

# A. INTRODUCTION

## 1. Why Manage Oregon's Rocky Shores

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.

Like other shore areas around the world, Oregon's seemingly durable rocky shores harbor many uniquely adapted life-forms that are vulnerable to the activities of mankind. There is no one threat. Rather, a web of combined causes poses the potential for habitat loss or destruction. Population growth in Oregon and elsewhere and more coastal recreation and travel mean increased (urbanization) of Oregon's coast. Decline and loss of salmon stocks create pressures for new and exotic fisheries and recreational activities. These seemingly unrelated activities can combine to affect Oregon's rocky shores. Thus, Oregon's commitment to protect its rocky shore treasures must ultimately lead to managing these areas to minimize or prevent human impacts.

**Commented [KP1]:** Dave Fox will help to rewrite this paragraph as a problem statement.

Oregon's rocky shores belong to the public, with few exceptions. There are several primary state and federal agencies that manage Oregon's rocky shores, in a complex matrix of management activities. ~~That much is simple. After that, their ownership, management, use, and protection is complicated.~~ The Oregon ~~Division~~ Department of State Lands is the trustee for the state on behalf of the people, up to mean high tide. The ~~Division~~ Department of State Lands shares this management responsibility with the Oregon Parks and Recreation Department for the part of the shore, whether rocky or sandy, covered and uncovered by the tide down to extreme low water. Most marine life is under the jurisdiction of the Oregon Department of Fish and Wildlife and Oregon Parks and Recreation Department. ~~, a federal agency, The~~ the US Fish and Wildlife Service, owns and manages the "dry" parts of offshore rocks and islands as part of a National Wildlife Refuge. ~~Some rocky shore areas front the ocean at Oregon State Parks while others front federal lands and still others border private lands where uses are regulated by cities or counties. And~~ There are a variety of other state, federal, and local agencies that have some role piece in of the rocky-shore management puzzle.

**Commented [KP2]:** Do a find a replace for Rocky-Shores to remove hyphens.

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.

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## 2. What is the Rocky Shores Strategy?

~~This Rocky~~ This Rocky Shores Strategy is one of several elements of Oregon's ocean resources management program. The strategy is a combination of policies intentions (a goal and a set of policies and objectives), supported by scientific background information on rocky shores areas and resources, applied to on the ground areas and situations specific sites. The strategy relies on

authorities and programs of state and federal agencies and local governments to carry out activities in the field; ~~the Ocean Policy Advisory Council will not implement the strategy.~~ The Rocky Shores Strategy addresses both the rocky shoreline and associated adjacent rocky features as well as offshore rocks and associated reefs.

**Commented [KP3]:** This is redundant as the information is in part 1 of the TSP. suggested deletion.

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**The Shoreline types** include rocky ~~tidepool-intertidal~~ areas as well as ~~associated-adjacent~~ cliffs, ~~submerged-subtidal~~ rocks or reefs and nearby rocks that may be reached by foot from shore (regardless of hazard or inconvenience); and **Offshore types** include underwater reefs and rocky islands accessible only by water in a boat or other means. These rocks and reefs are all within Oregon's territorial sea.

**Commented [KP4]:** Revisit this content after we understand how "types" are used in the rest of this chapter. This is an action item that requires a policy decision from OPAC. Potentially affirm with STAC that offshore reefs should be included. An additional question is whether we should include the reefs as part of the Rocky Shores Strategy... which might need to be renamed.

**Commented [KP5]:** Have as a section title?

~~Six planning~~ **3 Rocky Shores Planning Principles** ~~principles guided the Ocean Policy Advisory Council in preparing the strategy.~~

### **a. A Coastwide Context**

The strategy encompasses a broad view of the entire coast to provide an larger ecosystem context for meeting local management needs and setting priorities for action through site management plans. A coastwide ecosystem context is important because the management and use of one site can affect management and use of nearby sites (a spillover effect) ~~and because of the diversity of sites and conditions along the coast.~~

The scientific basis for the strategy is an extensive inventory and analysis of all rocky shore sites on the coast. See Appendix X for a complete inventory of data used in the analysis of rocky shores area management, resources, and uses. ~~The inventory was conducted by aerial surveys and field study during the summers of 1993 and 1994 by the Oregon Department of Fish and Wildlife (this inventory is summarized in subsection F.1).~~

**Commented [KP6]:** Update the Appendix X reference to the correct letter.

### **b. Site Plans**

~~Site plans will be used~~ The Council encourages local site management plans for rocky shore sites, where needed, where needed, to carry out the overall management designation and prescriptions set by the strategy. Site management plans will respond to complex site conditions, uses, biologic resources and agency management interests, and Site plans should are be prepared with the involvement and participation of affected agencies, citizens, and interested groups at a local level to make sure that local knowledge and interests in the site are accommodated as much as possible.

