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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED
04/30/2019 10:38 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updating Natural Area Program rules and creating provisional registration guidelines

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/31/2019 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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S):

The Oregon Legislature established the Oregon Natural Areas Program in 1979 as a way to protect high quality native ecosystems and rare plant and animal species. In 2010, the Oregon Natural Areas Plan was developed which defines the full range of Oregon's natural heritage and guides the selection of priority areas for the establishment of natural areas. The plan was updated in 2015 and guides the department's actions in the program. Updated rules are needed to allow for provisional registrations of natural areas under active or proposed restoration or creation.

Rule changes would also clarify language related to technology changes, nomenclature of State Natural Areas versus State Natural Area Reserves and improve alignment of program operation direction with current goals.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Natural Areas Plan;
https://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2015_or_natural_areas_plan.pdf

FISCAL AND ECONOMIC IMPACT:

The Natural Areas Program is intended to protect diverse, high quality native ecosystems for scientific research, education and nature interpretation. The programs principles rely on conservation being voluntary on the part of the landowner or public land manager and wherever feasible, natural areas should not conflict with economic uses or development.

The proposed rule changes would allow for provisionally registered natural areas which could increase the number of properties included in the program. With this change there may be an economic impact to counties and other taxing

districts if properties in a special assessment tax category do not have to pay additional tax upon conversion to another, higher tax rate category. It is not anticipated this rule change will result in taxing districts losing revenue; however, the rule change could reduce the collection of additional tax revenue beyond normal annual property tax. Current Department of Revenue statutes require payment of additional tax in the amount of the difference between the new tax rate and the old tax rate (for a period of years that depends on the special assessment category that the property will leave), unless certain exemptions are in place. One such exemption is registration of the property as a state natural area. Registration of State Natural Areas may in some cases result in increased annual property tax revenue in that registered properties may contribute more annual tax revenue to taxing districts under the new tax rate than they would have under the previous special assessment category.

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) State agencies involved in the State Natural Areas Program include OPRD, Oregon State University and Portland State University. Local governments including counties, special districts, school districts and private landowners participating in the program could be economically affected by the rules.

(2) a. Approximately 5 or fewer restoration, agriculture, forestry related small businesses annually would likely participate in the State Natural Areas Program because of this rule.

b. Small businesses who apply for provisional registration will require minor record keeping and land monitoring actions to develop materials necessary to support conversion of the property from provisional to full registration at the end of the provisional period because of this rule. Additional creation of State Natural Areas resulting from this rule could create additional business for restoration companies, nurseries, seed growers, equipment providers, conservation planners, surveyors, appraisers, banks, real estate businesses and attorneys.

c. The applicant's costs related to progress monitoring and preparation of supporting materials for presentation to the department at the end of the provisional status period for commission decision on conversion of the provisional to full natural area status could take up to one person week of staff time to produce.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

A land trust and ecological consulting non-profit were included in the Rule Advisory Committee and the Rule Advisory Committee discussed small businesses that would benefit from participation in additional opportunities for restoration services.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

736-045-0011, 736-045-0100, 736-045-0300, 736-045-0305, 736-045-0310, 736-045-0340, 736-045-0400, 736-045-0405, 736-045-0410, 736-045-0412, 736-045-0414, 736-045-0416, 736-045-0418, 736-045-0420, 736-045-0422, 736-045-0424, 736-045-0426, 736-045-0428, 736-045-0430, 736-045-0432, 736-045-0434, 736-045-0436,

736-045-0438, 736-045-0440, 736-045-0442, 736-045-0444, 736-045-0446, 736-045-0448, 736-045-0500, 736-045-0505

AMEND: 736-045-0011

RULE SUMMARY: Clarifying definitions of state natural area rules

CHANGES TO RULE:

736-045-0011

Definitions ¶¶

As used in this division, the definitions in ORS 273.563 and 390.005 apply, unless the context provides otherwise.¶¶

