nominating body would like reviewers to consider. Please provide rationale for any unavailable information or answers. Contact Deanna Caracciolo at the Oregon Coastal Management Program for information on any necessary accommodations, technical assistance, or general questions.

The Rocky Habitat Management Strategy 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. For this reason, not all regulatory change ideas are appropriate for the site-based management proposal process. Members of the public and other interested entities should review the site designation types and associated regulatory and non-regulatory management measures to assure they align with desired outcomes of a proposal. **Where they do not align, members of the public and interested entities should outline their concern or desired regulatory change in a formal letter to the Ocean Policy Advisory Council.** Interested parties should contact staff at the Oregon Coastal Management Program with any questions on the best method to propose desired change.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

*The following information only pertains to proposals being submitted during the Initial Proposal Process.

All proposals must be submitted via the online Rocky Habitat Mapping Tool, which offers information and data necessary[2] to complete a proposal. Nominating entities are highly encouraged to work in communication with agency staff to complete proposals. Staff at the Oregon Coastal Management Program are available to answer questions throughout proposal development and may communicate with other natural resource agencies as needed (e.g. Department of Fish and Wildlife, Parks and Recreation Department, Department of State Lands) to best support proposing entities. Entities in need of special accommodation should contact staff at the Oregon Coastal Management Program.

Agency staff will receive and review each proposal in a timely manner to assure it is complete and incorporates all the information necessary for review. Each proposal must consist of one place-based submission containing all the information the nominating entity wants considered (one site recommendation per proposal). If any necessary proposal elements are missing, or if clarifying information is needed, the proposal will be returned with comments on specific additional information required. OPAC will be notified of all proposals submitted for agency review and will be given justification for those rejected in this step. The merit of proposals are evaluated independently from one another unless otherwise indicated by the proposing entity. Review bodies reserve the right to evaluate proposals spatially in relation to one another in order to reach the goals of the Rocky Habitat Management Strategy and be consistent with its management practices.

Due to the depth of agency review, staff cannot guarantee when a proposal will be reviewed by OPAC or LCDC. Please note that a high volume of submissions may increase review timelines.

COMMUNICATION WITH PROPOSING ENTITY DURING REVIEW

The proposing entity will be informed throughout the review process on the status of their proposal. If a proposal is rejected (i.e. not recommended to move forward) during any stage of review, the proposing entity will be given the rationale. A revised proposal may be submitted, which will be treated as a new proposal during the Maintenance Proposal Process. Although proposals may be sorted as "not recommended" during some stages of review, proposal rejection only occurs during the Agency Suitability and Completeness Analysis (step 2) or OPAC Review (step 4).

WORKING GROUP PROPOSAL PACKET

As part of the initial proposal process, the Rocky Habitat Working Group will synthesize a suite of site proposals using the Rocky Habitat Web Mapping Tool. This working group recommendation will be informed by the best available science, submitted public proposals, and areas suggested for designation as part of the
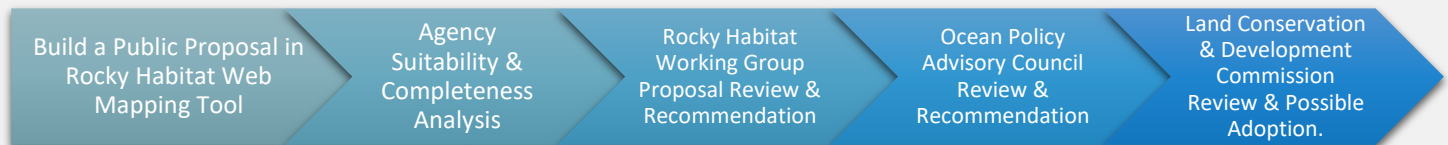
---

[2] The Rocky Habitat Mapping Tool was created to guide proposal synthesis and may not include all data and information necessary for proposal creation and review. Based on proposal contents, additional information may need to be incorporated by the proposing entity. Staff at the Oregon Coastal Management program should be consulted to help determine accessibility of external data sets.