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~~The Council is especially committed to site-by-site assessment and management solutions for offshore rocks and islands for which serious resource management or protection concerns have been identified. Among the thirty some "sensitive sites" listed in the Ocean Plan, the Council has identified seven as "priority rock and reef" sites in this plan where special assessment of the situation and management actions may be needed.~~

**Commented [KP7]:** This paragraph is out of date following the Cape Arago amendment process. Suggested for deletion.

### **c. Intergovernmental Coordination**

Intergovernmental coordination and cooperation has been critical to preparing ~~out~~ the rocky shores strategy, ~~and will be essential to carrying it out.~~ The membership and mission of the Ocean Policy Advisory Council reflects legislative intent to make sure that the many governmental interests of coastal cities and counties, state agencies and federal agencies, and coastal Indian tribes are coordinated. 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.

**Commented [KP8]:** Appendix H describes the type of coordination required for implementation of the rocky shores strategy. This section of the plan should be more clear about how coordination between agencies happens.

#### **d. Education, Information, and Interpretation**

The strategy recognizes that an informed public with an enhanced sense of personal stewardship is crucial to protecting rocky shores. The strategy seeks to educate and inform the public to increase awareness of marine resources as the most effective means of protecting and conserving ~~a these~~ resources. The Council ~~will encourage~~ educational and informational outreach programs at coastwide as well as the local levels. ~~The Council encourages additional support for existing educational and informational programs and creation of new programs. Overall, the Council supports a coordinated coastwide communication and interpretation strategy to support and reinforce public information programs to meet growing usage and impacts on rocky shore areas.~~

**Commented [KP9]:** There is a need for coordinated messaging on educational programs ... come back to this

#### **e. Research, Study, and Monitoring**

The strategy is based on the need for ~~sound scientific~~ information to prepare, carry out, and evaluate management programs for Oregon's rocky shores. The key to ~~effective assessment and necessary adjustment~~ (adaptive management) ~~of management programs~~ is an active, responsive research, study, and monitoring program.

**Commented [KP10]:**

**Commented [KP11]:** If adaptive management is to be part of this plan, it should also be made into a separate planning principle.

**Commented [KP12]:** Rocky shores in Oregon provide a location for scientific discovery and research, and it should be recognized where on the coast this type of activity occurs.

#### **f. Financial Realism**

~~The Council recognizes that the solution to many management problems will require little or no additional funds, some solutions will require new or additional funds to carry out. The rocky shores strategy provides a coastwide context for determining funding needs and priorities.~~

**Commented [KP13]:** While this doesn't fit within this section, it is worthy of discussion, and a statement of intent somewhere else in the chapter could be appropriate.  
**Action Item: OPAC discussion of this issue.**  
Most of the funding required, will be on the conduct of the process, not on the regulations already being implemented by the agencies.

## B. ROCKY SHORES POLICY FRAMEWORK

**PLAN POLICY:** *The Goal, Policies, and Objectives for rocky shores are mandatory and all actions by local, state, or federal agencies in relation to managing rocky shore areas and resources shall be consistent with them.*

### 1. Goal, Objectives, Policies

#### a. Goal:

To protect the ecological values and coastal biodiversity within and among Oregon's rocky shores while allowing appropriate use.

#### b. Objectives:

1. To implement a management program that allows for enjoyment and use of Oregon's rocky shores while protecting them from overuse, degradation, and loss;
2. To enhance appreciation and foster personal stewardship of Oregon's rocky shores through education, interpretation, and information;
2. To maintain, enhance, or restore rocky-shore habitats and biological communities;
3. To foster cooperation and coordination among local, state, and federal resources management agencies to ensure that marine resources and habitats are fully protected.

