

Appendix A

The Act



Public Law 92-260
92nd Congress, S. 1977
March 23, 1972

An Act

To establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreational facilities in the State of Oregon by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the "recreation area").

Oregon Dunes
National Recreation
Area.
Establishment.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute the attainment of the purposes set forth in section 1 of this Act.

Administration.

SEC. 3. The portion of the recreation area delineated as the "Inland Sector" on the map referenced in section 4 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 1 of this Act.

"Inland Sector."

SEC. 4. The boundaries of the recreation area, as well as the boundaries of the inland sector included therein, shall be as shown on a map entitled "Proposed Oregon Dunes National Recreation Area" dated May 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description by metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

Map.

SEC. 5. Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this Act, but lands presently administered by the United States Coast Guard or the United States Corps of Engineers may continue to be used by such agencies to the extent required.

Revision.
Publication in
Federal Register.
Transfer of
Federal property.

SEC. 6. The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands not at present within such boundaries lying within the recreation area as described in accordance with section 4 of this Act.

86 STAT, 99
86 STAT, 100

Siuslaw National
Forest, boundary
extension.

SEC. 7. Within the inland sector established by section 3 of this Act the Secretary may acquire the following classes of property only with the consent of the owner:

Land acquisition.

- (a) improved property as hereinafter defined;
- (b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this Act;

(c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Provided*, That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such lands or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this Act. In any acquisition of such lands or interests the Secretary shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this Act.

SEC. 8. (a) Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only by donation or exchange.

Southern Pacific
Railway right-
of-way.

(b) No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway, so long as it is used for railway purposes: *Provided*, That the Secretary may condemn such easements across said right-of-way as he deems necessary for ingress and egress.

Owners of improved
property, reten-
sion rights.

(c) Any person owning an improved property, as hereafter defined, within the recreation area may reserve for himself and his assigns, as a condition of the acquisition of such property, a right of use and occupancy of the residence and not in excess of three acres of land on which such residence is situated. Such reservation shall be for a term ending at the death of the owner, or the death of his spouse, whichever occurs later, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided*, That, the Secretary may exclude from such reserved property any lands or waters which he deems necessary for public use, access, or development. The owner shall elect, at the time of conveyance, the term of the right to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner. At any time subsequent to the acquisition of such property the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right.

Exclusion.

86 STAT. 100
86 STAT. 101

"Improved
property."

(d) The term "improved property" wherever used in this Act shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with any structures accessory to it and the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary finds necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Hunting, fishing,
and trapping.

SEC. 9. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the

recreation area in accordance with applicable laws of the United States and the State of Oregon, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 10. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto. Mining restriction.

SEC. 11. (a) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, the investigation for, appropriation, storage, and withdrawal of ground water, surface water, and lake, stream, and river water from the recreation area and the conveyance thereof outside the boundaries of the recreation area for beneficial use in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act: *Provided*, That nothing herein shall prohibit or authorize the prohibition of the use of water from Tahkenitch or Siltcoo Lakes in accordance with permission granted by the State of Oregon prior to the effective date hereof in connection with certain industrial plants developed or being developed at or near Gardiner, Oregon. Water utilization.

(b) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, transportation and storage in pipelines within and through the recreation area of domestic and industrial wastes in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act. Waste disposal.

(c) The Secretary is further authorized, subject to applicable water quality standards now or hereafter established, to grant such additional easements and rights, in terms up to perpetuity, as in his judgment would be appropriate and desirable for the effective use of the rights to water and the disposal of waste provided for herein and for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable terms and conditions as he deems necessary for the protection of the scenic, scientific, historic, and recreational features of the recreation area. Additional easements and rights.

SEC. 12. (a) The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows: Advisory council. Establishment. Membership.

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the county involved;

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon;

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) the Secretary shall designate one member to be Chairman and shall fill vacancies in the same manner as the original appointment.

(b) The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) The members shall not receive any compensation for their services as members of the council, as such, but the Secretary is authorized to pay expenses reasonably incurred by the council in carrying out its responsibilities.

Area review;
report to
President.

SEC. 13. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the recreation area and shall report to the President, in accordance with subsections 3(b) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b) and (d)), his recommendation as to the suitability or nonsuitability of any area within the recreation area for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsection of the Wilderness Act.

