

**About this Document:** This document is a working document that incorporates the main text sections of the Rocky Shores Management Strategy. It includes revised text from sections A-E of the 1994 strategy as well as additional new information. As the working group completes further text edits, they will be incorporated into this working document.

*[Next steps in writing text; Future writing]*

# Territorial Sea Plan Part 3

## Rocky Shores Management Strategy

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# Strategy Purpose

## Purpose Statement

**Strategy Goal:** This strategy aims to act as a coordination and adaptive planning framework focused on the protection of ecological values and coastal biodiversity within and among Oregon's rocky shores while allowing appropriate use.

The Rocky Shores Management Strategy is one of several elements of Oregon's ocean-resources management program. It is intended to provide clear policies and direction for strong, site sensitive management and protection of unique ecosystems along the entire Oregon coast. The strategy is a combination of policies, objectives, and recommendations supported by scientific information on rocky shores areas and resources. Strategy elements are then adaptively applied to specific sites within state jurisdiction. The strategy relies on authorities and programs of local, state and federal agencies to carry out activities in the field. The Ocean Policy Advisory Council will serve as the review and recommending body.

## Objectives

1. To implement a holistic management program through site designations and management plans that allows for enjoyment and use of Oregon's rocky shores while protecting them from overuse, degradation, and loss;
  - a. This objective focuses primarily on rocky shoreline areas but in some cases may include adjacent offshore rocks and reefs
2. To enhance appreciation and foster personal stewardship of Oregon's rocky shores through education, interpretation, and information;
3. To maintain, protect, or restore rocky-shore habitats and biological communities;
4. To improve our knowledge and understanding of rocky shore ecosystems by fostering research and monitoring efforts;
5. To support cooperation and coordination among local, state, and federal resources management agencies, and tribal governments, to ensure that marine resources and habitats are comprehensively managed.

## Collaborative Plan Implementation

Intergovernmental coordination and cooperation has been critical to preparing and carrying out the rocky shores management strategy and will remain essential in executing appropriate management. A collaborative, coordinated effort, based on a

commitment to cooperate, increases the likelihood of success and decreases the need to add laws and authorities for any individual agency. As part of this strategy's goals and directives, the implementation of management recommendations made throughout this plan will be prioritized by agencies.

The creation and stewardship of this management strategy embraces this model and incorporates the voices of the diverse groups that share an interest in Oregon's rocky coast. The membership and mission of the Ocean Policy Advisory Council (OPAC) reflects legislative intent to make sure that the many governmental interests of coastal cities and counties, state agencies and federal agencies, and coastal tribal nations are coordinated.

## **Education & Public Awareness**

An informed and aware public is a critical strategy to protecting rocky shore resources and carrying out the goal, policies, and objectives of the Rocky Shores Management Strategy (and the Territorial Sea Plan more broadly). It is essential for the continued ecological health and functioning of Oregon's rocky shores that coastal visitors understand rocky shore resources, the ecological, cultural and economic importance of rocky shores, and ways they can take action as individuals and in groups to positively impact these areas.

Oregon needs a strategic communication plan including coast-wide and site-specific programs that will foster stewardship of coastal resources. Current education program providers should collaborate on a systematic approach to targeting audiences with agreed upon messages. This will require both financial and structural support to achieve maximum effectiveness.

As part of a strategic communication plan, new locally-based and regionally supported programs are needed to disseminate accurate and timely rocky shores messages. All educational programs need to meet management and stewardship goals. Priority messages should focus on increased resource use, visitor best practices, current events and threats to the rocky shores. Communication strategies should range from on-site signage to broader-reaching tools such as digital information products and social media campaigns.

Research and monitoring of rocky shores ecosystems is crucial to understanding human impacts, both immediate and long-term. These efforts will require financial and structural support to address emerging threats to rocky shore ecosystems (e.g. ocean acidification). Citizen science programs are a recommended strategy for engaging visitors while increasing their awareness of and commitment to protecting rocky shores.

## **Key Terms**

This list include essential terminology used throughout the strategy. Where necessary, definitions are repeated for context in individual strategy sections. Additional terminology and definitions are available in Appendices A and H.

- Awareness - Knowledge that something exists, or understanding of a situation or subject at the present time based on information or experience.
- Educate - To provide with knowledge or training in a particular area or for a particular purpose.
- Informational - Relating to or providing information.
- Outreach - An effort to bring services or information to people where they live or spend time.
- Rocky Shore - General terminology for any area composed of rocky habitat or substrate.
- Rocky Shoreline – all rocky habitat (encompasses cliffs, tidepools, rocky intertidal and subtidal areas) between the vegetation line and the extreme low water line. These areas may be reached by foot from shore (regardless of hazard or convenience).
- Rocky upland (i.e. “splash zone”) – rocky habitat area between the vegetation line and extreme high water line.
- Rocky intertidal – rocky habitat area between extreme high water line and extreme low water line.
- Rocky subtidal – for the purpose of this strategy, the rocky subtidal zone encompasses rocky habitat areas below extreme low water out to a -4 meter depth contour.
- Offshore Rocky Reefs and Islands - areas detached from the main coastline including submerged reefs and exposed rocky islands within state jurisdiction (0-3 nautical miles) that are located seaward of the extreme low water line.
- Take - Removal of an organism physically or functionally from its environment. May be intentional or by mistake and can include actions that cause mortality of the organism, capture and release, and tagging and release (regardless of whether or not there is mortality).
- Disturbance - to interfere or attempt to interfere with natural processes. Often referred to in regards to marine mammals and/or seabird colonies.

