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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 142
DEPARTMENT OF STATE LANDS
SOUTH SLOUGH NATIONAL ESTUARINE RESEARCH RESERVE

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FILING CAPTION: Revisions to the Public Uses of the South Slough National Estuarine Research Reserve, Restricted Activities

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RULES:

142-010-0010, 142-010-0020

AMEND: 142-010-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 09/26/2019

RULE SUMMARY: Adding the non-commercial definition and renumbering.

RULE TEXT:

As used in these rules, unless the context provides otherwise:

- (1) "Advisory Group" means the group of local interested persons and persons with special expertise in fields relating to the Reserve appointed by the Commission to advise the Commission.
- (2) "Commercial" refers to an activity undertaken for economic gain, as opposed to an activity for personal use or enjoyment.
- (3) "Commission" means the Management Commission of the South Slough National Estuarine Research Reserve created by ORS 273 .554.
- (4) "Forest Greenery" means plant material gathered in the Reserve and used for decorative purposes.
- (5) "In Kind Services" means materials or services (provided to the Reserve by a group or person) whose value to the Reserve is at least equal to the fee that the Reserve would otherwise charge the group or person for use of the Reserve.
- (6) "Manager" means the Manager of the South Slough National Estuarine Research Reserve appointed by the Commission.
- (7) "Marketing and Promotion" means Reserve-sponsored events of regional or statewide significance that promote tourism or promote partnerships with local communities, other agencies, or scientific, educational or economic development organizations.
- (8) "Non-Profit Entity" means a group having a 501 (c)(3) tax-exempt status filed with the Internal Revenue Service
- (9) "Noncommercial" refers to an organized group or activity that is not focused on economic gain or personal use. Examples include, but are not limited to, paddle and nature clubs, non-profit entities, and university, community college,

and school groups.

(10) "OCZM grant" means the original NOAA Grant-in-Aid financial award.

(11) "Operations Manager" is the person responsible for the Reserve's management, facilities, fiscal services and recordkeeping. In the Reserve manager's absence, the Operations Manager may exercise any of the Reserve manager's responsibilities.

(12) "Person" means individuals, a public or private corporation, an unincorporated association, a partnership or a government entity.

(13) "Public Use" means any use of the Reserve that is not a part of a formal Reserve educational or scientific program.

(14) "Recreational" or "Personal Use" refers to an activity undertaken for personal enjoyment as opposed to economic gain.

(15) "Reserve" means Sanctuary as defined in the Coastal Zone Management Act of 1972 which is the lands, within the boundary of the South Slough National Estuarine Research Reserve under the jurisdiction of the Commission, in which the State of Oregon has legal interest, including, but not limited to fee ownership, conservation easement, and/or life estate. ORS 273.553(1) states, "...the South Slough Estuary Sanctuary pursuant to chapter 415, Oregon Laws 1975, as the first estuarine sanctuary in the United States..." and the 1986 reauthorization of the Coastal Zone Management Act changed the name from Estuarine "Sanctuary" to National Estuarine Research Reserve. South Slough Estuarine Sanctuary is doing business as the South Slough National Estuarine Research Reserve for the purpose of day-to-day business. "Reserve" includes but is not limited to classrooms, day use areas and shelters, cabins, yurts, meeting halls, and other Reserve facilities.

(16) "Special Event" means an activity sponsored by the Reserve that provides education to Reserve visitors, or that otherwise promotes the mission of the Reserve.

(17) "Stewardship" means activities conducted to maintain and restore the integrity and natural dynamic processes of an estuarine ecosystem.

STATUTORY/OTHER AUTHORITY: ORS 273

STATUTES/OTHER IMPLEMENTED: ORS 273

AMEND: 142-010-0020

RULE TITLE: Restricted Activities

NOTICE FILED DATE: 09/26/2019

RULE SUMMARY: Correcting the filing to add a missing word.