Federal-State
cooperation,

SEC. 14. The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

Appropriation.

SEC. 15. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area, but not more than \$2,500,000 is authorized to be appropriated for such purposes. For development of the recreation area, not more than \$12,700,000 is authorized to be appropriated.

Approved March 23, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-894 accompanying H.R. 8763 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 92-422 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD:

Vol. 117 (1971): Nov. 4, considered and passed Senate.

Vol. 118 (1972): Mar. 6, considered and passed House, amended, in lieu of H.R. 8763.

Mar. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 13:

Mar. 24, Presidential statement.

Appendix B

Activity

Schedule

APPENDIX B

RESOURCE SCHEDULES

This appendix displays activity schedules for fish, wildlife, recreation, and trails projects. The schedules summarize projects planned for the next 10 years. Costs and outputs are grouped by five-year periods, unless otherwise noted in the schedules. The costs shown in these schedules are based on current dollars.

Projects planned during the next 10 years will be reviewed annually and may be revised if management direction, priorities or on-the-ground conditions change. Revisions to the schedule will not necessarily result in amendments to the Dunes Plan.

Fish Activity Schedule (1st Decade)

	FIRST 5 YEARS		SECOND 5 YEARS	
ACTIVITY/PROJECT	COST/5 years (THOUSAND \$)	OUTPUTS	COST/5 years (THOUSAND \$)	OUTPUTS
OREGON DUNES NRA				
Habitat Improvement	35	10 structures/yr	35	10 structures/yr
Habitat Improvement	100	29 acres/year	100	29 acres/year
Stream Survey	4	1 mile/year	4	1 mile/year
Lake and Pond Survey	71	60 acres/year	71	60 acres/year
Maintenance and Evaluation	3	1 project/year	3	1 project/year
NRA TOTAL	<u>213</u>		<u>213</u>	

Wildlife Activity Schedule (1st Decade)

	FIRST 5 YEARS		SECOND 5 YEARS	
ACTIVITY/PROJECT	COST/5 years (THOUSAND \$)	OUTPUTS	COST/5 years (THOUSAND \$)	OUTPUTS
OREGON DUNES NRA				
Beach Grass Control	50	25 acres/year	150	75 acres/year
Wetland Habitat Improvement	500	100 acres/year	500	100 acres/year
Wetland Habitat Maintenance	8	all facilities	20	all facilities
Plover Habitat Mgmt	50	25 acres/year	150	75 acres/year
Wildlife Surveys	5	5 species/year	5	5 species/year
Info. & Ed. Program	130	250 PAOTs/year ¹	60	250 PAOTs/year ¹
NRA TOTAL	<u>743</u>		<u>785</u>	

¹PAOTs are Persons at One Time, an estimate of number people served by the program.

Recreation Activity Schedule and Associated Road Projects (1st Decade)

ACTIVITY/PROJECT	FIRST 5 YEARS				SECOND 5 YEARS			
	COST (THOUS. \$)		OUTPUTS (PAOTs)		COST (THOUSAND \$)		OUTPUTS (PAOTs)	
	CNRF	CNRN	Recon.	New	CNRF	CNRN	Recon.	New
OREGON DUNES NRA								
Bull Run Staging	150	150		100				
Hauser Staging	150	150		100				
Horsfall Staging Expansion		70		50				
Goosepasture Expansion	100	100		50				
Driftwood Overflow & Staging	250	400		150				
Umpqua Beach 3rd P/L Expansion		150						
Night-Riding Curfews	10							
Noise-Control Buffer	15							
Designated ORV Routes	35							
High Dunes Overlook	400	500		150				
Riparian Campsite Rehab	80							
Elbow Lake Hike/Bike/Angler Camp	150	200		50				
Waxmyrtle Wildlife Viewing Area	30			20				
Interpretive Facilities at Hdqtrs.	80							
Lodgepole Day-use Site	5							
Hall/Schuttpelz Day-use					150	250		100
Beale Lake Angler Camp					125	250		50
S. Jetty Wtnd/Marine Interp. Fac.					125	50		75
S. Jetty Wildlife Viewing Area					25			30
S. Jetty Whale Watch Platform					35			20
Siltcoos Wtnd/Wildlife Interp. Fac.					25	50		10
Threemile Hike/Bike Camp					60	50		25
Umpqua Beach Interp. Facility					30	60		30
Spinreel Fish Cleaning Station					10			10
Driftwood Showers					250			
Tahkenitch Landing					240	400		
Tahkenitch CG Reconstruction					100	300		
Horsfall Wildlife Viewing Area					50			20
North Eel Creek CG Reconstruction					150	300		
Butterfield Grp Camp/Env Ctr/Day-use					500	500		175
NRA TOTAL	<u>1,455</u>	<u>1,720</u>	<u>—</u>	<u>670</u>	<u>1,965</u>	<u>2,760</u>	<u>—</u>	<u>595</u>

