

Appendix D: Designation Standards for Federal Consistency

The following information is for application during Federal Consistency Review as outlined by the Coastal Zone Management Act of 1972. None of the information within this section varies from the intent of the Rocky Habitat Management Strategy.

Enforceable policies

The following subset of policies will be submitted to the National Oceanic and Atmospheric Administration for approval to use during Federal Consistency review under the Coastal Zone Management Act (see Federal Consistency Regulations 15 CFR Part 930).

General Policies (from Section A.6.b.)

- A. Consistent with Statewide Land Use Planning Goal 19, actions that are likely to affect rocky habitats shall be developed and conducted to conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social values benefits.
- B. Protection of rocky habitat resources (i.e. living marine organisms and their habitat) shall be prioritized over development of non-renewable ocean resource uses.
- D. Public access shall be preserved to the maximum extent practicable and minimize user conflict.
- F. Standards for designations described in Section D. of this plan shall apply to activities occurring in rocky habitats. Managing agencies shall incorporate management recommendations outlined in Section D. into administrative rule or site management practices.
- I. Harvesting, gathering, or scientific collection of marine plants and animals in rocky habitat areas, where allowed, shall be conducted in a manner that minimizes impacts and disturbance to habitats or other organisms.
- J. Marine development activities, not currently managed by a specific part of the Territorial Sea Plan, that cause significant adverse effects or permanent³⁰ impacts to the form or function of submerged rocky habitats, or the fisheries dependent upon them, are prohibited.

³⁰ "Temporary impacts" are adverse impacts to waters of this state that are rectified within 24 months from the date of the initiation of the impact. As defined by: OAR 141-085-0510(88).

- N. Impacts to cultural resources or historic properties in rocky habitats shall be avoided, minimized, or mitigated, in consultation with affected Oregon federally recognized tribes and as determined by the State Historic Preservation Office or Tribal Historic Preservation Office, as appropriate.
- Q. Harvest of marine aquatic vegetation is prohibited except as regulated by state agencies for appropriate recreational, scientific, restoration, and educational use.
- R. Development activities occurring within or near an area with marine aquatic vegetation must have no significant adverse effects to the marine aquatic vegetation or its habitat.

Designation Standards (from Section D.)

TABLE 2 REGULATORY STANDARDS & MANAGEMENT PRACTICES

	Marine Research Area	Marine Garden (Marine Education Area)	Marine Conservation Area
Fish Harvest	<p><u>Commercial</u> – No additional site-based fish harvest regulations. Coastwide Oregon Department of Fish and Wildlife regulations apply.</p> <p><u>Recreational</u> – No additional site-based fish harvest regulations. Coastwide Oregon Department of Fish and Wildlife regulations apply.</p> <p><u>Scientific & Educational</u> – Requires a permit from Oregon Department of Fish and Wildlife or Oregon Parks and Recreation Department, which may be issued if the research does not impede the management goals of the Marine Research Area.</p>	<p><u>Commercial</u> – No additional site-based fish harvest regulations. Coastwide Oregon Department of Fish and Wildlife regulations apply.</p> <p><u>Recreational</u> – No additional site-based fish harvest regulations. Coastwide Oregon Department of Fish and Wildlife regulations apply.</p> <p><u>Scientific & Educational</u> – Requires a permit from Oregon Department of Fish and Wildlife or Oregon Parks and Recreation Department, which may be issued if the research aligns to further the management goals of the Marine Garden.</p>	<p>Marine Conservation Areas with broad conservation goals may be proposed with regulations closing harvest in all categories.</p> <p>Specific fish harvest regulations will be established based on the proposed management goals of the site.</p> <p>Individual site management must include a clear justification for all proposed regulations for <u>commercial</u>, <u>recreational</u>, <u>scientific</u> and <u>educational</u> fish harvest.</p>
Invertebrate Harvest	<p><u>Commercial</u> – No take</p> <p><u>Recreational</u> – No take except at a subset of sites which allow species-specific harvest of clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, and shrimp.</p> <p><u>Scientific & Educational</u> – Requires a permit from Oregon Department of Fish and Wildlife or Oregon Parks and Recreation Department, which may be issued if the research does not impede the management goals of the Marine Research Area.</p>	<p><u>Commercial</u> – No take</p> <p><u>Recreational</u> – No take except for single mussels for bait.</p> <p><u>Scientific & Educational</u> – Requires a permit from Oregon Department of Fish and Wildlife or Oregon Parks and Recreation Department, which may be issued if the research aligns to further the management goals of the Marine Garden.</p>	<p>Marine Conservation Areas with broad conservation goals may be proposed with regulations closing harvest in all categories.</p> <p>Specific invertebrate harvest regulations will be established based on the proposed management goals of the site.</p> <p>Individual site management must include a clear justification for all proposed regulations for <u>commercial</u>, <u>recreational</u>, <u>scientific</u> and <u>educational</u> invertebrate harvest.</p>
Marine Aquatic Vegetation Harvest	<p><u>Commercial</u> – No take</p> <p><u>Recreational</u> – No take</p> <p><u>Scientific & Educational</u> – Requires authorization from Oregon Parks and Recreation Department or the Department of State Lands, which may be issued if the research does not impede the management goals of the Marine Research Area.</p>	<p><u>Commercial</u> – No take</p> <p><u>Recreational</u> – No take</p> <p><u>Scientific & Educational</u> – Requires authorization from Oregon Parks and Recreation Department or the Department of State Lands, which may be issued if the research aligns to further the management goals of the Marine Garden.</p>	<p>Marine Conservation Areas with broad conservation goals may be proposed with regulations closing harvest in all categories.</p> <p>Specific marine aquatic vegetation harvest regulations will be established based on the proposed management goals of the site.</p> <p>Individual site management must include a clear justification for all proposed regulations for</p>

Users should refer to individual site designation for a complete understanding of site regulations

NON-REGULATORY STANDARDS & MANAGEMENT PRACTICES

Marine Research Area	Marine Garden (Marine Education Area)	Marine Conservation Area
<ul style="list-style-type: none"> • In regards to physical public access to areas: <ul style="list-style-type: none"> ○ Avoid enhancement of <u>future</u> physical public access on public lands to rocky habitats except in instances of safety concerns. ○ Maintain but avoid enhancing capacity of <u>current</u> physical access. ○ Enhance visual access to these sites. ○ Prioritize access to these sites for low impact research. • When possible, researchers in these areas should report project outcomes and metadata to the permitting agency for incorporation into a publically accessible repository. • Other actions and practices that aid in reaching site goals. 	<ul style="list-style-type: none"> • Increase, enhance, and maintain visual and physical access on public lands to rocky habitats to be inclusive of diverse uses while prioritizing the protection of ecological and cultural resources³¹. • Encourage educational and interpretive programming that increases informed visitation to the site and minimizes impacts to site resources. <ul style="list-style-type: none"> ○ Educational programs should aim to reduce the impacts of trampling and wildlife disturbance, as well as monitor impacts of visitor use. • Increase and enhance messaging around rules and regulations, and highlight general rocky habitat etiquette and stewardship. • Other actions and practices that aid in reaching site goals. 	<ul style="list-style-type: none"> • Variable non-regulatory management practices are applicable in Marine Conservation Areas. • Individual site management must outline clear non-regulatory management mechanisms that aid in reaching the site goals.

³¹ Resources vital to or the product of the perpetuation of traditional practices, ceremonies and lifeways.