

E. 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 modifications* to rocky habitat site designations. Sites delineated in existing regulation (2020 Oregon Department of Fish and Wildlife Sport Fishing Regulations) are considered the starting point for any proposed changes. Existing site designations that overlap Marine Reserves and Marine Protected Areas will remain in place. Additional historical context for designation implementation can be found in Appendix F. 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 processes are responsible for changes to species-specific and action-specific rules, regulations, and non-regulatory management mechanisms. These processes are outside the scope of the Rocky Habitat Management Strategy.

1. Proposal Process Approach

This is intended to be a biennial process in which proposing entities can submit proposals for review after the 2021 Rocky Habitat Management Strategy has been adopted. Proposal process steps, timelines, criteria, and review procedures for this process have been informed by the outcomes of an initial (pilot) Proposal Process and evaluation workshop.

The process for proposing a site includes multiple phases which will be coordinated with the meeting schedules of the Ocean Policy Advisory Council (OPAC) and the Land Conservation and Development Commission (LCDC), the Territorial Sea Plan advisory and rulemaking bodies, respectively. Figure 4 below provides an overview of the site designation proposal process, including general tasks and timelines. The first two phases: 1) Process Initiation and 2) Proposal Development and Submission, will be administered by the Oregon Coastal Management Program (OCMP) at the Department of Land Conservation and Development, and include a proposal process notification and issuance of a Request for Proposals (RFP). The OCMP will also coordinate a pre-proposal meeting with the potential proposers and management agencies that have a jurisdictional nexus with the proposals. Proposals will be submitted to the OCMP following conduct of the pre-proposal meeting, which will then initiate the review phases of the proposal process. The review phases of the proposal process begin with a completeness and feasibility review conducted by management agencies, followed by a Technical Evaluation Group (TEG) proposal evaluation and review. The results of the proposal review steps will be transmitted to the OPAC for their consideration and potential recommendation. The OPAC recommended amendments to the site

designations in Part Three will then be transmitted to the LCDC to complete the adoption of the recommended amendments via rulemaking. The proposal process is structured to take approximately two years (LCDC rule review and possible adoption is not included in that period) so that it can be informed by, or inform, agency budgetary processes or needs. Additional details on the proposal process are provided below in Section E.3.

