

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 1b

Action

Topic: Commission selection of vice chair

Presented by: Chris Havel

Oregon Revised Statute 390.117 specifies the Governor designates one commissioner as the chair, and the commission then selects any other officers and determines their term. The Commission has traditionally selected one member as vice chair until replaced to temporarily fulfill the duties of the chair in that person's absence.

The purpose of this agenda item is to invite the commission to discuss the issue and choose to either act on the question, or table it.

If the commission designates a vice chair, it should also state whether the duties remain the same, or have changed.

Prior Action by Commission: None.

Action Requested: Selection of vice chair identified by commission through their vote on this item, or table the question.

Attachments: None.

Prepared by: Chris Havel



Oregon Parks and Recreation Commission

April 14, 2021
Zoom Meeting

Approved Minutes

Wednesday, April 14, 2021

Zoom Meeting

Executive Session: 8:30am

The Commission will meet in Executive Session to discuss acquisition priorities and opportunities, and potential litigation. The Executive Session will be held pursuant to ORS 192.660(2)(e) and (h), and is closed to the public.

Business Meeting: 9:00am

• Cal Mukumoto, Commission Chair	• Chrissy Curran, OPRD
• Lisa Dawson, Commission	• Tanya Crane, OPRD
• Jonathan Blasher, Commission	• JR Collier, OPRD
• Doug Deur, Commission	• Trevor Taylor, OPRD
• Vicki Berger, Commission	• Ross Kihs, OPRD
• Steve Grasty, Commission	• Daniel Killam, OPRD
• Jennifer Allen, Commission	• Dennis Comfort, OPRD
• Lisa Sumption, OPRD Director	• Matt Rippee, OPRD
• Steve Shipsey, Counsel for Commission, DOJ	
• Denise Warburton, OPRD	
• Chris Havel, OPRD	

1. Commission Business

- a) Welcome and Introductions (Information)
- b) Approval of February 2021 Minutes

ACTION: Commissioner Grasty moved to approve the February minutes Commissioner Dawson seconded. Motion passed, 7-0. (Topic starts at 00:02:46 and ends at 00:03:08)

- c) Approval of March 18, 2021 Special Meeting Minutes

ACTION: Commissioner Berger moved to approve the March 18, 2021 minutes. Date correction of April to March. Commissioner Grasty seconded. Motion passed, 7-0. (Topic starts at 00:03:08 and ends at 00:03:59)

- d) Approval of April 2021 Agenda

ACTION: Commissioner Allen moved to approve the April 2021 Agenda. Commissioner Deur seconded. Motion passed, 7-0. (Topic starts at 00:04:00 and ends at 00:04:30)

1. **Public Comment:** *This is the time for the public to address the Commission.*

2. **Director's Update**

- a) Agency Update/Covid-19 (Information)
- b) 2020 Director Travel (**Action**)

ACTION: Commissioner Berger moved to approve the 2020 Directors Travel Report. Commissioner Blasher seconded. Motion passed, 7-0. (Topic starts at 00:10:30 and ends at 00:11:15)

- c) Legislative Update (Information)

3. **Budget**

- a) Budget Update (Information)

4. **Property**

- a) Potential Cascadia Transfer to Linn County (Information)

5. **Community Engagement**

- a) ATV Grant Recommendations (**Action**)

ACTION: Commissioner Blasher moved to approve the ATV Grant Recommendations. Commissioner Deur seconded. Motion passed, 7-0. (Topic starts at 00:45:50 and ends at 00:55:21)

- b) ADA Transition Plan Update (Information)

6. **Heritage**

- a) Heritage Division Updates (Information)

7. **Park Development Division**

- a) Silver Falls Daylighting Timber Project (**Action**)

ACTION: Commissioner Grasty moved to approve the Silver Falls Timber Project contract. Commissioner Allen seconded. Motion passed, 7-0. (Topic starts at 01:13:29 and ends at 01:36:27)

- b) Amanda Bridge Donation Acceptance (**Action**)

ACTION: Commissioner Grasty moved to approve the acceptance of the Amanda Bridge Donation. Commissioner Dawson seconded. Motion passed, 7-0. (Topic starts at 01:36:45 and ends at 01:45:10)

8. **Rulemaking**

- a) Request to adopt, OAR 736-002-0170, OREC Advisory Council (**Action**)

ACTION: Commissioner Allen moved to adopt the OREC Advisory Council. Commissioner Berger seconded. Motion passed, 7-0. (Topic starts at 01:45:40 and ends at 01:50:10)

- b) Request to adopt, OAR 736-024-0015, Restrict Beach Driving in South Tillamook County (Action)

ACTION: Commissioner Berger moved to adopt rulemaking to restrict beach driving in South Tillamook County. Commissioner Allen seconded. Motion passed, 6-0 Commissioner Deur was excused for this portion to attend to another matter. (Topic starts at 01:50:37 and ends at 02:26:45)

- c) Update on Rulemaking OAR 736-050-0220 to 736-050-0270 National Register (Information)
- d) Request to open, OAR 736-008-0005 to 736-008-0055 LWCF distribution (Action)

ACTION: Commissioner Blasher moved to open rulemaking for LWCF distribution. Commissioner Berger seconded. Motion passed, 6-0. (Topic starts at 02:32:48 and ends at 02:37:47)

9. Reports (Information)

- a) Actions Taken Under Delegated Authority
 - i) Contracts and Procurement
 - ii) Ocean Shores and Scenic Waterway Permits
 - iii) Timber Harvest Revenue

10. Commission Planning Calendar (Information)

Meeting adjourned at 11:57am

The services, programs and activities of the Oregon Parks and Recreation Department are covered by the Americans with Disabilities Act (ADA). If you need special accommodations to participate in this meeting, please contact the commission assistant Denise Warburton at (503) 779-9729 or Denise.warburton@oregon.gov at least 72 hours prior to the start of the meeting.



Oregon Parks and Recreation Commission

June 22 & 23, 2021
Zoom Meeting

Draft Agenda

Tuesday, June 22, 2021

Zoom Meeting

WORK-SESSION / TRAINING: 1:00pm - 2:45pm

- Engage, Relate, and Adapt (ERA)
- ATV Law Enforcement Grants and Programs

Wednesday, June 23, 2021

Zoom Meeting

Executive Session: 8:30am

The Commission will meet in Executive Session to discuss acquisition priorities and opportunities, potential litigation, and the director's performance evaluation. The Executive Session will be held pursuant to ORS 192.660(2)(e), (h), and (i) and is closed to the public.

Business Meeting: 9:00am

1. Commission Business

- a) Welcome and Introductions (Information)
- b) Commission Selection of Vice-chair (**Action**)
- c) Approval of April 2021 Minutes (**Action**)
- d) Approval of June 2021 Agenda (**Action**)

2. Public Comment: Please submit written public comments no later than 5 p.m. June 21st to chris.havel@oregon.gov

3. Director's Update

- a) Agency Update/Covid-19 (Information)
- b) Legislative Update (Information)
- c) Salmonberry Update (Information)

4. Budget

- a) Budget Update (Information)

5. Property

- a) Wallowa Update (Information)
- b) Gleason Park Update (Information)
- c) Prineville Agreement (Information)

6. Community Engagement

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 3b

Information

Topic: Legislative Update

Presented by: Katie Gauthier, Government Relations and Policy Manager

The 81st Legislative Assembly is rapidly moving toward completion, with the constitutional sine die scheduled to occur by June 27. However, many items are still working their way through the process or sitting in the Ways and Means committee awaiting a final decision. It is also possible a special session may be called in late summer or fall for allocation of federal funding not finalized during session.

Below is the status of key bills OPRD is currently monitoring. Bills in bold have passed both chambers and have either been signed by the Governor or are awaiting her signature.

Heritage

- **HB 2123**- OPRD's bill creating a rolling definition of "historic cemetery" as a burial place containing remains of one or more persons who died more than 75 years before the current date. This bill passed through both chambers and was signed by the Governor on May 12. It became effective upon her signature.
- SB 108- OPRD's bill to revise Special Assessment for Historic Properties program to become more efficient and effective for commercial properties. Two other bills, HB 2447 and SB 156, would extend the sunset on the program without changes for six years. This concept has had hearings in the Senate and House. Staff are working with the Revenue chairs on amendments for a six-year sunset and a few other technical changes suggested by stakeholders.

Operations

- HB 2125- OPRD's bill to study agency operations and funding models. The bill includes a \$100 million bonding request. This bill passed out of the House Economic Recovery and Prosperity Committee and is in Ways and Means.
- **HB 2290**- Rep. Wilde's bill requiring OPRD to install electric vehicle charging stations in state parks. This bill passed both chambers and was signed by the Governor on May 12. It is effective on January 1, 2022.
- HB 2603- Rep. Gomberg's bill regulating undersea fiber optic telecommunication cables. A multi-agency panel presented information on the cable permitting process during a hearing and an amended version of the bill was referred to Ways and Means.
- HB 5025- OPRD's budget bill had hearings in Ways & Means, Natural Resources Subcommittee in early February, but has not yet been scheduled for a work session.
- SB 29- DAS bill to transfer management of the State Capitol State Park from OPRD to DAS. This bill passed out of Housing and Development Committee and is now in Ways and Means.

- **SB 109**- OPRD’s bill seeking permission to adopt rules managing the take-off and landing of drones on state park property. This bill passed both chambers and is awaiting the Governor’s signature.
- SB 289- Governor’s bill supported by the Racial Justice Council’s Environmental Equity Committee to prohibit individuals convicted of a first- or second-degree bias crime on public lands or waters from entering state parks for up to five years. Individuals would also have their boating safety education cards, waterway access permits, hunting, angling and shellfish licenses revoked and be ineligible for five years. The bill passed the Senate and is waiting a vote on the House floor.
- SB 319- Dedicates a portion of the State Capitol State Park to build a Vietnam War memorial. This bill passed out of the Senate with a unanimous vote on March 18. In the House, it has passed out of the Veterans committee, but was referred to Rules.
- SB 534- Sen. Findley and Girod’s bill to expand the Special Access Pass program for free camping in state parks to family members of soldiers killed in action. The bill was moved from the Senate Veterans Committee to Ways and Means without recommendation.
- **SB 794** -Sen. Taylor’s bill to increase fees for RV sites for out-of-state residents by 25%. This bill passed both chambers and is awaiting the Governor’s signature.

Grants and Community Programs

- HB 3281- Rep. Brock Smith’s bill to provide general fund to develop the Oregon Coast Trail. The bill would also direct the agency to spend funding dedicated to signature trails on the development of the Oregon Coast Trail. The bill is in Ways and Means.
- SB 106- OPRD’s bill requiring Class IV, “side-by-sides” ATV operators to have a safety education card. This bill had a hearing in the Joint Transportation Committee.
- SB 107- OPRD’s bill modifying definition of Class IV ATVs and removes requirement that ATVs be equipped with windshield wipers. This bill had a hearing in the Joint Transportation Committee.

Recreation

- HB 2171- Governor’s bill implementing many of the Office of Outdoor Recreation Governor’s task force recommendations to advance access to recreation. Also includes funding for ODFW’s Conservation and Recreation Fund. The bill had a hearing and work session in the House Agricultural and Natural Resources Committee and was voted out to Ways & Means.

Next Steps:

Staff will continue to monitor legislative activities and begin to plan for implementation of legislation that has been enacted.

Prior Action by Commission: Approval of 2021 Legislative Concepts in April 2020.

Action Requested: Information only

Prepared by: Katie Gauthier

Attachments: None

- a) Scenic Bikeways/Cycle Oregon Partnership (Information)
- b) Driftwood Energy Cable Update (Information)
- c) County Opportunity Grant Awards (**Action**)
- d) ATV Program ODF & OSP Transfer of Funds Contracts (Information)
- e) ATV New Committee Members (**Action**)
- f) ATV Grant Recommendations (**Action**)

7. Heritage

- a) Heritage Division Updates (Information)

8. Park Development Division

- a) 2021-2023 Facility Investment Program Project List (Information)

9. Rulemaking

- a) Request to Amend: 736-018-0045, Pilot Butte Master Plan (**Action**)
- b) Request to Adopt: OAR 736-008-0005 to 736-008-0055, Land and Water Conservation Fund Grant Rules (**Action**)
- c) Request to Adopt OAR 736-050-0220 through 736-050-0270 National Register of Historic Places Program Rules (**Action** plus corrections)

10. Reports (Information)

- a) Actions Taken Under Delegated Authority
 - i) Contracts and Procurement
 - ii) Ocean Shores and Scenic Waterway Permits
 - iii) Timber Harvest Revenue
- b) OPAC Marine Rocky Habitat Update

11. Commission Planning Calendar (Information)

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Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 4a

Information

Topic: Budget Update

Presented by: Tanya Crane, Budget Manager

The May 2021 Lottery forecast was released May 19, 2021. It reflects an increase in Lottery Fund revenue for the Department of \$1,632,759. Since the close of session (June 2019), the Lottery Fund revenue forecast has decreased by \$19,359,323. The Department’s budget was built on a Lottery Fund revenue forecast of \$109.5 million and the March 2021 forecast is \$90.1 million. The table below reflects the change in the Lottery revenue forecast for the 2019-21 biennium and beyond.