## **Tools & Components**

The Rocky Shores Strategy will be carried out primarily by state agencies such as the Parks and Recreation Department (OPRD), the Department of Fish and Wildlife (ODFW), and the Department of State Lands (DSL). The U.S. Fish and Wildlife Service (USFWS) manages offshore rocks and islands as National Wildlife Refuges<sup>1</sup>. In some cases, local governments, federal agencies, tribes, and other partner organizations may be involved. The timing for carrying out this plan will vary with the management needs, conditions and resources of each site, availability of financial and technical resources to agencies, and with the interests and involvement of local citizens and groups. This subsection outlines the major elements of this strategy for rocky shoreline sites and for offshore rocks and islands. [make clear the difference in application between types]

## **Strategy Principles for Site Management**

1. **Management Required to Follow Plan.** Management of rocky shore areas shall be consistent with the recommended site management designations, management objectives, policies, and management prescriptions in this strategy.
2. **Ecological Units and Ecosystem Based Management.** Rocky shoreline sites and offshore rock/reef sites that are closely associated by location, biology, or use shall be planned and managed as an ecological unit;
3. **Planning and Management.** Further planning or recommended management action by the Ocean Policy Advisory Council (OPAC) or any agency with respect to rocky shoreline areas shall:<sup>2</sup>
  - a. use a team approach that involves all appropriate state agencies, city or county planning agencies, affected tribal nations, and interested citizens and organizations;
  - b. be based on the best available scientific information and local knowledge about the site, its resources and uses as obtained through detailed site studies or as provided through comment and testimony by agencies and interested parties;
  - c. include provisions for encouraging periodic monitoring of site use and condition of habitats and resources for the purpose of updating site management actions;
  - d. comply with state and federal permitting when necessary;

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<sup>1</sup> Oregon Islands, Three Arch Rocks, and Cape Meares National Wildlife Refuge Comprehensive Conservation Plan and Wilderness Stewardship Plan. U.S. Fish and Wildlife Service, Oregon Coast National Wildlife Refuge Complex, Newport, Oregon.

<sup>2</sup> These objectives focus primarily on rocky shoreline areas but in some cases may include adjacent offshore rocks and reefs. The intent of these principles is not to replicate or expand Oregon Marine Reserves under (statute \_\_)

- e. include public educational, awareness, citizen science, and outreach programs as integral parts of local site management.

In addition to general site management principles, this strategy also recognizes that the following actions are needed to build a successful public awareness and engagement component into rocky shores management:

1. Creation of a coast-wide network and communication strategy that links private, local, tribal, state, and federal education and interpretive programs.
2. Revamping of current education programs, as needed, to ensure they meet management and stewardship goals.
3. Creation and implementation, as prioritized, of new education and interpretation programs as a primary management technique.
4. Work with current education providers and interest and user groups to plan and implement coordinated messaging, education programs and awareness campaigns.
5. Support the formation and training of volunteer-based organizations conducting outreach activities that assist agencies in rocky-shore areas.
6. Use a variety of communication tools including digital and social media to meet the varied needs of schools, agencies, public facilities, local governments, and non-governmental organizations.
7. Seek additional funding in order to provide financial assistance to agencies and organizations whose education programming supports this plan's objectives.
8. Work with agencies/researchers to identify and support research and monitoring needs and develop a citizen science program that engages visitors and contributes to the understanding and support of Oregon's rocky shores resources.

## **Policies**

*[Policies are currently being drafted and will be provided for review as a separate M.S. Word Document]*

## **Site Recommendation Guide**

*[Phase 2/3: Designation/recommendation categories explained; summary list of sites by recommendation category]*

The rocky shore recommendation classifications outlined in this section should not be confused with other state and federal site designations such as Marine Reserves and Protected Areas, ODFW site designation, or Wildlife Refugia which are presented in Section \_\_\_\_.

## Amending the Rocky Shores Strategy - Community Based Proposals

*[Proposal criteria is currently being drafted and will be provided for review as a separate M.S. Word Document]*

### **What is a Rocky Shore?**

#### Defining Oregon's Rocky Shore

Rocky shores account for approximately 41% of Oregon's 362 mile coastline and include headlands, tide pools, rocky beaches, and cliffs, as well as offshore rocks, islands, and reefs. To appropriately manage the resources within these rocky areas, the differences and similarities between the many shoreline types must be recognized. For management purposes, Oregon's rocky shores are grouped into two major classifications based on proximity to shore -

1. Rocky Shoreline – all rocky habitat (encompasses cliffs, tidepools, rocky intertidal and subtidal areas) between the vegetation line and the extreme low water line. These areas may be reached by foot from shore (regardless of hazard or convenience).
  - a. Rocky upland (i.e. “splash zone”) – rocky habitat area between the vegetation line and extreme high water line.
  - b. Rocky intertidal – rocky habitat area between extreme high water line and extreme low water line.
  - c. Rocky subtidal – for the purpose of this strategy, the rocky subtidal zone encompasses rocky habitat areas below extreme low water out to a -4 meter depth contour.
2. Offshore Rocky Reefs and Islands - areas detached from the main coastline including submerged reefs and exposed rocky islands within state jurisdiction (0-3 nautical miles) that are located seaward of the extreme low water line.

Within these main classifications many other sub-classifications may be present including rocky intertidal and subtidal, cliffs, tidepools, etc. See figure \_\_\_\_ for reference to how this strategy categorizes habitats.