1994 Rocky Shores Management Strategy. All public proposals reviewed and recommended by the Working Group will be incorporated into the Working Group Proposal Packet.

Natural resource agency staff are members of the working group and will work collectively to incorporate agency expertise into the working group recommendation. Once complete, the recommendation will be published for public comment and follow the review process outlined in the section "Initial Proposal & Review Process" below.

INITIAL PROPOSAL & REVIEW PROCESS

OVERVIEW

| Build a Public Proposal in Rocky Habitat Web Mapping Tool | Agency Suitability & Completeness Analysis | Rocky Habitat Working Group Proposal Review & Recommendation | Ocean Policy Advisory Council Review & Recommendation | Land Conservation & Development Commission Review & Possible Adoption. |

STEP 1 - BUILDING A PROPOSAL

1. Individual or entity identifies a necessary change in site management that aligns with the designations outlined in the Rocky Habitat Management Strategy.
2. Proposing entity builds a proposal using the Rocky Habitat Web Mapping Tool.
   a) Draw a polygon around the area of interest – a report is generated.
   b) Answer remaining proposal questions using data report, local knowledge, and communications with natural resource agencies.
   c) Conduct community engagement to gauge proposal support and concerns (to occur throughout proposal synthesis)
   d) Modify proposal as needed and submit through the Rocky Habitat Web Mapping Tool.

STEP 2 – AGENCY SUITABILITY & COMPLETENESS ANALYSIS

Goal – Determine completeness and feasibility of each proposal and obtain tribal input.

1. Oregon Coastal Management Program staff are automatically notified of all submitted public proposals.
2. Natural resource agencies evaluate proposals and create a report determining proposal completeness and feasibility (based on cost, implementation plausibility, agencies ability to regulate, etc.). Agencies include ODFW, OPRD, DSL, and DLCD, and may include others based on the details of individual proposals. Incomplete proposals will be rejected and not move forward in the review process. Rejected proposals will be returned to the proposing entity with rationale for rejection.
3. Oregon Coastal Management Program staff will gain tribal input on proposals from the four federally recognized coastal Oregon tribes to avoid impacts to cultural resources and tribal interests.
4. Agencies will make a recommendation on the suitability of each proposal using the agency report and tribal input.
5. Proposal packet is submitted to the Rocky Habitat Working Group.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

a) Proposal packet contents - public proposals, agency suitability report and recommendations[3].

STEP 3 – ROCKY HABITAT WORKING GROUP REVIEW & RECOMMENDATION

<u>Goal</u> – Review public proposals on merit. Create a Working Group Recommendation that considers all recommended public proposals and additional sites as needed.

1. Working Group receives and reviews the proposal packet based on the merit of each proposal. Each proposal will be sorted as "recommended" or "not recommended"[4].
2. Building a Working Group Recommendation
   a) *Review Public Proposals* - Public proposals sorted as "recommended" will be incorporated into the working group recommendation packet, while public proposals sorted as "not recommended" will <u>not</u> be included in the working group recommendation but will remain in the process record[4].
   b) *Analyze & Consider 1994 Designations* - Working Group analyzes areas originally recommended for regulatory designation in the 1994 Rocky Habitat Management Strategy using the Rocky Habitat Web Mapping Tool.
   c) *Additional Site Considerations* – Using Working Group expertise, including agency knowledge, determine if any specific sites of concern not included in a public proposal or in the 1994 Strategy should be recommended.
3. Conduct a public comment period on Rocky Habitat Working Group Recommendation.
4. Working Group will modify the recommendation plan as needed based on public comment and submit the full proposal packet to OPAC for review.
   a) Proposal packet contents organized into two sections – 1) all non-recommended public proposals, agency suitability report and recommendations; 2) Working Group Recommendation and public comment summary.

