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CHAPTER 141

DEPARTMENT OF STATE LANDS

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RULES:

141-142-0010, 141-142-0015, 141-142-0020, 141-142-0025, 141-142-0030, 141-142-0035, 141-142-0040, 141-142-0045, 141-142-0050, 141-142-0055, 141-142-0060, 141-142-0065, 141-142-0070, 141-142-0075, 141-142-0080, 141-142-0085, 141-142-0090, 141-142-0095, 141-142-0100, 141-142-0105, 141-142-0110, 141-142-0115, 141-142-0120, 141-142-0125, 141-142-0130, 141-142-0135, 141-142-0140, 141-142-0145, 141-142-0150, 141-142-0155, 141-142-0160, 141-142-0165, 141-142-0170, 141-142-0175, 141-142-0180, 141-142-0185, 141-142-0190, 141-142-0195, 141-142-0200, 141-142-0205, 141-142-0210, 141-142-0215

AMEND: 141-142-0010

RULE TITLE: Purpose and Applicability

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

This division:

- (1) Governs the State Land Board establishment and Department of State Lands management of marine reserves, marine protected areas and seabird protection areas in the Territorial Sea.
- (2) Describes uses that the department may authorize within areas designated as a marine reserve, marine protected area, or seabird protection area.
- (3) Identifies areas of state-owned submerged and submersible land in the Territorial Sea that the State Land Board has designated as a marine reserve, marine garden, marine conservation area, marine protected area, marine research area, or seabird protection area.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0015

RULE TITLE: Definitions

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

As used in this division, unless the context requires otherwise:

- (1) "Area" or "Protected Area" means and refers to all marine reserves, marine gardens, marine conservation areas, marine research areas, marine protected areas, and seabird protection areas.
- (2) "Authorization" means a lease, registration, short-term access authorization, temporary use authorization, public facility license, easement or other authorization the department grants that allows a person to use, or place a structure in, on, under or over state-owned submerged land, state-owned submersible land, or both in the Territorial Sea.
- (3) "Department" means the Department of State Lands.
- (4) "Disturbance" means the extraction of living organisms and non-living materials, or human induced changes to the environment.
- (5) "Extractive Activity" means any human effort to remove or attempt to remove any living or non-living marine resource.
- (6) "Extreme Low Water" or "ELWL" means the lowest elevation reached by the sea as recorded by a water level gauge during a given period. Extreme low water is generally seaward of the "line of ordinary low water" as defined in ORS 274.005(3).
- (7) "Marine Conservation Area" are areas within Oregon's territorial sea or adjacent rocky intertidal area with relatively intact ecosystems with high ecological value. These areas are managed to preserve the natural system to the highest degree possible by limiting adverse impacts to habitat and wildlife.
- (8) "Marine Garden" or "Marine Education Area" means any area within Oregon's territorial sea or adjacent rocky intertidal area that has been reserved by the state to provide enhanced education, enjoyment, public access, and resource awareness. These sites are characterized by their high public visitation and educational potential.
- (9) "Marine Protected Area" means any area of the marine environment within Oregon's territorial sea that has been reserved by the state to provide lasting protection for part or all of the natural and cultural resources therein.
- (10) "Marine Research Area" means any area within Oregon's territorial sea or adjacent rocky intertidal area that has been reserved by the state to support scientific research and monitoring while maintaining ecological integrity. These sites have relatively intact ecosystems that have or may benefit from scientific research.
- (11) "Marine Reserve" is an area within Oregon's territorial sea or adjacent rocky intertidal area that is protected from all extractive activities, including the removal or disturbance of living and non-living marine resources, except as necessary for monitoring or research to evaluate reserve condition, effectiveness, or impact of stressors.
- (12) "Mean High Water" or "MHWL" is a tidal datum. It is the average of all the high water heights observed over the National Tidal Datum Epoch. For stations with shorter series, comparison of simultaneous observations with a control tide station is made in order to derive the equivalent datum of the National Tidal Datum Epoch. For purposes of the department's jurisdiction, Mean High Water corresponds generally with the "line of ordinary high water" as defined in ORS 274.005(3).
- (13) "National Tidal Datum Epoch" means the specific 19-year period adopted by the National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values (e.g., mean lower low water, etc.) for tidal datums. It is necessary for standardization because of periodic and apparent secular trends in sea level. The present National Tide Datum Epoch is 1983 through 2001 and is actively considered for revision every 20-25 years. Tidal datums in certain regions with anomalous sea level changes are calculated on a Modified 5-Year Epoch.
- (14) "Removal-Fill Permit" means an authorization granted by the department governing the removal, fill, alteration, or any combination thereof of material within the waters of the State of Oregon as provided in ORS 196.668 to 196.692 and ORS 196.800 to 196.990.

