

Oregon Shores Conservation Coalition
Recommendations
For Strengthening the
Protection of Oregon's Rocky Shores
April 9, 2018

Oregon Shores is pleased to submit the following recommendations and comments on the Rocky Shores Strategy. Oregon is fortunate to have such ecologically important features as rocky intertidal areas, nearshore rocks and islands, and rocky cliffs. These priceless public treasures define the Oregon coastal environment; exploring these diverse and interesting sites is part of the Oregon coast experience. But because the Oregon coast is so accessible, both physically and as a matter of public policy, these public treasures are vulnerable to degradation and destruction from overuse and misuse by people. This vulnerability, coupled with oncoming effects from a changing climate, means that Oregon must increasingly take a precautionary approach to managing these rocky shores to ensure long-term ecological viability.

The existing Rocky Shores Strategy, adopted in 1994, has provided a good framework for coordinated state management and protection of rocky shores. Many parts of it should be retained. Although our recommendations pertain directly to strengthening the Strategy, we believe that for the Strategy to be effective, the Oregon Department of Fish and Wildlife (ODFW) and Oregon Parks and Recreation Department (OPRD) must take active steps to implement the Strategy through regulations, enforcement, and on-site education and interpretive programs. This implementation has been lackluster or inadequate with regard to the existing Strategy.

1. Strengthen Commitment to Conservation of Rocky Shores

Oregon Shores believe that the *Territorial Sea Plan* must express stronger, clearer goals and objectives for Oregon's rocky shores and proactively seek to protect them in the face of numerous stressors from climate change and increasing human use.

We recommend that the strategy:

- a. focus management attention and protection on areas with high visitation, areas with high habitat value, and areas suitable for long-term scientific research;
- b. reflect the designation of the five Marine Reserves in state waters;
- c. convey a clearer, stronger conservation message to the public ; and
- d. anticipate increased environmental stressors from effects of climate change.

2. Adopt Strategic Goals

Oregon Shores notes that the existing Rocky Shores Strategy has no overall goals or objectives. We urge the Ocean Policy Advisory Council to adopt strategic goals for rocky shores management. We propose the following overarching goals:

1. Protect and conserve the habitat, living marine resources, and ecological functions of Oregon's rocky shores for future generations;
2. Promote ecological resilience in the habitats of rocky shores and adjacent submerged areas;
3. Reflect and support the protections of adjacent Marine Reserves and Marine Protected Areas;

We also propose three operational goals:

1. Encourage community-based stewardship of rocky shores;
2. Review status of rocky shore management at least every 15 years;
3. Promote long-term scientific monitoring and research in rocky shores.

3. Recommendations for Rocky Shores Strategy Site Designations

Oregon Shores recommends the following management prescriptions in the Rocky Shores Strategy at the following sites:

- A. **Add a new designation of *Intertidal Marine Reserve*.** Oregon Shores believes that rocky shores adjacent to or within the current Marine Reserves must be protected at the same level as the Marine Reserves. This will send a strong and consistent conservation message to the public. To do so we recommend a new Rocky Shore Management designation which, we urge, will be adopted by both the Oregon Department of Fish and Wildlife and the Oregon Parks and Recreation Department through regulation. We propose this new designation for the following eight sites:

Site 4. Cape Falcon: change *Not Yet Designated* to *Intertidal Marine Reserve* to conform to the designation of the headland as part of the Cape Falcon Marine Reserve via ODFW regulations.

Site 6. Cascade Head/Cliff Creek Cove: change *Habitat Refuge* to *Intertidal Marine Reserve* to conform to the designation of the nearby Cascade Head Marine Reserve via ODFW regulations.

Site 11. Otter Crest: change *Marine Garden* to *Intertidal Marine Reserve*. The southern part of this intertidal area is within the boundary of the Otter Rock Marine Reserve, but the entire rocky intertidal area currently designated as *Marine Garden* should also be regulated consistent with the Otter Rock Marine Reserve designation.

Site 16. Part of Cape Perpetua: change *Marine Garden* to *Intertidal Marine Reserve* to conform to the designation of the adjacent Cape Perpetua Marine Reserve via ODFW regulations.

Site 17. Neptune State Park: change *Not Yet Designated* to *Intertidal Marine Reserve* to conform to the designation of the adjacent Cape Perpetua Marine Reserve via ODFW regulations.