<b>General Rocky Shore Classifications</b>	
<p style="text-align: center;"><b><u>Rocky Shoreline</u></b></p> <p>Rocky habitat areas located between the upland vegetation line and the -4 meter depth contour. This area encompasses the rocky splash zone, intertidal, and subtidal.</p> <p>Includes-</p> <ul style="list-style-type: none"><li>• Cliffs</li><li>• Tidepools</li><li>• Rocky intertidal</li><li>• Rocky subtidal</li></ul>	<p style="text-align: center;"><b><u>Offshore Rocky Reefs &amp; Islands</u></b></p> <p>Rocky habitat areas located seaward of the extreme low water line that are disconnected from the main coastline at low tide and occur within state jurisdiction (0-3 nautical miles).</p> <p>Includes -</p> <ul style="list-style-type: none"><li>• Submerged reefs</li><li>• Exposed rocky islands</li><li>• Associated “offshore” features</li></ul>

## **Setting Context**

*[This section is still being crafted to include updated science, and information from 1994 sections E & H. This section will be review at expert workshops]*

Oregon’s rocky shores are part of a complex natural system on the boundary of land and sea. This dynamic system is responsible for making Oregon’s territorial sea both immensely productive, and severely vulnerable to disturbance.

The unique ocean currents, geology, and ecology of the area are becoming better known with scientific investigation.

## **An Interconnected Coast**

This strategy encompasses a broad view of the entire coast to provide a larger ecosystem context for meeting local management needs and setting priorities for action through site management plans. A coastwide ecosystem context is important due to the inherent interconnection between sites. The management and use of one site can affect the ecological function and resiliency of another site. Management actions are often scale-dependent with applications ranging from site level, to the regional or coastwide scale. A more complete review of the coastwide context of this plan can be found in \_\_\_\_ (section/appendix reference once organized).

# Why the Rocky Shore?

## How do Rocky Shores Fit into the Territorial Sea Plan?

Oregon's rocky shores are integral to the unique landscape and marine environment of the Oregon coast. From massive Tillamook Head looming above the Clatsop Plains south to the crenellated cliff at Brookings, rocky shores are a trademark of the Oregon coast. These biologically rich and visually dramatic shores have high value to Oregonians as places to use, enjoy, and learn.

Oregon's rocky shores harbor a variety of lifeforms uniquely adapted to live on the margin between the land and sea. Natural resources include a productive mix of invertebrates, fish, and algae in the rocky intertidal areas as well as seabirds and pinnipeds that use adjacent cliffs and offshore rocks for breeding and raising young. Rocky shores provide a highly accessible window to the marine environment, making them attractive places to visit for educational institutions, marine scientists, curious members of the public, and those interested in harvesting organisms for food or souvenirs. Oregon has long recognized the ecological value of rocky shores, as well as the societal value of the variety of human uses occurring at the sites. Oregon's long history of managing rocky shores to balance conservation and use reflects this recognition. Rocky shores management needs to continue to account for human use pressures, which will undoubtedly increase as the number of coastal residents and visitors increases. Additionally, the more recent understanding of climate change has exposed threats including warming temperatures, sea level rise, and ocean acidification, as well as potential cumulative impacts.

Oregon's rocky shores belong to the public, with few exceptions. There are several state and federal agencies that are responsible for managing Oregon's rocky shores in the public interest. Agency jurisdictional boundaries and authorities exist in a complex matrix and rely on a suite of management goals, objectives, and strategies. Section \_\_\_\_ of this plan outlines the authorities of state and federal agencies that have jurisdiction in the rocky shores.

Oregon's rocky shores strategy is intended to provide clear policies and direction for strong, site sensitive management and protection of these unique ecosystems along the entire Oregon coast.

## Stressors & Sustainability

*[This section is still being crafted to include updated science. This section will be review at expert workshops]*

The niche environment that sustains rocky shore life also makes the resources in these areas uniquely vulnerable to overuse, trampling, and changing oceanographic

conditions. The Rocky Shores Management Strategy acknowledges the fragility of rocky shore areas and is focused on promoting sustainable and adaptable management and conservation of rocky shore areas and associated resources.

## Rocky Shore Uses

*[Each user subsection will be separated each into intertidal and subtidal paragraphs]*

### **Commercial Uses**

Commercial harvest in the rocky shore has historically focused around invertebrate fisheries, with mussels being the most common commercial species over the past 30 years. Past commercial harvest has also included sea stars and other invertebrates for gift shops and the aquarium trade. Total harvest of invertebrates has decreased dramatically from 20,000 – 40,000 pounds per year in the early 1990s to <100 - 1800 pounds per year since 2010. This strategy recognizes that adapting global markets and changing environments may ignite interest in the development of more substantial commercial ventures in these habitats. For example there has been growing interest in commercial harvest of gooseneck barnacles in the past few years. Impacts of commercial harvest of rocky shore species or use of the rocky shore requires an extensive understanding of potential risks and impacts to the ecosystem as a whole.

### **Recreation**

Rocky shore areas account for millions of visits to the Oregon coast annually. More commonly known by the public as rocky *tidepools*, Oregon's rocky shores are a tremendous resource for recreation, exploration and hands-on, field-based learning. Like Oregon beaches, access to these coastal resources is critical to the identity of Oregonians. With ecotourism and experience-based vacations becoming more popular, the number of visitors to the rocky shore continues to increase as does the potential impacts of recreation. This strategy recognizes that access and recreation to rocky shore resources are critical to Oregonians and coastal economies; and, that those activities must be appropriately managed to balance the preservation and stewardship of these important resources. The strategy further recognizes that it is the diversity of flora, fauna and abundant wildlife that drives this strong recreational interest, furthering the need for a balanced approach.

### **Education**

Rocky shores provide a window into the marine environment that most, other than SCUBA divers or fisherman, will never encounter. For many, this is the first and sometimes only place that they encounter the rich biodiversity of the Pacific Ocean.

Providing a living classroom like no other marine ecosystem can, the rocky shores inspire a sense of wonder and spark curiosity.

An informed citizenry with a strong connection to and sense of personal stewardship of the resource will be the most effective means of managing, protecting, and conserving Oregon's rocky shore resources. The strategy supports education and interpretation initiatives that increase awareness of and engagement with marine resources.