#### c. Policies:

1. Encourage those who visit rocky shore areas to observe animals and plants in place, avoid unnecessary disturbance to marine life, and refrain from taking any plants or animals except under special circumstances.
2. Utilize regulations, permits, and agreements to control harvesting, gathering, or special collecting of marine plants and animals where appropriate.
3. Limit or restrict access to specific sites when and where necessary to protect marine habitats or marine wildlife resources or to avoid conflicts among users; access restrictions will generally be adopted as part of site management plans.
4. Use education, information, and awareness programs as preferred techniques to promote stewardship of rocky shores and resources.
5. Work in partnership with coastal Indian tribes to ensure that traditional and customary uses of rocky shores are consistent with this strategy; the Council will take no action to affect tribal interests that are the subject of hunting and fishing consent decrees or other agreements between the State of Oregon and any tribe.

Apply management strategies and techniques that distinguish among the unique resources, setting, and uses of a.) rocky shoreline areas and b.) offshore rocks and islands.

## C. CARRYING OUT THE ROCKY SHORE STRATEGY

The Rocky Shores Strategy will be carried out primarily by state agencies such as the Parks and Recreation Department (through site management of state parks and the ocean shore and park educational programs) and the Department of Fish and Wildlife (through regulations and informational programs). In some cases, local governments or federal agencies such as the Bureau of Land Management may be involved. The timing for carrying out this plan will vary with the management needs, conditions and resources of each site, with the available financial and technical resources available to agencies, and with the interests and involvement of local citizens and groups. This subsection outlines the major elements of this process for rocky shoreline sites and for offshore rocks and Islands.

### 1. Mandatory Policies for Site Management

#### a. Rocky Shoreline Areas

- 1.) **Management Required to Follow Plan.** Management of rocky-shore areas shall be consistent with the site management designations, management objectives and management prescriptions in this plan.
- 2.) **Ecological Units.** 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.** Site management or planning shall:
  - (a) utilize a team approach that involves all appropriate state agencies, federal agencies, city or county planning agencies, affected Indian tribes, and interested citizens and organizations;
  - (b) be based on scientific inventory information about the site, its resources and uses as contained in the ODFW rocky shores inventory, as obtained through more detailed site studies or as provided through comment and testimony by agencies and interested parties;
  - (c) include provisions for periodic monitoring of site use and condition of habitats and resources;
  - (d) include public educational, awareness, and outreach programs as integral parts of local site management plans.

Commented [KP14]: Same as Rocky Shore Cell?

## **b. Site Management of Offshore Rocks and Reefs**

- 1.) **Priority Rock and Reef Areas.** The "priority" rock and reef areas listed in this plan shall be the basis for further planning and assessment of management needs for offshore rock and reef areas.
- 2.) **Planning and Management.** Further planning or management action by the Council or any agency with respect to priority offshore rocks and reefs shall:
  - (a) utilize a team approach that involves all appropriate state agencies, federal agencies, affected or interested citizens and organizations;
  - (b) be based on scientific inventory information about the site, its resources and uses as contained in the ODFW inventory, as obtained through in more detailed site surveys and studies, or as presented through comment and testimony by agencies and interested parties;
  - (c) include provisions for periodic monitoring of site use and condition of habitats and resources;
  - (d) include public educational, awareness, and outreach programs shall be developed as integral parts of site management plans.

## **c. Consistency Between Territorial Sea Plan and Site Management**

- 1.) **Report to Council.** Whenever a site management plan is completed for rocky shore areas, the responsible agency shall submit written report to the Ocean Policy Advisory Council finding that the management plan is consistent with the provisions of this plan.

## **2. Mandatory Policies for Amending the Rocky Shores Strategy**

The Council expects that rocky shore site management may be adjusted over time for a variety of reasons and recognizes that site management designations of this plan may need to be changed.

### **a. Amendment Criteria**

The Council shall consider amendments to the provisions of this Rocky Shores 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 this plan; or

3.) when sites identified as "Not Yet Designated" in this plan are proposed for management designation.

#### **b. Amendment Procedure**

The Council shall follow the provisions of Part I, Section F.2. and any rules adopted pursuant to that section when amending the rocky shores provisions of this plan.

