

Routine Program Change

Updating Oregon's Enforceable Policies Regarding Refuges and Closures

O.R.S. §§ 501.005-501.045

July 24, 2014

I. Introduction

The Oregon Coastal Management Program requests that the National Oceanic and Atmospheric Administration (NOAA) Office of Ocean and Coastal Resource Management (OCRM) approve this update deleting refuges and closures laws from the enforceable policies implementing the OCMP. Oregon requests concurrence that this action constitutes a Routine Program Change.

Section II.A describes the relevant program in ORS Chapter 501 administered by the State Fish and Wildlife Commission. Section II.B shows that the submitted deletion is a Routine Program Change under NOAA regulations and guidelines.

II. Analysis of Routine Program Change

A. Discussion of the Program in Chapter 501

The OCMP as initially approved by NOAA in 1977 and updated by Routine Program Change in 1987 included select sections of the state's refuges and closures laws addressing hunting, trapping, signage, and contracts.

The attached table includes the statutory provisions addressing refuges and closures that are presently incorporated into the OCMP. We also are attaching the full current versions of the statutes.

Sections 501.005 to 501.045 of the Oregon Revised Statutes authorize the State Fish and Wildlife Commission to enter into contracts with landowners to establish wildlife refuges; prohibit the hunting or trapping of wildlife on any state wildlife refuge, unless necessary to properly manage the supply or condition of the wildlife on that refuge or by commission rule; require the commission to post signs around the boundary of a refuge to give notice of hunting, trapping, and other use restrictions; and prohibit removing, defacing, altering, and destroying any such sign. They also authorize the governor to suspend a hunting season (in all or any portion of the state) if hunting may result in extreme fire danger and prohibit hunting when and where the appropriate season has been suspended. Because Oregon has not found these provisions useful or necessary for federal consistency, the state requests that they be deleted from the OCMP enforceable policies.

B. Action as Routine Program Change

Pursuant to CZMA §306(e) and 15 C.F.R. §923.84, this section explains why this update to Oregon's program is a Routine Program Change and does not constitute an amendment. Under 15 C.F.R.

§923.80(d), amendments are defined as substantial changes in one or more of five listed coastal management program areas:

- (1) uses subject to management;
- (2) special management areas;
- (3) boundaries;
- (4) authorities and organization; and
- (5) coordination, public involvement and the national interest.

OCRM's 1996 Program Change guidance states that a "substantial change" is a high threshold requiring case-by-case determination.

1. Uses subject to management.

This submittal does not identify new uses subject to management.

2. Special management areas.

This submittal does not designate or change any special management areas within Oregon's coastal zone. Refuges remain subject to the same conditions as before.

3. Boundaries.

This submittal does not change the boundaries of Oregon's coastal zone.

4. Authorities and organization.

This submittal does not change Oregon's administration of the OCMP.

5. Coordination, public involvement, and the national interest.

This submittal does not change any coordination, public involvement, or national interest provisions of the OCMP.

Accordingly, this submittal is a Routine Program Change, and Oregon requests OCRM concurrence.

Refuges and Closures

Statutes that Were in the Program but Are Being Removed

ORS Section	Title at Last Approval	Description	Last OCRM Approval	Changes Since Last Approval
WILDLIFE				
501.005	Closure of hunting season for fire danger	Authorizes the governor to suspend a hunting season (in all or any portion of the state) if hunting may result in extreme fire danger; prohibits hunting when and where the appropriate season has been suspended	1987	<ul style="list-style-type: none"> • None
501.015	Hunting or trapping on refuge prohibited	Prohibits hunting or trapping any wildlife on any state wildlife refuge, except as allowed by the State Fish and Wildlife Commission by rule	1987	<ul style="list-style-type: none"> • None
501.025	Authority to manage supply or condition of wildlife on refuge	Authorizes the State Fish and Wildlife Commission to allow the hunting or trapping of wildlife on any state wildlife refuge if necessary to properly manage the supply or condition of the wildlife on that refuge	1987	<ul style="list-style-type: none"> • None
501.035	Posting signs around refuge; defacing or alteration of signs	Requires the State Fish and Wildlife Commission to post signs around the boundary of a	1987	<ul style="list-style-type: none"> • None

ORS Section	Title at Last Approval	Description	Last OCRM Approval	Changes Since Last Approval
	prohibited	refuge to give notice of hunting, trapping, and other use restrictions when the refuge is created; prohibits removing, defacing, altering, and destroying any such sign		
501.045	Contracts to establish refuges on private lands	Authorizes the State Fish and Wildlife Commission to enter into contracts with landowners to establish a wildlife refuge on the land	1987	<ul style="list-style-type: none"> • None

**Text of ORS Chapter 501 Statutes Included in the July 24, 2014 RPC
2013 Edition Oregon Revised Statutes**

WILDLIFE

501.005 Closure of hunting season for fire danger. (1) The Governor by proclamation may suspend any season established by the State Fish and Wildlife Commission for hunting when the Governor determines that hunting may result in extreme fire danger in any part of the state.

(2) The suspension referred to in subsection (1) of this section may be applicable in all or any portion of this state, and shall be effective for a specified or indeterminate period until it appears to the Governor that the possible excessive fire danger no longer exists. A suspension for an indeterminate period shall be terminated by proclamation of the Governor.

(3) No person shall hunt during a period when or in an area where the appropriate season has been suspended pursuant to this section. [1973 c.723 §104]

501.010 [Repealed by 1973 c.723 §130]

501.015 Hunting or trapping on refuge prohibited. Except as the State Fish and Wildlife Commission by rule may provide otherwise, no person shall hunt or trap any wildlife on any wildlife refuge created by any law of this state or any rule promulgated pursuant thereto. [1973 c.723 §105]

501.020 [Amended by 1955 c.63 §1; repealed by 1973 c.723 §130]

501.025 Authority to manage supply or condition of wildlife on refuge. Notwithstanding any restrictions to the contrary regarding the uses of any wildlife refuge created by any law of this state or any rule promulgated pursuant thereto, the State Fish and Wildlife Commission may authorize the hunting or trapping of wildlife on any such wildlife refuge when the commission determines that such action is necessary to properly manage the supply or condition of the wildlife on such refuge. [1973 c.723 §106]

501.030 [Repealed by 1973 c.723 §130]

501.035 Posting signs around refuge; defacing or alteration of signs prohibited. (1) When any wildlife refuge is created by the laws of this state or any rule promulgated thereto, the State Fish and Wildlife Commission shall post signs around the boundary of the refuge giving notice of restrictions on hunting or trapping of wildlife on the refuge and on such other uses of the refuge as are specified by law or rule.

(2) No person shall remove, deface, alter or destroy any sign referred to in subsection (1) of this section. [1973 c.723 §107]

501.040 [Repealed by 1973 c.723 §130]

501.045 Contracts to establish refuges on private lands. The State Fish and Wildlife Commission may enter into contracts with the owners of land for the purpose of establishing a wildlife refuge on the land. The contract shall be for such period and shall contain such terms,

conditions and restrictions regarding the hunting and trapping of wildlife and other uses of the land as the commission considers appropriate to properly manage the supply and condition of the wildlife on the land. [1973 c.723 §108]