

Section 3. Covered Activities

3.1. The Beach as a Destination

Oregon's Ocean Shore is nationally known as an outstanding destination and is a key tourism marketing focus for the State. Just over half of the visitors to the coast are coming primarily to visit the beach, while just under half are going to the beach as a secondary destination.

Participating in ocean-beach-related activities is one of the top 10 outdoor recreational activities for both Oregonians and out of State visitors to Oregon. A survey conducted as part of the 2001 to 2002 State Comprehensive Outdoor Recreation Plan reports 7.6 million annual ocean beach visits to coastal regions (Shelby and Tokarczyk 2002). Oregon residents made 6 million of those visits. Oregonians who are not residents of the coast made most of those visits, while coastal residents made about 2.2 million visits. Coastal residents visit the beach many more times than those who travel to the beach from elsewhere.

The beach is one of the top vacation destinations for the Portland metro population. More than twice as many Oregon residents from the Portland area go to the beach as from any other area of the State. This is particularly true on the north and north-central coasts. Farther south beaches are used primarily by local residents and by nearby inland residents, rather than by long-distance travelers. In southern Curry County beach visitors tend to include a large percentage of California residents. Those areas of the coast that are closest to population centers have more visitors, and on peak days most of the visitors on the beach are from out of town. Coast-wide, visitors come to relax, walk or jog short distances, enjoy the scenery, walk on the beach, swim and wade in the waves and picnic in the sand. About 20 percent of the same beach visitors also enjoy flying kites, appreciating nature, exercising dogs, making driftwood fires, collecting driftwood, shooting fireworks, and attending events. A smaller percentage come for birding, beach combing, surfing or boogie boarding, biking, fishing, clamming on the beach, horseback riding, driving on the beach, windsurfing, kite boarding, or kayaking (Shelby and Tokarczyk 2002).

3.2. Beach Survey

More than 40 recreation-related activities occur on the Ocean Shore (Shelby and Tokarczyk 2002; Appendix D). A list of the top 25 activities that occur within each region and within each segment (north and south) is provided in table 3.1.

Table 3.1. Top 25 Recreation Activities Pursued by Segment and Region

North Coast		Central Coast		South Coast	
Segment 1	Segment 2	Segment 3	Segment 4	Segment 5	Segment 6
Activity %	Activity %	Activity %	Activity %	Activity %	Activity %
Walking 90.2	Walking 91.0	Walking 92.5	Walking 89.4	Walking 93.2	Walking 88.8
Scenic 70.3	Scenic 72.3	Scenic 74.0	Scenic 71.9	Scenic 81.9	Scenic 64.2
Picnicking 60.6	Picnicking 55.1	Picnicking 60.8	Picnicking 58.7	Picnicking 56.7	Picnicking 45.1
Exercise 37.1	Exercise 39.1	Kites 38.2	Exercise 35.2	Exercise 51.2	Camping 29.1
Kites 32.7	Kites 31.4	Exercise 35.2	Camping 33.8	Beachcomb 38.0	Exercise 27.5
Swimming 30.3	Dogs 29.0	Swimming 24.6	Kites 33.8	Dogs 35.2	Dogs 24.1
Dogs 21.6	Swimming 24.7	Dogs 22.1	Dogs 26.3	Driftwood 26.4	Swimming 21.1
Fires 20.7	Fires 22.2	Fires 18.8	Swimming 24.8	Birding 24.3	Kites 16.7
Bicycle 14.4	Camping 20.4	Driftwood 14.5	Fires 16.5	Kites 22.4	Driftwood 16.0
Camping 13.8	Driftwood 12.7	Camping 11.6	Driftwood 10.6	Camping 16.8	Fires 11.5
Boogie Bd 12.8	Birding 11.1	Birding 10.5	Birding 9.4	Swimming 15.1	Birding 9.9
Surfing 10.8	Fireworks 10.6	Fireworks 9.7	ATV 7.9	Events 13.2	Surfing 9.4
Birding 8.1	Boogie Bd 9.7	Beachcomb 7.1	Fishing 7.7	Fires 11.7	Fishing 8.5
Fireworks 8.1	Bicycle 8.9	Boogie Bd 6.4	Beachcomb 6.9	Fishing 9.8	Fireworks 8.3
Driftwood 7.9	Events 7.5	Crabbing 6.2	Fireworks 6.3	ATV 7.0	Boogie Bd 8.2
Clamming 6.6	Beachcomb 7.4	Events 5.7	Bicycle 6.2	Crabbing 6.6	Bicycle 7.7