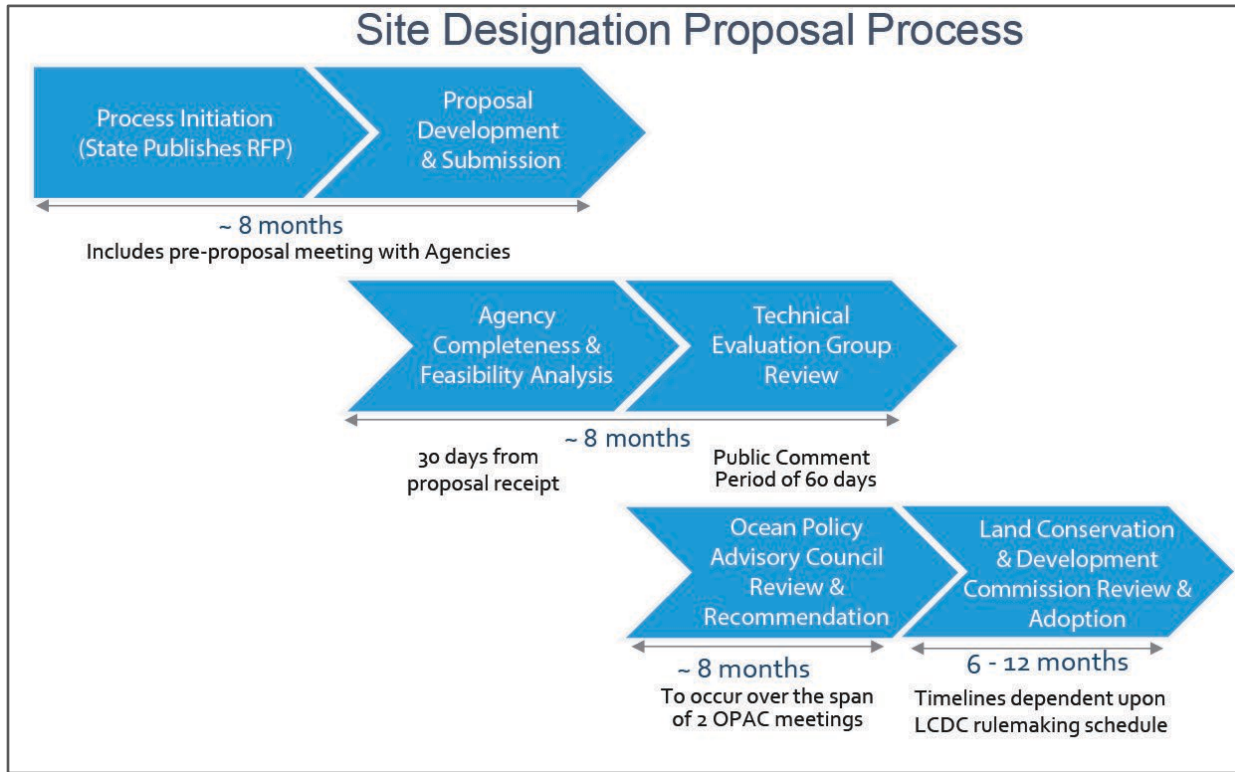


Figure 4. Rocky Habitat Site Designation Proposal Process

2. Creating and Submitting a Proposal

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 level²⁰. For this reason, not all regulatory concepts 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 (Section D) to assure they align with desired outcomes of a proposal. Where the desired outcome cannot be met with a site designation proposal, members of the public and interested entities should outline their concern or desired regulatory change in a formal letter to the OPAC or relevant agency commission.

Nominating entities should review the Purpose, Objectives, Amending the Strategy, Policies, and Defining Oregon's Rocky Coast sections of Part Three of the Territorial Sea Plan, as well as the entirety of this section prior to determining if a designation proposal is warranted.

Each proposal should include the information prompted by the Rocky Habitat Site-Based Designation Proposal Form, which will be available in the Rocky Habitat Web Mapping Tool (<http://Oregon.SeaSketch.org/>). Proposers will need to answer all questions on the form to the maximum extent possible, as well as any pertinent information not included in the prompts that the nominating entity would like reviewers to consider. Please provide rationale for any unavailable information or answers. Contact OCMP staff for information on any necessary accommodations, technical assistance, or general questions.

Proposal content is collected through the online tool by uploading attachments, sharing the proposal boundaries map file, and completing any interactive forms. The tool allows proposing entities to submit proposals directly to OCMP staff once complete. All applicable content must be addressed in submissions for the proposal to be deemed complete. Appendix C. and specific questions noted in the RFP provide the required proposal information and questions for a complete submission.

²⁰ Some designations may receive higher consideration if they regularly support species listed as threatened or endangered under the Oregon or Federal Endangered Species Acts.

3. Proposal Process Phases

Phase One – Process Initiation and **RFP Issuance**



Goal: To communicate the initiation of the proposal process and document process priorities, information resources, timelines, and evaluation criteria.

The OCMP will begin the process by consulting with relevant agencies to develop and issue a Site-Based Designation Request for Proposals notice. The purpose is to provide clear guideposts for all involved in the process. The State shall define and find agreement among managing agencies regarding priorities and technical review criteria of proposals to meet the goals of the Rocky Habitat Management Strategy. The Scientific and Technical Advisory Committee (STAC) and Oregon Ocean Science Trust (OOST) will be invited to assist in the development or review of the focus and goals each proposal cycle. From RFP issuance, the public will be notified of process timelines, phases, and prioritized evaluation criteria.

Notice of the process shall be provided following the OPAC spring meeting in order to encourage proposal idea generation ahead of RFP issuance. OPAC may also review and establish process constraints such as the focus or goals for the proposal cycle, geographic restrictions, and or a cap on the number of proposal submissions to be evaluated.

The elements of the RFP may include:

- State priorities for site selection (derived during state agency coordination meetings).
- The evaluation criteria and scoring system (noting any changes from last proposal cycle). Once initiated, this will not change during the process.
- Descriptions of proposal concepts that are not feasible and will result in disqualification (i.e., elements that must not be included in proposal for full evaluation).