Overall, this strategy recognizes that to meet growing usage and impact issues in rocky-shore areas, a robust, coast-wide awareness and engagement strategy is essential. The Ocean Policy Advisory Council encourages additional support for existing education and interpretive programs as well as the development of new programs as necessary.

## **Research & Monitoring**

Sound information is necessary to prepare, carry out, and evaluate management programs. Oregon's rocky shores have long provided a location for scientific discovery and research. Research at rocky shores sites has improved our understanding of marine ecosystem processes. Long term monitoring at rocky shore sites has allowed us to better understand coastal ecosystems, and observe changes from natural and human-caused events.

This strategy recognizes that the key to effective assessment and adaptive management of programs are active, responsive research, study, and monitoring programs. The strategy encourages additional support for existing research and monitoring programs as well as the development of new programs as necessary.

## **Cultural Significance**

Oregon's rocky shores are home to a particular cultural landscape with a history predating European settlement. Many rocky areas along the coast harbor a special meaning to past and present tribal communities with rocky habitats providing a location for harvest, ceremony, traditional cultural practices, and general sense of identity.

Oregonians as well as out of state visitors quickly find a place-based connection to the coastline and its diverse habitats and organisms. These specialized experiences have helped to create a unique coastal culture...

Overall, the rocky shore cultural landscape is one of tradition, recreation, discovery, and scientific research. This strategy intends to honor the cultural significance surrounding rocky shore resources and to respect traditional uses in consultation with tribal nations.

# Existing Rocky Shores Management

## Statewide Land Use Planning Goal 19

Oregon's land use planning is founded on 19 Statewide Planning Goals. These goals express the state's policies on land and sea use related topics. Goals 16-19 address marine influenced environments, with Goal 19 focusing on ocean resources (Appendix F). In addition to addressing matters such as dumping dredge spoils and discharge of waste products into marine waters, Land Use Planning Goal 19 frames management of rocky shore habitats and specifies that agency action regarding resources in the territorial sea "shall be developed and conducted to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf."

## Agencies & Governments

### Federal Agencies

- **U.S. Fish and Wildlife Service (USFWS)** is in charge of managing several National Wildlife Refuges and enforcing fish and wildlife laws. It is jointly responsible for enforcing the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) with the National Oceanic & Atmospheric Administration. The list of endangered and threatened species can be found online. National Wildlife Refuges (NWR) along the coast include the Oregon Islands NWR (all offshore islands in Oregon's Territorial Sea along with several mainland portions: Coquille and Crook Points, Three Arch Rocks NWR, and Cape Meares NWR).
- **The National Oceanic and Atmospheric Administration (NOAA).** Multiple offices within NOAA have a role in coastal and rocky shore management in Oregon. Primarily, this includes NOAA Fisheries and NOAA's Office for Coastal Management. NOAA Fisheries (also known as the National Marine Fisheries Service or NMFS) is in charge of fisheries management as well as being jointly responsible for implementation of both the ESA and the MMPA with USFWS. In Oregon's marine environments, NOAA Fisheries (also known as the National Marine Fisheries Service or NMFS) is in charge of fisheries management as well as being jointly responsible for implementation of both the ESA and the MMPA with USFWS. In Oregon's marine environments, NOAA Fisheries is the agency primarily responsible for activities related to marine mammal species and their habitats including the pinnipeds that rest on Oregon's rocky shores. NOAA's Office for Coastal Management (OCM) is responsible for implementation of the National Coastal Zone Management Program, providing annual funding, federal

consistency authority, technical and policy assistance, as well as access to a variety of data, tools and training.

- **Bureau of Land Management (BLM)** owns and manages public lands throughout the state, including some that front Oregon's rocky shorelines, primarily Yaquina Head Outstanding Natural Area (YHONA).
- **USDA Forest Service (USFS)** owns and manages public lands in national forests and grasslands throughout the state, including several large forests (Rogue River, Siskiyou and Siuslaw) within the coastal zone and one that fronts the coast, the Siuslaw National Forest, home to Cape Perpetua Scenic Area and Cascade Head.
- **Environmental Protection Agency (EPA)** is responsible for developing and enforcing environmental laws to protect human health and the environment, such as the Clean Water and Clean Air Acts. The EPA also conducts environmental research to further its mission of protecting human health and the environment, as well as promoting education, volunteer efforts and offering financial assistance to state-level environmental programs.

