

OREGON PARKS AND RECREATION DEPARTMENT

DIVISION 45

OREGON NATURAL AREAS PROGRAM RULES

General Provisions

736-045-005

Purpose

The purpose of these rules is to provide a central and continuing register of areas in Oregon which contain significant natural heritage resources and special species, and describe the process used to register properties on the Oregon Register of Natural Areas. Ref. ORS 273.581, Chapter 208, Oregon Laws 1981.

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273 .563 - 273 .591

Hist.: LB 26, f. 8-5-75, ef. 8-25-75; LB 9-1982, f. & ef. 10-1-82; Renumbered from 736-045-0890, DSL 9-2008, f. & cert. ef. 12-10-08

736-045-010

Definitions

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

- (1) "Agency" means any federal, state or local government agency, department, board, or commission.
- (2) "Commission" means the Oregon Parks and Recreation Commission.
- (3) "Committee" means the Natural Areas Advisory Committee .
- (4) "Candidate Natural Area" means a natural resource area which 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) "Dedicated" means the formal recognition and protection of a natural area conservation purposes.

(7) "Department" means Oregon Parks and Recreation Department.

(8) "Document" means a documented record, report or map pertaining to the Natural Heritage Program data.

(9) "Instrument" means any written document intended to convey an interest in real property pursuant to ORS 93.710, or an agreement between parties pursuant to the Natural Areas Program, the Oregon Natural Areas Plan.

(10) "Introduced Species" means exotic or non-native species.

(11) "Managed Area" means a registered or dedicated State Natural Area Reserve that, by management agreement between the Commission 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 Reserve.

(13) "Natural Area" means a unit of land or water, or both, which may be considered for dedication under ORS 273.563 to 273.591. It means a natural heritage resource area which 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. Ref. ORS 273.566(1).

(14) "State Natural Area Reserve" means an area as defined as "Natural Area" above, that an individual, organization or public agency dedicates under the provisions of ORS 273.586.

(15) "Natural heritage resources" means the terrestrial ecosystems types, aquatic ecosystems types, and unique geologic types as defined in the Oregon Natural Areas Plan; means a unit of land or water which contains a natural resource(s).

(16) "Plan" means the Oregon Natural Areas Plan as established in ORS 273.576, which governs the Natural Areas Program in the selection of natural areas for conservation. Ref. ORS 273.566, Oregon Laws 1981, C. 208.

(17) "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 Reserves representing a full range of Oregon's natural resources and includes special species of plants and animals.

(18) "Register" means the Oregon Register of Natural Areas as established in ORS 273.581. The Register contains an official list of areas which have significant natural resources and special species.

(19) "Special Species" means those species of plants and animals determined by the Department to be of significant value in a state natural area reserve and defined in the Plan.

(20) "Wildlife" means any wild or free living vertebrate or invertebrate animal.

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273.563 - 273.591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82, Renumbered from 736-045-0895 and 736-045-0950; DSL 9-2008, f. & cert. ef. 12-10-08

Natural Areas Advisory Committee

736-045-0100

Composition and Roles

(1) Natural Areas Advisory Committee members shall be appointed by and serve at the will of the Director of Oregon Parks and Recreation Department, comprised of members chosen as follows and who shall elect from its membership a chairperson:

- a) individuals recognized experts in the ecology of natural areas. Desirable fields of expertise are botany, zoology, terrestrial ecology, aquatic biology and geology;
- b) citizens selected from the various regions of the state. These members shall have interest in natural resource conservation, management or the commodity use of natural resources; and,
- c) authorized representatives of state and federal natural resources management agencies.

(2) The Committee shall assist the Department in:

- (a) the 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 State Natural Area Reserves, and review instruments of dedication for such areas;
- (c) providing recommendations to the State Parks and Recreation 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.

(3) 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.

Schedule of Fees and Charges

736-045-0200

Acceptance of Funds

(1) The Department may accept monies for, but not limited to, documents and services under these rules.

(2) The Department may apply for and accept grants, contributions and assistance from any federal, state or local government agency and any private foundation for the purpose of carrying out the provisions of ORS 273.561 to 273.591 and Chapter 208, Oregon Laws 1981.

(3) All monies received by the Department shall be paid into the State Treasury and credited to the account of the Natural Areas Program. Ref. ORS 273.591.