- (1) "Agency" means a local, state or federal, agency, board, commission, or department.¶¶
- (2) "Commission" means the State Parks and Recreation Commission.¶¶
- (3) "Committee" means the Natural Areas Advisory Committee.¶¶
- (4) "Candidate natural area" means a natural resource area that may be considered for registration or dedication.¶¶
- (5) "Data bank" means the Natural Areas Program inventory of natural heritage resources classification, data analysis, priority setting, owner and other data maintained by the Institute for Natural Resources under ORS 352.239.¶¶
- (6) "Dedicate" means the formal recognition and protection of a natural area for conservation purposes.¶¶
- (7) "Department" means Oregon Parks and Recreation Department.¶¶
- (8) "Director" means the Oregon Parks and Recreation Department Director.¶¶
- (9) "Instrument" means any written document intended to convey an interest in real property under ORS 93.710, or an agreement between parties according to the Natural Areas Program or the Oregon Natural Areas Plan.¶¶
- (10) "Introduced plant species" means exotic or non-native species.¶¶
- (11) "Managed area" means a registered or dedicated state natural area that, by management agreement between the department and private landowner, or agency, the area and its natural heritage resources are maintained in a manner to protect the natural character.¶¶
- (12) "Management scheme" means a plan that sets forth in detail the responsibilities for the administration of an individual state natural area.¶¶
- (13) "Natural area" means a unit of land or water or both that may be considered for dedication under ORS 273.563 to 273.591 and that has substantially retained its natural character, or, if altered in character, shall in addition to its natural heritage resource values, be valuable as habitat for plant and animal species or for the study and appreciation of natural features. This includes areas in the process of being restored.¶¶
- (14) "Natural heritage resources" means the terrestrial ecosystems types, aquatic ecosystems types and unique geologic types as defined in the Oregon Natural Areas Plan or a unit of land or water which contains a natural resource.¶¶
- (15) "Plan" means the Oregon Natural Areas Plan established under ORS 273.578, which governs the Natural Areas Program in selecting natural areas for conservation.¶¶
- (16) "Program" means the Natural Areas Program as established in ORS 273.566, which provides for the establishment of a limited system of State Natural Area representing a full range of Oregon's natural resources and includes special species of plants and animals.¶¶
- (17) "Register" means the Oregon Register of Natural Areas established under ORS 273.581. The Register contains an official list of areas which have significant natural resources and special species. Registered areas include those provisionally registered by the commission.¶¶
- (18) "Special species" means those species of plants and animals determined by the department to be of significant value in a state natural area and defined in the Plan.¶¶
- (19) "State natural area" means an area that an individual, organization or public agency dedicates as a state

natural area under ORS 273.586. The department classifies property dedicated as a state natural area under ORS 273.586 and this division and owned by the department as a "State Natural Area Reserve."
(20) "Wildlife" means any wild or free living vertebrate or invertebrate animal.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563, 390.005

AMEND: 736-045-0100

RULE SUMMARY: Provides flexibility on the composition of members of the Natural Area Advisory Committee

CHANGES TO RULE:

736-045-0100

Natural Areas Advisory Committee: Composition and Roles ¶¶

- (1) The director may appoint a Natural Areas Advisory Committee composed of ~~nine members as follows:~~¶¶
- (a) ~~Three authorized representatives of state agencies with jurisdiction over a managed areas or natural areas that are appropriate for dedication, including:~~¶¶
- (A) ~~Thatural area experts that may include d~~department;¶¶
- (B) ~~Department of State Lands;~~¶¶
- (C) ~~Department of Forestry;~~¶¶
- (D) ~~Department of Fish and Wildlife;~~¶¶
- (E) ~~Department of Education; and~~¶¶
- (F) ~~Oregon Department of Transportation;~~¶¶
- (b) ~~Two authorized representatives of federal natural resources management agencies, such as the U.S. Forest Service and Bureau of Land Management; and~~¶¶
- (c) ~~Four individuals recognized as ex~~representatives of non-governmental organizations, universities, state agencies, federal agencies, local governments and memberts in the ecology of natural areas. Desirable fields of expertise are botany, zoology, of the interrestrial ecology, aquatic biology and geology;ed public.¶¶
- (2) Members appointed under subsection (1)(c) may serve two consecutive four-year terms on the committee. However, upon convening a Natural Areas Advisory Council the director shall appoint the first committee members following the effective date of this rule to serve a two, three, or four-year term.¶¶
- (3) The director shall appoint the chair from the committee membership, considering the recommendations of the committee.¶¶
- (4) The committee shall meet at times and places specified by the call of the director.¶¶
- (5) A majority of the members of the committee constitutes a quorum for the transaction of business.¶¶
- (6) Function and duties of the Natural Areas Advisory Committee. Upon the request of the director, the committee may assist the department in:¶¶
- (a) Development of policy for the Natural Areas Program through the review and approval of the Oregon Areas Plan;¶¶
- (b) Reviewing nominations for registration and the voluntary dedication of ~~S~~state natural areas or state ~~N~~natural Aarea Reserves, and review instruments of dedication for such areas;¶¶
- (c) Providing recommendations to the commission, State Land Board, State Board of Forestry, State Fish and Wildlife Commission, State Board of Higher Education and Oregon Transportation Commission regarding areas under their respective jurisdictions which are appropriate for dedication; and¶¶
- (d) Advising the commission in the adoption of rules that may be considered necessary in carrying out ORS 273.563 to 273.591.¶¶
- (7) Members of the advisory committee are not entitled to compensation, but in the discretion of the director may be reimbursed from funds available to the department for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495.
- Statutory/Other Authority: ORS 390.124(4)
- Statutes/Other Implemented: ORS 273.573