STEP 4 – OCEAN POLICY ADVISORY COUNCIL REVIEW & RECOMMENDATION

<u>Goal</u> – Review complete proposal packet and consider rationale for recommended proposals. Determine which proposals to recommend to the Land Conservation and Development Commission (LCDC).

1. The Ocean Policy Advisory Council (OPAC) receives the proposal packet a minimum of 2 weeks prior to the decision making meeting.
2. OPAC meeting discussion and determination
   a. OCMP staff present proposal packet at the OPAC meeting and provide details to Council members with an opportunity for question and answer.
   b. Proposing entities have an opportunity to answer OPAC questions where necessary.
   c. Public testimony is collected.
3. OPAC makes determination on Working Group Recommendation-
   a. If recommended, the Working Group Recommendation, and public comment summary will be sent to LCDC for review (now referred to as the "OPAC Recommendation" and moves onto Step 5).

---

[3] Tribal input will remain confidential to avoid possible impacts to sensitive cultural resources.
[4] This sorting process doesn't constitute a formal adoption or rejection but instead indicates which proposals the review body supports the rejection or adoption of. The working group may implement certain parts of non-recommended proposals with minor modification as part of the working group proposal.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

    b.   If rejected, or if OPAC determines edits are required, the Working Group Recommendation will be returned to the Rocky Habitat Working Group to address OPAC tasks (return to Step 3).

STEP 5 – LAND CONSERVATION & DEVELOPMENT COMMISSION REVIEW & POTENTIAL ADOPTION

<u>Goal – Make final determination on which site proposals will be incorporated into the Rocky Habitat Management Strategy. Suggest recommended site proposals to appropriate regulatory commissions for review and adoption.</u>

1. The Land Conservation and Development Commission (LCDC) receives OPAC recommendation for review prior to decision making meeting in accordance with commission procedures and protocols.
2. OCMP staff presents OPAC recommendation to LCDC and provides details to Commissioners with an opportunity for question and answer.
   a. Public testimony is collected.
3. LCDC makes determination on OPAC recommendation
   a. If adopted – Recommendation is incorporated into the Rocky Habitat Management Strategy and moves accepted proposals onto the appropriate agency commission(s) for incorporation into regulation.
   b. If rejected – The recommendation will be returned to OPAC with recommended revisions.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

The Maintenance Proposal Process[5] aims to maintain an up-to-date and adaptive management strategy into the future without requiring an intensive amendment process. Much like the initial proposal process, the Maintenance Proposal Process intends to incorporate local knowledge and the best available scientific information through public proposals submitted using the Rocky Habitat Web Mapping Tool.

The Maintenance Proposal Process collects and reviews proposals on a rolling basis using a multi-step review process. Agency staff will receive and review each proposal in a timely manner to assure it is complete and incorporates all information necessary for review. Each proposal must consist of one place-based submission containing all the information the nominating entity wants considered (one site recommendation per proposal). If any necessary proposal elements are missing, or if clarifying information is needed, the proposal will be returned with comments on specific additional information required. OPAC will be notified of all proposals submitted for agency review and will be given justification for those rejected in this step. The merit of proposals are evaluated independently from one another unless otherwise indicated by the proposing entity. Review bodies reserve the right to also evaluate proposals spatially in relation to one another in order to reach the goals of the Rocky Habitat Management Strategy and be consistent with its management principles.

All proposals must be submitted via the online Rocky Habitat Mapping Tool which offers much of the information and data necessary to complete a proposal. Although proposing entities may use external data to support proposals. Nominating entities are highly encouraged to work in communication with agency staff to complete proposals. Staff at the Oregon Coastal Management Program are available to answer questions throughout proposal development and may communicate with other natural resource agencies as needed (e.g. Department of Fish and Wildlife, Parks and Recreation Department, Department of State Lands) to best support proposing entities. Entities in need of special accommodation should contact staff at the Oregon Coastal Management Program. Due to the depth of agency review, staff cannot guarantee when a proposal will be reviewed by OPAC or LCDC. Please note that a high volume of submissions may increase review timelines.