North Coast		Central Coast		South Coast	
Segment 1	Segment 2	Segment 3	Segment 4	Segment 5	Segment 6
Activity %	Activity %	Activity %	Activity %	Activity %	Activity %
Events 5.0	Surfing 6.8	Fishing 5.1	Boogie Bd 5.2	Fireworks 6.6	Wind Surf 7.7
Sand play 4.5	Fishing 6.8	Sand play 5.1	Events 5.2	Clamming 6.4	Beachcomb 5.8
Fishing 4.0	Clamming 6.6	Clamming 4.6	Sand play 5.0	Horses 4.7	Clamming 5.0
Horses 3.8	Sand play 5.4	Surfing 4.4	Surfing 3.8	Bicycle 3.6	Events 4.7
Crabbing 3.6	Crabbing 4.3	Bicycle 3.5	Clamming 3.8	Boogie Bd 3.0	Crabbing 4.2
Kayak 2.6	Horses 3.5	Horses 2.4	Crabbing 3.5	Surfing 2.1	Horses 3.1
Family 1.9	Kayak 2.1	Kayak 1.3	Horses 3.1	Sand play 1.9	Sand play 2.5
Beachcomb 1.4	ATV 1.8	Family 1.3	Sports 2.3	Kayak 1.1	Kayak 2.0
Spiritual 1.3	Sports 1.7	Tide pooling 1.2	Kayak 1.9	Wind surf 0.6	Family 1.6

Source: (Shelby and Tokarczyk 2002)

For more detail on the types and location of recreational activities that occur on the Ocean Shore, see the Ocean Shore Management Plan (Shelby and Tokarczyk 2002), incorporated here by reference.

3.3. Covered Activities

The activities for which OPRD is seeking take coverage include the management activities it has the responsibility for and that it conducts on the covered lands. These covered activities are listed below and discussed in greater detail in the following sections.

- Public Use/Recreation Management activities include:
 - Camping,
 - Dog Exercising,
 - Pedestrian Traffic,
 - Picnicking,
 - Near Shore Activities/Surf Sports,

- Driving,
 - Horseback Riding,
 - Beach Fires,
 - Beachcombing,
 - Driftwood Collection and Removal,
 - Kite Flying, and
 - Other Recreational Activities.
- Beach Management activities include:
 - Marine Mammal Strandings and Removal,
 - Public Safety,
 - External Law Enforcement,
 - Internal Law Enforcement, and
 - Boat Strandings and Other Salvage Operations.
 - Natural Resource Management activities include:
 - OPRD Snowy Plover Management Actions, and
 - Other Habitat Restoration.

Each of these activities has the potential to result in the take of the snowy plover or to affect snowy plover habitat. OPRD will undertake specific management actions (see Section 5, “Conservation Plan”) to minimize and mitigate for the potential take of the snowy plover resulting from these activities.

Activities under the jurisdiction and responsibility of OPRD that are not addressed in the HCP and that will not be covered by the ITP include Ocean Shore and Special (State) Permit activities that may occur on the sandy Ocean Shore (Appendix E). These State-permitted activities will be considered on a case-by-case basis by OPRD, in consultation with FWS, and will include permit conditions designed to avoid the risk of take of snowy plover.

3.3.1. Public Use/Recreation Management

Information about public recreational use was gathered during the various public outreach efforts and meetings conducted during the development of the HCP, during interviews with various landowning agencies and user groups, and from public comments provided over the course of developing the HCP. In addition, recreational use data were gathered and reported in the Ocean Shore Recreational Use Study as described below (Shelby and Tokarczyk 2002).