AMEND: 736-045-0300

RULE SUMMARY: Adds clarification for types of sites to include in Oregon Register of Natural Heritage Resources.

CHANGES TO RULE:

736-045-0300

Oregon Register of Natural Heritage Resources: Criteria for Inclusion in or Removal from the Register ¶¶

The commission must determine criteria for inclusion in the Register to fulfill not only the definition of a natural area but the natural heritage resources and site considerations within the priorities and criteria for conservation in the Plan. The commission, department, the committee upon request pursuant to OAR 736-045-0100(6)(b), and the Institute for Natural Resources pursuant to ORS 352.239(2)(g) will use the following criteria in evaluating a candidate natural area proposed for inclusion in or removal from the Register:¶¶

- (1) The priority for protection in the Plan of the primary natural heritage resources objective and other natural heritage resources in the candidate natural area;¶¶
- (2) Whether the natural heritage resource occurrence(s) is an adequate representative of the type; or, whether the site can feasibly be restored to provide adequate representation of the ecosystem type, including habitat for at-risk species;¶¶
- (3) The extent to which each natural heritage resource has retained its natural character, and processes i.e., a measurement of the degree of human-caused disturbance; or, the degree of feasibility of restoring the target natural character and processes;¶¶
- (4) The health and viability of the natural heritage resource occurrence(s), i.e., the ability of each natural heritage resource occurrence to perpetuate itself or its natural sequence of development in the candidate natural area;¶¶
- (5) The number of natural heritage resources that will be adequately represented in the candidate natural area;¶¶
- (6) The degree of uniqueness and educational and natural interpretation values of a geologic resource(s);¶¶
- (7) The priority of protection given in the Plan to each special species of plant or animal;¶¶
- (8) The contribution the particular candidate natural area will make to the protection of the special species;¶¶
- (9) Manageability, i.e., the capability of the candidate natural area to be managed to protect and maintain the natural values, as well as to make it available and useful for its designated purposes;¶¶
- (10) Whether there are alternative methods of accomplishing the same purposes of this division; and¶¶
- (11) The cost effectiveness of including a candidate natural area in the Register.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591, 352.239(2)

AMEND: 736-045-0305

RULE SUMMARY: Adds procedure for provisional registration of natural area and requires department to notify counties about natural areas.

CHANGES TO RULE:

736-045-0305

Oregon Register of Natural Heritage Resources: Procedures for Registering ¶

The department and the Institute for Natural Resources will review and provide recommendations on proposals for registration and dedication of natural areas for the Register, together with field evaluation, maps and sufficient data to complete the register file. Pursuant to OAR 736-045-0100(6)(b), the director may also request that the committee review a nomination for the Register.¶

(1) A proposal for the Register of private land shall include the written permission for registration of the landowner.¶

(2) The proposal shall be communicated to the county assessor for the appropriate county.¶

(3) The commission may place a natural area onto the Register or remove a natural area from the Register. The department will provide recommendation to the commission for its consideration.¶

(34) A voluntary management agreement may be developed between the department and a private landowner or agency of a natural area on the Register.¶