RULE TEXT:

The following uses of the Reserve are permitted with restrictions, subject to applicable fees under OAR 142, division 15 and to action taken by the Commission under rules 142-010-0025, 142-010-0030 and other appropriate governmental agency regulations:

- (1) Picking of forest greenery for personal use is permitted only upon written approval by the Manager. The amount gathered should be no more than 10 pounds per day unless otherwise stated in the permit.
- (2) Overnight use of the Reserve is allowed only with written permission of the Manager.
- (3) Chemical fertilizers, herbicides, or pesticides will be used within the Reserve only if necessary to assure sound management of the ecosystem. Any allowed application of such chemicals shall be approved in writing by the Commission, after consultation with the Advisory Group, in accordance with best management practices so as to prevent direct application or discharge to the estuary waters. It is the intent of the Commission to preferentially utilize nonchemical management techniques of pest control. Chemicals will be utilized for pest or weed control only after it has been determined that the nature and integrity of the ecosystem is endangered by the pest or weed.
- (4) Digging for artifacts is not permitted except as pursuant to ORS 273 .705 et seq. and with the written permission of the Commission.
- (5) Open fires are allowed only upon approval of the Reserve Manager.
- (6) Hunting is allowed only during authorized waterfowl and game hunting seasons, subject to Department of Fish and Wildlife regulations, except in specific areas where the Commission may prohibit hunting for the protection of the health, safety, and welfare of the public. Areas closed to hunting will be posted.
- (7) Hunting and Observation Blinds are allowed within the boundaries of the Reserve, but a blind must be taken down and removed from the Reserve at the end of each day.
- (8) Motorized boating is permitted except in special protection zones: areas excepted for public health, safety, and welfare, educational uses, and scientific research. Motorized boating will be at reduced speed that will limit the wake to less than a one-foot wave height in order to prevent disturbance to the tidelands and wildlife habitats.
- (9) Construction of boat launch and tie-up facilities is permitted only as necessary for health, safety, research, or education.
- (10) Oyster culture is limited to the 100 acres as provided in the OCZM grant. The Commission shall recommend appropriate action on each oyster culture application or changes to existing plats within the Reserve to the Reserve of Agriculture.
- (11) Tree removal from Reserve lands may occur only with the approval of the Commission, after consultation with the Advisory Group, and only for the following reasons:
 - (a) Salvage of windthrow, dead, and dying trees;
 - (b) High risk to invasion of forest insects and diseases;
 - (c) Hazards to visiting public and scientists;
 - (d) Experimental and scientific projects;
 - (e) To maintain adequate clear space for existing powerline corridors;
 - (f) Thinning to maintain a healthy forest stand.
- (12) Firewood cutting for personal use requires a permit from the Reserve Manager.
- (13) Pets are permitted only if on a leash or under the direct control of the owner.
- (14) Recreational mineral gathering requires a permit from the Manager.
- (15) Horseback riding is permitted except in designated areas and not within any watercourse. Information about designated areas may be obtained at Reserve Headquarters.

- (16) Picnicking is permitted except in designated areas.
- (17) Recreational mushroom gathering, up to a maximum of one gallon per day, is permitted except in designated areas.
- (18) Recreational berry picking is permitted except in designated areas.
- (19) Recreational bait gathering is permitted except in designated areas subject to Oregon Reserve of Fish and Wildlife regulations.
- (20) Recreational clamming is permitted except in designated areas.
- (21) No dredging, filling or altering the natural environment except upon the approval of the proposed activities by the Commission.
- (22) Motorized off-road vehicles are prohibited except on designated county-maintained roads or driveways approved by the Commission.
- (23) Construction of roads is not allowed except by special permit issued by the Commission.
- (24) No deliberate introduction of a non-native species (or subspecies) within the Research Reserve's administrative boundaries without the prior approval of the Commission
- (25) Trapping within the Reserve's administrative boundaries is prohibited, except for research or management purposes, and then only with the approval of the Manager.
- (26) Guiding by commercial groups within the Reserve is prohibited unless authorized under a Permit issued by the Reserve Manager and in compliance with any conditions imposed by that Permit.
- (27) New or increased commercial activities which are not existing as of the creation of the Reserve in June 1974 must be authorized by the Reserve Manager after consultation and approval by the Commission.

STATUTORY/OTHER AUTHORITY: ORS 273

STATUTES/OTHER IMPLEMENTED: ORS 273