Site 18. Strawberry Hill: change *Research Reserve* to *Intertidal Marine Reserve* to conform to the designation of the adjacent Cape Perpetua Marine Reserve adopted via ODFW regulations. However, Oregon Shores urges that this site continue to be managed as a research/educational permit area because of long-time scientific data sets acquired in the area.

Site 29. Redfish Rocks: change *Priority Rock and Reef* to *Marine Reserve* to conform to the designation of the area as the Redfish Rocks Marine Reserve.

Add a New Site at Rocky Point: add a new rocky intertidal site at Rocky Point, which is adjacent to the landward boundary of the Redfish Rocks Marine Reserve, and designate it as *Intertidal Marine Reserve*.

- B. **Change *Not Yet Designated* to other specific designations.** The following five sites were not designated for a particular management focus in the original Strategy. Oregon Shores believes that current public use, public visibility, and future use are sufficient to warrant a specific management focus. We propose changes to the designations at the following sites to provide clearer conservation directives to responsible agencies and the public:

Site 2. Ecola Point/Sea Lion Rock and associated rocks: change *Not Yet Designated*/*Priority Rock* to *Habitat Refuge*.

Site 14. Seal Rocks: change *Not Yet Designated* to *Marine Conservation Area*
Oregon Shores believes that the heavy visitor usage of the intertidal areas at this site requires a clear conservation message and strong regulatory protections. Even though there is no adjacent Marine Reserve, we believe this designation and strong protections through regulations are warranted.

Site 19. Heceta Head: change *Not Yet Designated* to *Habitat Refuge*. Although most of these rocky shores are inaccessible from land, Oregon Shores believes that the presence of the unique habitat of nearby Sea Lion Caves and isolation of the site deserve designation as a *Habitat Refuge*.

Site 26. Blacklock Point: change *Not Yet Designated* to *Habitat Refuge*. Although this area is somewhat remote and difficult to access, it is increasingly used from the adjacent state park accessed at Cape Blanco airport.

Site 31. Sisters Rock: change *Not Yet Designated* to *Habitat Refuge*. This site is now part of Sisters Rock State Park and as such is more susceptible to an increase in human use than in 1994 when it was in private ownership. A designation of *Habitat Refuge* will convey a clear conservation message for the intertidal area. The

adjacent submerged areas, especially on the south side, are popular for SCUBA diving.

For all other *Not Yet Designated* sites, **change the category name to *Marine Shore***.

- C. **Rename the category *Marine Garden* as *Marine Conservation Area***. Oregon Shores believes that the term *Marine Garden*, although used by the ODFW for many years, is outdated, ambiguous and does not sufficiently convey a clear conservation message to the public. These areas, along with *Intertidal Marine Reserves*, would be the most heavily regulated designation. We believe that the public will understand the term *Marine Conservation Area*. This change would occur for the following sites

Site 3. Haystack Rock: This is a premier destination for visitors coming from the Portland Metro area and from around the world. Oregon Shores believes that the heavy use and high public visibility of this site warrants a strong, clear conservation message to support the efforts of the Haystack Rock Awareness Program and the U. S. Fish and Wildlife Service to protect marine resources and habitats.

Add New Site at Cape Kiwanda: This area was not included in the 1994 Rocky Shores Strategy but was designated by ODFW at the request of a local citizen group, as a *Marine Garden* not long after the Territorial Sea Plan was adopted in 1994. This area should be added as a *Marine Conservation Area*.

Site 13. Yaquina Head: Access from the bluff to the beach and rocky intertidal area at this site is controlled by the US Bureau of Land Management Yaquina Head Outstanding Natural Area. Oregon Shores believes that designation as a *Marine Conservation Area* would assist BLM YHONA in offering a clearer, stronger conservation message consistent with the conservation message at nearby *Otter Rock Marine Reserve*.

Site 15. Part of Yachats State Park: A change from *Marine Garden* to *Marine Conservation Area* would be consistent with the Cape Perpetua Marine Protected Area as adopted via ODFW regulations.

Site 39. Harris Beach: Harris Beach is one of the most heavily visited coastal state parks and deserves a stronger conservation message for the rocky shores. We believe it should be designated as a *Marine Conservation Area*.

- D. **Focus Research Reserve designations**. We recommend that the use of the category *Research Reserve* be restricted to and focused on those areas that are, in fact, being used for scientific research that may otherwise be jeopardized by a more permissive use category.
- E. **Retain Priority Rock and Reef** designation and apply special management actions as needed. Even though the State of Oregon has no management authority over

rocks and islands in state waters because they are federally owned and managed as part of the Oregon Islands National Wildlife Refuge and Oregon Islands Wilderness, it is important for the state to acknowledge the ecological importance of these sites, which were first identified in the Oregon Ocean Resources Management Plan. In addition, Oregon has management authority over adjacent waters and may need to take action to protect the habitat values of the rocks, such as at Three Arch Rocks.

