

Appendix E: Rocky Habitat Designations & Map

Rocky Habitat Designations (as of April 2023)

Marine Gardens (Marine Education Areas)

The OPAC and LCDC have approved the designation of eight Marine Gardens in rocky intertidal areas along the Oregon Coast (Table 3). ODFW's regulations in these areas protect the rocky intertidal invertebrate community from harvest impacts (OAR 635-005-0260). Currently, ODFW designated Marine Gardens are summarized in the table at right.

Marine Gardens are closed to the take of marine invertebrates with two exceptions: single mussels may be taken for bait, and razor clams (a sandy beach species) may be taken at Cape Perpetua. The

Cape Perpetua Marine Garden has some small stretches of sandy beach among the rocky areas where razor clams can be harvested without affecting rocky habitat areas. Sport fishing is allowed in and from Marine Gardens, while commercial harvest of invertebrates is prohibited. No collection of marine aquatic vegetation is allowed within the ocean shore in these areas, except by scientific research permit from OPRD. These regulations may differ in areas where Marine Gardens overlap with Marine Reserves or Marine Protected Areas (Section E.2.b).

Table 3 Marine Gardens (Marine Education Areas)	
Site Name	Community, County
Haystack Rock	Cannon Beach, Clatsop County
Chapman Point	Cannon Beach, Clatsop County
Cape Kiwanda	Pacific City, Tillamook County
Otter Rock	Otter Rock, Lincoln County
Yaquina Head	Agate Beach, Lincoln County
Yachats	Yachats, Lincoln County
Cape Perpetua	Lincoln County
Coquille Point	Bandon, Coos County
Harris Beach	Brookings, Curry County

Marine Research Areas

The OPAC and LCDC have approved the designation of seven Marine Research Areas (total) in both rocky intertidal areas and subtidal areas (Table 4). ODFW's Marine Research Area regulations vary by site and are designed to limit sport harvest of most invertebrate species and manage scientific/educational take through a permit program (OAR 635-005-0260; Section E.3.). The designated Marine Research Areas are listed in Table 4.

At most intertidal-only Marine Research Areas, sport harvest of most invertebrate species is closed. However, harvest of abalone,³² clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, and shrimp is allowed. The regulations divide Cape Arago into three zones (Areas A, B, and C – north to south). Area B employs the Marine Research Area regulation described above, while Areas A and C prohibit take of all marine invertebrates. Pirate Cove and Gregory Point Marine Research Areas are closed to the take of all marine invertebrates. Sport fishing is allowed in Marine Research Areas, while commercial harvest of invertebrates is prohibited. No collection of marine plants is allowed within the ocean shore in these areas, except by scientific research permit from OPRD. These regulations may differ in areas where Marine Research Areas overlap with Marine Reserves or Marine Protected Areas (Section E.2.c.).

Table 4 Marine Research Areas	
Site Name	Community, County
Boiler Bay (intertidal only)	Depoe Bay, Lincoln County
Pirate Cove (intertidal and subtidal)	Depoe Bay, Lincoln County
Neptune State Scenic Viewpoint (intertidal only)	Florence, Lane County
Gregory Point (subtidal only)	Charleston, Coos County
Cape Arago (intertidal only)	Charleston, Coos County
Cape Blanco	Curry County
Brookings (intertidal only)	Brookings, Curry County

Marine Conservation Areas

As specified in Section D of the Strategy, the Marine Conservation Area designation allows for different types of management prescriptions based on site conservation goals and needs. Each site will be described below accordingly, in a north to south order, to document the management regulations that will be applied. The Marine Conservation Areas are included in the Appendix E Map of Rocky Habitat Designated Sites.

Ecola Point Marine Conservation Area

The Ecola Point Marine Conservation Area goals are to preserve and strengthen the ecological integrity of the site including existing marine life, fish, seabird and shorebird nesting areas that exist in these rocky habitats for long term sustainability, and to preserve the area’s wilderness character in the face of increasing tourism and

³² All abalone harvest was closed coastwide for at least a 3-year period beginning in 2018 due to population concerns. As of the date of this document, it is not known if and when harvest will reopen.

population on the North Coast. There is no change to existing use for commercial or recreational fish harvest. For invertebrate harvest only scientific research permits would allow harvest, and there would be no recreational harvest except for the use of single mussels used as bait for fishing. There is no harvest of marine plants, except for harvest associated with scientific research (permit required).