PAOTs are Persons At One Time, an index of recreation use of developed facilities, dispersed sites, improved access and support facilities. Numbers shown represent additional capacity.

CNRF is construction of recreation facilities; CNRN is construction/reconstruction of roads
CG is campground; VIS is Visitor Information Services; P/L is parking lot.

Trail Activity Schedule (1st Decade)

ACTIVITY/PROJECT	FIRST 5 YEARS				SECOND 5 YEARS			
	COST (THOUSAND \$)		OUTPUTS (MILES)		COST (THOUSAND \$)		OUTPUTS (MILES)	
	CNTR/	CNRN	Recon.	New	CNTR/	CNRN	Recon.	New
OREGON DUNES NRA								
Waxmyrtle Interp. (A)	50			0.5				
Waxmyrtle Reroute (H/O)	30			0.5				
High Dunes Overlook (A)	60	150		0.5				
Taylor Lake Accessible (A)	60			0.5				
Bluebill Conversion to Accessible (A)	140			1.0				
Three Mile Extension (H/O)	85		3.6					
Elbow-Butterfly Lake (F)	20			1.0				
Earhart Lakes (F)					10			0.3
Siuslaw Vista Trail (A)					130			1.0
Elbow Lake (H/O)					75	100		0.5
Horsfall Viewing Area (H/O)					60			1.5
Cleawox-Bear Lake (F)					20			1.0
North Eel Nature Trail (H/O)					12			0.4
NRA TOTAL	<u>385</u>	<u>150</u>	<u>3.6</u>	<u>4.0</u>	<u>307</u>	<u>100</u>	<u>—</u>	<u>4.7</u>

CNTR is construction/reconstruction of trails; CNRF is construction/reconstruction of recreation facilities.

CNRN is construction/reconstruction of trailhead access roads and parking areas.

(A) is disabled accessible; (F) is angler access; (H/O) is hiker/other trails.

Appendix C

Compatibility

Criteria

APPENDIX C

COMPATIBILITY CRITERIA - INLAND SECTOR

Inland Sector Within the Oregon Dunes NRA boundaries there is a buffer of land known as the Inland Sector which is described in Section 3 of the Act establishing the Oregon Dunes NRA. About 30% of the total lands within the Oregon Dunes NRA is in the Inland Sector and approximately 30% is privately owned. Except for several small tracts, lands containing a high degree of both residential and commercial development were excluded from the boundaries of the Oregon Dunes NRA. Lands with important scenic characteristics, opportunities for developed or dispersed recreation, and lands necessary to maintain the character of sand dunes, freshwater lakes and forests were included within the Oregon Dunes NRA boundaries.

Improved property, commercial and industrial, timberlands, and private non-commercial are four classes of property within the Inland Sector where certain uses are protected from the Government's normal right of eminent domain. Acquisition in the absence of non-compatible activity on the property may only occur with the consent of the landowner.

The Enabling Act states that if additional purposes or improvements to commercial or industrial properties and private non-commercial recreational properties within the Inland Sector are compatible with or further the purposes of the establishing legislation, they may be certified by the Secretary of Agriculture.

Certification Criteria The following three points are criteria for certification by the Secretary of Agriculture.

