



Lane County Audubon Society



Walter Chuck, Chair  
Oregon Ocean Policy Advisory Council  
C/O Andy Lanier, Marine Affairs Coordinator  
635 Capitol St. NE, Suite 150  
Salem, OR 97301-2540

April 28, 2020

**Re: Comments to OPAC on the Draft Rocky Habitats Management Strategy Phase II**

Dear Chair Chuck and members of the Council,

The Oregon Audubon Council representing over 17,000 members statewide, writes to support the Ocean Policy Advisory Council’s (OPAC) efforts to update the management of rocky habitats under Oregon’s Territorial Sea Plan Part 3: Rocky Habitats Management Strategy (Strategy).

Overall, we applaud the work of the Rocky Habitat Working Group (Working Group) and DLCD and are satisfied with many parts of the plan. We believe the upgraded policies are a vast improvement over the original 1994 policies and they will allow effective management of sites moving forward. The rocky habitats mapping tool and rolling designation proposal process provides a feasible way for OPAC to revisit this important resource as nearshore ocean conditions experience unprecedented change and will also prevent the strategy from becoming obsolete. We are encouraged to see the plan will include linkages to state action plans including the Ocean Acidification and Hypoxia (OAH) Action Plan and we are heartened to see several of the policies of the Strategy embody Oregon’s precautionary approach to ocean resources as

required by Statewide Planning Goal 19. Once again we thank the Work Group and DLCD for this work.

Below we provide three recommendations we believe will set the rocky habitat process for success as we enter Phase 3 including one recommendation in light of the current situation with COVID-19 (point #1 below) and two recommendations (and process for moving forward) regarding two main overarching concerns with the plan (points #2 and #3 below):

1. **Please extend the initial stage of the community-led proposals to a minimum of 6 months after the Executive Order (20-12) is lifted on prohibition of non-essential social and recreational gatherings due to COVID-19.** If there are subsequent COVID-19 shelter in place orders due to resurgence of the disease, the rocky habitat process should be put on hiatus as needed until shelter in place orders are lifted. A key part of the community-led site designation process is stakeholder engagement which requires in-person interaction and is impossible to achieve with the current shelter in place order.
2. **In keeping with previous unanimous public support, please affirm the state's intertidal resource inventory completed in 1994 by approving a current subset of 1994 designations that were previously approved by OPAC and LCDC.**
  - I. Marine Conservation Areas: Tillamook Head, Cape Lookout (south side), Coquille Point, Crook Point/Mack Reef, Hooskanaden Creek, and Cape Ferrelo
  - II. Marine Research Areas: Cape Blanco and Humbug Mountain to Lookout Rock

Moving these sites forward follows through on the approval by OPAC and LCDC decades earlier and ensures the intensive work and assessment that went into recommending these designations is not lost. In the early 1990s, considerable agency effort was implemented to inform the recommended site designations including 1) ODFW and OIMB intensive rocky intertidal surveys at a dozen sites; 2) Extensive ODFW inventory and videotaping of every accessible rocky site on the coast; 3) U.S. Fish and Wildlife Service bird and mammal impacts analysis; and 4) Aerial imagery captured at all sites.

A review of the February 2020 public comments clearly indicates unanimous approval by the public for OPAC to move these 8 sites forward (there were two public comment letters that did not specifically address this issue). OPAC should follow the will of the public and move forward with this request.

Forwarding the 1994 Working Group's recommendations could also reduce a potentially substantial workload related to reviewing public proposals focused on these areas and would allow other important rocky habitat sites to be focused on for potential site designation proposals.

3. We are pleased the Working Group has supported and developed a process where the public will be integral in developing new rocky habitat site proposals. However, we continue to have strong concerns that the overwhelming burden placed on the public will make it

extremely difficult for community members and entities to submit effective site designation proposals. The proposal process is complicated, time consuming and assumes an expertise level in policy, regulations, ecology, and public organizing. There needs to be more agency support to balance this out and the current level of commitment for agency support in the public site designation process are vague. **We recommend OPAC support the following mechanism to more effectively include agency and expert engagement in the process:**

- i. While the public designation proposal process is open, the **Working Group forms a separate expert team** of relevant scientists and agency staff **to develop a science-based recommendation for priority site designations** based on the best available science using resources including the rocky habitat web mapping tool, additional data sets, and expert opinion. To be clear, the expert team would be a separate body than the existing Working Group although some members of the Work Group with historical knowledge and expertise would be logical choices to be part of the expert team.
- ii. We understand there could be capacity and financial limitations by the expert team to review all sites. In order to streamline the effort we would consider the following mechanisms as viable:
  - The expert team identify a subset of sites from the entire 1994 list to focus their analysis on. This could be the 8 sites listed above that the public has unanimously recommended OPAC move forward on. As stated above, we strongly recommend these sites move forward as fully designated sites as a starting point. However, we also realize that experts may have justifications for reassessing the 1994 sites based on more recent data and information. If the expert team decided to focus analyses on a subset of sites, the public should be notified. OPAC or relevant agency could convene a culminating workshop for the expert team to develop a formal recommendation for the priority site designations.
- III. The expert team priority site recommendation goes out for a **formal public comment period near end of the initial site designation phase** (which we recommend to be extended due to COVID19 – see recommendation #1)
- IV. Public review informs Working Group final priority site recommendation
- V. **Final priority site recommendation is presented to OPAC by Working Group at the end of the extended initial site designation phase.**

This recommendation follows up on what some Working Group members had proposed at previous Working Group meetings of tapping into the in-house expertise of agency and Working Group members to evaluate a subset of 1994 recommended site designations that the public has clearly indicated they want to see move forward.

The increased commitment by agency staff that are already on the payroll is a reasonable ask especially as this fits within mission of key state agencies for this process (i.e. ODFW<sup>1</sup>, OPRD<sup>2</sup>,

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<sup>1</sup> The mission of the Oregon Department of Fish and Wildlife (ODFW) is to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations

<sup>2</sup> The mission of the Oregon Parks and Recreation Department (OPRD) is to provide and protect outstanding natural, scenic, cultural, historic and recreational sites for the enjoyment and education of present and future generations.

DLCD<sup>3</sup>). Funds to support non-agency expert time could be supported by internal agency funds or from outside sources.

Thank you for considering these comments. We look forward to working with OPAC and other stakeholders to improve the management of our marine nearshore resources.

Sincerely,

Joe Liebezeit, Staff Scientist  
Paul Engelmeyer, Tenmile Sanctuary Manager  
Portland Audubon

Ann Vileisis, President  
Kalmiopsis Audubon Society

Harv Schubothe, President  
Cape Arago Audubon Society

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Carol Mockridge, President  
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<sup>3</sup> The Department of Land Conservation and Development (DLCD) mission is to help communities and citizens plan for, protect and improve the built and natural systems that provide a high quality of life.