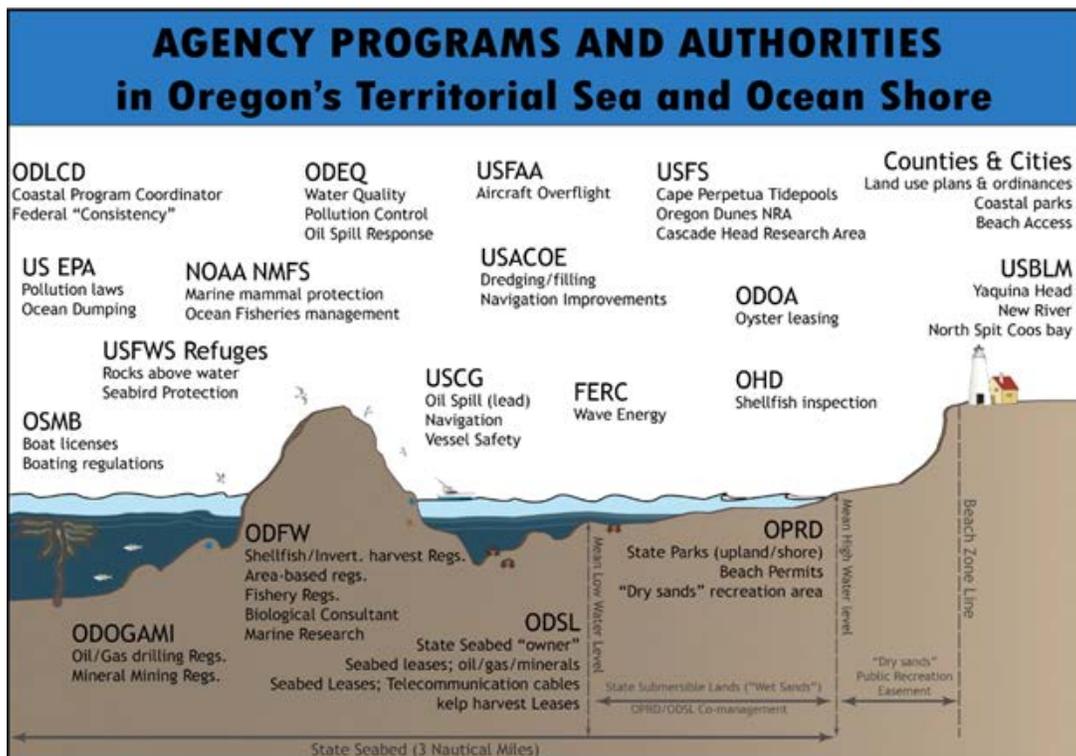
## State Agencies

- **Oregon Parks and Recreation Department (OPRD)** has two main roles in managing areas within Oregon's coastal zone. The first is as a landowner. OPRD manages more than 70 parks, waysides, and other facilities along the coast that offer shoreline access. The second is the agency's statutory authority for managing Oregon's ocean shore recreation area. The "ocean shore" is defined as the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line or the line of established upland shore vegetation, whichever is farther inland, and does not include estuaries (ORS 390.605). Within the Ocean Shore Recreation Area, OPRD issues ocean shore alteration permits, including those for shore protective structures (e.g., riprap), natural product removal use permits and scientific research and collection permits. OPRD developed the Ocean Shore Management Plan for this area. OPRD is responsible for protecting a variety of natural and cultural resources, managing many shoreline uses, and providing public access, recreational facilities, and recreational opportunities.
- **Oregon Department of Fish and Wildlife (ODFW)** manages fish and wildlife. It implements fish and wildlife laws and programs, issues scientific collection permits, and advises other agencies on biological issues. ODFW also manages seven intertidal marine gardens, six research reserves, one habitat refuge (statute \_\_\_), and five marine reserves with associated marine protected area (statute \_\_\_).

- **Oregon Department of State Lands (DSL).** DSL has jurisdiction over the submerged and submersible land of the territorial sea. DSL has both proprietary ownership and regulatory responsibilities within the territorial sea. DSL authorizes uses of the seafloor, including placement of submarine cables, installation of wave and wind energy devices and research equipment, kelp removal, and the placement of other structures. DSL also administers Oregon's removal-fill law which governs the removal, fill, and alteration of sediments, rock, and other materials comprising the submerged and submersible land underlying the territorial sea. DSL is the ocean shore land owner while Oregon Parks and Recreation Department (OPRD) is responsible for the management component of these areas (SB11, 1999).
- **Oregon Department of Land Conservation and Development (DLCD)** houses the state's Ocean and Coastal Management Program (OCMP). It ensures that projects from the federal to local level are consistent with the state's federally-approved Coastal Zone Management (CZM) program, which includes the 19 statewide planning goals. In partnership with several other organizations, DLCD has developed Oregon's Coastal Atlas, which has information on rocky shores and other coastal areas in Oregon. OCMP is also the main staff agency supporting the Ocean Policy Advisory Council.
- **Oregon Department of Environmental Quality (DEQ)** has authority for protecting water and air quality in Oregon's Territorial Sea, including oil spill prevention and response, and enforcing laws such as the Clean Water Act.
- **Oregon Marine Board (OSMB)** regulates boating activity within the territorial sea.
- **Oregon State Police (OSP)** enforces fish and wildlife regulations and other state environmental laws and rules.

## Coastal Tribes

While a many tribes claim ties to areas along the Oregon Coast, federally recognized tribal nations within the states coastal zone include the Confederated Tribes of Coos, Lower Umpqua & Siuslaw, the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, and the Confederated Tribes of the Grand Ronde Community of Oregon. Oregon's federally recognized tribes are each their own sovereign government and have treaty-protected gathering rights that should be respected (in consultation with the tribes as appropriate) when making any resource management decision. Additionally, it may be appropriate to expand definitions of cultural sites to include all those that have associated traditionally used resources, such as gathering sites.



[This figure will be updated with more accurate information prior to submission.]

## Rules & Regulations

Much like Oregon's diverse coastal ecosystems, the associated rules, regulations, and authorities governing the use of rocky shore resources are also complex in nature. This section includes a brief description of the primary coastwide and site-based state and federal rules and regulations regarding Oregon's rocky shore habitats.

TSP site recommendations outlined in Section \_\_\_\_ should not be confused with ODFW designations, Marine Reserve siting, or the other regulations outlined in this section. Each of these site management techniques have their own sets of rules, regulations, and authorities.

\*An exhaustive description of all of the regulations is beyond the scope of this plan; instead, this section offers a summary of current regulations and management measures enforced within Oregon's rocky shore habitats with references to more detailed materials.

### Coastwide Rules and Regulations

[All regulations, rules, and statutes will be hyperlinked into the document prior to publication]

## **Marine Fish and Invertebrate Harvest**

The ultimate goal of management is to allow for public use and enjoyment of fish and invertebrate resources while ensuring their long-term sustainability. Oregon Department of Fish and Wildlife (ODFW) manages marine fish and invertebrates through a program of harvest or take regulations, area closures, collection of research and monitoring data to determine species or habitat status, and recommending habitat protections to permitting or land management agencies. This section provides a general summary the regulatory aspects of management that were in place as of April 2018. Refer to [Oregon Administrative Rules Chapter 635](#) for a full listing of the regulations.