In 1991 the Oregon legislature authorized such action in ORS 196.408(3):

"State agencies which have jurisdiction over water areas, the seabed and resources adjacent to offshore rocks and islands shall coordinate with adjacent states and federal agencies to develop programs and regulations to manage uses and activities of ocean areas adjacent to coastal cliffs and offshore rocks and islands managed within the National Wildlife Refuge System."

- F. For **Cape Arago headland**, consider renaming the management designation *Intertidal Marine Protected Area* to *Marine Conservation Area* to be consistent with the renaming elsewhere of *Marine Garden* to *Marine Conservation Area*. The current rocky shore management designations at Cape Arago were worked out at the local level with a special local working group in 2000 and 2001. We recommend retaining all other specific management policies for the headland.
- G. For **Three Arch Rocks**, Oregon Shores recommends that the Rocky Shores Strategy retain current management policies in the Territorial Sea Plan that were developed by a special working group in 1993.

4. Changes to State Agency Regulations

Overall, Oregon Shores observes that neither ODFW nor OPRD has a good track record of implementing the existing Part 3.C. Carrying Out the Rocky Shores Strategy. We believe that strong, proactive implementation is essential to the success of the strategy.

Oregon Shores recommends that ODFW and OPRD amend their respective regulations to strengthen protection of rocky shore resources.

- A. The Rocky Shores Strategy should direct ODFW to amend its regulations to:
 - 1. Prohibit harvest of piddock clams in all areas. Piddocks are currently listed as and allowed to be harvested as "Other Clams." However, harvest of piddocks requires a tool to destroy the rock into which the clam has burrowed. Such destruction of habitat is not compatible with conservation of rocky shore ecosystems. Harvest of piddocks is specifically allowed in research reserves at Boiler Bay, Neptune State Park, Cape Arago, and Brookings as well as all areas that are not specially designated where harvest of marine invertebrates is regulated generally by daily bag limits.

2. Reduce the daily bag limit for mussels; Mussels form a biostructured habitat that is important to many other species in rocky intertidal areas. Under current regulations, one or two harvesters could significantly affect a mussel bed. Reducing the limit will help to protect this biologically structured habitat from destruction.
 3. Eliminate harvest of the class of invertebrate species listed under “Starfish, Urchins, Snails, Shore Crabs, and all other marine invertebrates not listed.” These intertidal animals are critical components of rocky shore ecosystems. We know of no good reason to harvest them.
 4. Replace the regulatory designation of *Marine Garden* with the term *Marine Conservation Area*. The term *Marine Garden*, as a designation, has been used by ODFW for many years. But the connotation of the term is confusing and outdated. These sites require a much stronger, clearer conservation and enforcement message. The term *Marine Conservation Area* sends a clear message. OPRD should amend its rules to also prohibit the harvest or collection of seaweeds in these sites so that there is no question of the authority of the regulation.
- B. The Rocky Shores Strategy should direct OPRD to amend its regulations to prohibit harvest of marine algae (seaweeds) in two instances.
1. Rocky shore sites within boundaries of currently designated Marine Reserves. Even though ODFW regulations for these areas prohibit the harvest of seaweeds, it is not clear that ODFW has the authority to regulate harvest or collection of seaweed; and
 2. *Marine Conservation Areas* (currently regulated as *Marine Garden*) areas.

5. Education and Public Awareness

Oregon Shores has long believed that visitors to the shore who are informed and engaged are the best managers of impacts to our coastal shores, whether rocky or sandy. Oregon Shores has long been engaged in doing exactly this: providing education to the public about our ocean shores, rocky shores in particular, and creating opportunities for citizens, acting as citizen scientists, to monitor ocean shores. We support and partner with such outstanding programs as the Haystack Rock Awareness Program in Cannon Beach and the Shoreline Education for Awareness program in Bandon.

We recommend that the Rocky Shores Strategy retain and expand Part 3. C. 3. Education and Public Awareness. We urge the Ocean Policy Advisory Council, the Oregon Parks and Recreation Department, and the Oregon Department of Fish and Wildlife to increase financial and technical support for such local on-site interpretive programs.