WORKING GROUP CREATION

The Ocean Policy Advisory Council may convene a working group to aid with proposal review at any point during the Maintenance Proposal Process based on the volume and complexity of submissions. The working group tasked with reviewing proposals should incorporate diverse interests and perspectives relating to rocky habitat management. Working group review products are intended to act as an initial synthesis and recommendation of proposals, and will require OPAC recommendation and LCDC adoption.
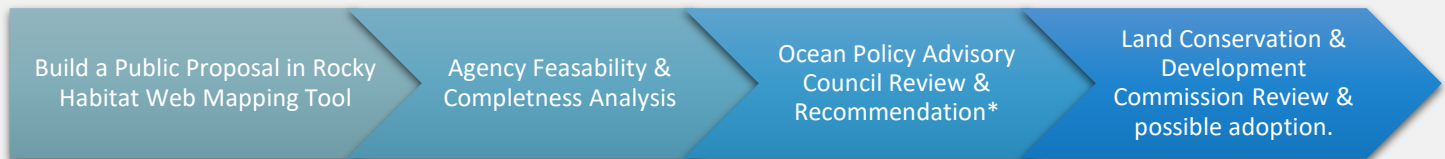
AGENCY REVIEW

---

[5] The maintenance proposal process will be informed by the initial proposal process scheduled to begin January 2020. Some information currently outlined in the maintenance process maybe be adapted following the initial proposal process.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

Agencies are also eligible to submit proposals through the maintenance proposal process. These proposals must include the information regularly added during the agency review process (suitability and completeness report) and will be held to the same standard as other proposals during OPAC review.

<div align="center">

MAINTENANCE PROPOSAL & REVIEW PROCESS

</div>

OVERVIEW

| Build a Public Proposal in Rocky Habitat Web Mapping Tool | Agency Feasability & Completness Analysis | Ocean Policy Advisory Council Review & Recommendation* | Land Conservation & Development Commission Review & possible adoption. |

*The Ocean Policy Advisory Council may convene a working group to review and recommend public proposals based on the volume and complexity of submissions.

STEP 1 - BUILDING A PROPOSAL

1. Individual or entity recognizes a necessary change in site management that aligns with the designations outlined in the Rocky Habitat Management Strategy.
2. Proposing entity builds a proposal using the Rocky Habitat Web Mapping Tool.
    a) Draw a polygon around the area of interest - a report is generated.
    b) Answer remaining proposal questions using data report, local knowledge, and communications with natural resource agencies.
    c) Conduct community engagement to gauge support and concerns.
    d) Modify proposal as needed and submit on the Rocky Habitat Web Mapping Tool.

STEP 2 – AGENCY SUITABILITY & COMPLETENESS ANALYSIS

Goal – Determine completeness and feasibility of each proposal and gain tribal input.
1. Oregon Coastal Management Program staff are automatically notified of all submitted public proposals.
2. Natural resource agencies evaluate proposals and create a report determining proposal completeness and feasibility. Agencies include ODFW, OPRD, DSL, and DLCD, and may include others based on the details of individual proposals. Incomplete proposals will not move forward in the review process and will be returned to the proposing entity with rationale for rejection.
3. Oregon Coastal Management program staff will obtain tribal input on proposals from the four federally recognized coastal Oregon tribes to avoid impacts on cultural resources and tribal interests.
4. Agencies will make a recommendation on the suitability of each proposal using the agency report and tribal input.
5. Proposal packet is submitted to the Ocean Policy Advisory Council.
    a) Proposal packet contents - public proposals, agency report, and agency suitability recommendations.

STEP 4 – OCEAN POLICY ADVISORY COUNCIL REVIEW & RECOMMENDATION

1. After the completion of agency suitability & completeness analysis, the Ocean Policy Advisory Council (OPAC) receives the proposal packet a minimum of 2 weeks prior to the decision making meeting.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

a. If the volume or complexity of proposal packet contents is too large for review during an OPAC meeting, the council may convene a working group to carry out initial review and recommendation of proposals. This may take place at any point in the review process.

