

Oregon Natural Areas Act, as amended, January 1, 2012

NATURAL AREAS PROGRAM

273.563 Definitions for ORS 273.563 to 273.591. As used in ORS 273.563 to 273.591, unless the context requires otherwise:

- (1) “Agency” means a local, state or federal agency, board, commission or department.
- (2) “Candidate natural area” means a natural resource area that may be considered for registration or dedication.
- (3) “Commodity” means timber, minerals, livestock, agricultural products or any other product of the land which is an important economic resource.
- (4) “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.
- (5) “Dedicate” means the formal recognition and protection of a natural area for conservation purposes.
- (6) “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.
- (7) “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 the natural features.
- (8) “Natural heritage resources” means the terrestrial ecosystem types, aquatic ecosystem types and unique geologic types as defined in the Oregon Natural Areas Plan or a unit of land or water that contains a natural resource.
- (9) “Plan” means the Oregon Natural Areas Plan established under ORS 273.578, which governs the Natural Areas Program in selecting natural areas for conservation.
- (10) “Program” means the Natural Areas Program as established in ORS 273.566.
- (11) “Register” means the Oregon Register of Natural Areas established under ORS 273.581.
- (12) “Special species” means those species of plants and animals determined by the State Parks and Recreation Department to be significant in value in a state natural area and defined in the Oregon Natural Areas Plan.
- (13) “State natural area” means an area that an individual, organization or public agency dedicates as a state natural area under ORS 273.586. [1983 c.786 §2; 2001 c.114 §1; 2003 c.661 §1; 2009 c.217 §1; 2011 c.319 §10]

273.566 Legislative findings. (1) The Legislative Assembly finds that many valuable natural heritage resources are represented in natural areas that can be protected through the voluntary cooperation of private landowners and public land managers. These areas will comprise a discrete and limited system of natural areas that are selected to represent the full range of Oregon’s natural heritage resources. These areas shall have substantially retained their natural character, or, if altered in character, shall in addition to their natural heritage resource values be valuable as habitat for plant and animal species or for the study and appreciation of the natural

features. As such they will be living museums for scientific research, educational purposes and nature interpretation.

(2) The Legislative Assembly also finds that it is necessary to establish a process and means for public and private sector cooperation in the development of this system of state natural areas. Private landowners and public land managers should be encouraged to voluntarily participate in the program through conservation activities that benefit all Oregonians.

(3) In order to ensure that activities related to natural heritage resources cause the minimum of conflict with other resource uses and that they are cost effective, the Legislative Assembly finds that the State Parks and Recreation Department should provide a specific framework for decision making related to natural heritage resources through a classification and planning process known as the Natural Areas Program. Future state natural areas should avoid unnecessary duplication of already protected natural heritage resources. Each decision should address alternative methods of accomplishing the same purpose and should consider cost effectiveness.

(4) The Legislative Assembly recognizes that there is a need for systematic, accessible information concerning the locations of the resources of Oregon's natural areas, including special plant and animal species, native terrestrial ecosystems, aquatic ecosystems and geologic features, and especially including the natural areas already protected that contain these resources. [1979 c.711 §2; 1983 c.786 §3; 2009 c.217 §2; 2011 c.319 §11]

273.573 Natural areas advisory committee. (1) To aid and advise the State Parks and Recreation Director in the performance of the functions related to the Natural Areas Program, the director may establish a natural areas advisory committee.

(2) The advisory committee may assist the State Parks and Recreation Department:

(a) In the development of policy for the Natural Areas Program through the review and approval of the Oregon Natural Areas Plan;

(b) By reviewing nominations for registration and the voluntary dedication of natural areas, and instruments of dedication for such areas;

(c) In 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 that are appropriate for dedication; and

(d) In advising the State Parks and Recreation 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. [2011 c.319 §9]

273.576 State Parks and Recreation Department duties; Oregon Natural Areas Plan; contents. (1)(a) The State Parks and Recreation Department shall provide assistance in the selection and nomination of natural areas containing natural heritage resources for registration or dedication.

(b) The Oregon Natural Areas Plan established by ORS 273.578 shall govern the Natural Areas Program in the conduct of activities to create and manage a system of state natural areas that are complementary to and consistent with the research natural area program on federal lands

in Oregon. This plan lists the natural heritage resources that should be represented on the Oregon Register of Natural Areas and in state natural areas and provides criteria for the selection and approval of candidate natural areas for registration and dedication under ORS 273.563 to 273.591. In selecting state natural areas, the department shall give primary consideration to inclusion of natural heritage resources, and especially those natural heritage resources that are not adequately protected elsewhere. Inclusion and protection of special species shall be an important additional consideration in selecting state natural areas, and wherever possible, individual species shall be protected in association with natural heritage resources or in assemblages of those species determined by the department to have special significance.