(4) When a candidate natural area is not yet an adequate representative of the target element and the area is proposed for or undergoing active restoration, a basic management plan will be a required component of the registration petition. The management plan shall outline threats to maintaining or achieving target element representation, as well as the methods of protecting or restoring them and their natural ecological processes. It shall include activities to be encouraged, allowed or proscribed, and options for management agreements involving outside parties.¶

(5) The commission may provisionally register sites proposed for or under active restoration that do not yet adequately represent the target element(s). As a condition of provisional registration, a detailed management plan shall be provided by the landowner to the department or committee (if convened) to assess and approve. This detailed management plan may build upon or replace the basic management plan required as a condition of proposal for provisional registration under 736-045-305(2), and shall include metrics of restoration success. Landowners of provisionally registered properties will have five years to pursue restoration, at which time the department will reevaluate the registration. At that time, the commission will either fully register the provisional site or if it still does not provide adequate representation of the ecosystem element(s), the commission may either renew the provisional registration or terminate the registration. The department shall use restoration metrics included in the detailed management plan to assess restoration success and provide a recommendation to the commission during the reevaluation.¶

(6) The department shall distribute lists of registered natural areas to county assessors annually for the counties' use in managing any tax implications that might apply.¶

(7) The commission may enter onto the Register any candidate natural area that a federal or state agency establishes by public hearing and dedicates under this division.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591, 352.239(2)(g)

AMEND: 736-045-0310

RULE SUMMARY: Updates language, corrects statutory reference, and adds information that can be included in register file.

CHANGES TO RULE:

736-045-0310

Oregon Register of Natural Heritage Resources: Register File ¶

The Register may include file(s) of registered state natural areas or state natural area reserves:¶

(1) The ~~card~~ file may include name of a state natural area, location, size, ownership, register category, and principal natural heritage resource(s) and special species. The ~~card~~ file may be cross referenced by county and principal resource.¶

(2) The ~~data~~ file may include:¶

(a) Data form - comprehensive information compiled for each state natural area;¶

(b) Instrument of dedication or other documents certifying official dedication;¶

(c) Consent form - written permission for registration for a state natural areas on private land;¶

(d) Supportive data - includes maps, photographs, remote sensing imagery, species lists, field notes, reports, research papers, and references to other information available;¶

(e) Cross references to the data bank maintained by the Institute for Natural Resources pursuant to ORS 352.239(2)(f) – to data file, computer 808(2)(f);¶

(f) Implementation data - includes any manual file consistent with management agreement or plan, monitoring data bank components;¶

(f) Implementation data – written management agreement and results of reviews of provisional registrations pertaining to the state natural area; and¶

(g) Summary sheet - a map and one page summary of information about each area which can be duplicated and circulated to appropriate authorities.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591, 352.239808(2)(f)

AMEND: 736-045-0340

RULE SUMMARY: Adds additional criteria for commission to consider when removing an area from the Register.

CHANGES TO RULE:

736-045-0340

Oregon Register of Natural Heritage Resources: Register Withdrawal ¶

The commission may remove natural areas from the Register. The commission will consider ORS 273.586(4) and the factors in OAR 736-045-0300, 736-045-0405(1)(d) and (7)(a)(b)(A)(B) in removing a state natural area or state natural area reserve from the Register.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.581(4), 273.586(4).

AMEND: 736-045-0400

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0400

Dedication and Management of a State Natural Area (Reserve): Purpose ¶

The purpose and scope of dedication is to establish and maintain the integrity of the Plan, and the Program, by means of written formal recognition and protection of a natural area of land, water, or both land and water for natural heritage conservation purposes.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0405

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0405

Dedication and Management of a State Natural Area (Reserve): Instruments of Dedication ¶¶

(1) Private dedication - a private individual or organization that is the owner of any registered natural area may voluntarily agree to dedicate that area as a state natural area by executing with the department, an instrument of dedication. Instrument provisions and policies include, but are not limited to, the following:¶¶

(a) An agreement that provides each natural heritage resource in the state natural area with the most secure protection obtainable;¶¶

(b) An unlimited period of time, or a term sufficiently long to warrant dedication protection;¶¶

(c) Permission for conducting scientific research and other activities shall be commensurate with Program objectives; and¶¶

(d) Termination of dedication may occur upon written notification to the commission, including specific reasons for termination, and provision by the commission of opportunity for adequate public notice and hearing.¶¶

