

**-DRAFT- DEPARTMENT OF FISH AND WILDLIFE**

**DIVISION X**

**MARINE RESERVES AND MARINE PROTECTED AREAS IN THE  
TERRITORIAL SEA**

**635-xxx-xxx PURPOSE:**

- (1) The purpose of the regulations in this section are to implement [ORS 847.xxx (HB 30-13)] by regulating activities in areas of Oregon's territorial sea designated as marine reserves or marine protected areas.
- (2) The prohibitions specified in this division shall go into effect on June 30, 2011, to allow time for collection of baseline data.

**635-xxx-xxx DEFINITIONS:**

For the purposes of OAR 635 Division X the following definitions apply:

- (1) "Commission" means the Oregon Fish and Wildlife Commission.
- (2) "Department" means the Oregon Department of Fish and Wildlife.
- (3) "Fish and wildlife" means all fish, shellfish, intertidal animals, wild birds, amphibians, reptiles and wild mammals.
- (4) "Fishing gear" has the meaning given in OAR 635-004-0020.
- (5) "Take" means to kill, reduce to possession or control.

**635-xxx-xxx MARINE RESERVE AND MARINE PROTECTED AREA BOUNDARIES:**

- (1) The Otter Rock Marine Reserve encompasses the area bounded by the points described in OAR 141-142-0030.
- (2) The Redfish Rocks Marine Reserve encompasses the area bounded by the points described in OAR 141-142-0035.
- (3) The Redfish Rocks Marine Protected Area encompasses the area bounded by the points described in OAR 141-142-0040.

**635-xxx-xxx MARINE RESERVE PROHIBITIONS AND ALLOWANCES**

(1) Except as specified in paragraph (2) of this section, the following activities are prohibited within the Otter Rock and Redfish Rocks marine reserve areas:

- (a) Fishing or hunting for any fish or wildlife species.
- (b) Take of any fish or wildlife species.

(2) Notwithstanding the prohibitions in paragraph (1), a person may:

(a) Remove fishing gear from within the marine reserve boundary, provided that the retrieving vessel operator must notify the Oregon State Police before retrieving the gear and no fish or wildlife species from the retrieved gear shall be retained. Specific to commercial crab pots:

- (i) If the retrieving vessel operator does not own the pot(s), the operator must follow the retrieval requirements set forth in OAR 635-005-0055 (9)(b).
- (ii) If the vessel operator does own the pot(s), the operator may re-set the pot(s) outside of the reserve area.

(b) Take fish and wildlife species if authorized by a valid scientific taking permit as required by OAR 635 Divisions 7 and 43.

(c) Have catch onboard while transiting, drifting through, or anchoring in the marine reserve area. Except as allowed by (a) and (b) and of this section, gear shall not be deployed at any time within the marine reserve.

(3) Nothing in these regulations shall limit the right to engage in otherwise lawful activities within the marine reserves, including but not limited to the following:

- (a) Non-extractive activities, including but not limited to swimming, diving, surfing, boating, and tidepool exploration.
- (b) Transiting or drifting through the reserve.
- (c) Anchoring a vessel in the reserve.

**635-xxx-xxx MARINE PROTECTED AREA PROHIBITIONS AND ALLOWANCES**

(1) Except as specified in paragraph (2) of this section, the following activities are prohibited within the Redfish Rocks marine protected areas:

- (a) Fishing or hunting for any fish or wildlife species.

(b) Take of any fish or wildlife species.

(2) Notwithstanding the prohibitions in paragraph (1), person may:

(a) Commercially or recreationally troll for and harvest salmon.

(b) Commercially or recreationally fish for and harvest Dungeness or red rock crab.

(c) Take fish and wildlife species if authorized by a valid scientific taking permit as required by OAR 635 Divisions 7 and 43.

(d) Have catch onboard while transiting, drifting through, or anchoring in the marine protected area. Except as allowed by (a) (b) and (c) of this section, gear shall not be deployed at any time within the marine protected area.

(3) Nothing in these regulations shall limit the right to engage in otherwise lawful activities in the marine protected area, including but not limited to the following:

(a) Non-extractive activities, including but not limited to swimming, diving, surfing, boating, and tidepool exploration.

(b) Transiting or drifting through the reserve.

(c) Anchoring a vessel in the reserve.