There are more than 40 different recreation-related activities that occur on the Ocean Shore (Appendix D) of which 29 are the primary reason people go to the beach (Shelby and Tokarczyk 2002). OPRD is responsible for managing the people engaged in these activities (ORS 390.635). Not all of these activities occur on each beach, and the level of intensity varies from season to season and from beach to beach. None of the activities described below are currently allowed in the roped-off dry sand portions of the occupied Bandon Habitat Restoration Area (HRA) at the Bandon State Natural Area (SNA). Some types of activities are restricted in the wet sand portion of the beach at the currently occupied nesting sites. Even with the restrictions in place, it is likely that because the snowy plover nests in dry sand areas, but forages in wet sand areas, they can be susceptible to harm or harassment from State-authorized recreational activities. Thus, the activities described below are part of the covered activities.

Camping

Very few visitors camp on the beach itself or on the dune areas next to the beach. When camping does occur, it generally occurs on the Central Coast beaches where remote sites can be reached by driving. Camping on the South Coast is most often done by backpacking. Most beach camping is done to support some other beach activity such as fishing, clamming, hiking, and surfing or wind surfing, and typically occurs between the high tide line and the vegetation line (Shelby and Tokarczyk 2002).

Overnight camping, including overnight sleeping in tents, driftwood shelters, sleeping bags, recreational vehicles, trailers, or automobiles is prohibited within the city limits of certain communities and on some beaches in Clatsop and Tillamook Counties.

Beach camping is currently allowed on the beach and dune areas next to the beaches along the Oregon Coast unless otherwise specified by the State Rule that disallows such use. Beach camping is prohibited on beaches located within any oceanside State park, and within the city limits of Seaside, Cannon Beach, Manzanita, Rockaway Beach, Lincoln City, Newport, Bandon, and Gold Beach, North Manzanita city limits to the base of Neahkahnie Mountain, and from the Necanicum River to the Columbia River. The only place camping is allowed in State parks is in specifically designated campgrounds inland from the beach. The parks with Snowy Plover Management Areas (SPMAs) include:

- Fort Stevens State Park,
- Gearhart Ocean State Recreation Area,
- Nehalem Bay State Park,

- Cape Lookout State Park, and
- Bandon SNA.

Beach camping is not allowed in the roped off areas within the dry sand at any sites currently occupied by nesting snowy plovers. Only beach camping that occurs on covered lands where it is not otherwise prohibited is considered a covered activity.

Dog Exercising

The ocean beach, coast-wide, is a popular place for people to take their dogs, with a number of people going to the beach primarily to exercise their dogs (Shelby and Tokarczyk 2002). The number of dog visits appears to be increasing in proportion to the increase in general visits. Dog owners are attracted to the beach because the majority of ocean beaches are open to dogs without a leash. In other areas as described below, dogs are allowed only on-leash although the public does not comply with the regulation very well.

Dogs are allowed unrestricted on the vast majority of the Ocean Shore. Areas where dogs are currently required to be leashed include beaches within ocean-side State parks, including the following State park units: Fort Stevens State Park, Gearhart Ocean State Recreation Area, Nehalem Bay State Park, Cape Lookout State Park, and Bandon SNA. Dogs are also currently required to be leashed at the Sutton/Baker Beach, Dunes Overlook/Tahkenitch Estuary, Coos Bay North Spit, and Tenmile Estuary nesting areas. Dogs are required to be on-leash or under voice or signal control on beaches within the cities of Seaside, Rockaway, and Cannon Beach. However, none of these communities encompasses a proposed SPMA or Recreation Management Area (RMA).

Dogs are currently prohibited (wet or dry sand) at Siltcoos Estuary during the snowy plover nesting season. There is the potential on beaches outside of currently known nesting areas and RMAs for dogs that run off-leash legally to have some impact on snowy plovers that may occur in those areas; however, restrictions on dogs would be enforced as described in the HCP. Legally allowable dog activities under the HCP will be a covered activity.