Lottery Forecast History (2019-25 Biennium): OPRD's Share of PNRF						
	2019-21		2021-23		2023-25	
Forecast Date	Forecast	Change from Prior Forecast	Forecast	Change from Prior Forecast	Forecast	Change from Prior Forecast
May 2019 Forecast (close of session)	\$109,488,309		\$118,008,973		\$127,644,181	
September 2019 Forecast (released 8-28-2019)	\$110,366,888	\$878,579	\$120,142,733	\$2,133,760	\$130,881,505	\$3,237,324
November 2019 Forecast (released 11-20-2019)	\$110,667,551	\$300,663	\$120,092,862	(\$49,871)	\$130,551,032	(\$330,473)
March 2020 Forecast (released 2-12-2020)	\$111,396,954	\$729,403	\$120,957,300	\$864,438	\$131,615,031	\$1,063,999
May 2020 Forecast (released 5-20-2020)	\$83,540,779	(\$27,856,175)	\$101,492,357	(\$19,464,943)	\$117,593,717	(\$14,021,314)
September 2020 Forecast (released 9-23-2020)	\$94,769,000	\$11,228,221	\$110,834,500	\$9,342,143	\$122,400,000	\$4,806,283
December 2020 Forecast (released 11-18-2020)	\$96,057,587	\$1,288,587	\$113,422,167	\$2,587,667	\$125,419,667	\$3,019,667
March 2021 Forecast (released 2-24-2021)	\$88,496,227	(\$7,561,360)	\$116,842,649	\$3,420,482	\$128,893,039	\$3,473,372
May 2021 Forecast (released 5-19-2021)	\$90,128,986	\$1,632,759	\$123,859,554	\$7,016,905	\$131,901,148	\$3,008,109
Total Cumulative Change		(\$19,359,323)		\$5,850,581		\$4,256,967

While there is improvement in the forecast, the current biennium overall revenue decline is driven by the COVID 19 pandemic. Lottery fund income is driven by the video lottery games people play primarily in bar and restaurant settings; with these facilities having been closed and now having limited inside capacity available, revenue generation had been limited. According to the Office of Economic Analysis (OEA), lottery sales are rebounding strongly. Current sales are record setting as pent up demand is very real; however, OEA cautions that as the economy re-opens, consumers could take their entertainment dollars elsewhere.

The recent record setting growth will be reflected in the 2021-23 biennium not the 2019-21 biennium. As a result, the 2021-23 forecast crosses the threshold where language from Ballot Measure 76 requires 25%, instead of 12%, to be placed in the Local Government Grant Program (LGGP).

As a reminder of the requirement in Ballot Measure 76: the measure requires that when the Lottery Funds coming to OPRD exceed 150% of the amount received for the 2009-11 biennium, 25% of the funds must be dedicated to the LGGP instead of 12%. Below is the calculation of the trigger point:

2009-11 actual transfer amount	\$ 81,456,970
50% of the 2009-11 transfer	40,728,485
Amount at which 25% is triggered	\$122,185,455
2021-23 May 2021 forecast	\$123,859,554

To adjust the budget to meet the requirements, OPRD has proposed the following changes to the 2021-23 biennium budget to the Legislative Fiscal Office:

1. Increase the limitation for the Local Government Grant Program by \$17,436,325.
2. Shift funding in Park Development, Facilities Construct/Maintain to reduce Lottery Funds by \$4.9M and increase Other Funds by \$4.9M for a net impact of zero.

These two actions will allow the Local Government Grant Program to have appropriate spending limits and adjust other agency spending so that an appropriate ending cash balance is maintained for both Other and Lottery Funds.

The Department expects to appear before the Natural Resources Subcommittee of the Joint Committee on Ways and Means in early June 2021. An update on adjustments to the 2021-23 budget will be brought to the Business meeting.

Prior Action by Commission: The 2019-21 Agency Request Budget was approved at the June 2018 meeting. A brief update was provided in November 2018 and the Governor's Budget was presented at the February 2019 meeting. The Legislatively Adopted Budget was presented at the September 2019 meeting. Budget updates were provided in June, September and November 2019, February, June, September and November 2020 and February and April 2021.

Action Requested: None.

Attachments: None.

Prepared by: Tanya Crane

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 5a

Information

Topic: Wallowa Falls – Pacificorps Property Management

Presented by: J.R. Collier, Mountain Region Manager

Since 1954, OPRD has maintained a lease agreement with Pacificorps to manage and maintain 18 acres near the most southern point of the Wallowa Lake area in Northeastern Oregon for state park purposes. This property encompasses the local park unit's Maintenance shop on the east side of the Wallowa Lake Highway/Powerhouse road and is the majority of the Little Alps Day Use area on the west side of the Highway. In April of 2021, OPRD partnered with Pacificorps to assume management of an additional 6.1 acres of property that contains a small overnight tent camp adjacent to the current leased lands.

Pacificorp's roughly 10 site Wallowa Falls campground is an important asset to OPRD's operations in the Wallowa Lake area as it adds additional tent camping capacity to an area where primitive camping experiences are getting more difficult to find. This 6.1 acres also connects current OPRD holdings up to two very important features: the Eagle Cap Wilderness Area and the Wallowa Falls on the West Fork of the Wallowa River.

In mid-March of 2020, OPRD staff including Deputy Director MG Devereux, Mountain Region Manager J.R. Collier and Eastern District Manager Matt Rippee met in Portland at Pacificorps headquarters to discuss interest in acquiring these parcels currently under lease. Due to the COVID-19 pandemic and ensuing budgetary crisis, that process was put on hold. At this time, we are planning on re-starting that process with our partners at Pacificorps.

Acquisition of these properties will give OPRD the ability to expand our recreation footprint in one of the most highly visited areas in Northeastern Oregon, help protect areas that have significance to both our local tribal partners and to the residents of Wallowa County and to provide a crucial connection between us and the federal wilderness boundary.

OPRD staff will begin discussion with Pacificorps regarding purchasing of these parcels and plan to begin the appraisal process to determine a potential purchase price. The appraised value will be shared with the Commission at that time. OPRD's offer to acquire, subject to Pacificorps and the Commission's final approval, will be at the value established by this appraisal.

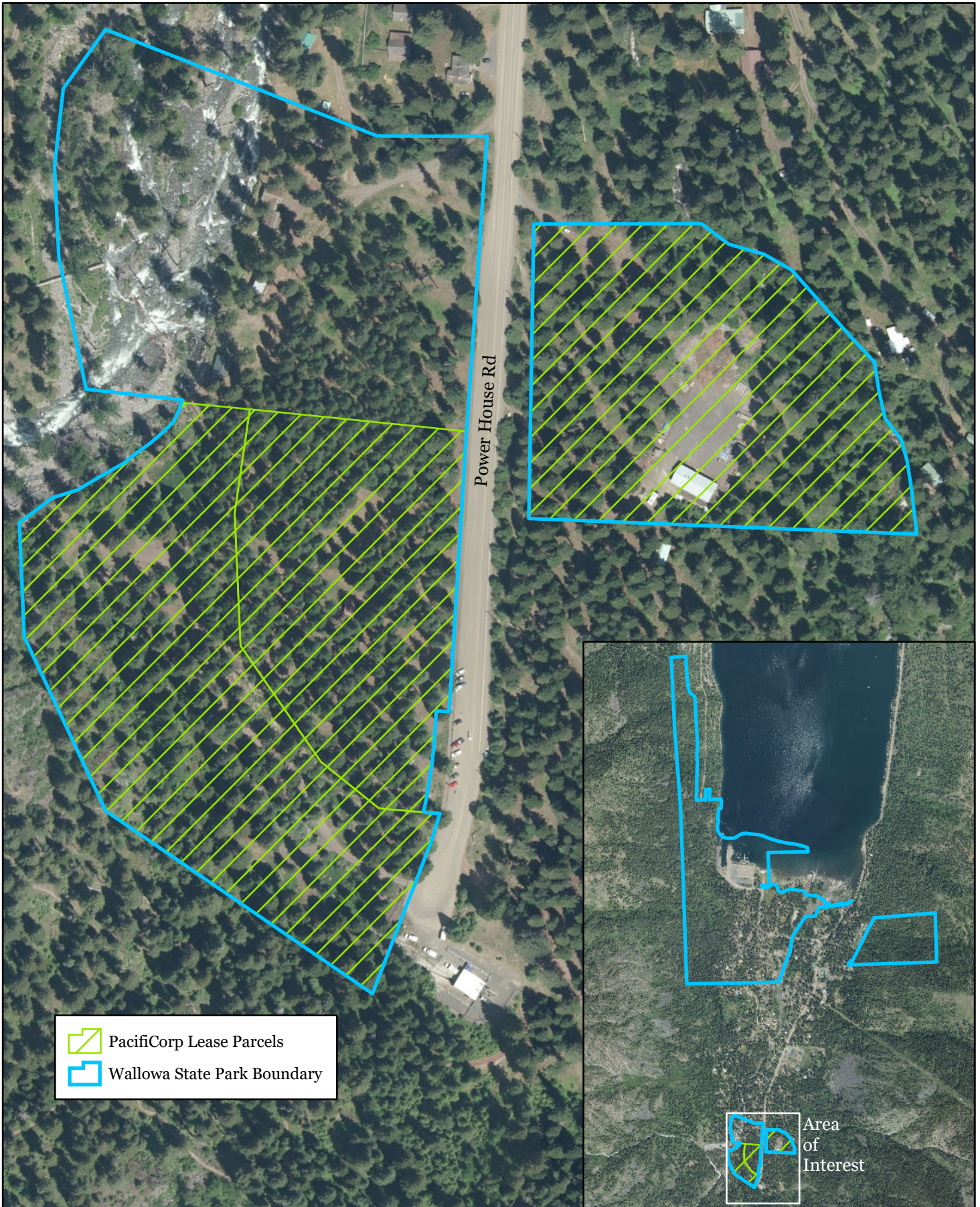
Prior Action by Commission: None

Action Requested: None

Prepared by: J.R. Collier

5a - Wallowa Falls Campground

Oregon Parks and Recreation Dept.
725 Summer St. NE, Suite C
Salem OR, 97301



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Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 5b

Information

Topic: Gleason Pool & Park update

Presented by: Tabitha Henricksen

Located in John Day (City), Gleason Pool and the surrounding green space have been managed as a city park by the JC/CC Parks and Recreation District (District). In the last 5 years the District and City began work towards a significant expansion and update of their parks and open spaces, including plans for a new aquatic center at the site currently known as ‘7th Street Park’ that would replace the old pool facility. The City has interest in selling the Gleason Pool & Park site to OPRD as part of an expansion of the Kam Wah Chung State Heritage Site (KWC). The focus of the District’s integrated parks system “...to improve the overall health of our community and honor our heritage as a historic ranching, mining and timber community” is in keeping with the continued stewardship goals of KWC as outlined in the Master Plan.

The City’s property adjoins all of the four, smaller parcels that currently compose the state park and was identified as part of The Planning Area in the 2009 KWC Master Plan. At 3 acres, the property connects OPRD ownership, almost triples the size of the existing ownership, provides access via Canton and Third Streets, and creates enhanced options for traffic flow and visitor services. OPRD is currently leasing off-site interpretive and artifact storage space. Acquisition of the Gleason site would allow OPRD to develop a visitor center with expanded capacity for curation, exhibit and staff facilities, as well as much needed parking. To that end and in response to requests from the City, OPRD staff contracted with Pinnacle Architecture to perform a feasibility study for this proposed facility in February of 2021. (Currently this study is in draft stage.)

In Spring of 2019 OPRD had the Gleason Pool & Park site appraised. The property was valued between \$50,000 and \$85,000 - depending upon the stage of decommissioning of the defunct pool at the time of purchase. The City and OPRD were not able to come to agreement and the financial concerns and staffing availability of OPRD through the COVID-19 pandemic created additional delay. Property staff will be contracting a new appraisal (in keeping with ORS 736-019-0100) to confirm current market value for this potential acquisition.