Stat. Auth.: ORS 273

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 9-1982, f. & ef. 10-1-82

Oregon Register of Natural Heritage Resources

736-045-0300

Criteria for Inclusion in Register

Criteria to be included within the Register must be determined by the Commission 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, ORS 273.563 to 273.591 and Chapter 208, Oregon Laws 1981. The following criteria will be used in evaluating a natural area proposed for inclusion in the Register:

(1) The priority for protection of the primary natural heritage resources objective and other natural heritage resources in the site as presented in the Plan;

(2) The natural heritage resource occurrence(s) is an adequate representative of the type;

- (3) The extent to which each natural heritage resource has retained its natural character, i.e., a measurement of the degree of human caused disturbance;
- (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 area;
- (5) The number of natural heritage resources or natural heritage resources which will be adequately represented in the area;
- (6) The degree of uniqueness, and educational and natural interpretation values of a geologic resource(s);
- (7) The priority of protection given to each special species of plant or animal presented in the Plan;
- (8) The contribution the particular area will make to the protection of the special species; and
- (9) Manageability, i.e., the capability of being managed so as to protect and to maintain the natural values, as well as to make it available and useful for its designated purposes.

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273.563 - 273.591

Hist.: LB 26, f. 8-5-75, ef. 8-25-75; LB 9-1982, f. & ef. 10-1-82; DSL 9-2008, f. & cert. ef. 12-10-08

736-045-0305

Procedures for Registering

Each proposal for the Register, together with field evaluation, maps and sufficient data to complete the register file, shall be reviewed by the Commission:

- (1) A proposal for the Register of private land shall contain the written consent of the landowner.
- (2) The Commission may place a site onto the Register, or remove a site from the Register. The Department will review and provide recommendation to the Commission for their consideration.
- (3) A voluntary management agreement may be developed between the Commission and a private landowner, or agency, of a site on the Register, with the assistance of the Department.

(4) Any area(s) designated by a federal or state agency, having been established by public hearing, may be entered onto the Register by the Commission Stat. Auth.: ORS 273 Stats. Implemented: ORS 273.563 - 273.591
Hist.: LB 26, f. 8-5-75, ef. 8-25-75; LB 9-1982, f. & ef. 10-1-82; DSL 9-2008, f. & cert. ef. 12-10-08

736-045-0310

Register File

The Register may include file(s) of registered natural areas:

- (1) The card file may include name of 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 natural area;
 - (b) Instrument of Dedication -- Or other documents certifying official dedication;
 - (c) Consent Form -- Written consent for 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 -- To data file, computer and manual file consistent with data bank components;
 - (f) Implementation Data -- Written management agreement pertaining to the natural area;
 - (g) Summary Sheet -- A map and one page summary of information about each area which can be duplicated and circulated to appropriate authorities.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 26, f. 8-5-75, ef. 8-25-75; LB 9-1982, f. & ef. 10-1-82

736-045-0320

Location and Maintenance of Register

The data files of the Oregon Register of Natural Areas will be located at the Department's office in Salem, OR, and will be maintained by the Department.

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273.563 - 273.591

Hist.: LB 26, f. 8-5-75, ef. 8-25-75; LB 9-1982, f. & ef. 10-1-82; DSL 9-2008, f. & cert. ef. 12-10-08

736-045-0330

Register Review

The Register shall be reviewed and updated every five years by the Department.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 26, f. 8-5-75, ef. 8-25-75; LB 9-1982, f. & ef. 10-1-82

736-045-0340

Register Withdrawal

Registered natural areas may be withdrawn from the Register by the Commission.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 26, f. 8-5-75, ef. 8-25-75; LB 9-1982, f. & ef. 10-1-82

Dedication and Management of a State Natural Area Reserve

736-045-0400

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 an area of land and/or water for natural heritage conservation purposes.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 9-1982, f. & ef. 10-1-82

736-045-0405

Instruments of Dedication

(1) Private Dedication -- A private individual or organization which is the owner of any registered natural area may voluntarily agree to dedicate that area as a State Natural Area

Reserve by executing with the Commission, following review by 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 Reserve 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;

(e) 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 Instrument of Dedication of an area under private ownership shall be filed by the Commission in the office of the clerk of the county in which any or all of the State Natural Area Reserve is located, and shall be effective upon its recording.

(3) A copy of the dedication and management agreement(s) shall be provided to the private owner of a State Natural Area Reserve.

(4) Public Agency Dedication -- Any public agency may dedicate lands under the provisions of ORS 273.563 to 273.591, 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 Area Reserves 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. The instrument(s) of dedication and management shall contain any information or provisions as the agency and Department consider necessary to complete the dedication.

(6) Termination of the dedication of a State Natural Area Reserve by a public agency requires:

(a) Provision of opportunity for adequate public notice and hearing; and

(b) A finding by the agency of 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

(c) A finding by that agency, with the approval of the Department that the State Natural Area Reserve is no longer needed according to the guidelines of the Plan, or has permanently lost its character.