(15) "Seabird Protection Area" is an area within Oregon's Territorial Sea that has been reserved by the state for the protection of seabirds.

(16) "State Land" as provided in ORS 273.006(8) means public land controlled by the department.

(17) "Structure" means anything placed, constructed, or erected in, on, under or over state-owned submerged and submersible land.

(18) "Submerged Land" as provided in ORS 274.005(7), means lands lying below the line of ordinary low water of all navigable waters within the boundaries of this state as heretofore or hereafter established, whether such waters are tidal or nontidal, except as provided in 274.705.

(19) "Submersible Land" as provided in ORS 274.005(8), means lands lying between the line of ordinary high water and the line of ordinary low water of all navigable waters and all islands, shore lands or other such lands held by or granted to this state by virtue of her sovereignty, wherever applicable, within the boundaries of this state as heretofore or hereafter established, whether such waters or lands are tidal or nontidal, except as provided in 274.705.

(20) "Territorial Sea" as provided in ORS 196.405(5), means the waters and seabed extending three nautical/geographical miles seaward from the coastline in conformance with federal law.

(21) "Territorial Sea Plan" as provided in ORS 196.405(6), means the plan for Oregon's Territorial Sea. In addition to the Territorial Sea as defined in section (20), the scope of the Territorial Sea Plan includes the "ocean shore" as defined in 390.605.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0020

RULE TITLE: General Provisions

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

- (1) The department will only grant an authorization or a removal-fill permit for a regulated removal-fill activity if the use, or removal, fill or alteration of material is necessary to study, monitor, evaluate, enforce or protect or otherwise further the studying, monitoring, enforcement and protection of the marine reserve, marine garden, marine conservation area, marine protected area, marine research area, or seabird protection area.
- (2) Applicants for an authorization within a marine reserve, marine garden, marine conservation area, marine protected area, marine research area, or seabird protection area must provide evidence suitable to the department and other reviewing agencies that their proposed use meets the requirements of OAR 141-142-0020(1) and the management plan adopted and in force for the area at the time the application is submitted.
- (3) The department will honor the terms and conditions of any valid authorization (including any provisions providing for a right of renewal) previously granted by the department for a use existing within an area designated as a marine reserve, marine garden, marine conservation area, marine protected area, marine research area, or seabird protection area at the time of its designation if the holder of the authorization is, and continues to be in full compliance with the terms and conditions of the authorization.
- (4) The department will condition any authorization to use or place a structure on, in or over state-owned submerged and submersible land in an area designated as a marine reserve, marine garden, marine conservation area, marine protected area, marine research area, or seabird protection area to require that the holder receive all other authorizations required by the department (such as a Removal-Fill Authorization under ORS 196.800 to 196.990) and other local, state, and federal entities before using the area.
- (5) Any person applying to the department for an authorization to place any structure on, in or over state-owned submerged and submersible land in an area designated as a marine reserve, marine garden, marine conservation area, marine research area, marine protected area, or seabird protection area must describe in the application how they will remove the structure pursuant to the requirements of the Territorial Sea Plan.
- (6) Notwithstanding the provisions of ORS 274.885 to 274.895, no person may harvest or remove any kelp or other seaweed for any purpose within an area designated as a marine reserve or marine protected area unless expressly authorized by the department to do so in order to study, monitor, evaluate, enforce or otherwise further the purpose of the marine reserve, marine garden, marine conservation area, marine protected area, marine research area, or seabird protection area.
- (7) These rules are not intended to affect consent decrees or other agreements between the State of Oregon and any Oregon federally recognized Tribe, nor are these rules intended to change any state agency policy recognizing Tribal rights in rocky habitat areas.
- (8) The department shall provide all affected Oregon federally recognized Tribes the opportunity for consultation regarding any department action, including the planning, taking place in the rocky habitat areas.
- (9) The department shall make good faith efforts to avoid, minimize or mitigate impacts to cultural resources or historic properties in rocky habitats as determined by the State Historic Preservation Office or Tribal Historic Preservation Office. The department shall consult with affected Oregon federally recognized Tribes as appropriate.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0025