Attachment: Images & Map

Action Requested: None

Prior Action by Commission: None

Prepared by: Tabitha Henricksen

From: <https://jdccparksandrec.org/integrated-parks-system/>:

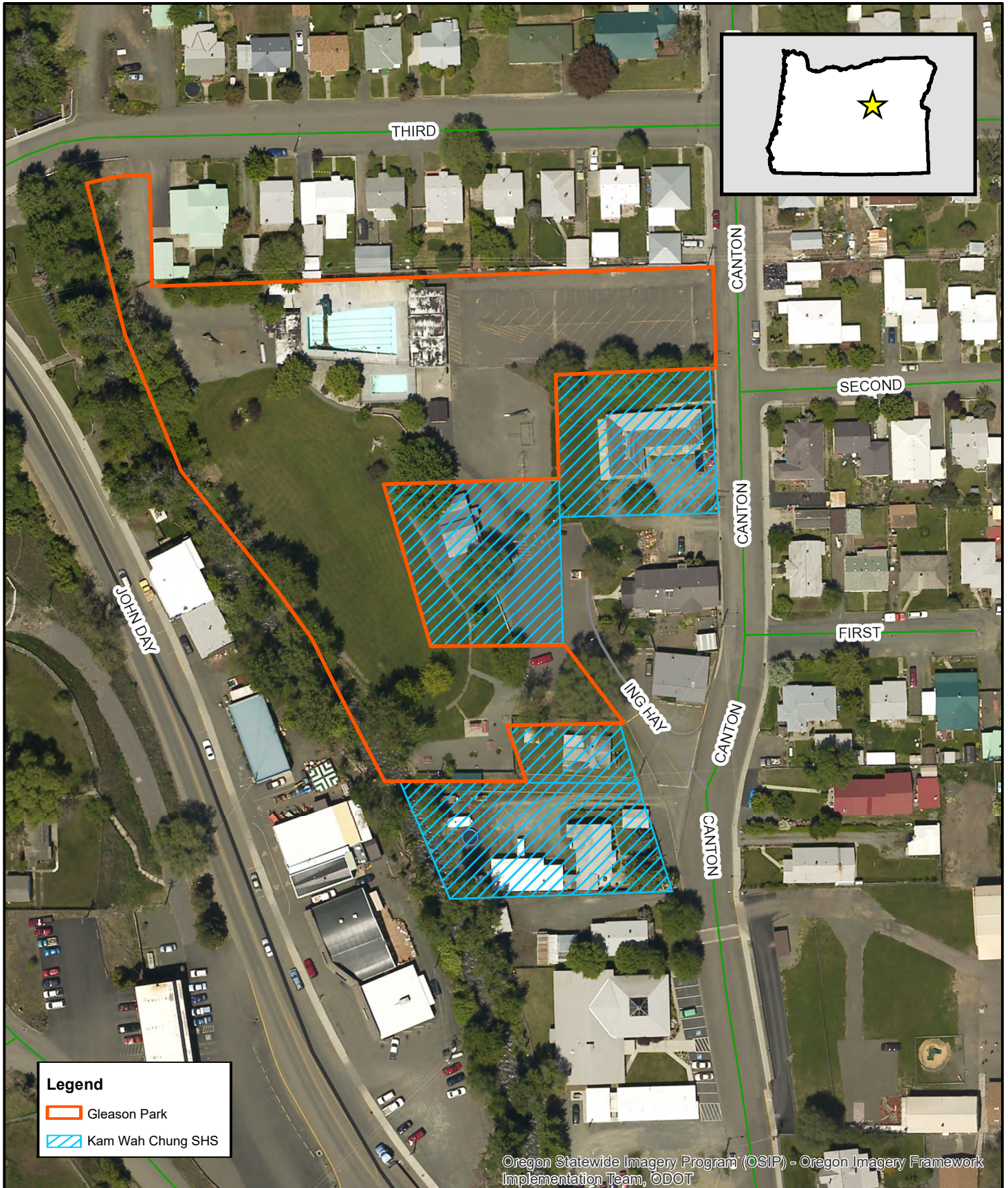


Potential acquisition (from previous appraisal, performed by Greg Moore):

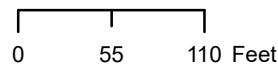


Gleason Park

Oregon Parks and Recreation Dept.
725 Summer St. NE, Suite C
Salem OR, 97301



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NAD 1983 Oregon Statewide Lambert Feet Intl



E:5/28/2021

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 5c

Information

Topic: Prineville Resort Property – Prineville Reservoir

Presented by: J.R. Collier, Mountain Region Manager

OPRD manages the complex of parks and properties around Prineville Reservoir under an agreement with the Bureau of Reclamation (BoR) who is the property owner. This agreement was last renewed in 2011 for a period of twenty-five years. OPRD manages the property for recreation and the BoR supports that mission by providing support in the way of maintenance and operations funding that in the current biennium accounts for roughly 16% of the unit's 2 million dollar operating budget. In addition, the BoR can provide maintenance assistance grants as funding allows to help with capital improvement projects on the property.

In 2019, the BoR approached OPRD and asked us to consider assuming management of additional land around the reservoir that had been in use as a private concessionaire operating a small campground, lodging and marina area known as the Prineville Resort. The operator of the Resort terminated his agreement with BoR and the property was vacated. BoR let us know that they would not be seeking to renew an agreement with private concessionaires, but they would like to add this property to our existing agreement with them. Staff recommended taking on this property as it gives OPRD oversight of the entire reservoir area with the exception of one small collection of homes. An amendment to the master lease was executed in June of 2020, adding the Prineville Resort property under OPRD's management.

Once the amendment was processed, OPRD staff has been working with BoR to create some cost estimates to make improvements to the resort property as it had fallen into disrepair. These estimates were around natural resource restoration/invasive weed control, campground improvements, marina facility improvements and boat launch and dock replacement. Those estimates were used to create an assistance agreement funding plan that could be implemented as the two agencies procure funding. These agreements call for BoR to provide a 25% match to funds OPRD invests into projects. The initial agreement covers the next five years and could result in up to 1.7 million dollars in matching funds from BoR as OPRD makes improvements to the Resort area. OPRD signed the initial agreement which accounts for up to \$100,000 in funding from BoR but additional renewals of the agreement will likely need approval from the commission due to the amounts involved. These funds are match funds and are only obligated as we proceed with projects at the subject property.

Prior Action by Commission: None

Action Requested: None

Prepared by: J.R. Collier

Prineville Reservoir Resort

Phase I Improvements

By: Darrell Monk

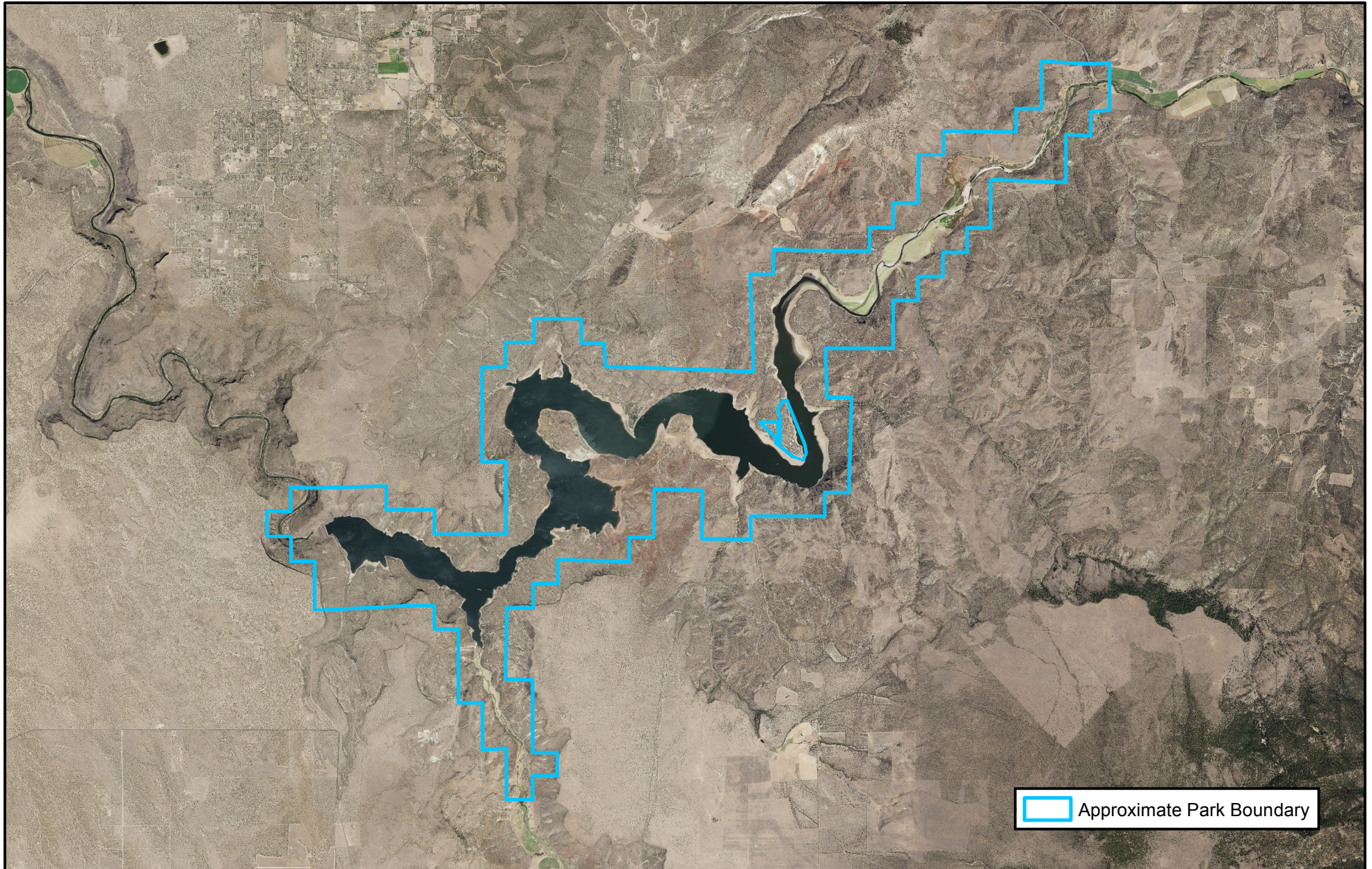
April 29, 2020

Cost Estimate (Budgetary Purposes Only)

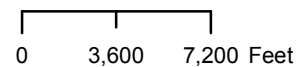
Item #	Description	Qty	Unit	Unit Cost	Total Cost
Misc Project Costs					
1	Mobilization (8% of Construction Cost)	1	LS	\$125,000.00	\$125,000.00
2	Design - Construction Documents	1	LS	\$250,000.00	\$250,000.00
3	Permitting	1	LS	\$10,000.00	\$10,000.00
4	Survey - Topographic & Bathymetric	1	LS	\$50,000.00	\$50,000.00
5	Survey - Project Stakeout	1	LS	\$20,000.00	\$20,000.00
Misc Project Costs - Total					\$455,000.00
Boat Ramp Improvements (2-Lane w/ Self Adjusting Docks)					
6	Erosion Control - Silt Fence	600	LF	\$5.00	\$3,000.00
7	Earthwork - Site Preparation	1	LS	\$20,000.00	\$20,000.00
8	3"-0" Crushed Base Rock	3,200	Tons	\$30.00	\$96,000.00
9	3/4"-0" Crushed Base Rock	350	Tons	\$40.00	\$14,000.00
10	Class 700 Riprap	500	Tons	\$75.00	\$37,500.00
11	Geotextile Fabric	5,000	SF	\$0.50	\$2,500.00
12	Cast-In-Place Concrete Launch Ramp (46.5' x 225')	10,465	SF	\$20.00	\$209,300.00
13	Self-Adjusting Concrete Guideway	205	LF	\$125.00	\$25,625.00
14	Trench Drain	50	LF	\$150.00	\$7,500.00
15	Self-Adjusting Wood Boarding Dock System (6' x 60')	360	SF	\$125.00	\$45,000.00
Boat Ramp - Total					\$460,425.00
Fuel Dock					
16	Fuel Dock System - Poly-Pipe Dock (8' x 40')	320	SF	\$125.00	\$40,000.00
17	Access Dock from Shore - Poly-Pipe Dock (6' x 80')	480	SF	\$125.00	\$60,000.00
18	Anchoring System	1	LS	\$5,000.00	\$5,000.00
19	Fuel Pump, Hoses, Electrical and Controls	1	LS	\$20,000.00	\$20,000.00
Fuel Dock - Total					\$125,000.00
Marina (60 Slips)					
20	Concrete Abutment	1	LS	\$20,000.00	\$20,000.00
21	Access Dock from Shore - Poly-Pipe Dock (6' x 120')	720	SF	\$125.00	\$90,000.00
22	Main Walk - Poly-Pipe Dock (8' x 224')	1,792	SF	\$125.00	\$224,000.00
23	Finger Main Walk - Poly-Pipe Dock, 3-Total (8' x 115')	2,760	SF	\$125.00	\$345,000.00
24	Fingers - Poly-Pipe Dock, 20-Total (3' x 20')	1,200	SF	\$125.00	\$150,000.00
25	Anchoring System	1	LS	\$25,000.00	\$25,000.00
Marina - Total					\$854,000.00
Wave Attenuator - Marina					
26	Wave Attenuator Log Boom	800	LF	\$60.00	\$48,000.00
27	Anchoring System	1	LS	\$15,000.00	\$15,000.00
Wave Attenuator - Total					\$63,000.00
Phase I Total:					\$1,957,425.00

Prineville Reservoir State Park

Oregon Parks and Recreation Dept.
725 Summer St. NE, Suite C
Salem OR, 97301



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



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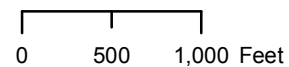
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Restoration Strategy

PRINEVILLE RESERVOIR RESORT

OREGON STATE PARKS STEWARDSHIP SECTION

Project Description

Prineville Reservoir State Park acquired a BOR property, known as Prineville Reservoir Resort (PRR) in 2020, greatly extending the state park property ownership from Jasper point. The property acquisition provides a tremendous opportunity for expanded recreational access, but with it also comes much needed maintenance and restoration particularly regarding the natural resource assets. PRR was transferred to OPRD's ownership in less than ideal condition. The main entrance area with great water access, a boat launch, camp sites and other facilities are a wasteland of weeds, creating accessibility and fire issues before the property was even officially transferred to OPRD.