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273.563 - 273.591

Hist.: LB 9-1982, f. & ef. 10-1-82; DSL 9-2008, f. & cert. ef. 12-10-08

736-045-0410

Publicity

Information about a State Natural Area Reserve and appropriate descriptive material may be developed and made available to interested persons. However, publicity which would tend to encourage the general public to visit a State Natural Area Reserve in greater numbers than its carrying capacity shall be avoided.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0412

Reports

At regular intervals the Department shall make or cause to be made for each State Natural Area Reserve a record of management activities and other influences affecting each State Natural Area Reserve.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0414

Instruments

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

- (1) The size, location, purpose, and resources of the State Natural Area Reserve;
- (2) A management scheme written for each 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 the following practices in OAR 736-045-0952 through 736-045-0996, which shall, unless otherwise noted, are a part of each management scheme.

(3) Agreements between the Commission and any agency necessary to establish the State Natural Area Reserve.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0416

State Natural Area Reserve Manager

Notwithstanding the instruments of dedication, managers of a State Natural Area Reserve shall not take any action or fail to take any action which is in conflict with a statute, rule regulation or policy relating to an agency having an interest in or responsibility for the State Natural Area Reserve.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0418

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 Reserve as an ecosystem type specified in the management scheme

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-8

736-045-0420

Water Level Control

State Natural Area Reserves shall be managed 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.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0422

Disturbance of Natural Features

The management of 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 these rules.

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273.563 - 273.591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82; DSL 9-2008, f. & cert. ef. 12-10-08

736-045-0424

Visitor Protection

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

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0426

Erosion Control

Erosion and soil deposition due to disturbances of natural conditions by man within or outside a State Natural Area Reserve may be controlled as provided in the management scheme.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0428

Scenic or Landscape Management

No measures or actions shall be taken to alter the natural growth or features of a State Natural Area Reserve for the purpose of enhancing its neatness, beauty, or amenities.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0430

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 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.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0432

Control of Introduced Plant Species

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

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273.563 - 273.591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82; DSL 9-2008, f. & cert. ef. 12-10-08

736-045-0434

Control of Wildlife Populations

The control of wildlife populations on State Natural Area Reserves shall be by agreements between the Commission and Oregon Department of Fish and Wildlife, or other agency. Insofar as practical any control measures applied shall be to correct those situations where wildlife populations are significantly affecting natural conditions on a State Natural Area Reserve.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273 .563](#) - [ORS 273 .591](#)

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0436

Introduction and Management of Special Species

The introduction into or the management of a 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.

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273.563 - 273.591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82; DSL 9-2008, f. & cert. ef. 12-10-08

736-045-0438

Use Tolerance

The management scheme shall set forth the use tolerance or durability of all or any portion of a State Natural Area Reserve and specify the steps to be taken if overuse occurs.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0440

Collecting Permits

A person wishing to collect material from a site for the purposes of research, education or restoration within a State Natural Area Reserve shall secure written permission from:

- (1) Oregon Parks and Recreation Department ; and
- (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.

Stat. Auth.: ORS 273

Stats. Implemented: ORS 273.563 - 273.591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82; DSL 9-2008, f. & cert. ef. 12-10-08

736-045-0442

Boundary Markers

When feasible, boundaries of a State Natural Area Reserve may be made clearly evident by placing markers at corners or other strategic locations or by boundary signs.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0444

Fences

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

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0446

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 Reserve, but otherwise kept to a minimum. The use of paving materials, footbridges and elevated walks may be permitted when necessary.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0448

Other Structures and Improvements

Signs and temporary research installations may be permitted within a State Natural Area Reserve. No other structures or facilities shall be located within a State Natural Area Reserve except as provided in the management scheme on these rules.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

736-045-0500

Amendments

The Commission may review and approve or disapprove any modification to the Plan submitted by the Department.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 9-1982, f. & ef. 10-1-82

736-045-0505

Waiver of Rules

The Commission may waive all or any part of these rules which would prevent the establishment, management, or protection of a State Natural Area Reserve if such rule is in conflict with a statute, rule, regulation, or policy relating to an agency having an interest in or responsibility for the State Natural Area Reserve.

Stat. Auth.: [ORS 273](#)

Stats. Implemented: [ORS 273](#) .563 - [ORS 273](#) .591

Hist.: LB 18, f. 7-29-74, ef. 8-25-74; LB 9-1982, f. & ef. 10-1-82

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State. [Terms and Conditions of Use](#)

For a copy of the Oregon Natural Areas Plan, go to:

<http://orbic.pdx.edu/documents/2010NAP.pdf>

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