RULE TITLE: Establishing a Marine Reserve, Marine Garden, Marine Conservation Area, Marine Protected Area, Marine Research Area, and Seabird Protection Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

In order to be established, marine reserves, marine gardens, marine conservation areas, marine protected areas, marine research areas, and seabird protection areas must be approved by the adoption of an amendment to this division by the State Land Board.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0030

RULE TITLE: Otter Rock Marine Reserve

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Otter Rock Marine Reserve:

(a) Beginning from a point at Latitude $44^{\circ} 45.17'$ ($44^{\circ} 45'10''$ N), Longitude $-124^{\circ} 3.86'$ ($124^{\circ} 3'52''$ W) (Point A);

(b) Then following the MHWL south to Latitude $44^{\circ} 43.31'$ ($44^{\circ} 45' 10.5''$ N), Longitude $-124^{\circ} 3.66'$ ($124^{\circ} 3' 51.5''$ W) (Point B);

(c) Then west to Latitude $44^{\circ} 43.31'$ ($44^{\circ} 44' 47.6''$ N), Longitude $-124^{\circ} 4.2'$ ($124^{\circ} 4' 12''$ W) (Point C);

(d) Then north to Latitude $44^{\circ} 45.17'$ ($44^{\circ} 45'10''$ N), Longitude $-124^{\circ} 4.53'$ ($124^{\circ} 4'32''$ W) (Point D);

(e) Then in an easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0035

RULE TITLE: Redfish Rocks Marine Reserve

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Redfish Rocks Marine Reserve:

(a) Beginning from a point at Latitude 42° 42.96' (42° 42' 57.6" N), Longitude -124° 27.78' (124° 27' 46.8" W) (Point A);

(b) Then south along MHWL to Latitude 42° 41.52' (42° 41' 31.2" N), Longitude -124° 27.18' (124° 27' 10.8" W) (Point B);

(c) Then west to Latitude 42° 41.16' (42° 41' 9.6" N), Longitude -124° 28.86' (124° 28' 51.6" W) (Point C);

(d) Then north to Latitude 42° 42.54' (42° 42' 32.4" N), Longitude -124° 29.64' (124° 29' 38.4" W) (Point D);

(e) Then in an easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0040

RULE TITLE: Redfish Rocks Marine Protected Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Redfish Rocks Marine Protected Area:

(a) Beginning from a point at Latitude $42^{\circ} 41.16'$ ($42^{\circ} 41' 9.6''$ N), Longitude $-124^{\circ} 28.86'$ ($124^{\circ} 28' 51.6''$ W) (Point A);

(b) Then north to Latitude $42^{\circ} 42.54'$ ($42^{\circ} 42' 32.4''$ N), Longitude $-124^{\circ} 29.64'$ ($124^{\circ} 29' 38.4''$ W) (Point B);

(c) Then west to Latitude $42^{\circ} 41.90'$ ($42^{\circ} 41' 54''$ N), Longitude $-124^{\circ} 32.50'$ ($124^{\circ} 32' 30''$ W) (Point C);

(d) Then south to Latitude $42^{\circ} 40.25'$ ($42^{\circ} 40' 15''$ N), Longitude $-124^{\circ} 32.50'$ ($124^{\circ} 32' 30''$ W) (Point D);

(e) Then in an easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0045

RULE TITLE: Cape Perpetua Marine Reserve I

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cape Perpetua Marine Reserve I:

- (a) Beginning from a point at Latitude 44° 17.00' (44° 17' 0" N), Longitude -124° 6.73' (124° 6' 42" W) (Point A);
- (b) Then south along the ELWL to Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 6.74' (124° 6' 44.4" W) (Point B);
- (c) Then west to Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 11.00' (124° 11' 0" W) (Point C);
- (d) Then north to Latitude 44° 17.00' (44° 17' 0" N), Longitude -124° 11.00' (124° 11' 0" W) (Point D);
- (e) Then in a generally easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0050

RULE TITLE: Cape Perpetua North Marine Protected Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cape Perpetua North Marine Protected Area:

(a) Beginning from a point at Latitude $44^{\circ} 17.00'$ ($44^{\circ} 17' 0''$ N), Longitude $-124^{\circ} 6.73'$ ($124^{\circ} 6' 22.2''$ W) (Point A);

(b) Then west to Latitude $44^{\circ} 17.00'$ ($44^{\circ} 17' 0''$ N), Longitude $-124^{\circ} 10.50'$ ($124^{\circ} 10' 30''$ W) (Point B);

(c) Then north to Latitude $44^{\circ} 20.00'$ ($44^{\circ} 20' 0''$ N), Longitude $-124^{\circ} 10.50'$ ($124^{\circ} 10' 30''$ W) (Point C);

(d) Then east to Latitude $44^{\circ} 20.00'$ ($44^{\circ} 20' 0''$ N), Longitude $-124^{\circ} 6.04'$ ($124^{\circ} 6' 2.4''$ W) (Point D);

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0055

RULE TITLE: Cape Perpetua South-East Marine Protected Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cape Perpetua South-East Marine Protected Area:

- (a) Beginning from a point at Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 6.74' (124° 6' 44.4" W) (Point A);
- (b) Then south along the ELWL to Latitude 44° 5.75' (44° 5' 45" N), Longitude -124° 7.53' (124° 7' 31.8" W) (Point B);
- (c) Then west to Latitude 44° 5.75' (44° 5' 45" N), Longitude -124° 8.60' (124° 8' 36" W) (Point C);
- (d) Then north to Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 8.00' (124° 8' 0" W) (Point D);

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0060

RULE TITLE: Cape Perpetua Seabird Protection Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cape Perpetua Seabird Protection Area:

(a) Beginning from a point at Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 11.00' (124° 11' 0" W) (Point A);

(b) Then south to Latitude 44° 5.75' (44° 5' 45" N), Longitude -124° 11.62' (124° 11' 37.2" W) (Point B);

(c) Then east to Latitude 44° 5.75' (44° 5' 45" N), Longitude -124° 8.60' (124° 8' 36" W) (Point C);

(d) Then north to Latitude 44° 13.50' (44° 13' 30" N), Longitude -124° 8.00' (124° 8' 0" W) (Point D);

(e) Then in a westerly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0065

RULE TITLE: Cascade Head Marine Reserve

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cascade Head Marine Reserve:

(a) Beginning from a point at Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 0.52' (124° 0' 31.2" W) (Point A);

(b) Then south along the MHWL to Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 0.89' (124° 0' 53.4" W) (Point B);

(c) Then west to Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 4.50' (124° 4' 30" W) (Point C);

(d) Then north to Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 4.50' (124° 4' 30" W) (Point D);

(e) Then in an easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0070

RULE TITLE: Cascade Head North Marine Protected Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cascade Head North Marine Protected Area:

(a) Beginning from a point at Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 5.00' (124° 5' 0" W) (Point A);

(b) Then north to Latitude 45° 5.00' (45° 5' 0" N), Longitude -124° 5.00' (124° 5' 0" W) (Point B);

(c) Then east to Latitude 45° 5.00' (45° 5' 0" N), Longitude -124° 0.40' (124° 0' 24" W) (Point C);

(d) Then south along the MHWL to Latitude 45° 2.00' (45° 2' 0" N), Longitude -124° 0.52' (124° 0' 31.2" W) (Point D);

(e) Then in a westerly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0075

RULE TITLE: Cascade Head South Marine Protected Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cascade Head South Marine Protected Area:

(a) Beginning from a point at Latitude 44° 56.50' (45° 56' 30" N), Longitude -124° 1.47' (124° 1' 28.2" W) (Point A);

