Oregon Marine Reserves Rulemaking
Public Comment

Oregon House Bill 3013 (2009) requires that:

> *"The State Department of Fish and Wildlife, State Fish and Wildlife Commission, State Land Board and 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..."*

The three state agencies proposing to adopt rules – the Oregon Department of Fish and Wildlife, Oregon Department of State Lands, and the Oregon Parks and Recreation Department – have each drafted rules focusing on that agency's specific area of jurisdiction. The agencies welcome public comment to help shape revisions of the draft rules.

Oregon Department of Fish and Wildlife

ODFW's rules will regulate fishing and hunting activities in the marine reserve and marine protected area. Comments must be received by the ODFW Commission meeting, which is on December 11th, 2009.

Comments: U.S. Mail: Oregon Department of Fish and Wildlife
Attn: Marine Reserves Rulemaking
2040 SE Marine Science Dr.
Newport, OR 97365
Email: odfw.marinereserves@state.or.us (please indicate "rules" in subject)

Oregon Department of State Lands

DSL's rules will set the marine reserve and marine protected area boundaries (following the boundaries community groups submitted to OPAC in the original proposals) and regulate uses such as removal-fill permits. Comments must be received by 5 PM on November 17th, 2009.

Comments: U.S. Mail: Oregon Department of State Lands
Attn: Liz Martino, Rules Coordinator
775 Summer Street N.E., Suite 100
Salem, OR 97301-1279
Email: marinereserverules@dsl.state.or.us

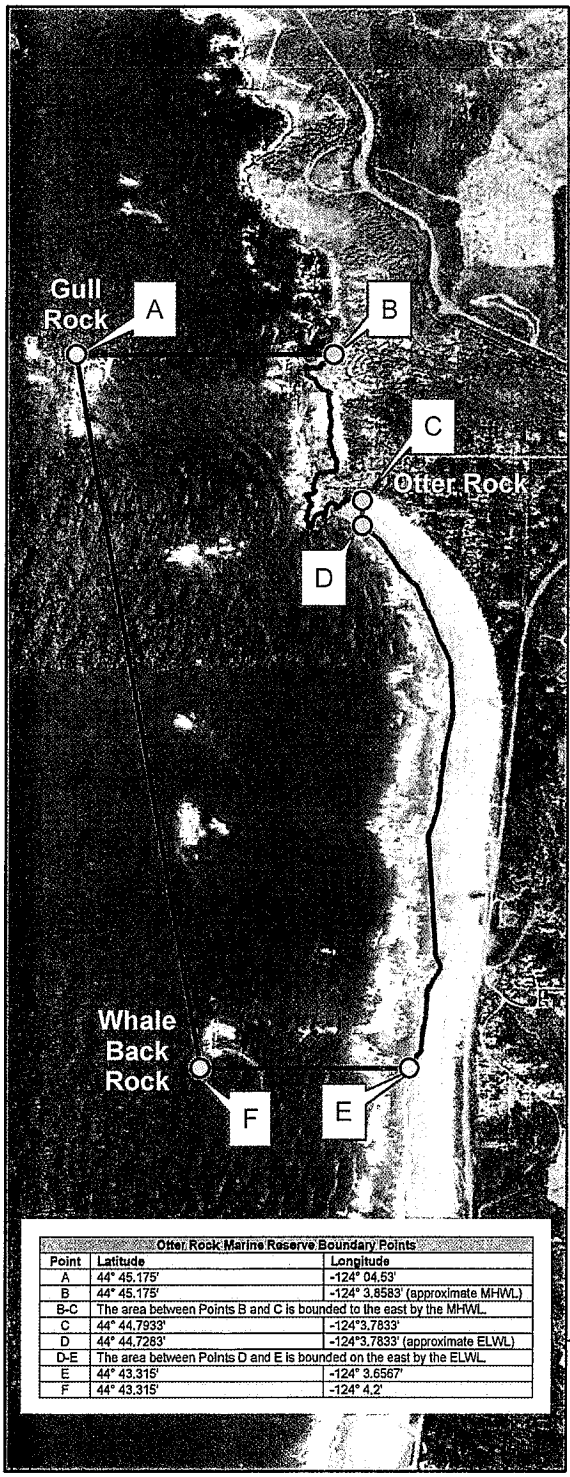
Oregon Parks and Recreation Department

OPRD's rules will regulate natural resource extraction and disruptive activities on the portion of the marine reserve (primarily rocky intertidal habitat) that includes the Ocean Shore State Recreation Area. Comments must be received by 5 PM on November 17th, 2009.

