

SOUTH SLOUGH RESERVE MANAGEMENT COMMISSION

AGENDA

South Slough National Estuarine Research Reserve
South Slough Interpretive Center
61907 Seven Devils Road - Charleston, Oregon

June 4, 2019

SPECIAL MEETING 4:00-5:00 P.M.

I. Call-to-Order

II. Introductions

III. Public Input*

IV. Old Business

1. Commercial Activities Permit – action item
2. Temporary Rule Language – action item

V. New Business

1. Timber theft – verbal report

VI. Adjourn

*Limited to 5 minutes each unless arranged in advance of the meeting.

** This meeting is being held in a facility that is accessible for persons with disabilities. If you need some form of assistance to participate in this meeting due to a disability, please notify Rebecca Muse at 541-888-5558 ext. 134 at least two working days prior to the meeting.



SPECIAL USE PERMIT:
COMMERCIAL ACTIVITIES

Application and instructions for special
use permits for commercial activities in
South Slough Reserve

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Do I need a Special Use Permit?

A Special Use Permit is required for any new or increased commercial activities within the South Slough Reserve that did not exist prior to the creation of the Reserve in June 1974.

This requirement is consistent with the Reserve's governing Oregon Revised Statutes (ORS 273.553 – 273.554) and Administrative Rules (OAR 142-010-005 – 142-010-0050).

Who do I contact to get a permit or get questions answered?

Permit applications can be downloaded from the South Slough Reserve's website: [<Provide Link>](#)

Completed applications and questions should be submitted to:

Rebecca Muse, Operations Manager

Email: rebecca.a.muse@state.or.us

Phone: 541-888-5558 ext. 134

Mailing Address:

South Slough Reserve
P.O. Box 5417
Charleston, OR 97420

Physical Address:

61907 Seven Devils Rd
Charleston, OR 97420

What criteria will be used to evaluate my application?

Once a completed application is received it will be evaluated against the following criteria:

- **Consistency with local, state, and federal laws and reserve regulations**—all activities must comply with the laws and rules governing the South Slough National Estuarine Research Reserve
- **Consistency with the South Slough Reserve Management Plan**— activities cannot jeopardize the integrity of the estuary
- **Impact on natural and cultural resource values** – activities must not adversely impact natural or cultural resources and must adhere to ORS 97.745 and ORS 358.920. The Reserve will coordinate with local Tribal Historic Preservation Officers to evaluate potential impacts of proposed activities.
- **Disruption of reserve programs and public use** – activities should not exclude the public from the reserve or impact reserve programs, neighbors, or activity on areas surrounding the reserve
- **Impact on public health, safety or welfare** – activities must not put the public or the participants at undue risk, although measures taken by the organizer to mitigate such risk will be considered in the evaluation (i.e. first aid training)

- **Applicant's ability to finance, plan and manage the activity** – an evaluation will be made regarding the applicant's ability to fulfill any safety, medical care, wildfire control, security, crowd, noise, and vehicle parking requirements, as well as any measures required for the protection of reserve resources which are set forth by the conditions of the permit
- **Measures proposed to mitigate negative impacts** – if the activity will have negative impacts, consideration will be given to measures detailed in proposed operation plan to lessen or eliminate those impacts (i.e. risk assessments and mitigation plans)
- **Ability to fully meet the terms and conditions of the permit** – the evaluation will consider evidence presented by the applicant and others regarding their ability to fully meet any requirements placed on them by the terms and conditions of the permit, including previous experience the applicant has in conducting similar activities and past performance conducting other activities in public lands
- **Positive impact on the local community or reserve** – positive impacts resulting from the activity on the local community through tourism spending or Reserve restoration efforts and facilities enhancements will be considered when evaluating the permit application

How are applications prioritized?

Only activities that are complementary with the South Slough Reserve's education, science, and stewardship goals will be considered. Applications are read in the order they are received.

What supporting documents and information do I need to include with my application?

- I. Attach a detailed description of proposed activity that includes:
 - a. Services that will be offered to clients, as well as client charges and fees.
 - b. The anticipated number of trips and party sizes.
 - c. Trip itinerary with location of starting and ending points, stops, route and timeline.
 - d. A description of your client base or audience.
 - e. A list of Reserve facilities you propose to use, e.g., a boat launch, parking lot, or trailhead.
- II. Attach an operation plan for the proposed commercial activity that includes:
 - a. Start and end dates for the season
 - b. Client and reserve visitor safety risk assessment & mitigation plan
 - c. Evacuation and emergency procedures
 - d. Resource protection plan including Leave No Trace principles that will be applied during proposed operations
- III. Certificate of liability insurance
 - a. The permit holder will be required to obtain liability insurance in an amount satisfactory to the State of Oregon and the South Slough Reserve. The insurance policy must name the Oregon Department of State Lands/South Slough National Estuarine Research Reserve as an additional insured
- IV. Copies of CPR/Wilderness First Aid Certifications
- V. Copy of Oregon State Marine Board Outfitter Guide License

- VI. Copy of the applicant's Acknowledgment of Risk provided to clients (client waiver)
- VII. Guide Identification, please include:
 - a. List of all guides who would be working under the permit.
 - b. Describe your requirements for employment and staff training programs.

What are the fees for my permit?

There is a \$75 application processing fee for all Special Use Permits. Additional annual and/or service day fees charged by the Reserve may also apply to cover costs incurred by the Reserve for managing the activity. For example, the Reserve charges a \$200 annual fee for a Special Use Permit for commercial guiding. Annual fees are based on a calendar year and are not prorated for partial year use. All Special Use Permit fees are listed in the South Slough Reserve Fee Schedule. For an updated fee schedule, please contact Rebecca Muse: rebecca.a.muse@state.or.us, 541-888-5558, ext. 134.