Figure 1: Weed infested field near the main entrance and campground.



Figure 2: Broken juniper limbs and fuel management needs in Area A

Restoration work is imperative to prevent sedimentation, soil erosion and the encroachment of invasive plant species into existing quality native habitat. Effective restoration of the site will improve operations and recreational opportunities, while providing enhanced ecological resilience for the surrounding terrestrial and aquatic habitat. An impressive diversity of flora and fauna has been recorded in the area. Notable wildlife species found in or nearby include nesting bald eagles, tricolored blackbird, osprey, golden eagles, long-eared myotis bat, elk, pronghorn antelope, mule deer and cougar.

The property has an intensely used waterfront area and a less disturbed larger area that is set back and further uphill from the water. The most disturbed and in need of intensive restoration is the main entrance and RV-camper lots (Area A on Map 1). The 20-acre area consists of the main facilities and campgrounds which are dominated with weeds; the mature western juniper trees are the only notable species of value worth preserving. The less disturbed natural areas of the property are primarily dominated by shrubland and woodland habitat, including western juniper (*Juniperus occidentalis*), antelope bitterbrush (*Purshia tridentate*) big sagebrush (*Artemisia tridentata*), gray and green rabbitbrush (*Chrysothamnus nauseosa* and *C. viscidiflorus*), bluebunch wheatgrass (*Pseudoroegneria spicata*), Idaho fescue (*Festuca idahoensis*), Sandberg's bluegrass (*Poa secunda*), Thurber's needlegrass (*Achnatherum thurberianum*), common western needlegrass (*Achnatherum thurberianum*), and bottlebrush squirreltail (*Sitanion hystrix*). A variety of forbs are present including Douglas phlox (*Phlox douglasii*), threadleaf fleabane (*Erigeron filifolius*) and tansy leaf evening primrose (*Oenothera tanacetifolia*). Known non-native species are primarily cheatgrass (*Bromus tectorum*), Russian thistle, prostrate knotweed (*Polygonum arenastrum*), puncturevine (*Tribulus terrestris*), tumble mustard (*Sisymbrium altissimum*), bur buttercup (*Ceratocephala testiculata*), common teasel (*Dipsacus fullonum*), scotch thistle (*Onopordum acanthium*) and cereal rye (*Secale cereale*).

Rehabilitation Plan

Major components of the rehabilitation include developing an Integrated Pest Management (IPM) strategy to effectively treat and eradicate non-native invasive pests. The primary targets would include bur buttercup, knapweed, puncturevine, Russian thistle, scotch thistle and tumble mustard and invasive annual grasses. After a few years of intensive treatment and monitoring seeding and replanting can be done to re-establish native plants that, if successful it will help to compete against and offer control from future invasive exotics. A robust native plant community will provide enhanced ecological functionality and wildlife habitat to reduce operational maintenance needs and improve the overall recreational experience of the property.

The most important consideration is that once a strategy is agreed upon and control begins the work must be carried out consistently year after year. Interrupted efforts and inadequate treatment will set the work back and require additional funds to achieve the end results. The attached map shows the PRR area (Map 1) and the proposed treatments (Table 1).

The 20-acre area ("Area A" on Map 1) should be treated with a multi-pronged strategy that includes annual monitoring and assessments to adjust the treatment as needed. Initial removal of dead woody debris is imperative to then treat the new-growth and prevent any incoming invasive plants to go to seed. Manual, chemical, biological and cultural control methods will prevent new generations of weeds and eliminate the success of viable seeds in the soil. A minimum of 2-years of intensive weed control work is necessary before any planting or re-seeding work can begin. Once the soil bed is exhausted of noxious weed seeds, drill seeding of natives and planting of shrubs will be done to facilitate natural succession. Landscaping can be done to accommodate the operations and public use of the site to ensure that vegetation compliments the use of the property in a way that provides aesthetic beauty, privacy, soil stability and other functional considerations. If native desirable species are not planned appropriately and successfully established the maintenance will be high and the functionality of the space will be limited.



Figure 3: Area A by the main entrance



Figure 4: Area B uphill from the main entrance

The larger, more natural area ("Area B" on Map 1) consists of mostly in-tact natural vegetation with mature trees, shrubs and an established understory of bunchgrasses and forbs. This site, roughly 29-acres, would benefit from some annual grass control treatment in early spring (February-March chemical application). A small patch of medusa-head grass was located (Paul Patton) and should be treated and monitored for eradication. Ongoing work monitoring and

mapping any notable invasive species, targeted spot spraying of invasive pests and limbing of juniper trees for fuel reduction as desired.

The work can be achieved through help of local partners, contractors and park staff as needed and as available. Recreational use and fuel-risk reduction are of prime consideration. On other park property in North Central District, OPRD staff has worked collaboratively with county, regional and state offices to address management of fire, forestry, and noxious weeds. Partnering with outside and community stakeholder groups, such as student and conservation organizations, has been an affective route to achieving desired outcomes on OPRD property while strengthening relationships with important stakeholder groups. All work proposed should be done in partnership with the BOR to prevent or mitigate any impact to cultural resources on site.

An outline of the project treatment recommendations, including timing and target species is included in Table 1. Table 2 contains a more detailed description of each treatment, most of the work is recommended for “Area A”. The restoration work will take a minimum of 4-5 years, however ongoing maintenance of the site will continue as needed. Vegetation enhancement treatments will include herbicide application, seeding and shrub plug plantings. Herbicide will be applied using either backpack, a boom sprayer or hose and reel attached to an ATV.

The main seeding of Area A will occur 2-3 years after the strategy begins. A combination of a drill seeder driven by an ATV and hand crank broadcast seeder in sensitive and/or rocky, steep areas. Additional seed will be broadcast on an as-needed basis after targeted follow-up herbicide application. Plug planting will supplement the shrubs to help establish mature plants more quickly. The recommended seed mix is included in Table 3.



Figure 5: tansy-leaf evening primrose along the reservoir

Table 1. Treatment Schedule

Year	Timing	Lead	Action	Priority species
Year 1-3	Fall	Park host and staff	Burning and/or chemical control of target species	Knapweed, prostrate knotweed, tumble mustard, prickly lettuce
	Spring	Contractor	Pre-emergent chemical control and burning as needed	Puncturevine, bur buttercup, annual grasses, whitetop, mustard, medusahead grass
	Summer	Park host and staff	Remove dead debris and fuels Continued post-emergent weed control by tilling, chemical and manual control	Russian thistle, knapweed, thistle, mustard, common mullein, scotch thistle
Year 3-4	Fall	Contractor, park staff	Post-emergent chemical (restricted residual effects) application and mechanical removal to control noxious weeds and annual grasses	Knapweed, fuller's teasel, knotweed, thistle
			Site prep work as needed (decompaction or tilling)	
	Winter	Contractor, park staff	Select native seed mix for site (purchase from Benson Farms or Deschutes Basin Native Seed Bank)	Sandberg's bluegrass, bottlebrush squirreltail, basin wildrye, Idaho fescue, western needlegrass
			Drill and broadcast seed across site	
	Spring	Contractor, park staff	hydromulch application 2,000 lbs/acre to create a weed barrier, retain moisture and improve seeding rates	
			Broadcast contact treatment of annual grasses when they emerge (Feb-March) but before any natives germinate	Cheatgrass, medusahead, cereal rye
	Summer	Contractor, Staff	Spot spraying and manual removal of target pests	Russian thistle, mustard, puncturevine, whitetop
			Order grow-out of shrubs (clearwater or Wintercreek nurseries) and purchase any additional native seed supply	Bitterbrush, rabbitbrush, sagebrush
	Fall	Contractor	Shrub planting as desired	
	Winter	Contractor, park staff	Re-seed/hydromulch areas with low germination or to add diversity	Common yarrow, Douglas phlox, fleabanes, arrowleaf balsalmroot, etc.
Year 4-5	Ongoing	Contractor, park staff	Ongoing monitoring and treatment of noxious invasive plants.	

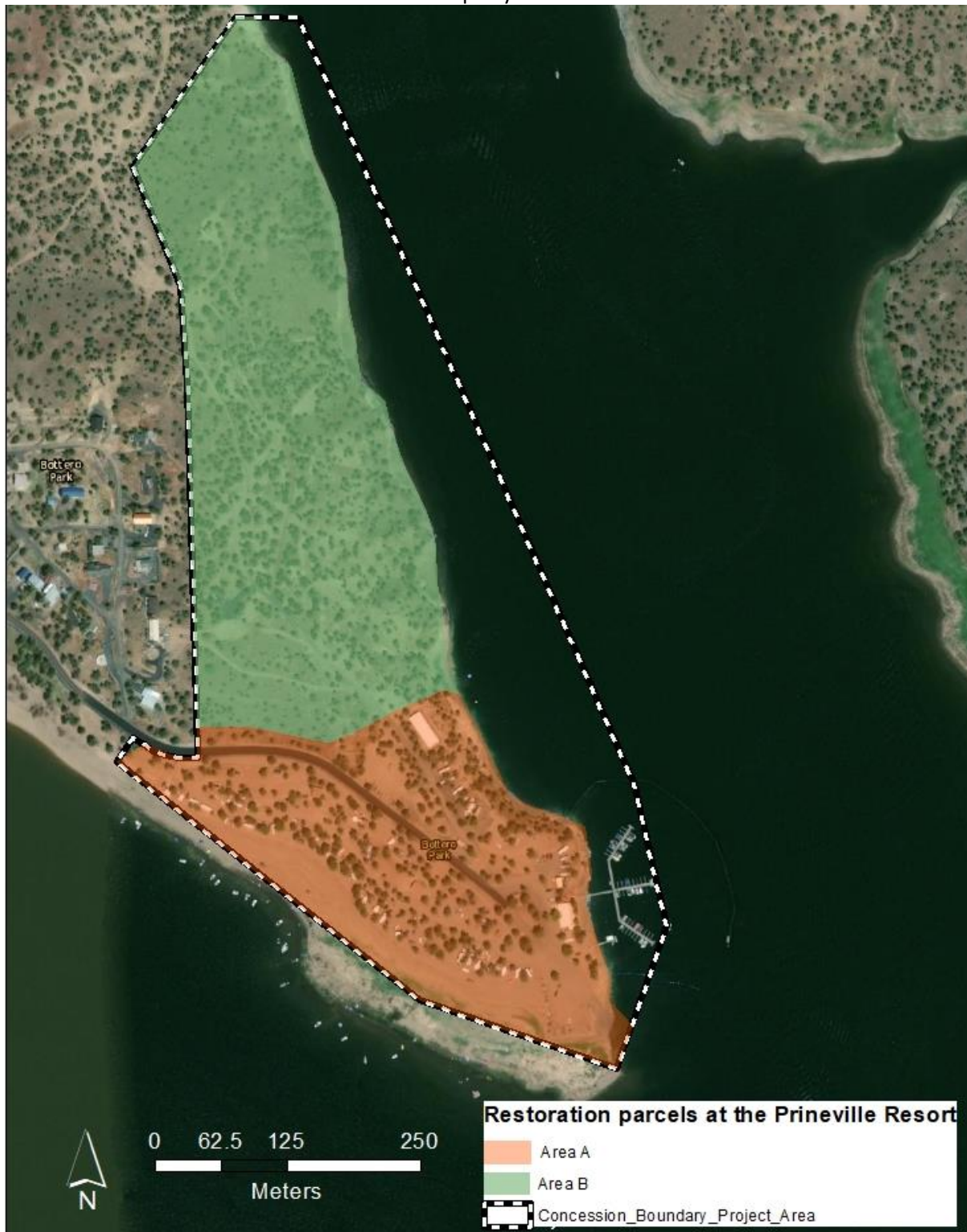
Table 2. Proposed Actions.