Phase Two - Proposal Development and Submission



Goal: Identify desired management changes and generate completed proposal.

Building a Proposal

Individuals, Community Groups, Tribal Nations, or Agencies will generate the idea for a proposed management change for a site-based designation. The proposing entity builds a proposal using the Rocky Habitat Web Mapping Tool. The Tool is provided for visualization of the resource inventory information. It will be used to generate GIS files for submission to the OCMP, in addition to submission of the completed proposal form.

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. The merit of proposals will be evaluated independently from one another unless otherwise requested by the proposing entity.

Pre-Proposal Meeting

Nominating entities are required to participate in a pre-proposal meeting with the relevant management agencies. OCMP staff are available to answer questions throughout proposal development and will facilitate the conduct of the pre-proposal meetings. OCMP staff will collect the pre-proposal materials to determine the appropriate agencies to include in the pre-proposal meeting. Staff will also organize, schedule, host the event, and provide a meeting summary to participants afterwards. Staff 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 nominating entities. Entities in need of special accommodation should contact OCMP staff.

Proposal Refinement and Submission

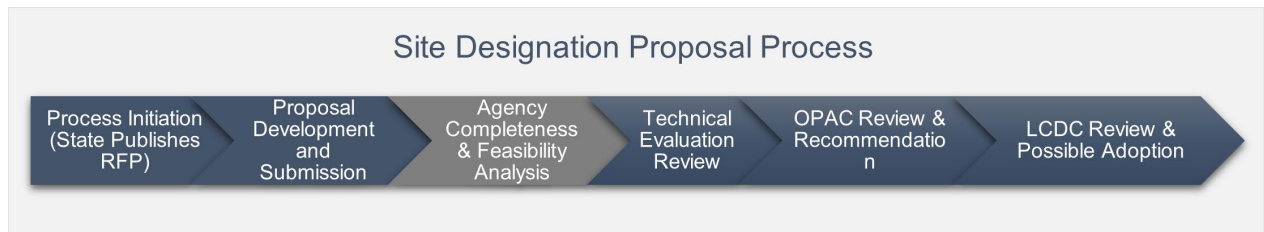
Proposing entities will consider feedback from the agencies and develop a full proposal. If OPAC has established a cap on the number of proposals to consider during the cycle, then agencies may invite full proposals to be developed from among a selection of the pre-proposals. Letters of invitation to submit a full proposal will be sent to those entities that the agencies determine most closely align with the goals of the proposal cycle.

Development of a full proposal will include the following tasks:

- Answer proposal questions using data reports, local knowledge, and information provided through communications with natural resource agencies.
- Conduct community engagement to gauge proposal support and concerns (to occur throughout proposal synthesis).
- Submit the completed proposal form and the GIS files generated through the Rocky Habitat Web Mapping Tool to OCMP.

All proposals must be submitted via the online Rocky Habitat Web Mapping Tool, which will allow proposal materials to be uploaded and attached to a proposal boundary map that was generated using the Tool. Proposals submission deadlines will be specified in the RFP and occur approximately eight months from the issuance of the RFP.

Phase 3 – Agency Feasibility & Completeness Analysis



Goal: Begin proposal reviews and initiate Tribal Nations input. Agencies include ODFW, OPRD, DSL, OSP, and DLCD, and may include others based on the details of individual proposals.

OCMP staff will receive and review the proposals submitted by the closing date (specified in the RFP) in a timely manner to ensure it is complete and incorporates all the information necessary for the review process to be initiated. If any necessary proposal elements are missing, or if clarifying information is needed that would prohibit a full evaluation, the proposal will be rejected and returned with comments on specific additional information required. Multiple proposals from a single entity will be evaluated independently from one another unless otherwise indicated by the proposing entity.

Agency Completeness Review Steps

1. OCMP staff receive the proposals and publish all submitted public proposals to the Oregon Ocean Information website at <https://www.OregonOcean.info/>.
2. Agencies evaluate completeness of proposals to determine if all necessary information has been included in the proposal, and if the proposer has taken all necessary steps to create a complete proposal.
3. Incomplete proposals will not move forward in the review process. Proposers will be contacted with necessary information for completing and resubmitting the proposals.

