

## Oregon Parks and Recreation Commission

September 20, 2023

---

Agenda Item: 8d UPDATED

Action

Public Comment Allowed: Yes

Topic: Request to open rulemaking –Amending Territorial Sea Plan Rocky Habitat Site Designation (OAR 736-021-0090)

Presented by: Katie Gauthier

---

**Background:** The Oregon Department of Land Conservation and Development (DLCD) adopted updates to Oregon’s Territorial Sea Plan Rocky Habitat Management Strategy in April 2023. As a part of this update, rocky habitat sites are now eligible for one of three management designations: Marine Research Area, Marine Garden/Education Area and Marine Conservation Area. Goals, regulations and management practices differ for each type of designation.

The management areas and their respective goals were designated by DLCD after an extensive review process led by the Ocean Policy Advisory Council. To comply with the updated plan and management goals now included in the Rocky Habitat Management Strategy, OPRD will need to update our rule language around collection of marine plants and macroalgae in marine reserves and marine protected areas in OAR 736-021-0090(4)(b).

In addition, when opening 736-021-0090 for changes, we are proposing removing language in section (3) that refers to requirements for enrolled tribal members to obtain a permit from OPRD prior to collecting natural products. This language is outdated and does not reflect current agency practices. Prior to proposing opening rulemaking, the agency offered consultation to all nine federally recognized tribes.

A copy of the proposed rules is included in Attachment A.

**Prior Action by Commission:**

**Action Requested:** Staff requests approval to open rulemaking to amend OAR 736-021-0090 to update language regarding marine plant and macroalgae collection in designated areas and remove outdated language regarding tribal permit requirements.

**Attachments:** Attachment A – proposed rule amendments- marked copy

**Prepared by:** Katie Gauthier