2. OPAC meeting discussion and determination
   a. OCMP staff present proposal packet at the OPAC meeting and provide details to Council members and answer questions.
   b. Proposing entities have an opportunity to answer OPAC questions where necessary.
   c. Public testimony is collected.

3. OPAC makes determination on Proposal Packet-
   a. If recommended, the Proposal Packet, and public comment summary will be sent to LCDC for review (now referred to as the "OPAC Recommendation" and moves onto Step 5).
   b. If rejected, proposals will be returned with rejection rationale to the proposing entity.

STEP 5 – LAND CONSERVATION & DEVELOPMENT COMMISSION REVIEW & POTENTIAL ADOPTION

1. The Land Conservation and Development Commission (LCDC) receives OPAC recommendation for review prior to decision making meeting in accordance with commission procedures and protocols.

2. OCMP staff presents OPAC recommendation to LCDC and provides details to Commissioners with an opportunity for question and answer.
   a. Public testimony is collected.

3. LCDC makes determination on OPAC recommendation
   a. If adopted – Recommendation is incorporated into the Rocky Habitat Management Strategy and moves onto the appropriate agency commission(s) for incorporation into regulation.
   b. If rejected – The recommendation will be returned to OPAC with recommended revisions.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

These priorities are intended to act as general criteria for submitted proposals and create a scale for how different habitats will be prioritized during the initial proposal process. Proposed areas may include multiple habitat types (i.e. a proposal may include both rocky intertidal and shallow rocky subtidal habitats). Although these priorities will act as general guidance for the review bodies, each proposal will be reviewed and judged based on merit on a case-by-case basis.

PRIORITY 1 - ROCKY INTERTIDAL HABITATS

Since rocky intertidal habitat is relatively rare (narrow strip along the shoreline), ecologically unique and productive, and is the most accessible marine rocky habitat to human use and visitation, these habitats have the highest priority for consideration in the strategy. In addition, the Part 3 process underwent an extensive inventory and evaluation of these habitats, and provides the most thorough data upon which to base proposed designations.

PRIORITY 2 – ASSOCIATED SHALLOW ROCKY SUBTIDAL HABITATS

Some rocky intertidal areas blend with adjacent subtidal rocky habitat through a gradual transition zone consisting of a mosaic of shallow subtidal and intertidal features. These occur where the rocky habitat continues seaward along a gently sloping bottom. In these areas it may be justified to include the transitional area as part of the designation along with the intertidal habitat. The maximum depth of this transitional area should not exceed 5 meters[6]. See Figure 1 for example.

Figure 1
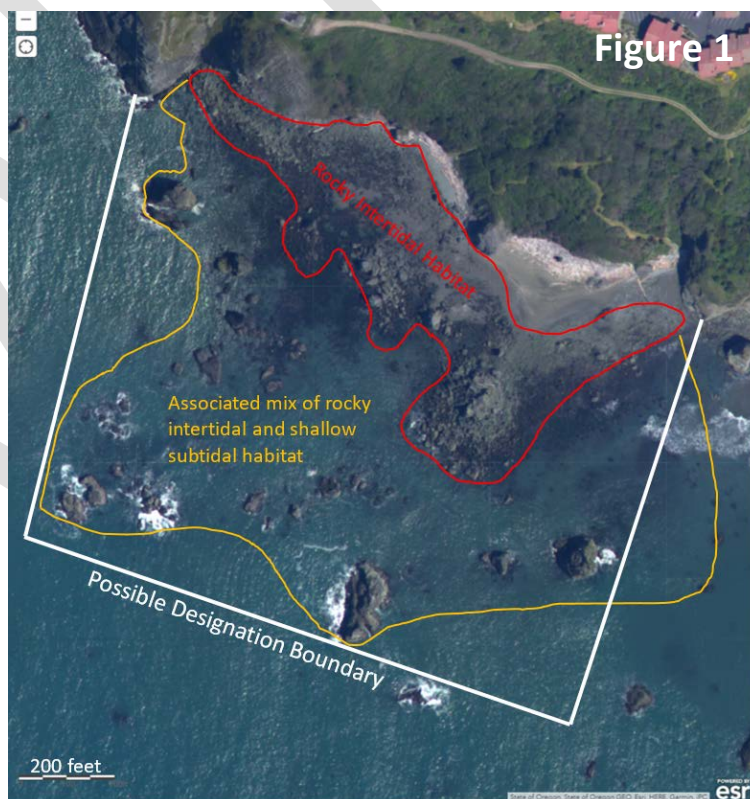
PRIORITY 3 – DEEPER ROCKY SUBTIDAL HABITAT