(b) Then west to Latitude 44° 56.50' (45° 56' 30" N), Longitude -124° 5.00' (124° 5' 0" W) (Point B);

(c) Then south to Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 5.00' (124° 5' 0" W) (Point C);

(d) Then east to Latitude 44° 59.25' (44° 59' 15" N), Longitude -124° 0.89' (124° 0' 53" W) (Point D);

(e) Then in a southerly direction along the MHWL back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0080

RULE TITLE: Cascade Head West Marine Protected Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cascade Head West Marine Protected Area:

(a) Beginning from a point at Latitude $45^{\circ} 2.00'$ ($45^{\circ} 2' 0''$ N), Longitude $-124^{\circ} 5.00'$ ($124^{\circ} 5' 0''$ W) (Point A);

(b) Then south to Latitude $44^{\circ} 59.25'$ ($44^{\circ} 59' 15''$ N), Longitude $-124^{\circ} 5.00'$ ($124^{\circ} 5' 0''$ W) (Point B);

(c) Then east to Latitude $44^{\circ} 59.25'$ ($44^{\circ} 59' 15''$ N), Longitude $-124^{\circ} 0.89'$ ($124^{\circ} 5' 0''$ W) (Point C);

(d) Then north along the MHWL to Latitude $45^{\circ} 2.00'$ ($45^{\circ} 2' 0''$ N), Longitude $-124^{\circ} 0.52'$ ($124^{\circ} 0' 31''$ W) (Point D);

(e) Then in a westerly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0085

RULE TITLE: Cape Falcon Marine Reserve

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cape Falcon Marine Reserve:

(a) Beginning from a point at Latitude 45° 48.00' (45° 48' 0" N), Longitude -123° 58.10' (123° 58' 6" W) (Point A);

(b) Then south along the MHWL to Latitude 45° 46.80' (45° 46' 48" N), Longitude -123° 58.17' (123° 58' 10.2" W) (Point B);

(c) Then south continuing along the MHWL to Latitude 45° 44.00' (45° 44' 0" N), Longitude -123° 56.77' (123° 56' 46.2" W) (Point C);

(d) Then west to Latitude 45° 44.00' (44° 44' 0" N), Longitude -124° 1.50' (124° 1' 30" W) (Point D);

(e) Then north to Latitude 45° 48.00' (45° 48' 0" N), Longitude -124° 1.50' (124° 1' 30" W) (Point E);

(f) Then in an easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0090

RULE TITLE: Cape Falcon West Marine Protected Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cape Falcon West Marine Protected Area:

(a) Beginning from a point at Latitude 45° 48.00' (45° 48' 0" N), Longitude -124° 1.50' (124° 1' 30" W) (Point A);

(b) Then south to Latitude 45° 44.00' (45° 44' 0" N), Longitude -124° 1.50' (124° 1' 30" W) (Point B);

(c) Then west to Latitude 45° 44.00' (45° 44' 0" N), Longitude -124° 3.19' (124° 3' 11.4" W) (Point C);

(d) Then northwest to Latitude 45° 44.31' (44° 44' 18.6" N), Longitude -124° 3.50' (124° 3' 30" W) (Point D);

(e) Then north to Latitude 45° 48.00' (45° 48' 0" N), Longitude -124° 3.50' (124° 3' 30" W) (Point E);

(f) Then in an easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

AMEND: 141-142-0095

RULE TITLE: Cape Falcon Shoreside Marine Protected Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being amended to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Cape Falcon Shoreside Marine Protected Area:

(a) Beginning from a point at Latitude 45° 48.00' (45° 48' 0" N), Longitude -123° 58.10' (123° 58' 6" W) (Point A);

(b) Then south along the ELWL to Latitude 45° 46.80' (45° 46' 48" N), Longitude -123° 58.17' (123° 58' 10.2" W) (Point B);

(c) Then west to a point at Latitude 45° 46.79' (45° 46' 47" N), Longitude -123° 58.37' (123° 58' 22" W) (Point C);

(d) Then north to a point at Latitude 45° 48.00' (45° 48' 0" N), Longitude -123° 58.25' (123° 58' 15" W) (Point D);