### **3. Education and Public Awareness**

The key to protecting rocky shore resources and carrying out the Goal, Policies, and Objectives of this Territorial Sea Plan is an informed and aware public. This means that the public--and its many subgroups--will need to learn about rocky shore resources, the importance of these to Oregon's coastal environment and economy, and ways in which they can take action as individuals and in groups to ensure protection and continuation of these valuable resources.

Public education, information, and awareness efforts will be needed on both coastwide and site specific levels. Existing educational and informational programs need support and to be networked to achieve maximum effectiveness. Oregon needs a strategic approach to communicating with the public to foster stewardship of coastal resources.

New programs are needed to meet increased usage and impacts on rocky-shore areas. These are often most effective when locally-based but regional and statewide efforts are needed to support local programs and provide consistency coastwide.

Financial support is crucial to developing and implementing needed informational programs. Informational initiatives will include innovative telecommunication technologies of computer networks and information services.

The Council recognizes that the following actions are needed to build a public awareness component into rocky shores management:

- 1.) Emphasize public education, interpretation, and information programs as primary management techniques.
- 2.) Create a coastwide strategy of interpretation, information, and education that links private, local, state, and federal educational and interpretive and educational programs.
- 3.) Enlist the assistance and support of local educators, interest and user groups, and the general public in planning for and carrying out educational and informational awareness programs at the local level.
- 4.) Support formation, training, and outreach activities of volunteer organizations assisting agencies in rocky-shore areas.



- 5.) **Apply computer-based information networks** to coastal information needs, including schools, agencies, public facilities, local governments, and private establishments.
- 6.) Seek specific additional funding, through the Ocean Policy Advisory Council, to support the objectives of this plan through financial assistance to agencies and groups to provide education and information activities

## D. EXISTING ROCKY SHORES MANAGEMENT

### 1. State Regulations

#### a. Marine Fish and Shellfish

**NOTE: Extensive and detailed regulations for harvesting of fish and shellfish in Oregon's marine waters are contained in the annual "Oregon Sport Fishing Regulations" of the Oregon Fish and Wildlife Commission authorized by Oregon Administrative Rules Chapter 635, Division 39. This section is a brief summary of regulations pertinent to rocky shores management and is not a complete set of regulations. Consult the complete Fish and Wildlife Commission fishing regulations for details.**

In summary, marine fishery regulations apply to the Pacific Ocean, coastal bays, and beaches. No license is required to take smelt, shellfish, or other marine invertebrates. An angling (fishing) license is required to take and land marine fish, including halibut, lingcod, rockfish, flounder, surfperch, greenling, cabezon, sole, and others and, in addition, special tags are required by ODFW for some species.

Shellfish are marine animals that may be harvested without a license but there are daily limits on the number taken and on the kind of equipment or harvest method used. Shellfish are defined in ORS 506.011 as abalone, clams, crabs (Dungeness, Red Rock), mussels, oysters, piddocks, scallops, and edible shrimp.

#### b. Invertebrates

Although shellfish are, in fact, invertebrates (they have no backbone), regulations distinguish between the more commonly harvested "shellfish," above, and "other marine invertebrates." ODFW regulations state:

*"There is no limit on the number of sand crabs, kelp worms, mud and ghost shrimp or Turban snails that may be taken. The daily catch limit is ten intertidal animals in the aggregate of all other intertidal animals (starfish, urchins, snails, and similar animals)."*

Several rocky-shore areas are closed to taking of marine invertebrates. These areas are described in Subsection F.3.

### Areas Closed to Taking of Marine Invertebrates, Clams\*, Mussels\*\*

all sand beaches, rocks, and tidepools within:

- X Marine Gardens at Otter Rock
- X Marine Gardens at Cape Perpetua
- X Whale Cove (closed to taking of all fish, shellfish, and marine invertebrates)
- X Yaquina Head Natural Area
- X Marine Gardens at Haystack Rock

\* Razor clams may be taken at Cape Perpetua

\*\* Single mussels may be taken for bait at all sites

### Areas Where Permits Are Required to Take "Other Marine Invertebrates"

all sand beaches, rocks, and tidepools within:

- X Shell Cove (Depoe Bay)
- X Boiler Bay
- X Neptune State Park (Strawberry Hill) Sunset Bay to Cape Arago Harris Beach

### **c. Commercial Shellfish Harvest**

A permit from the Oregon Department of Fish and Wildlife is required for commercial harvest of shellfish including mussels, clams, and crabs. The permit specifies conditions on the species, area, and method of harvest. A logbook showing date, pounds, dealer, area, and other data must be kept and submitted to ODFW.