Subtidal habitat deeper than 5 m and any subtidal rocky habitat not associated with shore differ in both environmental characteristics and human use pressures from rocky intertidal areas. For example, visitation and trampling impacts may occur in rocky intertidal areas do not occur in subtidal habitat. Sites in deeper subtidal areas will be the lowest priority for considering designation in this initial process for the following reasons:

- The Territorial Sea Plan already protects rocky subtidal areas from development impacts through Part 3, Section A, Policy J and by policies in Part 5.

---

[6] The 5 meter depth contour is outlined by the Coastal and Marine Ecological Classification Standard (CMECS) which is a federal framework for classifying ecological units.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

- The primary human use of these areas is fishing, and an extensive state and federal fishery management system controls and sustains fisheries within the habitats.
- Several of these areas are designated as marine reserves and MPAs as part of the marine reserve process, which will undergo a legislative evaluation in 2023. It would be premature to consider deeper subtidal sites prior to the legislative evaluation.
- In contrast to rocky intertidal habitat, rocky subtidal habitats have not been evaluated at the level needed to support fully informed development and review of proposals.

GENERAL PROPOSAL REVIEW CRITERIA

In addition to the geographic proposal priorities, the following process criteria should also be considered during proposal review.

GENERAL PROPOSAL REVIEW & ALIGNING WITH THE ROCKY HABITAT MANAGEMENT STRATEGY

- Only complete and officially submitted proposals are eligible for review. Review entities should not modify proposals to make them acceptable.
- Proposals also need to be reviewed in the broader coastwide regulatory and management context. Management goals and objectives will be achieved with a combination of coastwide management and site-by-site management. Groups and their proposals must show knowledge of and take into consideration current regulations, restrictions, enforcement and protections.
- Proposals must state objectives, goals, criteria and state measurable results and outcomes from proposals. Proposing entities must also state how the proposed change will change protections from status quo. Area of proposal must include some change from status quo or should not be considered.
- Proposal review must consider how each proposed site, both individually and in a context of all designated sites, addresses and furthers the goals, objectives, management principles, and policies within the Rocky Habitat Management Strategy.
- All proposals must align with the goals, objectives, management principles, and policies outlined in the broader Rocky Habitat Management Strategy.

CONSIDERATION FOR THE MARINE RESERVES PROGRAM EVALUATION

- Proposals overlapping Marine Reserves or Protected Areas should not be approved or considered until the completion of the 2023 program evaluation.
- Priority for deeper subtidal habitat designations may be re-evaluated following the completion of the 2023 program evaluation.

REGARDING SPECIFIC DESIGNATIONS

- Marine Research Area
  - Proposals should be reviewed in the context of current knowledge of rocky habitats along the coast, with emphasis on addressing knowledge gaps in areas lacking adequate data and/or monitoring efforts.
- Marine Gardens (Marine Education Area)
  - Where feasible, Marine Gardens (Marine Education Areas) should aim to be equitably accessible, visually or physically.
  - Priority should be given to marine gardens (marine education areas) that have partnership opportunities with local organizations. Intentions of potential partner organizations (including

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

goals, missions, and program areas) should also be considered in order to avoid negative impacts.