(2) The department shall file an executed instrument of dedication of a state natural area under private ownership under section (1) in the office of the clerk of the county in which any or all of the state natural area is located, and shall be effective upon its recording.¶¶

(3) The department shall provide a copy of the dedication and management agreement(s) to the private owner of a state natural area.¶¶

(4) Agency dedication - any public agency may dedicate lands under the provisions of ORS 273.563 to 273.591, this division, and the Plan, after providing the opportunity for adequate public notice and hearing.¶¶

(5) The Oregon Transportation Commission, the State Fish and Wildlife Commission, the State Board of Forestry, the State Board of Higher Education, and the State Land Board shall, with the advice and assistance of the department, establish procedures for the dedication of state natural areas on land or water, the title of which is held by the State of Oregon, and which is under that agency's management and control.¶¶

(6) Instruments of dedication under sections (1) and (4) shall contain any information or provisions as the private owner, organization or agency and department consider necessary to complete the dedication.¶¶

(7) Termination of the dedication of a state natural area by a public agency or a state natural area reserve by the department requires that the terminating agency:¶¶

(a) Provide an opportunity for adequate public notice and hearing; and¶¶

(b) Makes a finding of either:¶¶

(A) An imperative and unavoidable necessity due to natural disaster in the site, need of the natural resource during time of declared war, or the need of the natural resource because of extreme economic crisis of the state; or¶¶

(B) That the state natural area or state natural area reserve is no longer needed according to the guidelines of the Plan, or has permanently lost its character, subject to the department's approval.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.586

AMEND: 736-045-0410

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0410

Dedication and Management of a State Natural Area (Reserve): Publicity ¶

The department and the Institute for Natural Resources may develop and make available to private landowners, researchers, agencies and interested persons information about a state natural area or state natural area reserve and appropriate descriptive material. However, publicity which would tend to encourage the general public to visit a state natural area or state natural area reserve in greater numbers than its carrying capacity will be avoided.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591, 352.239(2)(f).

AMEND: 736-045-0412

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0412

Dedication and Management of a State Natural Area (Reserve): Reports ¶

At regular intervals the department may make or cause to be made a record of management activities and other influences affecting each state natural area and state natural area reserve.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0414

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0414

Dedication and Management of a State Natural Area (Reserve): Instruments ¶¶

The instruments of dedication shall include, but not be limited to, the following:¶¶

- (1) The size, location, purpose, and resources of the state natural area or state natural area reserve;¶¶
- (2) A management scheme written for each state natural area or state natural area reserve which describes:¶¶
 - (a) The conservation objective of the area;¶¶
 - (b) Proscribed, allowed and prohibited activities on the area; and¶¶
 - (c) Provisions as consistent as possible with OAR 736-045-0410 through 736-045-0448, which, unless otherwise noted, are a part of each management scheme.¶¶
- (3) Agreements between the department and any agency necessary to establish the state natural area or state natural area reserve.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0416

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0416

Dedication and Management of a State Natural Area (Reserve): State Natural Area Manager ¶

Notwithstanding the instruments of dedication, managers of state natural areas or state natural area reserves shall not take any action or fail to take any action that is in conflict with an applicable statute, rule, regulation or policy relating to an agency having an interest in or responsibility for the state natural area or state natural area reserve.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0418

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0418

Dedication and Management of a State Natural Area (Reserve): Fire ¶

Prescribed fire may only be used as a management tool in such areas or situations where fire is needed to maintain or protect a state natural area or state natural area reserve as an ecosystem type specified in the management scheme.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0420

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0420

Dedication and Management of a State Natural Area (Reserve): Water Level Control ¶

Agencies shall manage state natural areas and the department shall manage state natural area reserves to maintain their natural water levels. Water levels which have previously been altered by man may be changed if provided for in the management scheme as essential for the restoration of natural conditions.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0422

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0422

Dedication and Management of a State Natural Area (Reserve): Disturbance of Natural Features ¶

The management of state natural area and state natural area reserves shall not include the cutting or removal of vegetation or the disturbance of other natural features, except that which is essential to carry out the management scheme enumerated in this division.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0424

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0424

Dedication and Management of a State Natural Area (Reserve): Visitor Protection ¶

