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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED

11/30/2021 12:40 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Park Resources to clarify hunting boundaries

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/27/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Helena Kesch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/18/2022

TIME: 6:00 PM

OFFICER: Helena Kesch

ADDRESS: Online

Online

Salem, OR 97303

SPECIAL INSTRUCTIONS:

Registration is required. Register at:

https://us06web.zoom.us/webinar/register/WN_x8RMpYrpRXKbQ6XTbGwNHQ

NEED FOR THE RULE(S)

Hunting is permitted in several state parks within Oregon Department of Fish and Wildlife (ODFW) rules and regulations. Access to hunt on OPRD lands is provided in state parks where public safety is low risk and the activities meet agency wildlife goals.

The current rule specifies each area within a park that is open to hunting. For the Willamette River Greenway, some of those properties have changed management or are inaccurately described.

The proposed rule change will clarify hunting boundaries within state parks by referring to an OPRD hunting map that will be located on the agency website. The rule will direct people to adhere to ODFW rules and regulations when hunting on park properties.

Clarifying the hunting boundaries within this rule will help protect visitors and hunters alike. A hunting map will be created and made available on the agency website for hunters to refer to in identifying hunting boundaries at each park where hunting is available per this rule.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon Department of Fish and Wildlife Hunting Big Game website:
https://www.dfw.state.or.us/resources/hunting/big_game/

FISCAL AND ECONOMIC IMPACT:

Clarifying hunting boundaries within state parks and utilizing a hunting map will provide clear information of where hunting is allowed within state park boundaries and by which rules and regulations to follow. This rule update does not relate to the number of state park areas open to hunting, but rather how OPRD sets and communicates the location of boundaries where hunting is allowed. An OPRD hunting map will be located on the agency website that clearly outlines the state park boundaries showing where hunting is allowed. For consistency and clarity, the OPRD hunting map will be shared with entities that provide similar information to hunters. It is not anticipated to have a significant fiscal impact to OPRD or any state or local agency.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None. No additional compliance required.
 2. Cost of compliance effect on small business (ORS 183.336): None. No additional compliance required.
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: None.
 - b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services: None.
 - c. Equipment, supplies, labor and increased administration required for compliance: None.
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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The rule clarification has no effect on small businesses. However, businesses will have the same opportunities to provide input on the draft rule, through public meetings and written comment opportunities, as other members of the public will have.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 736-010-0055

RULE SUMMARY: Rules for use of park resources; amending rules around hunting in park boundaries.

CHANGES TO RULE:

736-010-0055

Park Resources ¶¶

(1) A person may not excavate, injure, disturb, destroy, alter or remove any archaeological, cultural, or historical site, object, or material from a park property, unless authorized by the director as defined in ORS 390.235 and OAR 736-051-0060 to 736-051-0080.¶¶

(2) A visitor may only conduct the following activities with the written permission of the director, manager, or designated park employee unless the activity is specifically allowed by other sections of this rule:¶¶