SUPPLEMENTAL SECTIONS

PROPOSAL CONTENTS & QUESTIONS IN WEB MAPPING TOOL

The Rocky habitat Web Mapping tool includes all of the following questions below. All proposals must be completed and submitted using the tool. Proposing entities requiring special accommodations should contact Deanna Caracciolo@state.or.us for assistance.

Questions with (*) indicates information that will be generated in part or in full by the Rocky Habitat Web Mapping Tool. Where applicable, the proposer may require additional information not within the web mapping tool to support the proposal.

PRIMARY CONTACT INFORMATION & PROPOSAL RATIONALE

1. Name of proposed site
2. Name of principal contact
3. Affiliation/agency/organization (if applicable)
4. Phone, email, and mailing address
5. Please describe the context for why this proposal is being brought forward.
    a. What are the goals of this proposal?
    b. Why is this change in site management necessary?
6. How does the proposed site improve upon or fill a gap in addressing objectives/policies that isn't currently addressed by other designated sites? Please address this question in relation to the listed topics below-
    a) Maintenance, protection, and restoration of habitats and communities
    b) Allowing for the enjoyment and use of the area while protecting from degradation and loss
    c) Preservation of public access
    d) Consideration for the adaptation and resilience to climate change, ocean acidification, and hypoxia.
    e) Fostering stewardship and education of the area or coast-wide
7. Please include any additional information that you would like reviewers to consider (optional)

GENERAL PROPOSED SITE INFORMATION

To the best of your knowledge, please provide the following information.

1. Current site name (if different from proposed name)*
2. General site description

17 | P a g e

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

3. Site location and boundaries

    a. Please use common place names, latitude/longitude, and geographic references to identify the site*

    b. All proposals must include a map of proposed site boundaries*

4. Site access information

    a. How is this site commonly accessed?*

5. Proposed management designation addition, deletion, or amendment.

    a. Must be a management/designation alteration, addition, or removal listed by the Rocky Shores Management Strategy.

6. Current site management and authorities

    a. How is this site currently managed?*

    b. Include current site ownership, management authorities, and other key players*

SITE USES

To the best of your knowledge, please provide the following information based on the current site management.

1. Current site uses

    a. Please include the current users and uses present at the site.*

    b. Uses may encompass recreational, commercial, cultural, and scientific aspects. Include if a use is not currently present at a site.

2. Potential future uses

    a. Please include potential future uses of the proposed site.

    b. Much like current uses, future uses may encompass recreational, commercial, cultural, and scientific aspects, as well as others not listed.

3. How will altering this sites management designation impact existing and potential future uses?

    a. Please outline the potential positive and negative impacts to current and future users as well as the degree of impact.

    b. How does the proposed site management balance the conservation of rocky habitat resources with human use? (as described in Oregon's Land Use Planning Goal 19: Ocean Resources)

KEY RESOURCES

1. Rocky habitat type present throughout the site.

    a. Please include as much information as possible on the specific types and composition of rocky habitat present at the site (ex. Rocky intertidal with extensive tidepools, adjacent rocky cliffs, and rocky subtidal, etc.)*

2. Key resources are present at the site

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

      a. Describe current rocky shore resources present at the site in as much detail as possible. These may include, but are not limited to-

           i. kelp beds; pinniped haul out or pupping areas; seabird colonies; presence of threatened/endangered/protected species*;

          ii. Intertidal diversity and score/metric (invertebrates, marine plants, etc.)*

3. List the animal and plant species you know exist at this site along with relative abundance.*

4. Does this site include any unique or special features in relation to the Oregon coast?

      a. This may include high quality examples of rocky shore habitats, etc.

