



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



February 25, 2016

TO: Land Conservation and Development Commission
FROM: Paul Klarin, Marine Affairs Coordinator
SUBJECT: **Agenda Item 5, March 10–11, 2016 LCDC Meeting**

Territorial Sea Plan: Rocky Shores Management Strategy

I. Amendment of the Territorial Sea Plan Part Three

A. Rocky Shores Management Strategy Overview

This briefing is informational only, and is intended to provide the Land Conservation and Development Commission (commission) with background on activities of the Ocean Policy Advisory Council (OPAC) that may result in a request to amend the Territorial Sea Plan (TSP) in several years. The subject of the potential request is The Territorial Sea Plan Part Three: Rocky Shores Management Strategy. No immediate action is needed by the commission, but the Department of Land Conservation and Development (department) will continue to report on the progress of OPAC as it nears making a recommendation for such an amendment.

Rocky shores are defined in the Ocean Resources Management Plan as the cliffs, rocky intertidal areas, offshore rocks and islands, and submerged reefs within the Territorial Sea. These unique landscape and marine environments form biologically rich and aesthetically dramatic areas that are high value resources for Oregon and serve a multitude of uses. They include the massive headlands that segment Oregon's ocean shore as well as the complex rocky intertidal formations that populate the coastal shoreland. The rocky shore areas are all public lands and the sites are managed by a variety of state and federal agencies, depending on the ownership and jurisdictional responsibilities and boundaries.

The Rocky Shores Management Strategy was included in the initial version of the TSP, along with Appendix H (Rocky Shores Classification System) and Appendix I (Three Arch Rocks Management Report). It is the largest part of the TSP, most of which is contained in Section F (Site Analysis & Categories), in which an inventory and evaluation of 39 designated rocky shore units is provided along with their individual management objectives and prescriptions. These designated sites contain a variety of rocky shore resources within them, and are often owned and managed by a variety of state and federal agencies. For example, various parts of the Yaquina Head site are owned and managed by the Oregon Departments of State Lands and Park and Recreation Department (OPRD), the U.S. Fish and Wildlife Service, and Bureau of Land

Management. The individual sites designated in the plan are categorized as a marine garden, research reserve, habitat refuge, marine shore, or as not yet designated.

B. Amending Territorial Sea Plan Part Three

Part Three Section C (Carrying out the Rocky Shore Strategy), includes a subsection describing when the Strategy may be amended. Specifically, OPAC may consider amending the Strategy only: (1) in response to more detailed site study and analysis; (2) when a change in circumstances affecting a site requires management practices that are different from or can no longer be conformed to the management designation in the plan, or: (3) when sites identified as “Not Yet Designated” in the plan are proposed for management designation.

II. The TSP Amendment Process for the Rocky Shores Management Strategy

The procedure for the TSP amendment process is prescribed under Part 1, Section F.2. One way OPAC can initiate the process is through an issues survey, which is supposed to occur within a one to three year time span. The other way for OPAC to initiate the amendment process is through a written request from an interested party or from the commission.

The Rocky Shores Management Strategy has not been discussed by OPAC for many years. It was taken up by OPAC at their December 2015 meeting when an OPAC member, at the request of the Oregon Shores Conservation Coalition, presented OPAC with a written memo on the topic which suggested that OPAC review and update that section of the TSP. After discussion, OPAC approved the re-establishment of the Territorial Sea Plan Working Group to address the Rocky Shores section of the TSP by a consensus vote.

There is a considerable amount of new data and information produced since the Rocky Shores Management Strategy was completed in 1994. Both the Oregon Department of Fish and Wildlife (ODFW) and OPRD have completed exhaustive studies, evaluations and assessments of the nearshore intertidal and ocean shore areas culminating in the adoption of the ODFW Nearshore Strategy and the OPRD Ocean Shore Management Plan. Some areas within designated sites have changed ownership or management, as have others identified as “Not Yet Designated” in the plan. The advent of the Oregon Marine Reserves System, which overlaps a number of designated sites, significantly changes the management scheme for those areas. The Part Three resource descriptions and information are significantly out of date.

The department anticipates that the OPAC-led TSP amendment process will require up to three years to complete. The process will be managed by the OPAC TSP Working Group, which will be administered by Department of Land Conservation and Development (DLCD) staff. That workgroup has just begun its review of the existing plan to determine which sections and information require updating and if there are designated sites for which new management measures may apply. The early stages of the effort require department staff to collect, analyze and evaluate the necessary data and information that will be needed.

There are no time constraints, deadlines or impending decisions that the amendment is subject to or might have an effect upon, so the process will not need to be accelerated. The TSP working

group output will be reviewed by OPAC during the routine course of its business, and used to formulate its recommendations to the commission. OPAC is expected to maintain its routine schedule of semi-annual meetings during this period. No new funding is available for this effort and the work will be conducted using funds allocated in the agency budget and the annual National Oceanic and Atmospheric Administration Coastal Zone Management grant. The department may choose to make the Rocky Shores work a CZM §309 special merit task in order to apply for a NOAA CZM §309 Program competitive grant, but it would require DLCDC to amend its §309 Assessment and Strategy 2016-2020 to make the task eligible for funding.

For further information about this report, please contact Paul Klarin, Marine Affairs Coordinator at 503-934-0026 or paul.klarin@state.or.us