Action	Methods	Soil Disturbance
Broadcast spray and soil additives	Via ATV with boom and hose or backpack. Herbicides could include: Plateau, Glyphosate, Glyonophosphate, Vastlan, Milestone	Some surficial compaction, depending on soil moisture. No work will be done if tracks result in greater than 5 cm of compression is observed in the tracks.
Spot spray	Small crews 1-2 will be employed with backpack sprayers during the growing season to spot spray.	No soil will be disturbed.
Woody debris mgt.	Small crews 2-3 will be employed to limb up trees and fell any that are hazardous.	Some surficial compaction.
Seeding	Drill or no-till seeder with ATV and rotary sprayer and/or hand crank seed grinder	Some surficial compaction, depending on soil moisture. No work will be done if tracks result in greater than 5 cm of compression is observed in the tracks.
Planting	Crews with hand tools such as shovels, trowels, dibbles and hoe/rake cultivators.	The shrubs will be in 1 gallon containers that have a 6.7 in. (17 cm) diameter and (16 cm) 6.3 height. The holes will likely be at least twice the container size. The disturbed soil will be placed back around the plant.
Access and Staging Areas	All site access will utilize the existing roads. The loading and unloading of equipment will also occur on the exist roads and trails.	No soil will be disturbed.

Table 3. Seed Mix Recommendation.

Species	% of Mix
Sandberg's bluegrass	18.5%
Bluebunch wheatgrass	18.5%
Basin wildrye	18.5%
Bottlebrush squirrel tail	37%
common western needlegrass	7.4%
Seeding rate of 11-13 lbs. per acre with an additional 4 lbs. of rice hulls added for the drilling. Total weight of 15-17 lbs. per acre.	

Map 1: Restoration Areas at the Prineville Resort Property



Prepared by B. Tinsley 06/29/2020

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 6a

Information

Topic: State Scenic Bikeways update

Presented by: Chris Havel

The Oregon Parks and Recreation Department established the nation's first state scenic bikeway designation program, recognizing mostly-on road routes through a broad range of Oregon landscapes.

Today, there are 17 designated routes established in cooperation with local proponents, county and city governments, the Oregon Department of Transportation, and Travel Oregon, among other partners. OPRD administers the program with crucial help from a volunteer advisory committee which reviews and recommends proposed routes. The program is a model of collaboration that has encouraged participation in this form of outdoor recreation.

Just before COVID-19 intruded, the advisory committee adopted a new strategic plan (see attachment).

The staff position that coordinated this program is currently vacant. In the face of agency layoffs and unstable revenue, OPRD executives directed a top-to-bottom review of programs to prioritize staff time along three lines:

1. Delivering state park system services.
2. Operating the State Historic Preservation Office.
3. Fulfilling obligations assigned to the agency by state and federal law.

For programs and services that are not **strongly** and **directly** related to one of these priorities, OPRD is looking for opportunities to strengthen or establish relationships with partners who may have a strong vested interest in the success of a particular program. That's the case with scenic bikeways, which is a program established through administrative rule, rather than directed by statute. It's important and valuable, and there are ways to fulfill its goals by **sharing administration** with partner rather than owning it so entirely.

To that end, OPRD staff are working with Travel Oregon, the Oregon Department of Transportation, the advisory committee chair, and Cycle Oregon to:

1. Review the **program goals** and strategic plan, and
2. **Restructure** in such a fashion as to improve its outcomes while
3. Partnering with **Cycle Oregon** to administer the program through a formal agreement.

Details will follow as they develop, but OPRD imagines this will include streamlining the particulars of the program and broadening the goals to encourage participation among the full range of Oregon's diverse community.

Prior Action by the Commission: Approval of number scenic bikeways as recommended by the Scenic Bikeway Advisory Committee.

Action Requested: None

Prepared by: Chris Havel

Oregon Scenic Bikeways Program

Strategic Plan

2020-2025



Mission: The mission of the Oregon Scenic Bikeways Program is to establish a thriving, lasting collection of the best places to ride a bicycle in Oregon.

Vision: Oregon's Scenic Bikeways Program is a superb collection of cycling routes that inspire people to experience Oregon's natural beauty and cultural heritage by bicycle, and offers economic and social benefits to the state's communities and residents.



Program Overview 2009-2020

The Oregon Scenic Bikeways System The Program was established in 2009 after the legislature passed Oregon Administrative Rule #736-009-0025. The Program celebrated its 10th anniversary in 2019 in the Capitol galleria highlighting the network of 17 routes that showcase Oregon's breathtaking landscapes, cultural treasures, and western hospitality. The program remains the nation's best example of a statewide recreational road cycling network. Our success has been motivating other states to adopt and adapt our model to develop similar programs.

The unique program shares responsibility and leverages agency and community resources. It succeeds because of the emphasis on collaboration, resulting in a low-cost high return. The Program is managed by the Scenic Bikeway Coordinator, an OPRD employee dedicated half time to work collaboratively with local proponent groups, agency leadership, advisory committee members, and the general public.

Everything needed to plan a Bikeways adventure is located online including detailed, downloadable maps and GPS files, short videos describing each bikeway, information on State Park facilities, bike-friendly lodging, camping, dining and more, Guide and shuttle companies, and local cycling events.

As the program approached its 10th anniversary, the staff and committee agreed to pause accepting new proposals until a review of the program was completed and the strategic plan was updated. During the pause the Committee has reviewed and analyzed the Program, performed a SWOT analysis, and offers recommendations to help the Program shift from the first ten years of development into the next phase of oversight, management and promotion.

Strengths and Results

- **17 designated routes** met rigorous criteria resulting in a portfolio of five extreme, three challenging, eight moderate, and one easy route throughout the state. Once designated each route is reviewed every five years as mandated by the OAR to ensure it still meets criteria.
- **Active Bikeways Advisory Committee** is comprised of founding partners, road managers, recreation agencies, business owners, tourism professionals, and cycling enthusiasts meets regularly and provides expertise, input, evaluation, and reporting for the program.

- **Proponent Groups** represent the local agencies and advocates who develop and promote the routes. Proponents use local knowledge and experience to design and propose routes and related promotional activities. Currently seven Bikeways hold annual events.
- **Development and Marketing** has put the program literally on the map. Travel Oregon played a key role in developing and marketing the program. They held Bicycle Tourism Studios in all Bikeways communities and led the creation of an economic impact report, which found that Bikeways generated \$12 million annually.

Priorities and Opportunities

- **Communication and Promotion** of new routes, Economic Impact reports, Annual Surveys/Reports, promotional campaigns, program successes, best practices, and impacts is essential to maintain support and to continue to build ridership.
- **Proponent Engagement** has lapsed with staff changes at OPRD and other key agencies, causing loss of connection and threatening ongoing designation. An annual conference last held in 2015 has been the key method for supporting proponents and connecting best practices.
- **Route Criteria** is rigorous and favors remote and challenging routes. An additional 18 routes were proposed but did not meet criteria. More mild routes are desired in the portfolio as well as ways to create “second tier” routes that may not be formally designated but could still be promoted.
- **Partner Agency engagement** has changed as staff have changed and as the program has evolved. There’s a need to re-engage with partners at the committee and individual level to clarify roles and commitment.

Strategic Priorities 2020-2025

1. Align and integrate Scenic Bikeways into partner agencies’ strategic, communications and funding plans.
 - A. Identify and promote funding opportunities to individual routes and system-wide (Founding Partners, OOR Linkages, RTP, FHWA FLAP, etc.)
 - B. Identify opportunities to promote Bikeways through partners (e.g., Travel Oregon, OOR, RDMOs, etc.)

2. Re-engage and re-energize proponents.
 - A. Hold annual conference or similar to support proponents and share best practices.
 - B. Conduct five year reviews to ensure existing system continues to meet criteria.
 - C. Conduct annual survey to gather regular input from proponents and users.
 - D. Provide and promote access to funding opportunities.
3. Develop route portfolio to increase easy routes and geographic representation.
 - A. Accept new proposals for designation. As long as routes meet criteria they can be designated.
 - a. Add more easy routes. Consider designating bikeways within State Parks, including Fort Stephens, Champoeg, and other separated bikeways. May require updates to criteria.
 - B. Develop “second tier” routes through RidewithGPS Ambassador routes, or similar.
4. Promote Bikeways locally, statewide, and nationally.
 - A. Produce, distribute and promote annual report to share program impact.
 - B. Identify promotional campaign opportunities with relevant partners.
 - C. Evaluate and update Advisory Committee membership to reflect current program needs.
5. Evaluate Advisory Committee membership and update to reflect Program needs.

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 6b

Information

Topic: Driftwood Beach SRS-Easement to OSU/PacWave Update

Presented by: Trevor Taylor

Driftwood Beach State Recreation Site is an approximately 27-acre state park site located north of Waldport. The site is improved with a parking lot, restrooms and trail access to the beach. Oregon State University (OSU) is planning to start construction of their PacWave South (Project), the Nation's first pre-permitted, grid-connected wave energy test facility, as early as June, 2021. The Project will be located in the Pacific Ocean, approximately seven miles off the coast of Newport, Oregon. The Project will support up to 20 commercial-scale wave energy converters (WECs) and transfer power to the Central Lincoln People's Utility District (CLPUD) electrical distribution system. OSU will utilize Driftwood Beach State Recreation Site (Driftwood) in Seal Rock, Oregon as the subsea cable landing and splicing location.

Final steps in the development of an Intergovernmental Agreement (IGA #8780) and associated Easement are underway, including Department of Justice (DOJ) review, to allow for the installation of a concrete splice vault under the parking lot and installation of the necessary conduits and cabling needed for the project. OSU has received an ocean shore alteration permit (#2920) from OPRD for conduits underneath the beach adjacent to Driftwood and all other necessary state and federal permits and authorizations. Construction operations at Driftwood will occur in three phases, occurring over separate time periods.

Phase A, is anticipated to take approximately 8-10 months (but not to exceed one year) and will involve the construction work to install the underground project components utilizing Horizontal Directional Drilling (HDD) and related equipment. The expected extent of disturbance from the Phase A activities will be the entire paved parking area and sidewalks at Driftwood. During Phase A, the park will be open for pedestrian beach access and an on-site porta-potty will be maintained by OSU for park visitors outside of the construction zone. The park website will have updates on the closure and links to the Project website at: <http://pacwaveenergy.org/>. Interested members of the public can ask to be on an e-mail list for regular Project construction updates. OSU held two public virtual open-house webinars on May 10th to provide project updates in partnership with OPRD staff to present about impacts to the park. OSU is responsible for all community relations related to the project itself, while OPRD will be responsible for keeping people informed about the status of park services during construction.

Phase B will involve installation of cables (both subsea and terrestrial) into the previously installed conduit and splice vault infrastructure. Phase B operations are not expected to cause site disturbance beyond a partial closure of the parking lot for safety reasons. Phase B is not to exceed 180 days. Once installed and tested, there is no routine maintenance required in the splice vaults, as the cables and splices have an expected life beyond that of the project (25 years). Therefore, recreational use of the parking lot will not be impacted once cables are installed (i.e., after Phase B). The only visible impact of the installed underground infrastructure at Driftwood will be the five manhole covers at grade level within the parking lot itself. These will be similar to utility manhole covers used in roadways, parking lots and sidewalks.

Project monitoring period (Phase C) is predicted to be 25 years and OSU will be responsible for decommissioning of the Driftwood Infrastructure, including the splice vault at the time of early Project termination or at the end of the 25 years of Project's FERC licensing (whichever occurs first) in accordance with the Decommissioning Plan. There will be no use restrictions resulting from the installed underground project infrastructure and no adverse impact to the public's outdoor recreation experience at the site post installation.

Improvements to the park system as required by OAR 736-019, will be implemented upon completion of Phase A of the project and include:

- Funding in the amount of \$10,000 for habitat restoration work at Driftwood.
- Replacement of the parking lot and sidewalks, including resurfacing of all areas currently paved for vehicle use, both disturbed and undisturbed by Project activities.
- Repair and upgrade of the drainage/stormwater system on the western edge of the parking lot.
- A ramp and pathway that provides access from the parking lot to the restroom facility, based upon current ADA standards
- A viewing platform for visual access to the beach and ocean near the southwestern edge of the parking lot.

Prior Action by the Commission: Informational item April 17, 2018, action item November 20, 2019 approving the easement subject to OSU meeting obligations and provisions outlined by staff. Delegated Authority Report from April 15, 2020 included Ocean Shore Alteration Permit #2920.