Managing species harvest employs multiple layers of regulations tailored to the purpose, species, and area of harvest. Separate sets of regulations apply to sport (recreational) harvest, commercial harvest, and take for scientific or educational purposes. ODFW draws on a suite of tools to accomplish management goals including license and permit requirements, limiting participation in fisheries, restrictions on harvest gear or methods, limits on catch (annual or seasonal quotas, trip limits, daily bag limits, etc.), size or sex restrictions, seasonal closures, and area closures. ODFW applies these tools singularly or in combination depending on the species, area, fishery, and many other factors. For some species, harvest regulations may remain constant for years, while for others, regulations change on an annual or shorter timeframe. The summaries below focus on ODFW harvest regulations that are most germane to the rocky shores environment.

### Sport Harvest of Marine Fish and Invertebrates

Marine sport fishery regulations apply to the Pacific Ocean, coastal bays, and beaches. An angling (fishing) license is required to take and land marine fish, including halibut, lingcod, rockfish, flounder, surfperch, greenling, cabezon, sole, salmon, and others. Special tags are required for some species. A shellfish license is required for recreational harvest of shellfish and other marine invertebrates.

Management of sport harvest in Oregon's rocky shores relies primarily on the rules and regulations placed on daily catch limits (bag limits), type of equipment or harvest method used, seasons, and area closures. ODFW's Oregon Sport Fishing Regulations and supplemental materials, available at license sales locations or on the ODFW website, provide details of the regulations.

### Commercial Harvest of Marine Fish and Invertebrates

Commercial fisheries management employs a wide array of regulations, many of which are specific to the individual fishery. Commercial fisheries most likely to occur in Oregon's rocky intertidal and adjacent subtidal areas include intertidal invertebrate harvest, subtidal harvest of urchins and some other invertebrates, harvest of nearshore

fish species, and a sporadic and small-scale harvest of fish in intertidal areas for the aquarium trade.

Harvest of intertidal invertebrates requires a Commercial Shellfish Harvest Permit or Intertidal Animal Harvest Permit, in addition to other licenses that are required of a commercial fisher. These permits contain some standard language indicating areas closed to commercial harvest, and ODFW has the authority to place additional requirements on the permit concerning allowable species, seasons, harvest areas, catch limits, and harvest gear and techniques.

Management of subtidal invertebrates varies by species. Species such as urchins, Dungeness crab, and pink shrimp are controlled with longstanding limited entry systems along with a myriad of other regulations. Commercial urchin harvest is not allowed in waters shallower than 10 feet, so there is no commercial urchin harvest in rocky intertidal areas. There are also seasonal urchin harvest closures on Orford Reef and around Pyramid Rock on Rogue Reef. Harvest of subtidal invertebrate species not regulated with a limited entry program or other specific regulations are subject to the Commercial Shellfish Harvest Permit described above.

*[Get additional language from Dave regarding commercial fish harvest]*

### **Marine Plant Harvest**

The removal of natural products, including plants from the ocean shore state recreation area (otherwise known as the "ocean shore," the area between extreme low tide and the line of vegetation) is prohibited by law except in compliance with regulations of the Oregon Parks and Recreation Department (OPRD) ([ORS 390.705](#)).

There are no permits required for the souvenir collection of marine plants on the ocean shore; however, OPRD has rules that apply to collection that defines and restricts souvenir collection in protected areas ([OAR 736-021-0090](#); 736-029-0010). Commercial harvest on the ocean shore is uncommon and regulated under ocean shore alteration permit requirements outlined by [ORS 390.725](#) and OAR Chapter 736 Division 20; however, below extreme low tide removal of marine plants is regulated under [ORS 274](#), and administered by the Division of State Lands (DSL). Individuals may harvest up to 2000 pounds of wet kelp per year for personal consumption from submerged lands (below extreme low tide) within the Territorial Sea without a lease from DSL (ORS 274.895).

### **Rocky Shoreline Access**

Although the ocean shore is, by law, a public recreation area, the State Parks and Recreation Department (OPRD) has authority to regulate uses and activities as well as "improvements" on the ocean shore (between extreme low tide and the line of vegetation). Such regulation of uses or activities may result in certain uses being prohibited from certain ocean shore areas. In addition, the OPRD may limit or close

access to the beach or rocky shoreline area from an adjacent state park area in response to safety or habitat protection considerations. The OPRD also has authority to regulate beach access structures, like seawalls or stairways, in the ocean shore area. None of the authority of the OPRD to regulate or control the use of Oregon's ocean shore limits or degrades the public's overriding rights to the ocean shore area.

## Site-Based Regulations

### ODFW Site Designations

#### Marine Gardens

ODFW has designated seven Marine Gardens in rocky intertidal areas along the coast. ODFW's regulations in these areas protect the rocky intertidal invertebrate community from harvest impacts. Currently ODFW designated Marine Gardens include:

Site Name	Town/City, County
Haystack Rock	Cannon Beach, Clatsop County
Cape Kiwanda	Pacific City, Tillamook County
Otter Rock	Otter Rock, Lincoln County
Yaquina Head	Agate Beach, Lincoln County
Yachats	Yachats, Lincoln County
Cape Perpetua	Lincoln County
Harris Beach	Brookings, Curry County

Marine Gardens are closed to the take of marine invertebrates with two exceptions: single mussels may be taken for bait, and razor clams (a sandy beach species) may be taken at Cape Perpetua. The Cape Perpetua Marine Garden has some small stretches of sandy beach among the rocky areas where razor clams can be harvested without affecting rocky habitat areas. Sport fishing is allowed in and from Marine Gardens, while commercial harvest of invertebrates is prohibited. No collection of marine plants is allowed within the ocean shore in these areas, except by scientific research permit from OPRD. These regulations may differ in areas where Marine Gardens overlap with Marine Reserves or Marine Protected Areas (Section \_\_\_\_)