Am I required to have insurance?

Yes, liability insurance consistent with the Oregon Tort Claims Act is required for all Special Use Permits. Currently, the basic insurance requirement is coverage with limits of not less than \$2,181,600 per occurrence or \$4,363,100 for multiple occurrence.

Insurance coverage for this Special Use Permit must name "the State of Oregon, its Department of State Lands, South Slough National Estuarine Research Reserve, its Management Commission, and the officers, agents and employees thereof" as additional insured.

Insurance is not required if the activity or use being permitted is conducted in partnership with the South Slough Reserve through a written agreement with the applicant.

Is special training required?

For commercial guiding activities, any guide leading a trip within the Reserve is required to complete an on-site training led by Reserve staff and partners with appropriate expertise. Training for commercial guides will cover appropriate locations for the activity, educational information about the Reserve, information on local natural and cultural resources, and required risk and impact prevention measures. Trainings will be scheduled based on Reserve staff and partner availability.

What else should I know?

Permits can be withdrawn by South Slough Reserve management at any time to protect reserve resources and to ensure public safety. The Reserve also reserves the right to adjust the number of days allowed for a permitted activity after a permit is issued and without refund. All permits carry conditional terms of use that must be followed by the permittee, failure to abide by conditional terms of use will result in forfeiture of a permit without refund. An annual report must be submitted within 30 days following the year the permit was issued that details the number of days in which the permitted activity was conducted and the number of clients served. Failure to provide the required reporting may result in the denial of a permit for subsequent years.

DRAFT Permit Application

APPLICANT INFORMATION		
Name of Applicant:	Name of Organization:	
Mailing Address:		
City:	State:	Zip:
E-Mail Address:		
Phone:	Cell:	Fax:
ON SITE RESPONSIBLE CONTACT		
Name:	Cell:	
ACTIVITY PROPOSED		
Activity:		
ACTIVITY LOCATION		
Specific Areas of Use:		
ACTIVITY DATES / TIMES		
Season Start Date:	Season End Date:	
Daily Start time:	Daily End Time:	
PERMIT FEES		
(\$75 application fee) + (additional activity fee, if any: _____) = _____		
ADDITIONAL REQUIREMENTS: (Please attach)		
<input type="checkbox"/> Detailed description of proposed activity <input type="checkbox"/> Operation plan for proposed activity <input type="checkbox"/> Certificate of liability insurance <input type="checkbox"/> Oregon State Marine Board Outfitter Guide License <input type="checkbox"/> CPR/Wilderness First Aid Certifications <input type="checkbox"/> Company's Client Acknowledgment of Risk form (blank) <input type="checkbox"/> Guide Identification <input type="checkbox"/> \$75 Check for application fee		
<p><i>* Applicant assumes full responsibility and liability for damages or injury to any person arising out of the applicant's activity or use, including personal injury and property damages and for any damage to reserve property, including natural and cultural resources.</i></p> <p><i>* Applicant shall indemnify and hold harmless the State of Oregon, the Department of State Lands, the South Slough National Estuarine Research Reserve, the South Slough Management Commission and, and all the members, officers, agents and employees of these entities, against any and all damages, claims or causes of action arising from or in connection with the activity or use.</i></p>		
APPLICANT SIGNATURE:		DATE:

DRAFT Special Use Permit # _____

South Slough National Estuarine Research Reserve



FOR SOUTH SLOUGH COMPLETION ONLY			
Date Application Received:		Date Fees Paid:	
Permittee:		Organization:	
Mailing Address:			
City:	State:		Zip:
E-Mail Address:			
Phone:	Cell:	Fax:	
On Site Contact Person:			
Criteria Evaluation (Yes/No/NA) <input type="checkbox"/> Consistent with local/state/federal laws <input type="checkbox"/> Complies with Reserve regulations & management plan <input type="checkbox"/> Protects natural or cultural resources <input type="checkbox"/> Disrupts reserve and public use <input type="checkbox"/> Impacts public health/safety or welfare		<input type="checkbox"/> Ability to finance, plan & manage activity <input type="checkbox"/> Experience performing activity <input type="checkbox"/> Measures proposed to mitigate impacts <input type="checkbox"/> Ability to meet terms & conditions of permit <input type="checkbox"/> Positive impact	
Permitted Activity:		Permitted Location:	
Permit Activation Date:		Permit Expiration Date:	
Number of Service Days Granted:			
Conditional Terms of the Permit: <i>The South Slough Reserve may, in its discretion, cancel a special use permit in the event of any emergency, significant law enforcement problem or substantial threat to public welfare, safety or Reserve property or resources, arising from or affecting this activity, or for breach of permit conditions.</i> <i>The South Slough Reserve retains the right to enter Reserve lands and waterways at any time for the purpose of inspection and management.</i> <i>*See attachment for complete list of conditional terms of permit</i>			
ISSUING AUTHORITY			
Reserve Manager:		E-Mail Address:	
Phone:	Cell:	Fax:	
Approver Signature:			Date:

[South Slough National Estuarine Research Reserve - Chapter 142](#)

[Division 10](#)

[PUBLIC USES OF THE SOUTH SLOUGH NATIONAL ESTUARINE RESEARCH RESERVE](#)

142-010-0020

Restricted Activities

The following ~~public, noncommercial~~ 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) Commercial guiding 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

(~~2627~~) New or increased commercial and noncommercial 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 approved-approval by the Commission.

Statutory/Other Authority: ORS 273

Statutes/Other Implemented: ORS 273

History:

SSNER 1-2008, f. & cert. ef. 4-14-08

SSNER 1-1998, f. & cert. ef. 7-15-98

SSES 2-1982, f. & cert. ef. 3-2-82

SSES 2-1980, f. & cert. ef. 12-23-80