All areas of the coast are open to commercial harvest except the following (the following list does not include closed areas of estuaries or rivers):

### Areas Closed For ALL Commercial Harvesting

- X Marine Gardens at Haystack Rock
- X Boiler Bay
- X Shell Cove
- X Whale Cove
- X Marine Gardens at Otter Rock
- X Marine Gardens at Yaquina Head
- X Marine Gardens at Cape Perpetua
- X Neptune State Park
- X Sunset Bay-Cape Arago
- X Harris Beach

### Areas Closed to Commercial Mussel Harvest

- X Arch Cape
- X All offshore rocks
- X All state, federal and county parks or waysides are closed on all weekends and holidays. Commercial harvesters are required to leave one layer of mussels on the rocks.

#### **d. Scientific/Educational Collecting**

A scientific collecting permit may be obtained from the Oregon Department of Fish and Wildlife to collect more than the regulations otherwise allow and to collect in "permit-only" rocky-shore areas for scientific or educational purposes. Scientific collecting permits specify the area where collecting is authorized and may not be used in other areas. A collection report is required.

#### **e. Marine Plants**

There are no specific regulations or permits required for the harvest of marine plants (except for commercial harvest or leasing for bull kelp, regulated under ORS 274, administered by the Division of State Lands). Individuals may harvest up to 2000 pounds of kelp per year for human consumption without a lease from the Division (ORS 274.895).

The removal of "marine growth" from the 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 Parks and Recreation Department. The State Parks and Recreation Department has authority to adopt such rules "to protect the areas from any use, activity, or practice inimical to the conservation natural resources or public recreation." To date, OPRD has not adopted rules governing the removal of "marine growth."

#### **f. 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.

#### **g. 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 shore 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.

## **2. Federal Laws and Regulations**

*NOTE: The following are brief summary descriptions of some federal statutes as they may apply to managing Oregon's rocky shore areas. The United States Code (U.S.C.) should be consulted for a complete text of these statutes and the Code of Federal Regulations (CFR) should be consulted for the complete regulations adopted by the agency.*

### **a. 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. These species include Aleutian Canada goose, brown pelican, bald eagle, peregrine falcon, marbled murrelet, Steller sea lion, and gray whale.

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.

### **b. 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 ones of interest for rocky shores relate to prohibiting trespass (no climbing or landing on) or harassing wildlife, whether intentional or unintentional. In addition, most rocks under National Wildlife Refuge System jurisdiction are also in the Oregon Islands Wilderness designated by Congress.

### **c. 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.

#### **d. 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.

### **3. Special Use/Management Areas**

Several different kinds of special-management areas have been designated over the years in response to various needs or opportunities. These special-management or special-use areas allow agencies to tailor management and regulations to address particular uses or resources of an individual area. Some of these areas, such as the Intertidal Permit-Only Areas, will be blended in to the rocky-shore management areas described in previous sections of this plan. Other areas, such as State Parks, and National Wildlife Refuges will remain distinct but will be central components of the rocky-shore strategy.

#### **a. Intertidal Marine Gardens**

Four Marine Gardens have been designated by the Oregon Fish and Wildlife Commission through regulations administered by the Department of Fish and Wildlife. These Marine Gardens are closed to the taking of marine invertebrates, clams (except razor clams at Cape Perpetua), and mussels (except single mussels for bait) and have little or no other site management activities.

X **Otter Rock**: the sand beaches, rocks, and tide pools between higher-high water and lowerlow water lying between a line projected due west from the highest point of Cape Foulweather on the north and a line projected due west from the Devil's Punchbowl on the south;

X **Cape Perpetua**: the sand beaches, rocks, and tide pools between higher-high water and lower-low water from the northerly boundary of Neptune State Park to the north side of Devil's Churn;

X **Haystack Rock**, Cannon Beach: including Haystack Rock and an area within a 300-yard radius of the base of the rock.