Guard rails, fences, steps, and bridges may be provided when essential to the safety of a reasonable alert and cautious visitor.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0426

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0426

Dedication and Management of a State Natural Area (Reserve): Erosion Control ¶¶

Erosion and soil deposition due to disturbances of natural conditions by man within or outside a state natural area or state natural area reserve may be controlled as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0428

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0428

Dedication and Management of a State Natural Area (Reserve): Scenic or Landscape Management ¶

No measures or actions shall be taken to alter the natural growth or features of a state natural area or state natural area reserve for the purpose of enhancing its neatness, beauty, or amenities.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0430

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0430

Dedication and Management of a State Natural Area (Reserve): Control of Succession ¶

Control of succession may be undertaken only if maintenance or restoration of a particular ecosystem type or preservation of threatened or endangered species is designated in the instruments of dedication as an objective of the state natural area or state natural area reserve. Based on scientific evidence of necessity, successional control measures may be undertaken as provided in the management scheme. Such measures shall be applied with caution and only to that part of the area as is necessary.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0432

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0432

Dedication and Management of a State Natural Area (Reserve): Control of Introduced Plant Species **II**

Control of introduced plant species may be undertaken as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0434

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0434

Dedication and Management of a State Natural Area (Reserve): Control of Wildlife Populations ¶

The control of wildlife populations on state natural areas and state natural area reserves shall be by agreements between the commission and Oregon Department of Fish and Wildlife, or other agency. As far as practical, any control measures shall be to correct those situations where wildlife populations are significantly affecting natural conditions on a state natural area or state natural area reserve.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - ORS 273.591

AMEND: 736-045-0436

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0436

Dedication and Management of a State Natural Area (Reserve): Introduction and Management of Special Species

¶

The introduction into or the management of a state natural area or state natural area reserve for special wildlife species shall be by agreement between the commission and the Oregon Department of Fish and Wildlife, Oregon Department of Agriculture or other agency as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0438

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0438

Dedication and Management of a State Natural Area (Reserve): Use Tolerance ¶

The management scheme shall set forth the use tolerance or durability of all or any portion of a state natural area or state natural area reserve and specify the steps to be taken if overuse occurs.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0440

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0440

Dedication and Management of a State Natural Area (Reserve): Collecting Permits ¶¶

A person wishing to collect material from a site for the purposes of research, education or restoration within a state natural area or state natural area reserve shall secure written permission from:¶¶

(1) The department;¶¶

(2) The owner of the land; and¶¶

(3) The appropriate agency if any, including but not limited to the Oregon Department of Fish and Wildlife.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0442

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0442

Dedication and Management of a State Natural Area (Reserve): Boundary Markers **II**

When feasible, boundaries of a state natural area or state natural area reserve may be made evident by placing markers at corners or other strategic locations or by boundary signs.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0444

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0444

Dedication and Management of a State Natural Area (Reserve): Fences ¶

Fences and barriers may be installed as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0446

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0446

Dedication and Management of a State Natural Area (Reserve): Trails ¶

The location and specifications of any trails may be established in the management scheme. Trails shall be adequate to provide for permitted use of a state natural area or state natural area reserve, but otherwise kept to a minimum. The use of paving materials, footbridges and elevated walks may be permitted when necessary.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0448

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0448

Dedication and Management of a State Natural Area (Reserve): Other Structures and Improvements ¶

Signs and temporary research installations may be permitted within a state natural area or state natural area reserve. No other structures or facilities shall be located within a state natural area or state natural area reserve except as provided in the management scheme or this division.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

AMEND: 736-045-0500

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0500

Dedication and Management of a State Natural Area (Reserve): Amendments **II**

The commission may review and approve or disapprove any modification to the Plan submitted by the department.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.578(2)

AMEND: 736-045-0505

RULE SUMMARY: Add parentheses around reserve to differentiate from other types of reserves.

CHANGES TO RULE:

736-045-0505

Dedication and Management of a State Natural Area (Reserve): Waiver of Rules ¶

The commission may waive all or any part of this division that would prevent the establishment, management, or protection of a state natural area or state natural area reserve if such rule is in conflict with an applicable statute, rule, regulation, or policy relating to an agency having an interest in or responsibility for the state natural area or the department interest in or responsibility for the state natural area reserve.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 273.563 - 273.591