(a) Dig up, or remove any sand, soil, rock, historical, or fossil materials;¶¶

- (b) Place, remove, roll, or move any stones, logs or other objects that may endanger a person or damage park resources;¶
- (c) Pick, cut, mutilate, trim, uproot, or remove any living vegetation;¶
- (d) Harass, disturb, pursue, injure or kill wildlife; or¶
- (e) Introduce or release animals onto the park property.¶
- (3) A person may remove small quantities of natural materials from a park property for personal use without written permission of the department, but only if done in accordance with the following provisions:¶
- (a) Collection is done at a park property or portion of a park property at which the department has not specifically prohibited the removal of natural products either by location or time of year through the posting of signs, publishing of maps or brochures, or indicating on the state park website; and¶
- (b) Collection is for souvenirs that may serve as a reminder of a person's park visit and includes only a small quantity of agates and other rocks, driftwood, or similar non-living items collected for non-commercial, personal use.¶
- (4) Notwithstanding section (2) or (3), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on state and federal lands.¶
- (5) Unless otherwise posted a person may gather for personal consumption berries, fruits, mushrooms, or similar edibles in quantities not to exceed five gallons per person per day.¶
- (6) A person may not uproot living plants or collect roots, tubers, flowers, and stems except with written permission of the park manager or designated park employee and only for scientific collection or research purposes, or by a member of a federally recognized Oregon tribe for personal consumption as part of their traditional religious, medicinal, or other customary cultural heritage practices. Driftwood may be taken in small amounts in accordance with OAR 736-026-0010.¶
- (7) A person may only give or offer food items to wildlife within a park property when authorized by the park manager.¶
- (8) A person or handler may only hunt, pursue, trap, kill, injure, molest, or remove any wildlife. Hunting is not allowed in any area closed by the director or designee for disturb their habitats within a park property under the following provisions:¶
- (a) In those park properties where hunting and trapping is specifically allowed by this rule, but only in compliance with the rules and regulations of the Oregon Department of Fish and Wildlife for safety or park resource protection purposes. The department shall post safety zone signs at primary park management points.¶
- (b) In those park areas where hunting is allowed, dogs being used for hunting game birds or unprotected wildlife or being trained for hunting or tracking shall be in the handler's control at all times. Hunting, shooting and trapping is prohibited in park properties.¶
- (c) While seasonally hunting waterfowl at the following park properties:¶
- (A) Bowers Rock State Park except under the following provisions;¶
- (Ba) That portion of Elijah Bristow State Park located north of the main channel of the Middle Fork of the Willamette River;¶
- (C) Portions of Fort Stevens State Park adjacent to Trestle Bay as posted;¶
- (D) That portion of Willamette Mission State Park located on Grand Island in Yamhill County; In compliance with Oregon Department of Fish and Wildlife (ODFW) hunting rules and regulations, and¶
- (Eb) That portion of Government Island State Recreation Area including the perimeter of both Government and Lemon Islands, not above the mean high water mark as posted;¶
- (F) That portion of Rooster Rock State Park which includes Sand Island as well as the bank which runs parallel to the south of the island, except during the special waterfowl hunting season which starts in September, as posted; unprotected species is specifically allowed by this rule, and¶
- (Gc) That portion of Benson State Recreation Area at Dalton Point, north of I-84, starting 300' east of the boat ramp running to the eastern most tip of the property at river mile 134 as posted;¶
- (H) That portion of Starvation Creek State Park, north of I-84, river mile 159.6 to 160.2 as posted; With written authorization by the park manager, trapping is permitted only at park properties that are open to hunting, and¶
- (Id) That portion of Mayer State Park including the entire Salisbury Slough area and the pond 800' Northwest of the boat ramp as posted.¶
- (d) Seasonal hunting of game wildlife is allowed within Deschutes River State Recreational Area south of the stream gauge cable crossing line and parallel extensions of the cable crossing line to the east and west park boundaries.¶
- (e) Seasonal hunting of deer is allowed in portions of La Pine State Recreation Area north of the east-west power line road, approximately one mile north of the campground booth.¶
- (f) Seasonal hunting of game wildlife and upland game birds is allowed on department property at Cottonwood Canyon State Park except:¶
- (A) Hunting is not allowed within the 200 yard area surrounding the boat launch at the J.S. Burres site at

Cottonwood Bridge, and Unprotected species can only be hunted during authorized deer, elk and game bird hunting seasons, except as authorized by the park manager, and

(e) In areas identified on OPRD Hunting Map found at the department website.

(Bf) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department will post such closures at designated park entrances.

(g) Seasonal hunting of upland game birds is allowed in Succor Creek State Park shall be permitted with shotguns or bows and arrows only during ODFW authorized seasons in designated parks, except within 500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.

(h) Trapping is allowed only by special permit from the department in Bowers Rock State Park, Deschutes State Recreation Area, Elijah Bristow State Park, and Willamette Mission State Park.

(i) Hunting is allowed with shotguns or bows and arrows only, during authorized season unless otherwise specified in this section. Refer to OPRD Hunting Map for location and details on all Willamette River Greenway Corridor parcels, except in those parcels described below, where all hunting is prohibited:

(A) Wapato Access (Virginia Lake), River Mile 17.0-18.0, Multnomah Channel, Right bank when facing downstream;

(B) Crown Zellerbach, River Mile 21.3, Main Channel, Left Bank when facing downstream;

(C) Merrell (Mary S. Young game species permitted for hunting at each park location.)

(g) Hunting shall be permitted with rifle in portions of LaPine State Park), River Mile 23.6, Main Channel, Left Bank when facing downstream;

(D) Willamette Shores, Inc. (Mary S. Young State Park), Main Channel, River Mile 24.0, Main Channel, Left Bank when facing downstream;

(E) Meldrum Bar Park (City of Gladstone) River Mile 24.2-24.4, Main Channel, Right Bank when facing downstream;

(F) Hattan Fisher, River Mile 24.3, Main Channel, Left Bank when facing downstream;

(G) Dahl Park (City of Gladstone) River Mile 24.7, Main Channel, Right Bank when facing downstream;

(H) Coalca Landing, River Mile 30.7, Main Channel, Right Bank when facing downstream;

(I) Lang, River Mile 30.7, Main Channel, Left Bank when facing downstream; Cottonwood Canyon State Park and Deschutes River State Recreation Area only during ODFW authorized seasons. Refer to OPRD Hunting Map for location and details on game species permitted within the park.