X **Yaquina Head Natural Area**: all rocky areas and tide pools situated between higher high water and lower low water lying between the sand beach on the south to the sand beach on the north of Yaquina Head.

#### **b. Intertidal Permit-only Areas**

There are five areas where permits from the Oregon Department of Fish and Wildlife are required to take intertidal animals:

X **Shell Cove** (Depoe Bay): all sand beaches, rocks, and tide pools between higher-high water and lower-low water lying between a line projected due west from Shell Road in the south half of Section 8, Township 9 south , Range 11 west, on the north; and a in the southeast quarter of Section 7 on a line projecting due west along the southern boundary of Section 7 in Township 9 south, Range 11 west;

X **Boiler Bay**: all sand beaches, rocks, and tide pools between higher-high water and lowerlow water lying between a line projected due west from the mouth of Fogarty Creek, Lincoln County, on the north and a line projected due west from Bench Marker 53 at Boiler Bay State Park;

X **Neptune State Park**: all sand beaches, rocks, and tide pools between higher-high water and lower-low water between the park's southerly and northerly boundaries;

X **Sunset Bay - Cape Arago**: all sand beaches, rocks, and tide pools between higher-high water and lower-low water lying between a line projected due west from the Cape Arago light and a point 3/4 of a mile south of Cape Arago State Park;

X **Harris Beach**: all sand beaches, rocks, and tide pools between higher-high water and lowerlow water and all intertidal areas lying between a point 1/2 mile north of the Harris Beach State Park on the north and the mouth of the Chetco River on the south.

### **c. Research Areas**

There are numerous rocky shore areas where research is or has been conducted. Some of these are long-term study areas while others are the site for seasonal or special projects. The Oregon Department of Fish and Wildlife has research projects at several locations including Whale Cove, Pirate Cove, and Nellie's Cove.

Researchers at Oregon State University have historically used sites on the central coast such as Boiler Bay, Strawberry Hill, and Yaquina Head as field laboratories for study of ecosystem processes in intertidal areas. Researchers from the University of Oregon, especially the University's Institute for Marine Biology, have historically used south coast sites at Cape Arago, Shore Acres, Cape Blanco, and Hooskenagen Creek near Cape Ferrello. Other research has been conducted at Haystack Rock, Otter Crest, and other areas where scientific collecting is permitted.

### **d. State Parks**

Many of Oregon's major, as well as smaller, rocky shore areas are adjacent to or within the boundaries of Oregon State Parks. Thus, the management of these parks can have a significant effect on habitat and resources of the rocky shores. Within a park, access can be controlled, educational or interpretive programs can be implemented, facilities can be installed, and other measures taken to carry out the rocky shores strategy of this plan. In addition, these parks can serve as habitat buffers and protected areas by leaving some park areas undeveloped and inaccessible to the public.

### **e. Cape Meares**

The Oregon Parks and Recreation Department and the U.S. Fish and Wildlife Service have signed an interagency cooperative agreement to manage state park facilities in conjunction with the Cape Meares National Wildlife Refuge. The sheer basalt cliffs and old-growth Sitka spruce forest of the cape are especially important habitat for several bird species.

**f. Cascade Head**

Cascade Head and the Salmon River estuary are owned and managed through joint efforts of The Nature Conservancy and the U.S. Forest Service as a research natural area. In addition, Cascade Head is listed as an International Biosphere Reserve.

**g. Whale Cove**

The Oregon Department of Fish and Wildlife has for a number of years closed Whale Cove south of Depoe Bay to all harvest of fish and shellfish to maintain a baseline research area. In addition, a long-term study of the success and growth of planted red abalone is being conducted in Whale Cove.

**h. Yaquina Head**

The upland area of Yaquina Head is administered by the U.S. Bureau of Land Management as an Outstanding Natural Area. The rocks associated with the head are managed as National Wildlife Refuge sites by the U.S. Fish and Wildlife Service. The State of Oregon has jurisdiction over the dry sand beach, rocky intertidal areas, and associated subtidal rocks and reefs. The intertidal area is designated a Marine Garden by the Oregon Fish and Wildlife Commission.