#### Research Reserves

ODFW has designated Research Reserves in both rocky intertidal areas and subtidal areas. ODFW’s Research Reserve regulations vary by site and are designed to limit sport harvest of most invertebrate species and manage scientific/educational take through a permit program (Section \_\_\_\_). The designated Research Reserves include:

Site Name	Town/City, County
Boiler Bay (intertidal only)	Depoe Bay, Lincoln County
Pirate Cove (intertidal and subtidal)	Depoe Bay, Lincoln County
Neptune State Park (intertidal only)	Florence, Lane County
Gregory Point (subtidal only)	Charleston, Coos County
Cape Arago (intertidal only)	Charleston, Coos County
Brookings (intertidal only)	Brookings, Curry County

At most intertidal-only research reserves, sport harvest of most invertebrate species is closed. However, harvest of abalone<sup>3</sup>, clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, and shrimp is allowed. The plan divided Cape Arago into three zones (Areas A, B, and C – North to South); Area B employs the research reserve regulation described above, while Areas A and C prohibit take of all marine invertebrates. Pirate Cove and Gregory Point research reserves are close to the take of all marine invertebrates. Sport fishing is allowed in research reserves, while commercial harvest of invertebrates is prohibited. No collection of marine plants is allowed within the ocean shore in these areas, except by scientific research permit from OPRD. These regulations may differ in areas where Research Reserves overlap with Marine Reserves or Marine Protected Areas (see “Areas of Overlap” below).

#### Habitat Refuge

ODFW has designated one Habitat Refuge on the coast, the intertidal and subtidal areas of Whale Cove in Lincoln County. ODFW’s regulations at Whale Cove prohibit harvest of both marine invertebrates and fish. No collection of marine plants is allowed within the ocean shore in these areas, except by scientific research permit from OPRD.

#### **Marine Reserves and Protected Areas**

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<sup>3</sup> All abalone harvest was closed coastwide for at least a 3-year period beginning in 2018 due to population concerns. As of the date of this document, it is not known if and when harvest will re-open.

There are five Marine Reserves designated in Oregon, four of which have one or more associated Marine Protected Areas (MPAs). All of the Marine Reserves contain subtidal habitat and four of the Marine Reserves contain rocky intertidal habitat. The Marine Reserves include:

Site Name	Town/City, County
-Cape Falcon (subtidal and rocky intertidal habitat)	Tillamook and Clatsop Counties
Cascade Head (subtidal and rocky intertidal habitat)	Tillamook County
Otter Rock (subtidal and rocky intertidal habitat)	Otter Rock, Lincoln County
Cape Perpetua (subtidal and rocky intertidal habitat)	Lincoln County
Redfish Rocks (subtidal habitat only)	Port Orford, Curry County

ODFW’s regulations for Marine Reserves prohibit the take of fish and invertebrates. ODFW’s regulations for its nine MPAs vary by site and can be found in [OAR 635.012](#). Only two MPAs have regulations that materially affect rocky intertidal areas: Cascade Head North MPA and Cape Perpetua North MPA. Regulations pertaining to rocky intertidal areas of Cascade Head North MPA and Cape Perpetua North MPA prohibit take of fish from shore and prohibit take of invertebrates except crab. The regulations may differ where the MPAs overlap with Marine Gardens and Research Reserves (Section \_\_\_\_).

**Areas of Overlap between Designations**

There are some rocky intertidal areas where Marine Reserves or Marine Protected Areas (MPA) overlap with Marine Gardens or Research Reserves. ODFW designated Marine Gardens and Research Reserves in years prior to designating Marine Reserves, and their designations were for different purposes. Even though many of the regulations are redundant in areas of overlap, ODFW chose not to change the status or rescind the underlying Marine Gardens and Research Reserves in favor of the newer Marine Reserve regulations because the longevity of the Marine Reserve designations is not known. The Oregon Legislature will evaluate Marine Reserves in 2023, with an option of changing or removing designations. If ODFW chose to remove, for example, an overlapping Marine Garden designation, and the legislature then rescinded the Marine Reserve designation in 2023, then the former Marine Garden area would also lose its protections. Maintaining the Marine Garden and Research Reserve designations in areas of overlap ensures that these long standing rocky intertidal area protections will remain should the overlying Marine Reserve or MPA designations be removed.

### Areas of overlap include:

- partial overlap between the Otter Rock Marine Garden and Otter Rock Marine Reserve
- partial overlap of the Yachats Marine Garden and Cape Perpetua North MPA
- partial overlap between the Cape Perpetua Marine Garden and Cape Perpetua North MPA
- partial overlap between the Cape Perpetua Marine Garden and Cape Perpetua Marine Reserve (note, sandy beaches are not in the Marine Reserve)
- complete overlap of the Neptune State Park Research Reserve and the Cape Perpetua Marine Reserve (note, sandy beaches are not in the Marine Reserve)

The general interpretation of rules in areas of overlap is that the more stringent regulation (by species) applies. For example, the Otter Rock Marine Garden allows fishing and taking single mussels for bait. The Otter Rock Marine Reserve does not allow any take; therefore, the more stringent marine reserve regulations (i.e., no take) apply for those species where the two areas overlap. For a full detailed description of Marine Reserves and Marine Protected Areas rules and regulations visit <http://oregonmarinereserves.com/>.

## **Federal Laws and Regulations**

### Threatened and Endangered Species

Endangered Species Act (16 USC 1531-1543)

A number of bird and mammals species that use Oregon's rocky shore areas, either as residents or when migrating, are protected as threatened or endangered species under federal law. The [U.S. Fish and Wildlife Service: Environmental Conservation Online System](#) should be consulted for the most up to date list of listed species, and consult with USFWS and NMFS as appropriate.