Cape Lookout Marine Conservation Area

The goal of the Cape Lookout Marine Conservation Area is Conserve, to the highest degree possible, the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations. There is no change to the existing use for commercial or recreational fish harvest. There is no change in the invertebrate harvest rules in the subtidal areas. The commercial harvest of invertebrates in the intertidal area is not allowed. Recreational harvest of invertebrates is allowed to, consistent with ODFW regulations. Marine plant harvest in the area is prohibited.

Fogarty Creek Marine Conservation Area

The goal of the Fogarty Creek Marine Conservation Area is the conserve the full diversity of species and habitats in the intertidal and shallow subtidal areas. The area will allow fishing, but only from shore. Commercial and recreational harvest of invertebrates in the area is prohibited. The recreational harvest of marine plants is allowed in the intertidal areas, consistent with existing regulations which allow a souvenir quantity.

Cape Foulweather Complex Marine Conservation Area

The goal of the Cape Foulweather Complex Marine Conservation Area is to conserve the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations. There is no change to the existing use for commercial or recreational fish harvest. There is no change in the invertebrate harvest rules in the area. The recreational harvest of marine plants is allowed in the intertidal areas, consistent with existing regulations which allow a souvenir quantity. Harvest of marine plants in the subtidal areas is prohibited.

Whale Cove Marine Conservation Area

Whale Cove was the first Marine Conservation Area designated on the coast and included management regulations for the intertidal and subtidal areas of Whale Cove in

Lincoln County. ODFW's regulations at Whale Cove prohibit harvest of both marine invertebrates and fish (OAR 635-005-0260). No collection of marine plants is allowed within the ocean shore in these areas, except by scientific research permit from OPRD (OAR 736-020-0003).

Blacklock Point Marine Conservation Area

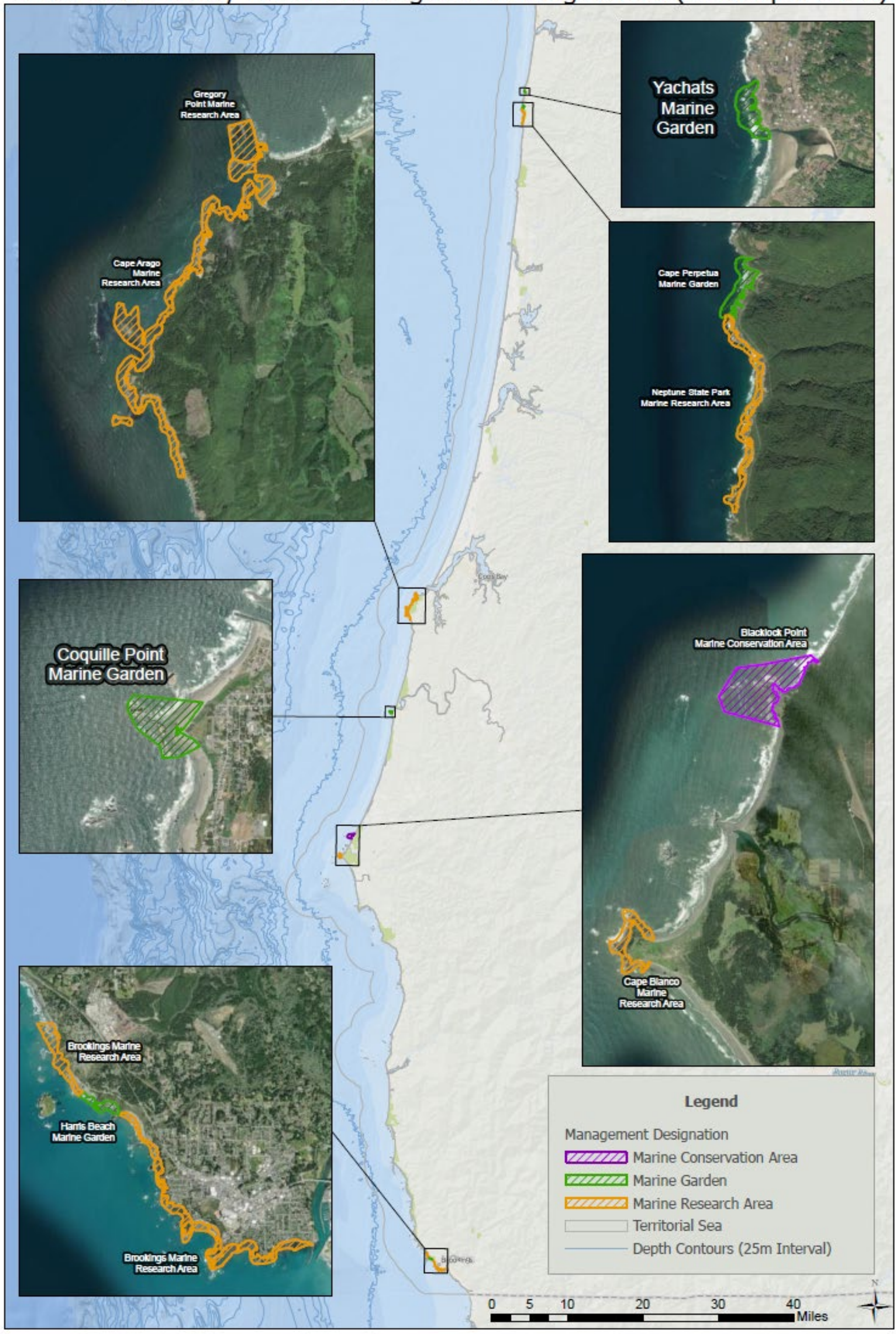
The goals for the Blacklock Point Marine Conservation area are:

1. Educate, monitor, and apply adaptive, ecosystem-based management to conserve the ecological structure, function, and resiliency of nearshore rocky habitat species facing effects of changing climate.
2. Allow for continued legal sustainable human uses of their goods, services, and resources including fisheries, using non-regulatory management measures.
3. To provide long-term ecological, economic, and social benefits for current and future generations on Oregon's south coast.

There are no changes to the existing statewide harvest regulations for fish, invertebrates, or marine plants.

Territorial Sea Plan Part Three - Appendix E Map 2 of 2

South Coast Rocky Habitat Management Designations (as of April 2023)



Marine Reserves & Protected Areas

Currently, there are five Marine Reserves designated in Oregon, four of which have one or more associated Marine Protected Areas (MPAs). All of the Marine Reserves contain subtidal habitat and four of the Marine Reserves contain rocky intertidal habitat (OAR 635-012).

The Marine Reserves include:

Table 5 Marine Reserves	
Site Name	Community, County
Cape Falcon (subtidal and rocky intertidal habitat)	Tillamook & Clatsop Counties
Cascade Head (subtidal and rocky intertidal habitat)	Tillamook County
Otter Rock (subtidal and rocky intertidal habitat)	Otter Rock, Lincoln County
Cape Perpetua (subtidal and rocky intertidal habitat)	Lincoln County
Redfish Rocks (subtidal habitat only)	Port Orford, Curry County

ODFW's regulations for Marine Reserves prohibit the take of fish and invertebrates. ODFW's regulations for the nine MPAs vary by site and can be found in OAR chapter 635, division 12. Only two MPAs have regulations that materially affect rocky intertidal areas: Cascade Head North MPA and Cape Perpetua North MPA. Regulations pertaining to rocky intertidal areas of Cascade Head North MPA and Cape Perpetua North MPA prohibit take of fish from shore and prohibit take of invertebrates except crab. The regulations may differ where the MPAs overlap with Marine Gardens (Marine Education Areas) and Marine Research Areas (Section E.2.c.).

Areas of Overlap between Designations

There are some rocky intertidal areas where Marine Reserves or Marine Protected Areas (MPA) overlap with Marine Gardens (Marine Education Areas) or Marine Research Areas. ODFW designated Marine Gardens (Marine Education Areas) and Research Reserves (Marine Research Areas) in years prior to designating Marine Reserves, and their designations were for different purposes. Even though many of the regulations are redundant in areas of overlap, ODFW chose not to change the status or

rescind the underlying Marine Gardens and Research Reserves in favor of the newer Marine Reserve regulations because the longevity of the Marine Reserve designations is not known. The Oregon Legislature will evaluate Marine Reserves in 2023, with an option of maintaining, changing, or removing designations. Maintaining the Marine Garden and Marine Research Area designations in areas of overlap ensures that these long standing rocky intertidal area protections will remain should the overlying Marine Reserve or MPA designations be removed.

Areas of overlap include:

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

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