(e) Then in an easterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555, ORS 196.540

ADOPT: 141-142-0100

RULE TITLE: Blacklock Point Marine Conservation Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the coastal area of Floras Lake State Natural Area between Langlois and Port Orford is within the Blacklock Point Marine Conservation Area.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0105

RULE TITLE: Boiler Bay Marine Research Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area between the mouth of Fogarty Creek and the westernmost tip of Government Point at Boiler Bay State Wayside is within the Boiler Bay Marine Research Area.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0110

RULE TITLE: Brookings Marine Research Area I

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area between a point 1/2 mile north of Harris Beach State Park and the mouth of the Chetco River, except the area within the Harris Beach Marine Garden, is within the Brookings Marine Research Area.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0115

RULE TITLE: Cape Arago Marine Research Area A

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land between a line projected due west from Cape Arago lighthouse and the southern tip of Norton Gulch is within the Cape Arago Marine Research Area A.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0120

RULE TITLE: Cape Arago Marine Research Area B

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land between the southern tip of Norton Gulch and Simpson Reef Overlook is within the Cape Arago Marine Research Area B.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0125

RULE TITLE: Cape Arago Marine Research Area C

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land between Simpson Reef Overlook and a point $\frac{3}{4}$ of a mile south of Cape Arago State Park is within the Cape Arago Marine Research Area C.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0130

RULE TITLE: Cape Blanco Marine Research Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area along the north and south sides of Cape Blanco extending seaward to encompass all rock along the headland up to the sand beaches of the north and south sides of the cape is within the Cape Blanco Marine Research Area.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0135

RULE TITLE: Cape Foulweather Complex Marine Conservation Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land starting 12 miles north of Newport and extending to 1.5 miles south of Depoe Bay, encompassing 1.9 miles of shoreline, is within the Cape Foulweather Complex Marine Conservation Area.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0140

RULE TITLE: Cape Kiwanda Marine Garden

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area between the north and south sides of Cape Kiwanda, including the rocky areas abutting the sand beaches on the north and south sides of the headland, is within the Cape Kiwanda Marine Garden.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0145

RULE TITLE: Cape Lookout Marine Conservation Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land beginning from the west-facing sand beach 880 yards north of Rover Creek and extending west along the Cape's south flank, around the tip, then east along the north flank for 1,425 yards is within the Cape Lookout Marine Conservation Area.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0150

RULE TITLE: Chapman Point Marine Garden

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land encompassing the shoreline around Chapman Pt, extending 194 yards north and 211 yards south of the tip of Chapman Pt (perpendicular to West 7th St. beach access), and extending out seaward to 405 yards from the tip of Chapman Pt is within the Chapman Point Marine Garden.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0155

RULE TITLE: Coquille Point Marine Garden

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area between a line perpendicular to the shore from the 8th St. beach access point and a line perpendicular to shore from the Coquille Point beach access staircase is within the Coquille Point Marine Garden.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0160

RULE TITLE: Ecola Point Marine Conservation Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land encompassing the shoreline and ocean along the headland from 194 yards northeast of the tip of Bald Point to 176 yards north of Waterfall Creek to the south, including all beaches and nearshore rocks within the two lines, is within the Ecola Point Marine Conservation Area.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0165

RULE TITLE: Fogarty Creek Marine Conservation Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land further described below is within the Fogarty Creek Marine Conservation Area:

(a) The intertidal and subtidal zones between the southern flank of Fishing Rock and the southern flank of the rocky platform located 180 yards south of Fogarty Creek.

(b) The seaward boundary line of Fogarty Creek Marine Conservation Area extends to a point at Latitude 44° 50.405' (44° 50' 24" N), Longitude - 124° 03.478' (124° 3' 29" W) (Point A);

(c) Then northeast to a point at Latitude 44° 50.782' (44° 50' 47" N), Longitude - 124° 03.208' (124° 3' 12" W).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0170

RULE TITLE: Gregory Point Marine Research Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land bounded by the following points is within the Gregory Point Marine Research Area:

(a) Beginning from a point at Latitude $43^{\circ} 20.312'$ ($43^{\circ} 20' 19''$ N), Longitude $-124^{\circ} 22.838'$ ($124^{\circ} 22' 50''$ W) (Point A);