Pedestrian Traffic

Pedestrian traffic includes walking, hiking, jogging, and running on the beach. Walking is the number-one activity across the entire coast. Only the southern portion of the Central Coast, which stretches from the Yaquina River to the Umpqua River, has a lower percentage of visitors who are at the beach primarily to walk (Shelby and Tokarczyk 2002). This is likely due to the long distances to the beach that can only be reached easily by driving on sand roads with four-wheel-drive vehicles. Some people go to the beach for the solitude, while others go to enjoy the beach with others. Portions of the Pacific Coast trail traverse the Ocean Shore, which is used by

hikers. Most jogging occurs on the wet sand area while walking occurs on both the wet sand and dry sand areas of the beach between the tide line and the vegetation line. Walking is currently restricted to the wet sand in occupied nesting areas. Pedestrian activities outside of restricted areas are included as a covered activity because such activities have the potential to disturb or harm snowy plovers.

Picnicking

The highest percentage of picnicking occurs on the Central Coast, in areas that are adjacent to Lincoln City, Salishan, and Gleneden Beaches (Shelby and Tokarczyk 2002). Picnicking on the South Coast ranks lower than scenic enjoyment. This outcome may be due to the exceptional draw of the region's rocky coastline for scenic enjoyment and the remoteness of the beaches. Scenic enjoyment follows picnicking closely in the North and Central Coast regions, but occurs in lower percentages than on the South Coast. Picnicking occurs primarily during the summer months. Picnic spots are typically not far from access sites and occur in the dry sand portion of the beach between the high tide line and the vegetation line. Picnicking is currently not allowed on the dry sand of occupied nesting areas.

Near Shore Activities/Surf Sports

Of the near shore recreation activities that include surfing, boogie boarding, wind surfing and kite boarding, surfing is most prominent on the North Coast. The numerous jetties play a big role in supporting this use, as jetties create necessary surf conditions and allow for public access. Many of the jetties are located close to larger population centers where most of the surfers originate.

The number of people surfing drops gradually from north to south, and then jumps up a bit at the far south where beaches are closer to the California population centers (Shelby and Tokarczyk 2002). Locally, surfing can be very concentrated in specific locations. Windsurfing is markedly higher on the far South Coast, where prime destination sites such as Pistol River and Floras Lake are nationally well known and heavily used. These activities occur year-round and typically entail people moving to and from the surf from the dry sand portion of beaches. These activities are not likely to occur within or near most of the SPMAs or RMAs although some wind and kite surfing does occur near Bandon from the China Creek access point. OPRD is planning to move the access point at China Creek farther north to avoid the existing nesting sites. Where near shore/surf sports activities do occur, human movement to and from the water, the presence of dogs, and gear washing up on the shore could disturb snowy plovers. People engaging in these activities would be required to comply with existing and future recreational use restrictions.

Driving

Although, this type of recreation use is growing rapidly as shown by recent recreation surveys (Shelby and Tokarczyk 2002), all-terrain vehicle (ATV)/off-highway vehicle (OHV) riding on the beach is allowed currently only at three locations on the coast: the Sand Lake Recreation Area and on two sections of beach within the Dunes National Recreation Area. These areas may have some level of suitable snowy plover habitat, depending on the time of year and tide levels, but current ATV/OHV activity likely prevents other than occasional use by snowy plovers. All other beach segments are off limits to ATV/OHV without a drive-on-beach permit issued by OPRD.

The Ocean Shore is open to “street legal” motor vehicles, such as cars, trucks, and campers, unless otherwise posted. Beaches closed to vehicles (both motorized and non-motorized) may be accessed only after obtaining a valid permit from OPRD or in emergencies when official vehicles need to enter the beach.

Driving occurs primarily in the wet sand portion of the beach, except at access points to the beach, and has also been observed to occur on the dry sand. Currently, beaches at occupied nesting areas are seasonally closed to driving, unless otherwise already prohibited.

Horseback Riding

Horseback riding is allowed on all of portions of the coast, except within the City of Rockaway city limits where horses on the beach are prohibited. There are no proposed SPMA or RMA located within the City of Rockaway. Horseback riding typically entails walking horses (though occasionally they are cantered or galloped) in wet sand and dry sand close to the water and on dry sand access routes. It is illegal for owners to hitch or confine horses such that it causes damage to any natural resource on the Ocean Shore.