- Proposed industrial or commercial purposes must be compatible with or further the purposes of the Act and should contribute to or promote the public use and enjoyment of the Oregon Dunes NRA as well as protect the values that contribute to that public enjoyment.
- Proposed improvements to property being used for private non-commercial recreation purposes should be complementary to the public use and enjoyment of the Oregon Dunes NRA and protect the values that contribute to that public enjoyment.
- Analysis will be on a case-by-case basis and should include, but not be limited to, the following considerations:

Compatibility Criteria

- Maintenance of the natural environment of the Oregon Dunes NRA including
 - the effect on the open space environment characteristic of the coastal area;
 - capability of the land to support the proposed improvements or purpose;
 - modification of the land and vegetation necessary for the proposed action; and
 - impacts to the scenic, scientific, historic and other values contributing to to public enjoyment of the Oregon Dunes NRA (as stated in Section 1 of the Act), wildlife and wildlife habitat, soil stability, and water quality and quantity.
- The actions' availability to the general public and the effects on existing and planned public developments, adjacent property uses, and visitors. Also whether similar commercial or industrial purposes are available to the general public near the Oregon Dunes NRA and how many similar improvements exist because the total number, in the general area, may exceed the capability of the land to accommodate them.
- Effects on future management options that may be required to serve the projected increased demand for the use of the Oregon Dunes NRA as identified in this management plan.
- Consistency with plans and regulations of other agencies having cooperative jurisdiction in the management of the Oregon Dunes NRA.

Getting Certified

In order to obtain certification for a proposed action on Inland Sector lands, the landowner should submit his or her request in writing. The Forest Service will then analyze the request using the criteria mentioned above and the Forest Supervisor will reply as to the result of the analysis. If the proposed action is not compatible, the reasons for incompatibility will be given and discussed with the landowner. This step may require an on-site meeting between the landowner and the Forest Service. If agreement is reached, the landowner may proceed in conformance with the revised plans.

Certification is made upon completion of plans as proposed or revised.

Uses of Private Lands

Improved Property

This is defined in Section 8(d) of P.L. 92-260 as "a detached one-family dwelling, the construction of which was begun before December 31, 1970, together with any structures accessory to it and the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary (of Agriculture) finds necessary for the enjoyment of the dwelling for the sole purpose of a non-commercial residential use."

For clarification, a one-family dwelling is defined as a structure used or intended for use as a single-family residence and consists of a single residential unit, as opposed to multi-units. A dwelling is also a structure either originally designed and constructed as a residence, or a structure which has been or was in the process of being remodeled for the intended purpose of human habitation. The size and boundaries of an improved property, as defined in Section 8(d) of the Act, is at the discretion of the Secretary of Agriculture, and will have to be determined on a case-by-case basis, but normally the homesite would include land of sufficient size to cover outbuildings, lawn, garden or pasture as has been historically used with the dwelling. Section 8(c) of the Act dealing with life estate reservations indicates that the size of the reservations should not exceed three acres. This is considered a good guide as to the upper limits of land included as improved property, however, normally it would be something less.

Dwellings as described above are considered incompatible with or do not further the purposes of the Act as they do not provide for public outdoor recreation use and enjoyment of the Oregon Dunes NRA, which is the purpose of P.L. 92-260. However, within the Inland Sector, if they existed or construction began prior to December 31, 1970, the homesite on which the dwelling is located has protection from condemnation. As long as the homesite continues to be used for the purposes of a single-family residence, certification is not required for replacement of dwellings or other changes deemed necessary by the Secretary of Agriculture for the enjoyment and use of the homesite. If additional dwellings are constructed, the owner would lose that protection against the Government's exercising its right of eminent domain.

Commercial and Industrial

Commercial and industrial uses are authorized to continue so long as the purposes are the same as they were on December 31, 1970. A change of purpose or new commercial or industrial purposes will need certification from the Secretary of Agriculture or designee as being compatible with or furthering the purposes of the Act if the landowner wishes to retain his or her protection from Government acquisition.

So long as existing commercial or industrial purposes remain the same, the facilities used for that purpose would not require certification. Properties authorized for an existing commercial or industrial purpose are only those physically occupied by the purpose as of December 31, 1970.

Timberlands According to the Enabling Act, timberlands under Sustained Yield Management are authorized to continue so long as the Secretary of Agriculture determines that such management is being conducted in accordance with standards for timber production, including, but not limited to, harvesting, reforestation and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands.

Private Non-Commercial Property used primarily for private non-commercial recreation purposes as of December 31, 1970, is authorized to continue. Any improvements made to such property after December 31, 1970, must be certified by the Secretary of Agriculture as being compatible with the purposes of the Act, or the owner loses his or her protection against the government's exercising its right of eminent domain.