**i. North Cove/Shell Island at Cape Arago**

The north cove at Cape Arago is an especially rich and diverse habitat area for a wide variety of intertidal plant and animal species, seabirds and marine mammals. The entire cove is somewhat sheltered from the open ocean by Simpson Reef, a linear rock feature about one-half mile offshore. Near the center of the cove, Shell Island, a large rock with a sand beach on its landward side, and other large rocks provide ideal haulout and pupping sites for seals, sea lions, and elephant seals (the only such site for elephant seals in Oregon). However, these rocks are accessible by foot at low tide, especially the very low tides of late spring and early summer. The park upland is owned and managed by the Oregon Parks and Recreation Department, the rocks and islands in and adjacent to north cove are part of the National Wildlife Refuge System managed by the U.S. Fish and Wildlife Service. These two agencies have an agreement to close trail access to North Cove between March 1 to June 15 each year to protect seals and sea lions that bear and raise their pups on the rocks, reefs, and beach area.

**j. Three Arch Rocks National Wildlife Refuge/state buffer area**

The rocks of Three Arch Rocks National Wildlife Refuge offshore Oceanside in Tillamook County are very valuable and heavily used habitat for colonial nesting seabirds and for marine mammals. The Ocean Policy Advisory Council has adopted a 500-foot seasonal closure area for



the waters around these rocks to buffer breeding seabirds and mammals from human disturbance caused by boats. The State Marine Board has enacted boating regulations to close the 500-foot wide area between May 1 and September 1 of each year.

#### **k. Orford Reef Urchin Seasonal Closure Area**

Orford Reef, approximately three miles southwest of Cape Blanco, contains a number of rocks that are critical habitat for the Steller sea lion, a species listed as "threatened" under federal law. The submerged reef areas within Orford Reef are the target of a red sea urchin dive fishery. In the late 1980s, observations suggested that Steller sea lion use of some rocks in the reef was being adversely affected by the presence of urchin dive activity. In 1990, the ODFW and the urchin industry instituted a 1,000 foot-wide urchin fishery closure area around Long Brown Rock and Seal Rock between May 1 and August 31. In 1993, the National Marine Fisheries Service designated a 3000-foot wide critical habitat area around these rocks but has not adopted any associated restrictions. The sea urchin industry provided additional protection by voluntarily instituting a moratorium on all harvest in and around Orford Reef during the summer months.

#### **l. Rogue Reef Fishery Closure Area**

Rogue Reef is located about two miles off the mouth of the Rogue River and the City of Gold Beach. Pyramid Rock in Rogue Reef is a critical habitat site for Steller sea lions and is the largest pupping site south of Alaska. This reef is also receiving increased fishery use, principally sport rock-fishing. As at Orford Reef, impact concerns from the urchin dive fishery led to a seasonal closure to that fishery to protect Steller sea lion reproduction. Beginning in 1994, a 1000-foot area around Pyramid Rock is closed to all fishing activity during the period May 1 to August 31. In addition, the National Marine Fisheries Service has designated an area 3000 feet wide around these important sites as critical habitat but has not adopted any associated restrictions.

### **4. Regulatory Improvements**

#### **a. Conformance with Rocky Shores Strategy**

The ODFW regulations should be reviewed and updated as necessary to conform to the area management designations of the Rocky Shores Strategy. The bag limits for marine invertebrates, including the "no limit" rule on taking sand crabs or Turban snails, should be reviewed and revised as necessary to conform to the Rocky Shores Strategy.

#### **b. Permits**

The ODFW should review its permit system to determine whether changes are needed such as:

- X criteria and conditions for scientific and commercial harvest permits;
- X fees for certain permits;
- X reporting requirements;
- X seasons for certain activities.

The Division of State Lands should review and clarify its criteria for requiring and approving a "right of entry" permit for submerged and submersible lands.

**c. Legislative Changes**

The Oregon Legislature should be asked to

X provide an appropriate state agency with authority to regulate the harvest of marine algae (seaweeds) in intertidal and subtidal areas in conformance with this Territorial Sea Plan.

NOTE: ORS 274.895 requires a lease from the Division of State Lands for removing kelp or other marine algae from submerged lands (but not from submersible), except that 2000 pounds per person may be harvested for "human use" without a permit.

NOTE: ORS 390.725 authorizes the State Parks and Recreation Department to regulate the taking of "marine growth or other natural product" from the state recreation area, which extends to extreme low water and includes intertidal areas.