Action Requested: None

Prepared by: Laurel Hillmann and Trevor Taylor

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 6c

Action

Topic: County Opportunity Grant Awards

Presented by: Daniel Killam, Deputy Director of Administration

Background:

The County Opportunity Grant Program (COGP) is funded by a portion of Recreational Vehicle Licensing Fees as prescribed in Oregon Administrative Rules – Division 7: 736-007-0000 through 736-007-0040. The program provides grant funding on a project basis for the **acquisition, development, rehabilitation, and planning** of county park and recreation sites that provide camping facilities. All Oregon Counties are eligible applicants. Counties must provide a 25% or 50% match depending on County population.

The seven-member County Parks Assistance Advisory Committee reviews applications and recommends funding priorities. For the FY2021 County Opportunity Grant cycle, \$1,307,685 is available for grants.

Five County Opportunity Grant applications were submitted to OPRD totaling \$1,312,802 in funding requests. After scoring project applications against established criteria, four of the five projects are recommended for funding. The total amount recommended for funding is \$862,801. The remaining available grant balance of \$444,884 will be carried over to the FY2022 grant cycle.

Prior Action by Commission: In the FY2020 cycle, the Commission approved all four COGP project applications submitted, totaling \$429,840.

Action Requested: Staff seeks Commission approval to award County Opportunity Grant requests as detailed on the attached spreadsheet in the amount of **\$862,801**.

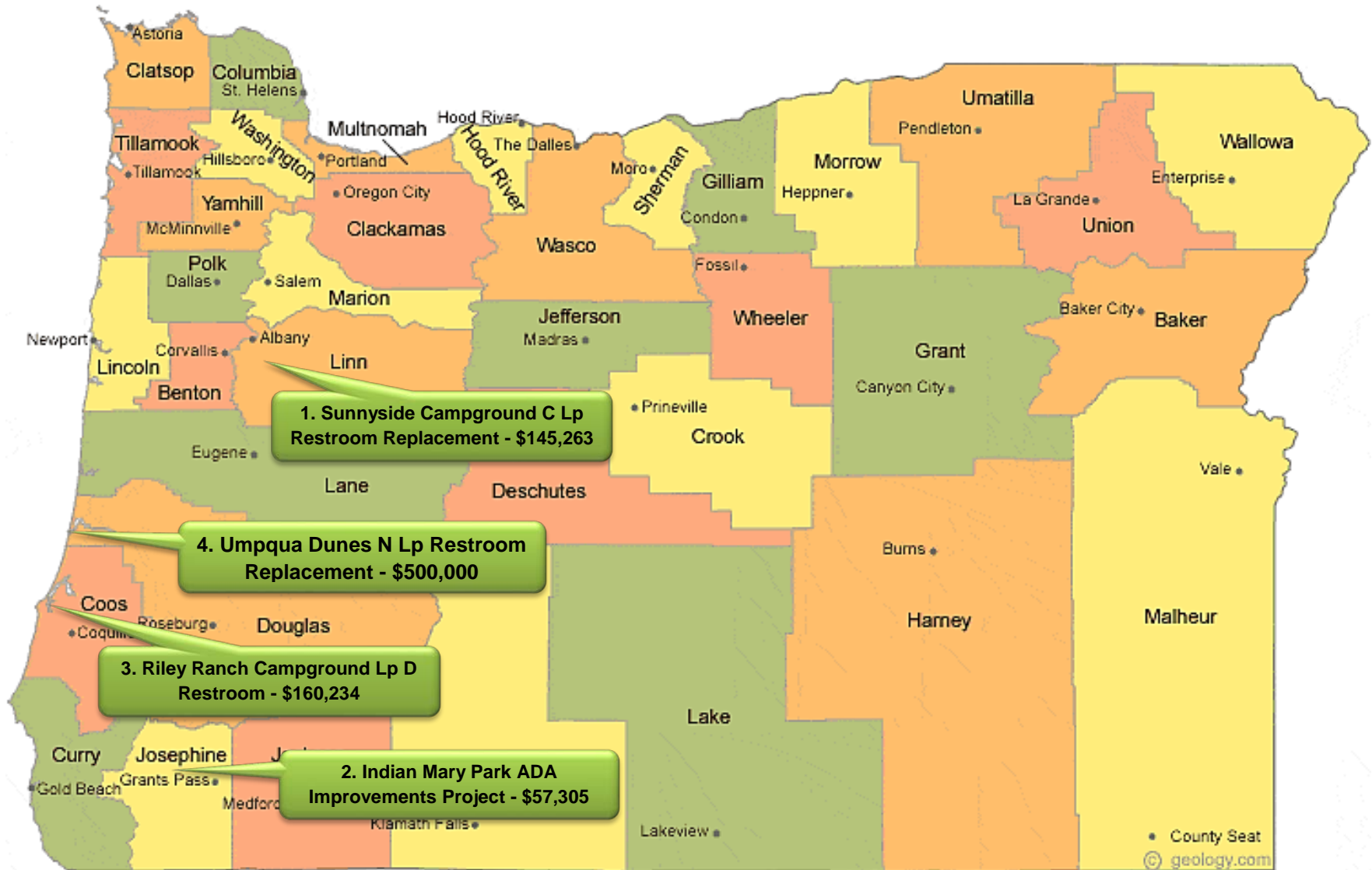
Attachment: **Exhibit A** – County Opportunity Grant Recommendations / Ranking Results
Exhibit B – County Opportunity Grant Award Map

Prepared by: Mark Cowan, Grant Program Coordinator

<p align="center">2021 County Opportunity Grant Program County Parks Assistance Advisory Committee May 25, 2021 Meeting - Ranking Results Funding Available: \$1,307,685</p>						
Rank	Applicant	Project Name	Brief Project Description	Grant Funds Requested	Local Matching Funds	Total Project Cost
1	Linn County	Sunnyside C-Loop Restroom Replacement	The project will replace the existing shower / restroom building with a new shower / restroom building at Sunnyside County Park Campground in Linn County, Oregon.	\$ 145,263	\$ 145,263	\$ 290,526
2	Josephine County Parks	Indian Mary Park ADA Improvements Project	The project will update all ADA designated campground sites, access pathways, restrooms, and multiple day use areas throughout Indian Mary Park in Josephine County, Oregon. The updates will bring all park facilities up to current ADA and ABA Standards.	\$ 57,305	\$ 57,305	\$ 114,610
3	Coos County Parks	Coos County Riley Ranch Loop D Restroom	The project will purchase and install a prefabricated bathroom / shower building with a septic drain field in the Loop D of Riley Ranch County Park campground in Coos County, Oregon.	\$ 160,233	\$ 160,233	\$ 320,466
4	Douglas County Parks Department	Umpqua Dunes - North Loop Restroom Replacement	The project will replace the restroom building and all road and parking surfacing in the North Loop of Umpqua Dunes campground in Douglas County, Oregon.	\$ 500,000	\$ 500,000	\$ 1,000,000
Total Recommended for Funding:				\$ 862,801	\$ 862,801	\$ 1,725,602
Grant Funds Not Recommended For Award Below This Point						
5	Hood River County Forestry Department	Kingsley Campground and Day Use Area	The project will construct a replacement campground with up to 60 RV campsites, up to 7 vault toilets, day use area, and all associated infrastructure elements, at Kingsley Reservoir in Hood River County, Oregon. The original campground was decommissioned in fall 2017 due to the Farmer's Irrigation District expansion of the Kingsley Reservoir.	\$ 450,000	\$ 150,000	\$ 600,000

Grant Funds Available in the 2021 COGP cycle:	\$1,307,685
Grant Funds Awarded in the 2021 COGP cycle:	\$862,801
Grant Funds to be carried over to the 2022 COGP cycle:	\$444,884

2021 County Opportunity Grant Awards



Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 6d

Information

Topic: ATV Program ODF & OSP Transfer Funds Contracts

Presented by: Michele Scalise, Grants & Community Programs Manager

By way of continuing legislative direction (75th Legislative Assembly – 2009), the ATV Program is planning to transfer ATV funds to both the Oregon Department of Forestry (ODF) and the Oregon State Police (OSP) Fish and Wildlife Division through Interagency Agreements. The funding transfer will occur within the 2021 – 2023 biennium contingent upon available funds as determined by the legislatively adopted OPRD budget.

Oregon Department of Forestry: \$1,551,340

OPRD will assist in funding the Off-Highway Vehicle (OHV) program operations on State Forest lands in Northwest Oregon. The transfer of ATV funds will go towards funding the equivalent of six full-time positions, along with the services and supplies to support ODF's motorized recreation program within the Tillamook and Clatsop State Forests.

Oregon State Police – Fish & Wildlife Division: \$894,602

The transfer of ATV funds will be applied to the equivalent of two full-time OSP Fish & Game Officers. This will provide over 8,000 program hours spread over 121 Troopers statewide. Program hours provide patrols on both public & private lands involving ATVs. OPRD recognizes that the majority of work conducted by OSP is in conjunction with their duties associated with hunting and angling activities. OSP patrols include ATV rule education and enforcement, providing information to riders, assisting on medical calls and search and rescue. In 2019, State Police purchased ATVs with transfer funds for many of their troopers in order to access more areas and assist ATV riders.

Prior Action by Commission: None

Action Requested: None

Attachments: None

Prepared by: Ian Caldwell and Jeff Trejo

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 6e

Action

Topic: ATV New Committee Members

Presented by: Michele Scalise, Grants & Community Programs Manager

The All-Terrain Vehicle (ATV) Advisory Committee is made up of sixteen voting members and one nonvoting member representing a wide variety of agencies and disciplines. Two representative positions within the ATV Advisory Committee are currently vacant: the US Forest Service and the Oregon Department of Transportation. Both vacant positions have been appointed by their respective agencies to serve on the ATV Advisory Committee.

The ATV Advisory Committee as directed by ORS 390.565 is tasked with reviewing accidents and fatalities resulting from ATV recreation, reviewing changes to statutory vehicle classifications as necessary for safety considerations, reviewing safety features of all classes of ATVs, and recommending appropriate safety requirements to protect child operators and riders of ATVs.

Recommended Representative on behalf of the US Forest Service: Kevin Rowell

Kevin Rowell has worked for the United States Forest Service in Oakridge since 2004. He started his career on the Trail Crew on the Middle Fork Ranger District on the Willamette National Forest. In 2009 he became the Trails Manager and in 2011 became OHV Program manager. Currently he manages both Huckleberry Flats and Santiam Pass OHV areas as well as other dispersed ATV trails throughout the forest. Over the years, Kevin has received 22 grants from our State Park Program (Note: This position does not make ATV Grant funding recommendations). Kevin has an Environmental Studies degree from University of Oregon. On his own time Kevin has a strong passion for anything trails related and has his own motorcycle and Jeep.

Recommended Representative on behalf of the Oregon Department of Transportation: William (Bill) Warner

Bill Warner is currently the program manager for Roadway Safety, Work Zone Safety, Safety Corridors and Vehicle Equipment Safety Standards for the Transportation Safety Office of ODOT-DMV. Prior to this placement, Bill directed the statewide novice driver education program for ODOT from 2010 to 2021 providing curriculum for both novice driver trainers and novice drivers on their way to receiving their license. He is also the legislative back-up for ODOT's Motorcycle Safety program and has been so for the past 8 years. In the Vehicle Equipment Safety Standards position, he is contact to ask ODOT questions on vehicles, driver habits, and federal standards. Many inquiries involve ATV use on the state highways.

Prior Action by Commission: None

Action Requested: Approval to move forward with the appointment of recommended ATV Advisory Committee Members

Attachments: None

Prepared by: Ian Caldwell and Jeff Trejo

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 6f

Action

Topic: ATV Grant Recommendations

Presented by: Michele Scalise, Grants & Community Programs Manager

The All-Terrain Vehicle Grant Subcommittee met April 8, 2021, via Zoom to review one Development project, two Equipment Purchase projects and one Planning project totaling \$661,948.01. For the 2021-2023 biennium it is estimated that the ATV Grant program will have \$11,042,121 available for ATV grants.

In April, the Commission approved \$9.28 million in grants for Operations & Maintenance and Law Enforcement, which are considered the first priority for funding. With those needs met, there is approximately \$1.75 million remaining for development, planning, emergency medical services and equipment purchases grants. There will be another grant cycle in the fall of 2021, which would have about \$1 million for future projects.

Douglas County has requested a development grant to redesign the 33 RV camping site and replace a building in Umpqua Dunes County Park which provides access to Winchester Bay ATV Riding area. Douglas County has also requested a planning grant for a feasibility study looking at potential development of trails on County owned land near Rice Hill on the I-5 corridor. The Klamath County Sheriff's Office is requesting a grant to purchase a Class IV ATV (side-by-side) and Mt Scott Motorcycle Club (Portland Area) is requesting a grant for tools and equipment which will allow their volunteers to work on trails in the Tillamook State Forest, Mt Hood National Forest, and Hood River County Forestry lands.