Several SPMA/RMA are popular for equestrian use. These include Nehalem Bay State Park, and the Sutton/Baker Beach area. OPRD has issued permits for horse concessions at Nehalem Bay State Park, while the U.S. Forest Service (USFS) has issued a permit for a horse concession at Baker Beach. Currently, horses are restricted from roped-off areas of the dry sand portion of the beach at occupied nesting sites during the nesting season.

Beach Fires

Building beach fires is a common activity on the coast. Small recreational beach fires are allowed on the Ocean Shore as long as they are located in open dry sandy areas, downwind of, and below beachgrass and driftwood lines, and beyond 25 feet of a seawall constructed of wood or other combustible material. Fires may not be left

unattended and must be extinguished prior to leaving the area. OPRD has the authority to restrict or prohibit such fires due to high fire hazard conditions.

Beach fires are currently restricted from the dry sand in areas occupied by the snowy plover during the nesting season. Beach fires are allowed in other dry sand areas without restriction. Fire-building activity is typically associated with camping and picnicking activities, as well as small groups engaged in surf sports and, thus, have the potential to affect nesting and foraging snowy plovers.

Beachcombing

Beachcombing occurs coast-wide, but is exceptionally high on the South Coast (Shelby and Tokarczyk 2002). This may be due to the remoteness of many of the beaches there. Low overall recreational use numbers can assure that the beaches will not be picked clean each day, and may entice beachcombing enthusiasts to make the trek to reach these areas. Also, four-wheel-drive vehicles using rough sand roads easily access these beaches. There may also be influences from wind and wave patterns that favor the deposition of popular beach-combing items such as glass floats in this area. Beachcombing typically involves people walking (see above) along the drift line in search of collectables. However, driving of vehicles (see above) is also associated with beachcombing.

Driftwood Collection and Removal

OPRD considers driftwood found outside of State park beaches to belong to the landowners. Generally, permission of the landowner is required when driftwood is removed for commercial purposes or in large quantities.

OPRD does allow the taking of driftwood in small amounts by beach visitors for personal use or as souvenirs. Driftwood collection generally entails people walking along the drift/wrack line—although some drive—in search of collectable pieces. Anyone wishing to use mechanized loading equipment or remove large amounts of driftwood from a beach owned by a State park is required to obtain a permit from OPRD (see Appendix E).

Driftwood removal for firewood or ornamental purposes is only allowed in the following circumstances: (1) the amount collected can be loaded by hand, and (2) purpose is for personal use. The OPRD has the right to restrict the issuance of vehicle permits and to place quantity limits on firewood gathered where the driftwood supply has been depleted due to human removal activity or by an act of nature.

Kite Flying

Kite flying is also a popular activity on the Oregon Coast, although it is not the primary reason people go to the beach (Shelby and Tokarczyk 2002). Kite flying

typically involves one or two people attempting to get a kite into the air and then maintaining its flight. Kite flying activity occurs in the same vicinity as other beach activities such as walking, jogging, picnicking, and beach combing, i.e., in the wet or dry sand within a few hundred feet of the water line. Kite flying is currently unrestricted on the covered lands.

Other Recreational Activities

The Recreation Use Study also identified more than 40 different activities occurring on the Ocean Shore, with 29 activities considered as the primary reason for going to the beach. Emerging sports include sea kayaking, bicycling on the beach, and kite-boarding. (Shelby and Tokarczyk 2002),

Three new activities on the beach are: landsailing—a cart with a sail attached to it; kite buggying—a sit-down buggy, steered with the feet, with the rider controlling a kite for power; and kite mountain boarding—an all-terrain skateboard, where the rider stands and steers like a skateboard, while controlling a kite for power. These activities are more likely to occur during the winter months when the sand is hard. All these activities occur in the wet sand portion of the beach. Bicycling, buggying, and skate boarding all involve impacts to wet sand beach similar to that of driving though some involve overhead “predator-like” gear.

3.3.2. Beach Management Activities

Other than snowy plover management, OPRD staff members also perform the following beach management activities on Oregon’s sandy beaches. Each of these activities has the potential to result in the take of snowy plover by harming or harassing nesting or foraging individuals.