4. Proposals may be revised and resubmitted within 30 days of notice that the proposal was deemed incomplete.
5. If the 30-day deadline for resubmittal is exceeded, then resubmissions may occur during the following biennial proposal process cycle.

Agency Feasibility Review Steps

1. Agencies review complete proposals and create a report presenting an analysis of each proposal’s implementation feasibility.
 - a. Feasibility review should consider six main categories including: legality, agency processes required, interactions with other site-based management designations, credible information, acknowledged management issues, and alignment with other state management strategies.
2. The OCMP shall work with other agencies to collect and compile individual reports into a single published form that will serve as the record of the feasibility review.
3. The Agency Completeness and Feasibility Report will be packaged together with the proposal, and GIS information into one Proposal Packet per site being considered.
4. OCMP staff will provide the Proposal Packet to the four federally recognized coastal Oregon Tribal Nations and invite coordination and consultation. Formal government-to-government consultation with federally recognized Tribal Nations may be required during this step to assure any conflicts with cultural and natural resources are addressed²¹.
5. The Proposal packets will also be provided to the Technical Evaluation Group.

Phase 4. Technical Evaluation Group Review



Goal: Complete a merit-based review for the proposals based upon the evaluation criteria documented in the RFP.

Technical Evaluation Group Composition

A technical evaluation group (TEG) will be established at the beginning of the proposal cycle to serve as a review body for conducting a merit-based evaluation. The TEG will

²¹ Any Tribal Nation input will remain confidential, to the extent possible by public records laws, to avoid possible impacts to sensitive cultural resources.

be composed of agency staff, especially those with specific thematic or geographic knowledge, in addition to a member of the Scientific and Technical Advisory Committee (STAC) and another member of an academic research institution representing relevant scientific or management expertise.

Technical Evaluation Group Proposal Review

The TEG will receive the Proposal Packet of information along with a Rocky Habitat Site Designation Proposal Evaluation Guide. The Guide will include both qualitative and quantitative evaluation components that are related to the proposal cycle goals specified in the RFP. The Rocky Habitat Management Strategy goals, objectives, and policies will be foundational in the criteria used to score the proposals. The Guide may be updated in each proposal cycle upon review by the OPAC.

The OCMP staff will transmit the Proposal Packet to the TEG. Individual TEG members will review the proposals and complete their individual evaluations and identify questions or issues needing further exploration. OCMP staff will then facilitate the conduct of a TEG proposal evaluation workshop and invite presentations from the proposing entities. The workshop format will allow exploration of the proposal and allow for clarification questions to be asked of and addressed by the proposers. Following the presentations, the TEG will collate the individual proposal evaluation results into a summary evaluation that will include both qualitative and quantitative assessment components. The reports will be provided to OCMP staff, where they will be published online on the <https://OregonOcean.info/> website and noticed for a 60-day public comment period. OCMP staff will organize and provide the comments to the TEG, which may convene a workshop to finalize the proposal evaluations. This could include re-evaluation and re-scoring a proposal if additional information changes the results of the initial evaluation.

*Tribal Consultation may occur during this phase of the process; at the earliest opportunity a complete evaluation is available for review.

Once completed by the TEG, the final proposal evaluation materials will be packaged together with the Proposal Packet and transmitted to OPAC for their consideration.

Phase 5 – Ocean Policy Advisory Council Review & Recommendation



Goal: Review complete proposal materials and consider rationale for recommended proposals. Determine which proposals to recommend to the LCDC.

1. The OPAC receives the Proposal Packet(s) ahead of their next meeting. The OPAC will allocate time during two consecutive meetings to review and then make a decision on the proposals. The first meeting will provide an opportunity for OPAC to become familiar with the proposals, review the evaluation materials, and ask questions of the proposing entity. The second meeting will be a decision-making meeting, where OPAC will consider whether to recommend the site designation changes being proposed.
2. OPAC Rocky Habitat site designation proposal exploratory meeting²².
 - a. OCMP staff present proposal packet at the OPAC meeting and provide details to Council members with an opportunity for questions and answers.
 - b. Proposing entities with recommended proposals have an opportunity to answer OPAC questions where necessary.
 - c. Public testimony is collected.
3. OPAC makes determination on whether to recommend the site designation proposals to Part Three as Plan amendments.
 - a. If a proposal is recommended, the site designation proposal packet, technical evaluation, and public comment summary will be sent to LCDC for their review and action (proposals will now be referred to as “OPAC Recommendations”).
 - b. If OPAC decides not to recommend the site proposal, a letter will be sent to the proposing entity informing them of such.