5. Please discuss site values and resources and how a change in designation will impact them.

REGULATIONS, ENFORCEMENT, & NONREGULATORY MANAGEMENT

Proposing entities should fill out this section to the best of their knowledge. Due to the complexity of site regulation and enforcement, this section will not be used to evaluate proposal completeness.

1. How does the proposed site improve upon or fill a gap in addressing objectives/policies that isn't currently addressed by coastwide regulations or management?

2. What regulations and enforcement would be necessary to implement this change in management?

      a. What regulatory changes would be needed?

      b. Which state and/or federal agencies would be impacted by this change in site management?

3. In comparison to current site management, what changes would be necessary to enforce the proposed management measures.

      a. This may include the addition or removal of infrastructure, personnel, etc.

      b. Include the estimated financial impact of the proposal.

      c. Some designations incorporate larger financial support, please identify any entities or funding sources that may be available to continually support this proposal. This information is not required for a proposal to be accepted, but review bodies would like to be informed of any support that is already in place or expected for the site.

4. How was enforcement/compliance of management considered in the design of this site proposal?

      a. If possible please estimate the cost to implement this change in site management.

                [Add questions on non-regulatory management]

COMMUNITY ENGAGEMENT

1. Describe the steps taken to develop this proposal in collaboration with coastal communities, users, and other members of the public.

      a. Please describe the community support and opposition for this proposal?

      b. Please list the people, organizations, and/or groups that have worked to develop and support this proposal, as well as the individuals and entities in opposition of the proposal.

2. List and explain both positive and negative opinions received regarding this proposal.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

a. While preparing this proposal and preforming community outreach, what were the main comments of support and issues of concerns voiced regarding this proposed change in site management/designation?

3. List engagement opportunities this proposal has been presented at for public outreach? (Conferences, meetings, tabling events, etc.)

4. **Before submitting your proposal**, please attach any public process materials gathered through this proposal process. (May include meeting resources, campaign materials, etc.)

ADDITIONAL INFORMATION

1. How does this proposal incorporate local knowledge into site management?

2. How does this proposal incorporate scientific knowledge into site management?

3. How does this proposal align with the goals and policies of the Rocky Shore Management Strategy?

4. What existing or proposed infrastructure/development are located within and adjacent to the site?

    a. These may include submarine cables, residential developments, ocean outfalls, etc.*

5. What land or watershed activities/conditions exist adjacent to this site?

6. Are there any other overlapping protected areas within the site?*

7. Additional Information-

    a. Include other characteristics of the site or adjacent area you wish to describe.*

    b. Please describe any other reasons you think this site warrants a change in designation.

    c. Should this proposal be evaluated with respect to other proposals your entity has submitted?

        i. The merit of all proposals are evaluated independently unless otherwise indicated by the proposing entity. Review bodies reserve the right to also evaluate proposals spatially in relation to one another.

8. What other information would you like to include about this site or your proposal.

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.

At its April 3, 2019 meeting, the Ocean Policy Advisory Council determined a list of topics that the Phase 2 working group would need to revisit. Page numbers refer to the adopted Phase 1 document.

1. **(Page 8) Change policy P to – "Management agencies shall propose site designations within the rocky shore as determined by the best available science."**

2. **(Page 7-8) Alter policy G and policy I to reflect precautionary principle (avoid, minimize, mitigate vs. consider).**

3. **(Page 8) Commercial harvest of SAV in rocky shore habitats is prohibited unless managed by a comprehensive SAV plan.**

The working group addressed this topic at the August 26, 2019 meeting in Seal Rock. A draft policy based on this discussion is below. Once finalized, this policy will be incorporated into the Phase 1 text as Policy Q –

Draft Policy Q -
To be presented and reviewed at September 12, 2019 meeting.

4. **(Page 8) Removal of "and/or" from policy J and footnote 4.**

5. **(Page 19+) Update Section C to reflect updated designation framework.**

Learn more about the Territorial Sea Plan and this update process at www.OregonOcean.info.