# Oregon Marine Reserves

## Draft Rules Available for Public Comment

Oregon Department of Fish and Wildlife, October 2009

For more information: <http://www.oregonmarinereserves.net/rulemaking/>

### ODFW DRAFT ADMINISTRATIVE RULES AVAILABLE FOR REVIEW

Oregon House Bill 3013 (2009) provides that the Department of Fish and Wildlife (ODFW) and other relevant state agencies “...shall, consistent with existing statutory authority, implement the November 29, 2008, recommendations from the Ocean Policy Advisory Council on marine reserves by: (1) Adopting rules to establish, study, monitor, evaluate and enforce a pilot marine reserve at Otter Rock and a pilot marine reserve and a marine protected area at Redfish Rocks...”

ODFW has been working to draft administrative rules consistent with HB 3013, and welcomes public comment on the draft rules. This notice is to advise all interested parties:

- That the draft rules are available for public review and comment
- Of the concepts covered in the draft rules
- Where to obtain a copy of the draft rules
- Of the dates, locations, and times of public meetings concerning the draft rules, and
- Where to find information on other agencies’ draft rules concerning marine reserves.

### ODFW DRAFT RULE CONCEPTS

ODFW’s rules will regulate fishing and hunting activities in the Otter Rock and Redfish Rocks Marine Reserves and the Redfish Rocks Marine Protected Area. The draft rules focus on activities that will be prohibited and allowed in the areas.

In the marine reserves, ODFW’s draft rules propose prohibiting fishing for, hunting for, or take of any fish or wildlife species. The draft rules propose allowing the following activities in the reserves: removing crab pots and other fishing gear, scientific research, transiting, drifting, or anchoring, and non-extractive activities.

In the marine protected area, the draft rules propose the same prohibitions and allowances as marine reserves, with the addition of allowing commercial and recreational salmon trolling and crabbing for Dungeness and red rock crab.

The prohibitions would go into effect on June 30, 2011, to allow time for ODFW to collect baseline data.

### WHERE TO OBTAIN A COPY OF THE DRAFT RULES

You may view a copy of ODFW’s draft rules on the agency’s website at <http://www.dfw.state.or.us/MRP/marinereserves.asp> or on the Oregon Marine Reserves website at <http://www.oregonmarinereserves.net/rulemaking/>. You may also request a copy by calling Cristen Don at (541) 867-4740 or by writing to:

Cristen Don  
Oregon Department of Fish and Wildlife  
2040 SE Marine Science Dr.  
Newport, OR 97365

**DATES, LOCATIONS, AND TIMES OF PUBLIC MEETINGS**

ODFW will conduct three public meetings in order to receive input on the draft rules.

<b>Tuesday, October 20, 2009, 1-3 PM</b>	State Lands Building Land Board Room 775 Summer Street N.E. Salem, Oregon
<b>Wednesday, October 21, 2009, 7-9 PM</b>	Port Orford Public Library 1421 Oregon Street Port Orford, Oregon
<b>Thursday, October 22, 2009, 7-9 PM</b>	The Inn at Otter Crest 301 Otter Crest Drive Otter Rock, Oregon

Oregon Department of State Lands (DSL) and Parks and Recreation Department (OPRD) will also be adopting administrative rules to meet the requirements of HB 3013. These meetings will be held in conjunction with DSL and OPRD so the public can comment on all three agency’s draft rules at one meeting.

For DSL and OPRD, these meetings will serve as the **official rulemaking hearings**, intended as the final opportunity for oral comments from the public. For ODFW, the meetings will be used to gather public comment on the draft rules. ODFW’s official rulemaking hearing will occur at the December 11, 2009 Oregon Fish and Wildlife Commission meeting. The public will also have the opportunity to comment at that meeting.

For more information on the Department of State Lands’ draft rules, please visit:  
[http://www.oregon.gov/DSL/LW/rules\\_marine\\_reserve.shtml](http://www.oregon.gov/DSL/LW/rules_marine_reserve.shtml)

For more information on the Oregon Parks and Recreation Department’s rules, please visit:  
<http://oregon.gov/OPRD/RULES/index.shtml>

**PUBLIC COMMENT: DEADLINE, WHERE TO SUBMIT**

Those unable to attend the public meetings are welcome to provide written comments to ODFW. Written public comments on ODFW’s draft rules will be accepted up until the time when the Oregon Fish and Wildlife Commission meets to consider adopting the rules on December 11, 2009. All comments submitted to ODFW prior to the Commission meeting will be provided to and considered by the Commission at the December 11 meeting.

Please submit comments on ODFW’s draft rules via email or U.S. Mail to:

- Email: [odfw.marinereserves@state.or.us](mailto:odfw.marinereserves@state.or.us). Please indicate “rules” in subject line.
- U.S. Mail: Oregon Department of Fish and Wildlife  
Attn: Marine Reserves Rulemaking  
2040 SE Marine Science Dr.  
Newport, OR 97365