(Je) Pete's Mountain Landing, River Mile 30.8, Main Channel, Left Bank when facing downstream;

(K) Peach Cove Landing, River Mile 31.5, Main Channel, Left Bank where waterfowl is allowed in a portion of the facing downstream; following park boundaries;

(LA) Brandborg, River Mile 32.0, Main Channel, Left Bank when facing downstream;

(M) Asche, River Mile 34.1, Main Channel, Left Bank when facing downstream on State Recreation Area;

(NB) Molalla River State Park, River mile 34.6-36.1, Main Channel, Right Bank when facing downstream NOTE: hunting is not allowed along the Molalla River within the Bowers Rock State Park)

(C) Elijah Bristow State Park property.

(O) Willamette Meridian Landing, River Mile 37, Main Channel, Left Bank when facing downstream;

(D) Fort Stevens State Park

(PE) French Prairie Access, River Mile 41.0, Main Channel, Right Bank when facing downstream;

(Q) Parrett Mountain Access, River Mile 45.5-46.0, Main Channel, Left Bank when facing downstream; Government Island State Recreation Area and Lemon Island

(RE) Hess Creek Landing, River Mile 53, Main Channel, Left Bank when facing downstream; Mayer State Park

(SG) Lincoln Access, River Mile 76.2-77.0, Main Channel, Left Bank when facing downstream; Rooster Rock State Park

(TH) Lincoln Access (Doak's Ferry) River Mile 77.6, Main Channel, Left Bank when facing downstream; Starvation Creek State Park

(U) Darrow Rocks Access, River Mile 78.1, Main Channel, Left Bank when facing downstream; Grand Island in Yamhill County

(Vf) Ross Island Sand & Gravel (Salem Waterfront), River Mile 82.8, Main Channel, Right Bank when facing downstream;

(W) Hall's Ferry Access, River Mile 91.3, Main Channel, Right Bank when facing downstream;

(X) Springfill Access, River Mile 113.8, Main Channel, Left Bank when facing downstream; At Succor Creek State Park only hunting of upland game birds is allowed in a portion of the park.

(Yg) Takenah Landing (City of Albany), River Mile 118.5, Main Channel, Left Bank when facing downstream (Closed only for 500 feet west of parking area);

(Z) Jasper Bridge, River Mile 195.2, Middle Fork, Right Bank where Hunting of game mammals, game birds and unprotected species is allowed in a portion of the facing downstream; following park boundaries;

(AA) Minshall, Eller, River Mile 119.9, Main Channel, Left Bank when facing downstream; Willamette River

Greenway park properties

(BB) Jones, Lanham, River Mile 120.1, Main Channel, Left Bank when facing downstream; Luckiamute State Natural Area;

(CC) F. Schmidt, P. Schmidt, River Mile 120.3, Main Cottonwood Channel, Left Bank when facing downstream; yon State Park

(DD) Browns Landing, River Mile 167.25, Main Channel, Left Bank when facing downstream; Deschutes River State Recreation Area;

(EE) Truax Island Access, River Mile 168.7, Main Channel, Left Bank when facing downstream (closed only for 500 feet west of parking area);

(FF) Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing downstream;

(GG) Log Jam Access, River Mile 194.4-194.8, Middle Fork, Left Bank when facing downstream;

(HH) Pengra Access, River Mile 195.2, Middle Fork, Right Bank LaPine State Recreation Area

(h) Dogs shall be kept on a leash, except:

(A) While controlled by a licensed hunter when facing downstream;

(II) Cougar Mountain Access, River Mile 15.5, Coast Fork, Right Bank when facing downstream; and

(JJ) Lynx Hollow Access, River Mile 16.5, Coast Fork, Left Bank when facing downstream;

(j) Trapping is allowed only with written authorization from the department used to hunt game birds, including going to or coming from hunt in the Willamette River Greenway Corridor parcels closed to hunting, as listed above.

Trapping is allowed at the following locations:

(B) In a posted dog training area on other Willamette River Greenway Corridor parcels.

(k) When hunting on those properties allowed by this rule, hunters may not erect structures or blinds with the exception of portable blinds and tree stands that must be removed daily.

(j) Hunters shall not leave personal property or possessions overnight as per OAR 736-010-0040 (7).

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.111, ORS 498.002, ORS 498.006