(2) The department may advise owners of state natural areas concerning the management and use of such areas and may make available to state, federal and local agencies that manage lands within Oregon, information concerning the conservation of natural heritage resources.

(3) The department may apply for and accept grants, contributions and assistance from any federal, state or local government agency and any foundation, individual or organization for the purpose of carrying out the provisions of ORS 273.563 to 273.591. [1979 c.711 §5; 1983 c.786 §5; 2003 c.661 §2; 2009 c.217 §4; 2011 c.319 §12]

273.578 Plan approval; review of modifications by commission. (1) The Sixty-first Legislative Assembly approves the Oregon Natural Areas Plan submitted under ORS 273.576.

(2) The State Parks and Recreation Commission may review and approve or disapprove any modification to the Oregon Natural Areas Plan submitted by the State Parks and Recreation Department. [1981 c.208 §§2,3; 1983 c.786 §6; 2009 c.217 §5; 2011 c.319 §13]

273.581 Natural areas register; contents; agreements between department and landowners. (1) The State Parks and Recreation Department shall maintain a state register of natural areas containing significant natural heritage resources to be called the Oregon Register of Natural Areas.

(2) The department shall from time to time identify natural areas from the natural heritage data bank that qualify for registration. Priority shall be based on the Oregon Natural Areas Plan and shall generally be given to those resources that are rarest, most threatened or underrepresented in the conservation system on a statewide basis. State natural areas shall not unnecessarily duplicate resources or special species already adequately protected by other methods of land protection. Whenever feasible, natural areas that qualify for registration shall be located on lands that have been allocated primarily to special non-commodity uses.

(3) The department shall review each registration proposal, including the landowner's written permission for registration if the natural area is located on privately owned land.

(4) After review and recommendation by the department, the State Parks and Recreation Commission may place natural areas onto the register or remove natural areas from the register.

(5) A voluntary management agreement may be developed between the department and the owners of the natural areas on the register. [1979 c.711 §6; 1983 c.786 §7; 2009 c.217 §6; 2011 c.319 §14]

273.586 Dedication of land as state natural area; notice and hearing; termination of dedication. (1) 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 State Parks and Recreation Department an instrument of dedication. The instrument of dedication shall

be effective upon its recording in the real property records of the office of the clerk of the county in which any or all of the state natural area is located.

(2) Any public agency may dedicate lands under the provisions of ORS 273.563 to 273.591 following the providing of opportunity for adequate public notice and hearing by the agency. The Oregon Transportation Commission, the State Fish and Wildlife Commission, the State Board of Forestry, the State Board of Higher Education, the State Parks and Recreation Commission 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, the title of which is held by the State of Oregon, and which is under that agency's management and control.

(3) The instrument of dedication shall contain any information or provisions as the private owner, organization or agency and department consider necessary to complete the dedication.

(4) Dedication of a state natural area may be terminated as follows:

(a) The dedication of a state natural area by a public agency may be terminated following the providing of opportunity for adequate public notice and hearing and a finding by that agency of an imperative and unavoidable necessity, or a finding by that agency, with the approval of the department, that the state natural area is no longer needed according to the guidelines of the Oregon Natural Areas Plan.

(b) The dedication of a state natural area by a private individual or organization may be terminated by the private individual or organization after the department is assured that there has been compliance with the procedures required by the terms of the dedication instrument.

(c) The dedication of a state natural area may be terminated by the State Parks and Recreation Commission upon the advice of the department if the area is no longer needed according to the guidelines of the plan, or has permanently lost its natural character. [1979 c.711 §7; 1983 c.786 §8; 1991 c.121 §2; 2009 c.217 §7; 2011 c.319 §15]

273.591 Natural Areas Program Account. The Natural Areas Program Account is established within the General Fund of the State Treasury. All moneys received by the State Parks and Recreation Department for the purposes of ORS 273.563 to 273.591 shall be paid into the State Treasury and credited to the account. All moneys in the account are continuously appropriated for the use of the department in carrying out the provisions of ORS 273.563 to 273.591. [1979 c.711 §8; 2009 c.217 §8; 2011 c.319 §16]