Comments: U.S. Mail: Oregon Parks and Recreation Department
Attn: OPRD Rules Coordinator
725 Summer St. NE, Ste C
Salem, OR 97301-1266
Email: park.info@state.or.us (please indicate "rules" in subject)

Draft Otter Rock and Redfish Rocks Marine Reserve & Marine Protected Area Boundaries

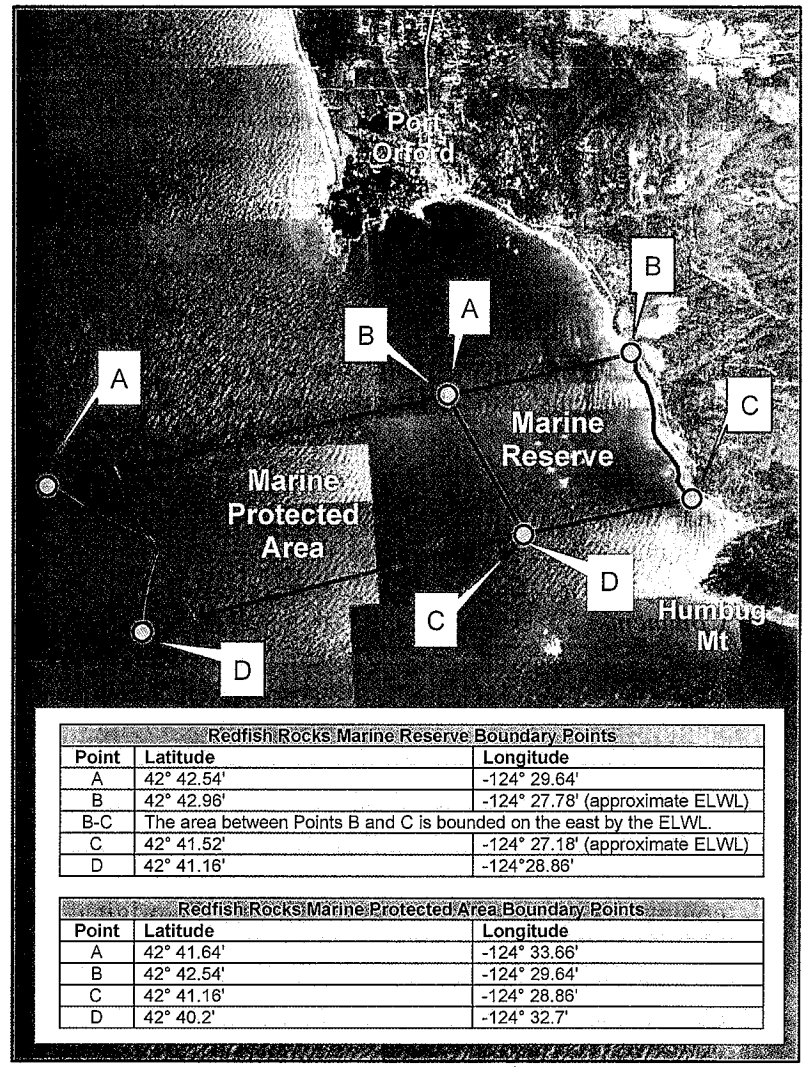
Otter Rock Marine Reserve



Otter Rock Marine Reserve Boundary Points		
Point	Latitude	Longitude
A	44° 45.175'	-124° 04.53'
B	44° 45.175'	-124° 3.8583' (approximate MHWL)
B-C	The area between Points B and C is bounded to the east by the MHWL.	
C	44° 44.7933'	-124°3.7833'
D	44° 44.7283'	-124°3.7833' (approximate ELWL)
D-E	The area between Points D and E is bounded on the east by the ELWL.	
E	44° 43.315'	-124° 3.6567'
F	44° 43.315'	-124° 4.2'

0 0.5 1 Mile

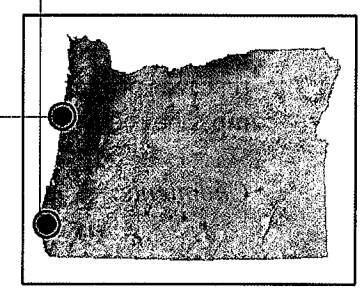
Redfish Rocks Marine Reserve & Marine Protected Area



Redfish Rocks Marine Reserve Boundary Points		
Point	Latitude	Longitude
A	42° 42.54'	-124° 29.64'
B	42° 42.96'	-124° 27.78' (approximate ELWL)
B-C	The area between Points B and C is bounded on the east by the ELWL.	
C	42° 41.52'	-124° 27.18' (approximate ELWL)
D	42° 41.16'	-124°28.86'

Redfish Rocks Marine Protected Area Boundary Points		
Point	Latitude	Longitude
A	42° 41.64'	-124° 33.66'
B	42° 42.54'	-124° 29.64'
C	42° 41.16'	-124° 28.86'
D	42° 40.2'	-124° 32.7'

0 2 4 Miles



Approximate Draft Boundaries

N

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Coordinate system is provided in WGS84. Please consult www.oregonmarinereserves.net/rulemaking/ for more information about the marine reserve rule-making process.