Federal regulations prohibit the unauthorized "taking" of any species listed by federal regulation as "threatened" or "endangered." The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. These federal regulations determine the protection standards for these animals or plants even when they occur in state waters. Federal regulations authorize the designation of "critical habitat" for threatened or endangered species that can have consequences for human activities within or adjacent to such designated areas.

### National Wildlife Refuge System/National Wilderness System

National Wildlife Refuge System Administration Act (16 USC 668dd-668ee) and Oregon Islands National Wildlife Refuge; Wilderness Act (16 USC 1131-1136)

Almost all the rocks and islands along the Oregon coast are in the Oregon Islands National Wildlife Refuge or Three Arch Rocks National Wildlife Refuge, which are

administered by the U.S. Fish and Wildlife Service. There are extensive regulations for managing these rocks and islands under many different laws. The chief regulations of interest for rocky shores relate to prohibiting trespass (no climbing or landing on), or harassing wildlife, whether intentional or unintentional. In addition, the operation of unmanned aircraft (i.e. drones) is illegal on refuge islands. Most rocks under National Wildlife Refuge System jurisdiction are also in the Oregon Islands Wilderness designated by Congress.

### Migratory Species

Migratory Bird Conservation Act of 1929 (16 USC 715-715r)  
and Migratory Bird Treaty Act of 1918 (16 USC 703-712)

Oregon's rocky shores are habitat for many migratory species that are covered under federal law, including the Migratory Bird Conservation Act of 1929 and the Migratory Bird Treaty Act of 1918. Thus, these habitat areas are of interest not just to the State of Oregon or the United States but to other nations, too. Federal regulations protecting migratory species are an important part of Oregon's rocky shore management.

### Marine Mammals

Marine Mammal Protection Act (16 USC 1361-1407)

Several species of marine mammals make Oregon's rocky shores their home for all or part of the year. All these mammals are protected under federal law, the Marine Mammal Protection Act. Under this law it is unlawful to "take" a marine mammal; this means that it is unlawful to harass, hunt, capture, or kill, or attempt to do these things to any marine mammal.

### **Boating/Closure Areas**

The State Marine Board has authority to adopt regulations for boating activity in state waters. The Marine Board has adopted regulations (OAR 250-20-309) to establish a seasonal boating closure around Three Arch Rocks to protect wildlife.

### **Scientific and Educational Permitting**

Oregon Department of Fish and Wildlife (ODFW) and Oregon Parks and Recreation Department (OPRD) administer permitting programs for scientific research and educational programs proposing projects in the rocky shore. ODFW scientific research permits are required for any project proposing the take (removal) of marine organisms for scientific or educational purposes. An OPRD permit is necessary for any project proposed to take place on lands owned and managed by the department and includes activities pertaining to natural and cultural resources involving the collection and take of organisms. Take can include actions that cause mortality of the organism, capture and release (regardless of whether or not there is mortality), and tagging and release. In some cases, observation of organisms can also require the take permit, but this applies

mostly to wildlife or listed threatened or endangered animals where observational studies can disturb the organisms.

Both programs requires permittees to submit documentation prior to the beginning and after the conclusion of projects. Departmental websites should be consulted for a full description of permitting rules and requirements.

Additional permits may be required by state or federal agencies based on the proposed activity and location. Users are encouraged to contact local site authorities to determine appropriate permitting.

## **Rapid Response and Adaptive Management**

[Still being drafted - text below are notes]

To best respond to sudden and unforeseen events, agencies shall coordinate a response plan to imminent threats and impacts to the intertidal area in a timely manner. These threats may include-

- Outbreak of disease or virus with potentially substantial impacts to the intertidal ecosystem (example: seastar wasting syndrome)
- Substantial marine debris washes into an intertidal area

The dynamic and unique features on the Oregon Coast present many challenges to managing disaster response and threat management. Due to this complex nature, no single plan or method is appropriate for all events.

## **Oil Spill Response Planning for Oregon's Rocky Shores**

*[Language to be updated once plans are completed in 2019]*

Oil spill response planning in Oregon is the responsibility of both the Oregon Department of Environmental Quality (DEQ) and facilities that store, transport, or process large amounts of oil products. Vessels and facilities have their own plans for stopping spills before they can spread. Oregon DEQ regulates these facility plans and also develops plans for areas that contain many potential sources of oil spills or that are especially vulnerable to harm from oil spills. The Oregon Coast is one such area. In summer 2019, DEQ will release updated oil spill response plans for the Oregon coast with new strategies to contain and collect spilled oil and keep it away from sensitive natural, cultural, historic, and socioeconomic resources. Where possible, the new oil spill response plans for the coast will include strategies to protect rocky shore areas for the species that live there and the people who visit them. These plans will also include information for notifying resource managers and effected facilities when spills happen. For more information on DEQ's work to update the coastal oil spill response plans, visit <https://goo.gl/jfno7q>. To learn more about oil spill response in Oregon, visit

## **Rocky Shore Site Inventory & Site Recommendations**

*[Phase 2 of update - Site designation, context, characterization, history, trends, and recommendations]*

Scientific Basis for this Strategy: Science plays a key role in the development of the Rocky Shores Management Strategy. This plan is based on a scientific process in the development, creation, and implementation of management actions. The scientific basis for the strategy is built on the inventory and analysis of all rocky shore sites on the coast, and the connectivity among them.

This strategy is based on the need for sound scientific information to prepare, carry out, and evaluate management programs for Oregon's rocky shores

## **Glossary & Enforceable Policies & Communication Strategy**

*[(Appendix) - POST PROCESS - work with Kris Wall & Liz Ruther to make enforceable policies based on Goals and agency directives]*