Mammal Strandings and Removal

This activity involves the investigation, reporting, and either burial or removal of the mammal from the Ocean Shore. Depending on the remoteness of the beach (i.e., recreational use) and the time of year, some dead marine mammals are left to decompose on the beach. In 2001, a whale beached at Pistol River and was allowed to decompose. However, in 2003, a whale that died on the beach at Seaside was removed from the beach and taken to Fort Stevens State Park where it was buried. These types of activities involve OPRD and National Marine Fisheries Service (NMFS) staffers collectively responding to the event. Activities may involve beach disturbance (in the case of a burial), driving and operating machinery by OPRD staff, and often involves groups of people and vehicles gathered on the beach. These activities may necessarily occur inside, as well as outside, SPMA and RMA.

Public Safety

This activity involves OPRD staff maintaining emergency access points; investigating reports of unsafe drift logs, and where necessary, the removal of those logs; monitoring, photographing, and documenting erosion and storm damage; investigating reports of hazardous materials on the beach; and closure and coordinated cleanup of spilled hazardous materials. Activities are similar to activities listed in the “Pedestrian Traffic” and “Driving” sections.

External Law Enforcement

This activity involves OPRD personnel assisting law enforcement personnel with injury/death or other crime-related investigations as requested. It also involves OPRD staff accessing and moving along the beach by walking, riding horseback, or driving a motor vehicle (including an ATV). These activities may occur near or in SPMA or RMA, and would have effects similar to those discussed in “Pedestrian Traffic” and “Driving” sections above.

Internal Law Enforcement

This activity involves OPRD staff members supervising and enforcing OPRD rules that include implementing SPMA and RMA recreational restrictions, monitoring and checking for valid permits and illegal taking of natural resources, patrolling beaches, compliance monitoring, and conducting outreach. Three full-time Beach Rangers conduct these activities. However, certain employees at State parks have citation authority, and occasionally patrol State park beaches and beach access sites. Conducting these activities involves walking and/or driving to areas of the beach where illegal activities may be occurring.

Boat Strandings and Other Salvage Operations

This activity involves OPRD staffers monitoring salvage operations (along with issuing the appropriate permit and answering questions of the public), and includes activities similar to those described above, i.e., Pedestrian Traffic, Driving, Horseback Riding, and Public Safety.

Table 3.2 shows the number of hours (on average over recent years) OPRD staff spends annually performing the various beach management activities described above.

Table 3.2. Beach Management Activities and Hours Spent Performing

Activity	Hours Spent Performing Activity
Marine Mammal Strandings and Removal	414
Public Safety	590
External Law Enforcement	484

Activity	Hours Spent Performing Activity
Internal Law Enforcement	582
Boat Strandings/Salvage Operations	177
TOTAL	2,247

3.3.3. Natural Resource Management

OPRD conducts a variety of projects related to natural resources on the Ocean Shore, most of which are related to snowy plover management (e.g., predator management and habitat restoration activities). Habitat restoration activities are also conducted for other species (e.g., plants) in areas not managed for snowy plover.

Snowy Plover Management

Snowy plover management activities at the Bandon SNA include predator management; managing volunteers who conduct public outreach and education to beach users; habitat restoration and maintenance work; and monitoring and reporting activities. Although there is some potential for these activities to result in take of the snowy plover, the primary purpose of these management activities is to conserve and protect the snowy plover. The conservation measures specific to snowy plover management are discussed in greater detail in Section 5, “Conservation Plan.”

Habitat Restoration – Non-Snowy Plover Activities

In an effort to restore habitat for other species, such as the pink sand verbena (a State listed endangered species), OPRD may also conduct dune management activities within and outside of SPMAs. In areas occupied by snowy plover, these activities will occur during the non-nesting season. In unoccupied areas, these activities may occur during the snowy plover nesting season, but only following a survey for nesting snowy plovers to ensure they are absent. Such restoration activities do not degrade snowy plover habitat but, in fact, help restore the ocean shore to its native condition. OPRD restoration of pink sand verbena, as well as silvery phacelia, occurs only in State Parks, but may also be conducted in the future at OPRD-owned or leased SPMAs. Restoration activities include removal of exotic vegetation and plantings of native vegetation. Although these activities are designed to avoid impacts to snowy plover, some impacts may occur incidentally to the restoration activities.