The committee scored each grant request based on the applicant's presentation and grant application submitted. Scoring criteria was established in the 2016-2025 Oregon Statewide Trails Plan. The grant requests were ranked by the average of the scores given by the committee.

The ATV Grant Subcommittee recommends funding of these grant requests totaling \$661,948.01.

Prior Action by Commission: Funding \$9.28 million of grants for at the April Meeting.

Action Requested: Commission approval is requested for the attached grant recommendations totaling \$661,948.01 from the ATV Grant Subcommittee.

Attachments: 6f Attachment A: ATV Grant Project Recommendations
6f Attachment B: ATV Grant Map of Recommendations

Prepared by: Ian Caldwell and Mike Law, Grants & Community Programs Representatives

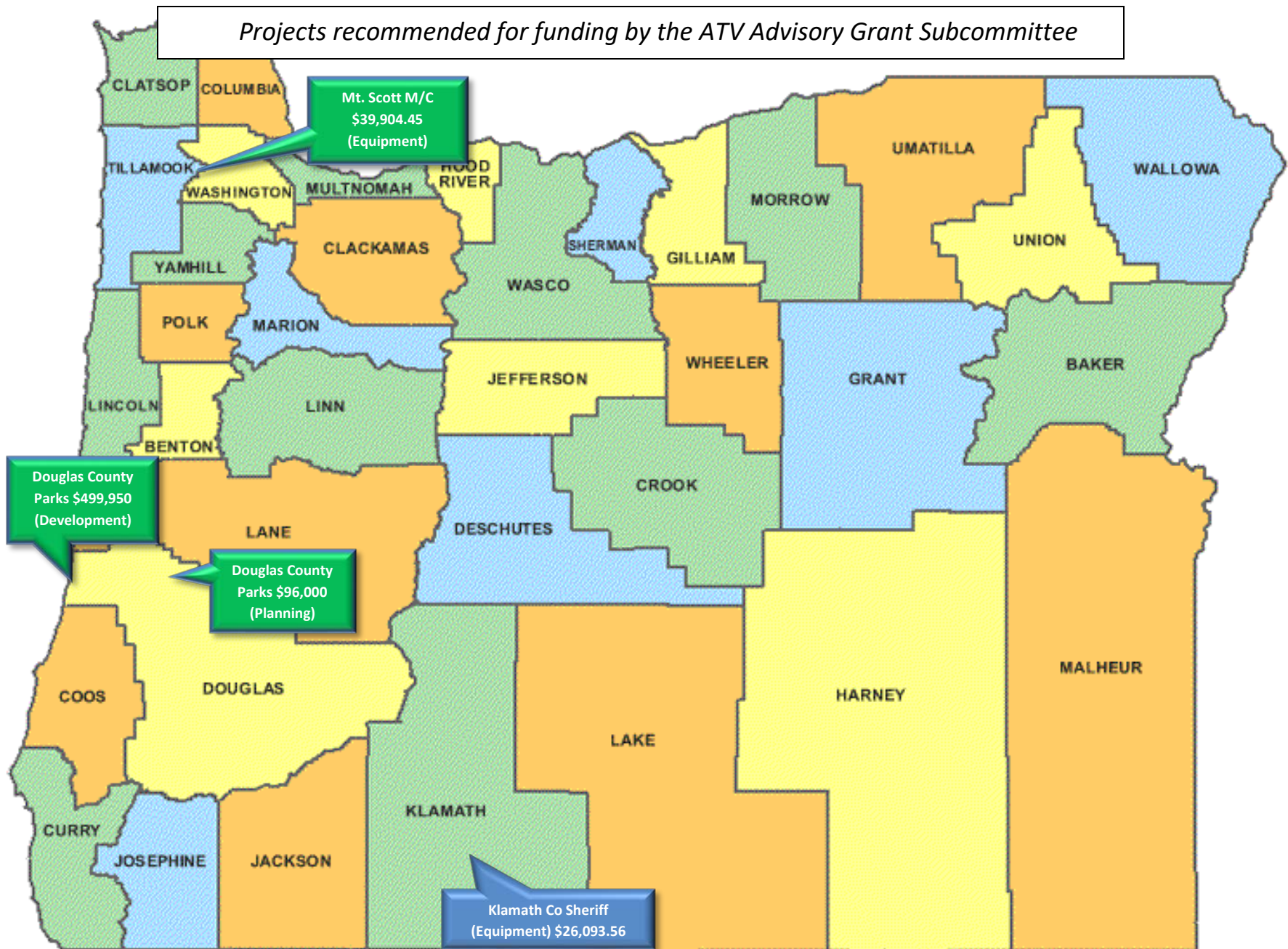
2021 All-Terrain Vehicle (ATV) Grant Program

ATV Advisory Grant Subcommittee

April 8, 2021 Meeting - Ranking Results

Funding Available: \$1,760,971.00

Rank	Applicant	Type - Project Name	Brief Project Description	Grant Funds Requested	Matching Funds	Total Project Cost
Recommended						
1	Douglas County Parks Department	Development - Umpqua Dunes - North Loop Development	Develop 33 campsites in North Loop and develop OHV recreation focused commercial building.	\$499,950.00	\$500,000.00	\$999,950.00
2	Klamath County Sheriff's Office	Equipment - 2021 KCSO UTV	Purchase of side-by-side UTV and utility trailer for ATV Funded Deputies in order to provide patrols on ATV trails and shared roadways within Klamath County.	\$26,093.56	\$6,523.39	\$32,616.95
3	Mt. Scott Motorcycle Club	Equipment - Mt Scott Motorcycle Club Equipment Purchase	Purchase of tools and equipment for Mt. Scott Motorcycle club. This grant will allow volunteers to assist several land manager's efforts to restore and maintain more miles of OHV trails.	\$39,904.45	\$10,556.00	\$50,460.45
4	Douglas County Parks Department	Planning - Douglas County OHV Site Feasibility Study	This project will conduct a feasibility study of a 1,200-acre County owned site. The study will be broken into two phases: Suitability & Feasibility. The suitability phase will assess the site for its suitability for OHV recreation. Then the Douglas County Board of Commissioners would then make a decision whether to proceed. With approval, Phase II would occur. This would develop a conceptual plan of site facilities, trails and other recreational amenities for OHV recreation.	\$96,000.00	\$24,000.00	\$120,000.00
Total Recommended for Funding (All Projects)				\$ 661,948.01	\$541,079.39	\$1,203,027.40



Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 7a

Information

Topic: Heritage Division Update

Presented by: Christine Curran, Deputy Director, Heritage Programs

2021 Oregon Heritage Award Recipients

Chelsea Rose, the Chair of the Oregon Heritage Commission, presented the 2021 Oregon Heritage Excellence Awards in conjunction with the Oregon Heritage Summit on April 29, 2021. The virtual event recognized individuals, organizations, and projects that made outstanding contributions to preserving Oregon's heritage. Award winners often pioneer new ideas and approaches, or are innovators in their field. Videos highlighting each of the award-winning projects are posted on the agency website at www.oregonheritage.org. Recipients of this year's awards are:

- **Bobbie Dolp, Salem**, for her dedicated work in establishing the Lord & Schryver Conservancy and preserving the legacy of Elizabeth Lord and Edith Schryver who established the first women-owned landscape architecture firm in the Northwest.
- **Caples House Museum Restoration Project, Columbia City**, for extraordinary fundraising efforts resulting in the restoration of the National Register-listed Caples House Museum, preserving not only the structure but also the museum collection inside of it.
- **University of Oregon's Eugene Lesbian Oral History Project, Eugene**, for documenting and preserving the contributions of the Eugene lesbian community to Oregon's enduring cultural, political, and social innovations.
- **Johnny Edwards, Yamhill County**, for his holistic and passionate approach to the preservation of the historic Lafayette and McMinnville Masonic Cemeteries.
- **Steven Greif, Coos Bay**, for his dedicated volunteer service that has contributed to the growth and community impact of the Coos History Museum.
- **The Darcelle Project, Portland**, a multi-dimensional project that preserves and honors the story of Walter Cole, also known as "Darcelle," and his achievements as an entrepreneur, performer, Portland icon, and activist for the LGBTQ community.
- **University of Oregon's Institute for Policy Research and Engagement, Eugene**, for their contributions in supporting community heritage preservation efforts through research, the RARE Americorps program, and disaster resilience planning.

Main Street Program Update:

2020 presented multiple challenges to the Oregon Main Street Network members who worked tirelessly to support local businesses in the face of budgetary cuts. Our main street programs became an important conduit of information to connect businesses with critical resources, including setting up virtual communication groups to strengthen key partnerships. The reality that all programming needed to adapt became more obvious as the pandemic continued. The need to create new revenue streams was especially critical as events were cancelled. While we mourned the loss of favorite businesses, there were bright spots as well. In our top tier communities we saw 23 net new business openings, 18 business expansions, 280 net new jobs, and over \$15 million in private sector reinvestment. In addition, owners completed 129 building renovation projects. An example of these projects and the program's work is the 1903 Bank Building in the Downtown Cottage Grove National Register Historic District, which received a 2019 Oregon Main Street Revitalization Grant. The building was in a sadly dilapidated state, but had the potential to be one of the crown jewels in the district. The grant-funded project included exterior renovation of all three facades of the two-story, brick, mixed-use building, as well as extensive interior renovations to accommodate new uses. The work also included systems updates and seismic and safety improvements. The reopened building now boasts six restored apartments on the second floor, and the first floor contains a pizza restaurant, an Edward Jones office, the original (relocated) Latina store, a real estate office, and a co-working office space for up to 30 tenants. The commercial spaces are 96 percent occupied, and the apartments are all occupied. Seeing this building restored and open to full tenancy during the COVID public health crisis keep the Cottage Grove community's spirits up through a very difficult time.



The 1903 Bank Building, Cottage Grove

Jamie French Selected as New Assistant State Archaeologist:

The hiring committee selected Jamie French as the next Oregon Assistant State Archaeologist after an intensive competition among three outstanding final candidates. Jamie assumed her new post on June 1st, replacing John Pouley who was promoted from this position to the State Archaeologist in January 2021. The Assistant State Archaeologist works closely with Tribes and federal, state, and local agency partners, and is responsible for administering the state archaeological permits and qualified archaeologist programs and the development of public outreach materials. Jamie is a native of Salem, OR, and lives in the community with her partner and son. She enjoys knitting, is an avid reader, and currently serves on the Salem Historic Landmarks Commission. Jamie received a master's degree in Applied Anthropology from Oregon State University with a focus on Historical Archaeology. She completed annual excavations over five years at the Robert and Kitty Newell Homestead in Champoeg State Park, believed to be the first American homestead in the state. Jamie has worked at the Oregon SHPO for the last eleven years, beginning as a temp hired to scan and archive records. Most recently she served as the Division's GIS Archaeologist, responsible for reviewing development projects, creating multi-party agreement documents, and managing the state's archaeological sites database, among many other duties. Jamie brings a deep knowledge of Pacific Northwest Archaeology and federal and state cultural resource law to the position, as well as a service-oriented approach to her work that is much appreciated by the Division's many partners.



Jamie French at Kam Wah Chung State Heritage Site

Prior Action by Commission: none

Action Requested: none

Attachments: none

Prepared by: Ian P. Johnson, Associate Deputy State Historic Preservation Officer

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 8a

Information

Topic: 2021-2023 Facility Investment Program Project List

Presented by: Matt Rippee, Central Park Services Manager

Background: The Facility Investment Program (FIP) targets major maintenance and improvements across the state park system. This report provides the Commission a summary of those projects proposed for implementation during the 2021-2023 Biennium. Typically, the FIP list is developed as Park and District Managers submit new, critical major maintenance projects identified during park reviews. Scoring criteria are applied to both these new and previously identified projects from an operational and investment standpoint and the highest scored projects are considered top priorities.

Due to the staffing and financial impacts of COVID-19, a majority of the FIP projects identified for the 19-21 Biennium were not completed. Progress was made towards planning and design efforts for many of these projects which make up the initial priorities for the 21-23 FIP list. As the agency increases capacity throughout the biennium, additional projects will be added.

Central Park Services staff will also take this opportunity to review and update the agency's Facility Investment Program to ensure the scoring and criteria remain relevant.