Rulemaking Timeline

ODFW, DSL, and OPRD rulemaking timelines for establishing two pilot sites per HB 3013

Step	Timeframe
I. Initiate rulemaking process Departments of Fish and Wildlife (ODFW), State Lands (DSL), and Parks and Recreation (OPRD) coordinate their respective rulemaking processes and rules for establishment of two pilot sites: one pilot marine reserve at Otter Rock and a pilot marine reserve and a marine protected area at Redfish Rocks, as per HB3013. Rule authorities include: A. ODFW: Commercial and recreational harvest, or removal, of fish and wildlife species. B. DSL: Reserve boundaries; authorizations for a use, a Removal-Fill Permit for a regulated removal-fill activity, or to use or place a structure on, in or over state-owned submerged and/or submersible land; subtidal kelp/algae harvest or take. C. OPRD: Intertidal algae harvest or take; intertidal non-living natural product harvest or take.	**Summer 2009**
II. Drafting of rules ODFW, DSL, and OPRD work on drafting their respective rules for the two pilot sites. Drafting includes: A. ODFW verifying coordinates for Redfish Rocks site with Port Orford Ocean Resource Team (POORT) members and for Otter Rock site with Depoe Bay Near Shore Action Team (NSAT) members. B. DSL and OPRD using a joint Rules Advisory Committee (RAC)* to review and provide input on their respective preliminary draft rules. C. ODFW consulting with commercial Dungeness crab industry for rules that will pertain to allowing the removal of commercial crab pots that unintentionally drift within a marine reserve boundary. D. ODFW, DSL, and OPRD consulting with Oregon State Police on enforceability of rules. E. ODFW, DSL, and OPRD consulting with Assistant Attorney General on rules.	**August – September 2009**
III. Commission/Board requests and briefings The following Commission/Board requests to initiate rulemaking processes and briefings will be conducted: A. Tuesday, June 16 – Salem: DSL requested of the State Land Board authorization to initiate rulemaking process. B. Monday, September 17 – Joseph/Enterprise: OPRD will request of the Parks and Recreation Commission authorization to initiate rulemaking process. C. Friday, October 2 – Salem: ODFW will provide an informational briefing to the Fish and Wildlife Commission on the marine reserves process and upcoming rulemaking. **(public input opportunity)**	**June – October 2009**

IV. Draft rules available, public comment period ODFW, DSL, and OPRD will post their respective Draft Pilot Site Rules on the Oregon Marine Reserves website and on agencies respective websites for public review and comment. **(public input opportunity)** A. Draft rules available for public review and comment beginning of October, 2009. B. DSL and OPRD public comment period will end Tuesday, November 17, 2009. C. ODFW public comment period will end on Friday, December 11, 2009.	**October – December 2009**
V. Public hearings/meetings ODFW, DSL, and OPRD will hold joint public hearings/meetings on their respective Draft Pilot Site Rules. A hearings/meetings notice will be posted on the Oregon Marine Reserves website and on agencies respective websites. A press release will also be issued. Public hearings/meetings will be held: A. Tuesday, October 20 - Salem, State Land Board Room **(public input opportunity)** B. Wednesday, October 21 - Port Orford, Public Library **(public input opportunity)** C. Thursday, October 22 - Otter Rock, Inn at Otter Crest **(public input opportunity)**	**October 20-22, 2009**
VI. Rulemaking The Fish and Wildlife Commission, State Land Board, and Parks and Recreation Commission will consider and adopt rules at their respective meetings: A. December 8, 2009 – State Land Board, Salem B. December 11, 2009 – Fish and Wildlife Commission**, Salem **(public input opportunity)**** C. January 2010 - Parks and Recreation Commission**, location TBD	**December 2009 – January 2010**

* A Rules Advisory Committee (RAC) is used as part of OPRD and DSL rulemaking procedures. ODFW rulemaking procedures, alternatively, use an extensive public outreach process.

** Implementation of ODFW and OPRD prohibitions will not take place until after baseline surveys are completed, on or before June 30, 2011.