Phase 6 – Land Conservation & Development Commission Review & Potential Adoption



Goal: Make final determination on which site proposals will be incorporated into the Rocky Habitat Management Strategy. Site proposal recommendations from OPAC will be reviewed by the Land Conservation and Development Commission for review and adoption.

²² OPAC review and determinations on proposals may require multiple meetings to complete.

1. LCDC receives OPAC recommendation for review prior to decision-making meeting in accordance with commission procedures and protocols.
2. OCMP staff present OPAC Recommendation to LCDC and provide details to Commissioners with an opportunity for questions and answers.
 - a. Public testimony is collected.
3. LCDC makes determination on OPAC Recommendation.
 - a. If adopted: The site designation and management measures are incorporated into the Rocky Habitat Management Strategy and sent to the appropriate agency governing bodies where applicable components of the designation and management measures will be considered for adoption.
 - b. If rejected: The recommendation will be returned to OPAC with recommended revisions based upon the Commission’s findings.

4. Additional Considerations

Communication with Proposing Entity during Review

The proposing entity will be informed throughout the review process on the status of their proposal. OCMP staff will serve as the primary agency point of contact and will be responsible for maintaining a direct line of communication with the proposing entities. OCMP staff will also be responsible as the primary contact for communications with the agency staff involved in the proposal review process, and the TEG members.

Agency Proposals

Agencies are eligible to submit proposals into the site designation proposal process. These proposals must include all information normally included in the proposal submission process and will be held to the same standard as other proposals during OPAC review.

5. Proposal Review Guidance

Considering Submerged Rocky Habitat Management

Submerged rocky habitat²³ is subject to a complex and diverse array of management and regulations. Although the Rocky Habitat Management Strategy allows for the public

²³ Section B.1.b.b - *Submerged Rocky Habitat* – all rocky habitat below extreme low water, out to the deepest limits of the territorial sea. This area includes submerged rocky reefs, shallow rocky subtidal, and other submerged rocky habitats.

proposal of submerged rocky habitats for designation, it is critical to consider the existing system of Marine Reserves and Marine Protected Areas along the Oregon Coast prior to submission, review, and adoption of new or adapted designations.

The current system of Marine Reserves and Marine Protected Areas required years of planning and stakeholder engagement that culminated in legislation in 2012 (SB 1510). The Rocky Habitat Management Strategy is not intended to replicate this important public process. Additionally, the Marine Reserves Program, within the Oregon Department of Fish and Wildlife, is scheduled to undergo a legislative evaluation in 2023. The designation of subtidal areas prior to the completion of the 2023 evaluation may conflict with the science, monitoring, and public process of the program and evaluation process. Therefore, subtidal proposals must be written and reviewed with consideration for unintended consequences to the Marine Reserves Program Evaluation.

Habitat Guidance

These guidelines are intended to inform submitted proposals and create a scale for how different habitats will be reviewed during the Initial Proposal Process. Proposed areas may include multiple habitat types (e.g., a proposal may include both rocky intertidal and shallow rocky subtidal habitats). Although these habitat classifications 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.

Rocky Intertidal Habitats

The rocky intertidal zone is the narrow strip of habitat along the shoreline. This habitat is relatively rare, ecologically unique and productive, and is the most accessible marine rocky habitat to human use and visitation. This makes these areas highly vulnerable to trampling and misuse. In addition, these areas have the most data in comparison to the other rocky habitats, helping to make proposed designations in these areas more informed.