Additional Uses of Private Lands

Residences Except as discussed in the following paragraph, additional new residences will not be certified within the Oregon Dunes NRA. Replacements, minor improvements or additions to existing improved property may be approved by the Forest Supervisor. Approval may be obtained prior to construction so that the landowner can be assured that his or her action will not jeopardize protection against eminent domain. Woodsheds, garages, additions to existing dwellings, fences, driveways, patios, trails, etc, are examples of improvements that normally would not affect a landowner's protection. Normal repair, maintenance or interior remodeling also will not affect a landowner's protection.

In describing the Oregon Dunes NRA boundary, it was the intent to eliminate existing subdivisions in the Saunders Lake area; however, because of errors in the original General Land Office survey, a portion of the Southwood Subdivision in the E 1/2 SE 1/4 SE 1/4, Section 34, T. 23 S., R. 13 W., W.M., platted in 1959, was included within the Oregon Dunes NRA. This area includes County Tax Lot numbers 663-1 through 663-8 and 702-6 of that portion of the subdivision lying within the Oregon Dunes NRA. In view of the above, the Forest Service may certify one-family dwellings on those lots, as the intent was to exclude the Saunders Lake subdivisions from the Oregon Dunes NRA.

Commercial Proposals for new or changes in commercial or industrial purposes will be judged against the criteria established in Section 15(a).

Timberlands The Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531) Section 4(b) defines sustained yield as: "Sustained yield of the several products and services" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.

For clarification, sustained yield for small tracts of commercial timber may be on a periodic basis rather than annual.

Management and operation plans for commercial timber under sustained yield should be approved by the Forest Service as being comparable or exceeding Forest Service standards for a similar unit of land. Harvest methods, road location, design and construction, reforestation, debris cleanup, stream and lake protection, maintenance of visual quality and erosion control are categories to be included in management and operating plans.

The Secretary of Agriculture may acquire timberlands for recreation use, access, or protection of recreation improvements. Conversion of timberlands under sustained yield management to purposes other than contributing to public outdoor recreation will not be considered compatible.

Conversion of timberlands to purposes other than sustained yield timber production will not be considered compatible. Cutting of such timberlands would be classified as a commercial purpose, unless authorized for safety, sanitation, placement of approved facilities, control of wildlife, or contributes to public outdoor recreation. By cutting such timberlands, the owner would lose his or her protection against the government exercising its right of eminent domain. The cutting of dead and down trees for non-commercial domestic consumption will not affect the landowner's protection from acquisition.

Possible Improvements

Examples of improvements to private non-commercial recreation properties which could be made compatible are access roads, water lines, electrical utilities, fences, trails and other facilities necessary for the use and enjoyment of the property. Generally, items necessary for protection of the property, safety and sanitation may be certified.

Summerhome-type dwellings are not considered to be compatible with the purposes of the Oregon Dunes NRA because of the scarcity of lands available for development, needed public facilities, open space requirements, and protection of scenic values within the Oregon Dunes NRA on a long term basis.

Tent and recreational vehicle pads and duck blinds may be certified. Hunting lodges, unless they replace existing structures, will not be certified.

New organization camps will generally be considered incompatible since these camps tend to restrict use to members of the organization that owns the camp. Exceptions may occur. Prior to approval of an organization camp, it must be demonstrated to be compatible based on the type of facility, degree to which it is open to the public, suitability of location, need for the camp, degree of development in the vicinity, alternatives available outside the Oregon Dunes NRA, and the competition for other uses.

General

Any new development on private lands within the Oregon Dunes NRA will also consider proximity to open sand areas (so that it is not in danger of being inundated by sand in the foreseeable future), wildlife habitats and sanitation before being certified as compatible.

Compatibility Criteria

In addition to acquisition of all private lands within the Dunes Sector and key tracts necessary for management and development, additional acquisition will be made from willing sellers not wishing to be bound by certification requirements and they cannot find a buyer who is willing to live within the requirements. Acquisition will be on a priority basis and contingent on the availability of funds.

Acquisition of State or County lands is restricted by P.L. 92-260 to donation or exchange. It was the intent of the Act to have the administration of the Oregon Dunes NRA a cooperative venture among agencies. If an exchange of lands would be mutually beneficial, this option will be pursued.