(b) Then northwest to a point at Latitude $43^{\circ} 20.598'$ ($43^{\circ} 20' 36''$ N), Longitude $-124^{\circ} 22.895'$ ($124^{\circ} 22' 54''$ W) (Point B);

(c) Then east to a point at Latitude $43^{\circ} 20.650'$ ($43^{\circ} 20' 39''$ N), Longitude $-124^{\circ} 22.637'$ ($124^{\circ} 22' 38''$ W) (Point C);

(d) Then southeast along the MHWL to Latitude $43^{\circ} 20.402'$ ($43^{\circ} 20' 24''$ N), Longitude $-124^{\circ} 22.545'$ ($124^{\circ} 22' 33''$ W) (Point D);

(e) Then in a southwesterly direction back to the point of beginning (Point A).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0175

RULE TITLE: Harris Beach Marine Garden

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land between a line perpendicular to shore from the Harris Beach State Park beach access parking area and a line perpendicular to shore from the road entrance to Harris Beach State Park off Highway 101 is within the Harris Beach Marine Garden.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0180

RULE TITLE: Haystack Rock Marine Garden

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land within a 300-yard radius around the base of Haystack Rock (Cannon Beach), including all tidepools and beaches between extreme high and low tides, is within the Haystack Rock Marine Garden.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0185

RULE TITLE: Neptune State Park Marine Research Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area between the northerly and southerly boundaries of Neptune State Park is within the Neptune State Park Marine Research Area.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0190

RULE TITLE: Pirate Cove Marine Research Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land East of a line drawn across the mouth of Pirate Cove, and defined by the following points is within the Pirate Cove Marine Research Area:

(a) Beginning from a point at Latitude $44^{\circ} 49.083'$ ($44^{\circ} 49' 5''$ N), Longitude $-124^{\circ} 04.035'$ ($124^{\circ} 4' 2''$ W) (Point A);

(b) Then to north a point at Latitude $44^{\circ} 49.146'$ ($44^{\circ} 49' 9''$ N), Longitude $-124^{\circ} 04.060'$ ($124^{\circ} 4' 4''$ W) (Point B).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0195

RULE TITLE: Whale Cove Marine Conservation Area

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

(1) All state-owned submerged and submersible land East of a line drawn across the mouth of Whale Cove, and defined by the following points, is within the Whale Cove Marine Conservation Area:

(a) Beginning from a point at Latitude $44^{\circ} 47.237'$ ($44^{\circ} 47' 14''$ N), Longitude $-124^{\circ} 04.298'$ ($124^{\circ} 4' 18''$ W) (Point A);

(b) Then north to a point at Latitude $44^{\circ} 47.367'$ ($44^{\circ} 47' 22''$ N), Longitude $-124^{\circ} 04.32'$ ($124^{\circ} 4' 19''$ W) (Point B).

(2) All coordinate information is provided in WGS84 coordinate system (geographic latitude/longitude) and has not been verified by a licensed surveyor.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0200

RULE TITLE: Yachats Marine Garden

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area between the north and south boundaries of Yachats State Park is within the Yachats Marine Garden.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0205

RULE TITLE: Yaquina Head Marine Garden

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area along the north and south sides of Yaquina Head, including rocky areas abutting the sandy beaches along the headland, is within the Yaquina Head Marine Garden.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0210

RULE TITLE: Otter Rock Marine Garden

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area between the highest point at Cape Foulweather and Devils Punchbowl is within the Otter Rock Marine Garden.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555

ADOPT: 141-142-0215

RULE TITLE: Cape Perpetua Marine Garden

NOTICE FILED DATE: 09/30/2024

RULE SUMMARY: This rule is being adopted to conform with Oregon's Territorial Sea Plan Part Three.

RULE TEXT:

All state-owned submerged and submersible land in the intertidal area between the north side of Devils Churn and the north boundary of Neptune State Park is within the Cape Perpetua Marine Garden.

STATUTORY/OTHER AUTHORITY: ORS 196.555, ORS 273.045

STATUTES/OTHER IMPLEMENTED: ORS 196.555