Associated Shallow Rocky Subtidal Habitats

Some rocky intertidal areas blend with adjacent subtidal rocky habitat through a gradual transition zone consisting of a

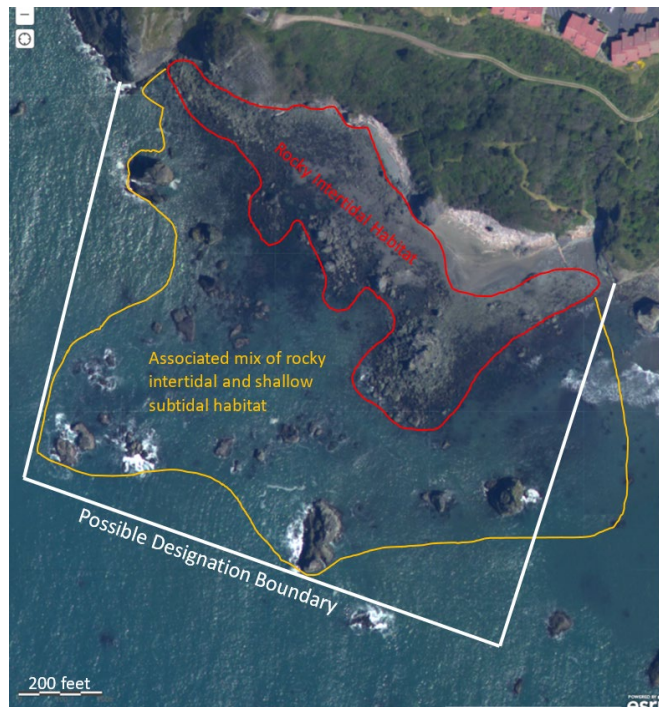


Figure 4. Example site designation including rocky intertidal (red) and mixed subtidal (yellow) habitat.

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 five meters²⁴ (see Figure 4).

Deeper Rocky Subtidal Habitat

Subtidal habitat deeper than five meters and any subtidal rocky habitat not associated with the shoreline differ in both environmental characteristics and human use pressures from rocky intertidal areas. The primary human use of these areas is fishing, and an extensive state and federal fishery management system controls and sustains fisheries here. The Territorial Sea Plan also protects rocky subtidal areas from development impacts through Part Three, Section A., Policy J, and by policies in Part Five.

General Proposal Review Criteria

In addition to the geographic proposal priorities, the following process criteria should also be considered during proposal review. These criteria include, but are not limited to, the following:

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. A proposal may be characterized based on merit during review as 1) recommended, 2) rejected, or 3) has merit and requires additional work.
- 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 demonstrate knowledge of, and take into consideration, current regulations, restrictions, enforcement, and protections.
- Proposals must state objectives, goals, criteria, and measurable results and outcomes from proposals. Proposing entities must also state how the proposed site will change protections from the status quo. A proposed site must include some change from status quo.
- Proposal review must consider how each proposed site, both individually and in context of all designated sites, addresses and furthers the goals, objectives, management principles, and policies within the Rocky Habitat Management Strategy.

²⁴ 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.

- 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

- The Rocky Habitat Management Strategy is not intended to create new Marine Reserves. Oregon’s Marine Reserves are statutorily defined and fall under the jurisdiction of ORS 196.540 – 196.555.
- Proposals overlapping Marine Reserves or Protected Areas shall not be approved or considered until the completion of the 2023 program evaluation.
- Subtidal proposals must be written and reviewed with consideration for unintended consequences to the Marine Reserves Program Evaluation. Proposals that may conflict with the 2023 evaluation may be held by the OCMP upon request for review after the evaluation is complete.

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.
 - Desired outcomes should be associated with each proposed site to help determine if the goals of the site are being reached.
- Marine Gardens (Marine Education Area)
 - Where feasible, Marine Gardens (Marine Education Areas) should aim to be equitably accessible, either 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 goals, missions, and program areas) should also be considered in order to avoid negative impacts.
 - Desired outcomes should be associated with each proposed site to help determine if the goals of the site are being reached.
- Marine Conservation Area
 - Marine Conservation Areas with broad conservation goals may be proposed with regulations that limit adverse impacts to habitats and wildlife.
 - 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. A varied strategy of regulations may be proposed for Marine Conservation Areas based on site-specific goals and outcomes. Any proposed regulations must be supported by appropriate rationale.
 - Desired outcomes should be associated with each proposed site to help determine if the goals of the site are being reached.