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

**DIVISION X**

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

**635-xxx-xxxx 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-xxxx DEFINITIONS:**

For the purposes of OAR 635, Division 012 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-xxxx 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.

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**635-xxx-xxxx 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.

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**635-xxx-xxxx 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.