Prior Action by Commission: [None]

Action Requested: [Informational]

Attachments: [Initial 21-23 Biennium FIP List] (This will be sent in a about a week)

Prepared by: [Matt Rippee, Central Park Services Manager]

Park	Project	Est. Budget
COASTAL REGION		
Ft Stevens	Fort Stevens Historic District Preservation Plan	100,000
Nehalem	Nehalem Bay Day Use Lift Station Replacement	300,000
South Beach	Amanda's Bridge replacement - FEMA	80,000
Sunset Bay	Sunset Bay Beach Access Parking Lot & Restroom Stabilization - FEMA	50,000
Sunset Bay	Sunset Bay Park Manager Residence	250,000
MOUNTAIN REGION		
OC&E	OC&E Trail Repair falling pilings on Whiskey & Sycan bridges	325,000
Collier	Paving Spring Creek Day Use and Campground Entrance	200,000
Pilot Butte	Pilot Butte Roadway Paving	365,000
Smith Rock	Crooked River Bridge Replacement	961,000
VALLEY REGION		
Silver Falls	N Falls Complex- Phase 3	986,000
Silver Falls	Replace redwood water tank - LWCF	350,500
Silver Falls	Upper Smith Creek Sanitary Sewer System Installation	200,000
Mayer	West Mayer Boat Ramp	750,000
Detroit	Redwood Tank Replacement - FEMA	700,000
Vista House	HVAC Design & Installation	300,000
Vista House	Sewer Improvements	198,000
Preliminary Facility Investment Program Project Totals		6,115,500

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 9a

Action

Topic: Request to amend 736-018-0045 Adding master plan for Pilot Butte State Scenic Viewpoint to list of Master Plans

Presented by: Matt Rippee and Helena Kesch

Background:

Adding master plans to administrative rule is the final step in a long public process that has included numerous public meetings, planning groups and a land use review by city and county officials.

The plans detail current natural and cultural resource conditions, outdoor recreation trends and how to balance recreation and resource protection. They set priorities for the next two decades, such as adding or improving trails, parking, facilities and signs.

Pilot Butte State Scenic Viewpoint

The Pilot Butte State Scenic Viewpoint Master Plan update is in response to population growth, demographic changes and as a result, increased number of visitors and impact to Pilot Butte State Park.

During the public engagement process and plan development, the team assembled an Advisory Committee; held public open houses and outreach sessions; informed the public via a master plan website (www.pilotbuttemasterplan.com) and conducted interviews in an effort to collect diverse stakeholder and public input.

The goals of the plan focus on building upon what works well and enhancing and improving community and stakeholder values, with a focus on natural resources and inclusivity.

The plan addresses major impacts of user-created trails on natural resources, the need to improve accessibility for all users, limits access points, and impacts from 2018. The resulting plan elements address these issues by leveraging and improving existing and well-loved aspects of the park, including the trail network; the summit viewpoint; the Neighborhood Park; and access and wayfinding from neighboring schools and neighborhoods.

Public comments were open from April 1 to May 3, 2021. Twenty-three comments were received and all related to the master plan itself. A summary of these comments is available as Attachment C. The full comments are available on our website:

<https://www.oregon.gov/oprd/PRP/Pages/PRP-rulemaking.aspx>

Prior Action by Commission: The Commission approved the draft plan and opening rulemaking in June 2020.

Action Requested: Staff requests adoption of amendment to OAR 736-018-0045 to add the Pilot Butte State Scenic Viewpoint Master Plan. A copy of the proposed rule is included in Attachment A. These revisions have been reviewed and approved by Assistant Attorney General Steve Shipsey.

Prepared by: Helena Kesch

Attachments: Attachment A – marked copy
Attachment B – clean copy
Attachment C – public comments summary

Attachment A: Marked Copy

736-018-0045

Adopted State Park Master Plan Documents

(1) The following state park master plan documents have been adopted and incorporated by reference into this division:

- (a) Fort Stevens State Park Master Plan, as amended in 2001;
- (b) Cape Lookout State Park, amended in 2012 as Cape Lookout State Park Comprehensive Plan;
- (c) Cape Kiwanda State Park, renamed as Cape Kiwanda State Natural Area;
- (d) Nestucca Spit State Park, renamed as Robert Straub State Park;
- (e) Jessie M. Honeyman Memorial State Park as amended in 2009;
- (f) Columbia River Gorge Management Units Plan, including: Lewis and Clark State Recreation Site, Dabney State Recreation Area, Portland Womens' Forum State Scenic Viewpoint, Crown Point State Scenic Corridor, Guy W. Talbot State Park, George W. Joseph State Natural Area, Rooster Rock State Park, Shepperd's Dell State Natural Area, Bridal Veil Falls State Scenic Viewpoint, Dalton Point State Recreation Site, Benson State Recreation Area, Ainsworth State Park, McLoughlin State Natural Area, John B. Yeon State Scenic Corridor, Bonneville State Scenic Corridor, Sheridan State Scenic Corridor, Historic Columbia River Highway State Trail, Bridge of the Gods Trailhead, Lang Forest State Scenic Corridor, Wyeth State Recreation Area, Lindsey Creek State Scenic Corridor, Starvation Creek State Park, Viento State Park, Wygant State Natural Area, Vinzenz Lausman Memorial State Natural Area, Seneca Fouts Memorial State Natural Area, Historic Columbia River Highway State Trail Hatfield West Trailhead, Koberg Beach State Recreation Site, Historic Columbia River Highway State Trail Hatfield East Trailhead, Memaloose State Park, and Mayer State Park as amended in 2015;
- (g) Molalla River State Park;
- (h) Champoeg State Park;
- (i) Willamette Mission State Park;
- (j) Cascadia State Park;
- (k) Willamette River Middle Fork State Parks Master Plan, 2006, including: Elijah Bristow State Park; Jasper State Recreation Site; Pengra Access; Dexter State Recreation Site; Lowell State Recreation Site; and the parks that comprise the Fall Creek State Recreation Area, including Winberry Park, North Shore Park, Sky Camp, Cascara Campground, Fisherman's Point Group Camp, Free Meadow, Lakeside 1 and Lakeside 2;
- (l) Cove Palisades State Park Master Plan, as amended in 2002;
- (m) Silver Falls State Park Master Plan, as amended in 2009;
- (n) Curry County State Parks Master Plan, including: Floras Lake State Park, renamed as Floras Lake State Natural Area; Cape Blanco State Park; Paradise Point Ocean Wayside, renamed as Paradise Point State

Recreation Site; Port Orford Heads Wayside, renamed as Port Orford Heads State Park; Humbug Mountain State Park; Otter Point Wayside, renamed as Otter Point State Recreation Site; Cape Sebastian State Park, renamed as Cape Sebastian State Scenic Corridor; Otter Point Wayside; Port Orford Cedar Forest Wayside, renamed as Port Orford Cedar Forest State Scenic Corridor; and Buena Vista Ocean Wayside; Pistol River State Scenic Viewpoint; Samuel H. Boardman State Scenic Corridor; Harris Beach State Recreation Area; McVay State Recreation Site;

Winchuck State Recreation Site; Crissey Field State Recreation Site; Alfred A. Loeb State Park;

(o) Hat Rock State Park Master Plan, renamed as Hat Rock State Recreation Area;

(p) Deschutes County State Parks, including: LaPine ~~and~~, Tumalo State Parks; ~~and~~ Cline Falls, renamed as Cline Falls State Scenic Viewpoint; ~~and~~ Pilot Butte, renamed as Pilot Butte State Scenic Viewpoint;

(q) Sunset Bay District Parks, including: Umpqua Lighthouse State Park (this chapter was replaced by the Umpqua Lighthouse State Park Master Plan, 2004); William M. Tugman State Park; Yoakam Point State Park, renamed as Yoakum Point State Natural Site; Sunset Bay State Park; Shore Acres State Park; and Cape Arago State Park;

(r) Bullards Beach District Parks, including: Seven Devils State Wayside, renamed as Seven Devils State Recreation Site; Bullards Beach State Park; Bandon Ocean Wayside, renamed as Face Rock State Scenic Viewpoint; and Bandon State Park, renamed as Bandon State Natural Area;

(s) Tillamook County Coastal State Parks, including: Oswald West State Park; Nehalem Bay State Park (this chapter was replaced by the Nehalem Bay State Park Master Plan, 2009); Cape Meares State Park, renamed as Cape Meares State Scenic Viewpoint; Neahkanie-Manzanita State Wayside, renamed as Neahkanie-Manzanita State Recreation Site; Manhattan Beach State Wayside, renamed as Manhattan Beach State Recreation Site; Rockaway Beach State Wayside, renamed as Rockaway Beach State Recreation Site; Twin Rocks State Wayside, renamed as Twin Rocks State Natural Site; Oceanside Beach State Wayside, renamed as Oceanside Beach State Recreation Site; and Neskowin Beach State Wayside, renamed as Neskowin Beach State Recreation Site;

(t) Beverly Beach District Parks South, including: Boiler Bay State Park, renamed as Boiler Bay State Scenic Viewpoint; Rocky Creek State Wayside, renamed as Rocky Creek State Scenic Viewpoint; Otter Crest State Wayside, renamed as Otter Crest State Scenic Viewpoint; Devil's Punchbowl State Park, renamed as Devil's Punchbowl State Natural Area; Beverly Beach State Park; Agate Beach State Wayside, renamed as Agate Beach State Recreation Site; and Ellmaker State Park, renamed as Ellmaker State Wayside;

(u) Smith Rock State Park;

(v) Collier District Parks, including: Booth State Wayside, renamed as Booth State Scenic Corridor; Chandler State Wayside; Collier Memorial State Park; Goose Lake State Recreation Area; Jackson F. Kimball State Park, renamed as Jackson F. Kimball State Recreation Site; and Klamath Falls-Lakeview Forest Wayside, renamed as Klamath Falls-Lakeview Forest State Scenic Corridor;

(w) Banks-Vernonia State Park, renamed as Banks-Vernonia State Trail;

(x) Sumpter Valley Dredge State Park, renamed as Sumpter Valley Dredge State Heritage Area;

- (y) Illinois River Forks State Park;
- (z) Wallowa Lake Management Unit Master Plan, 2018;
- (aa) L.L. "Stub" Stewart Memorial State Park Master Plan, 2005;
- (bb) Master Plan for Clay Myers State Natural Area at Whalen Island, 2003;
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- (dd) Prineville Reservoir Resource Management Plan/Master Plan, 2003;
- (ee) Detroit Lake State Park Master Plan, 2002;
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- (kk) Kam Wah Chung State Heritage Site Master Plan, 2009;
- (ll) Nehalem Bay State Park Master Plan, 2009;
- (mm) Bates State Park Master Plan, 2010;
- (mn) Cottonwood Canyon State Park Comprehensive Plan, 2012;
- (oo) Milo McIver State Park Comprehensive Plan, 2014.
- (pp) Sitka Sedge State Natural Area Master Plan, 2016;
- (qq) Tryon Creek State Natural Area Comprehensive Plan, 2013.
- (rr) Brian Booth State Park Master Plan, 2014.
- (ss) [Pilot Butte State Scenic Viewpoint Master Plan, 2020.](#)

(2) The master plan documents which have been incorporated by reference into this division are available from the State Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem OR 97301.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 390.180(1)(c)

Statutes/Other Implemented: ORS 390.180(1)(c)

- (aa) L.L. "Stub" Stewart Memorial State Park Master Plan, 2005;¶
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736-018-0045

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[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 390.180(1)(c)
STATUTES/OTHER IMPLEMENTED: ORS 390.180(1)(c)

9a: Attachment C: Adds the plan for Pilot Butte SSV to list of Master Plan public comment summary responses

	A	C	E	G	H
1		Name	Topic	Summary of Comment	OPRD Response
2	1	Steve Rademacher	Pilot Butte	Believes Pilot Butte is not worthy of state park status	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
3	2	Zachary Price	Pilot Butte	In support of prohibiting vehicles access on the road to the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
4	3	Gregg Logan	Pilot Butte	In support of restricting vehicles access on the road to the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
5	4	Laura Burford	Pilot Butte	In support of prohibiting vehicles access on the road to the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
6	5	David Anthes	Pilot Butte	In support of prohibiting vehicles access on the road to the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
7	6	Dale Tate	Pilot Butte	In support of prohibiting dogs on the trail	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
8	7	Betsy Tucker	Pilot Butte	In support of prohibiting vehicles access on the road to the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
9	8	Alan Wulzen	Pilot Butte	In support of prohibiting vehicles access on the road to the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.

9a: Attachment C: Adds the plan for Pilot Butte SSV to list of Master Plan public comment summary responses

	A	C	E	G	H
1		Name	Topic	Summary of Comment	OPRD Response
10	9	Diane Holmes	Pilot Butte	In support of prohibiting vehicles access on the road to the summit, requesting upgrades to water and improve restroom facilities.	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
11	10	Gerald Smith	Pilot Butte	In support of reducing new items to Pilot Butte, including restrooms	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
12	11	Wendy Gehring	Pilot Butte	In support of prohibiting dogs on the trail	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
13	12	Gwenn Levine	Pilot Butte	In support of extended hours to drive to the top of the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
14	13	Ed Horn	Pilot Butte	In support of mobile app regarding information on signage. Also in support of requiring children who started the fire to replace play equipment	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
15	14	Roger Tuan	Pilot Butte	In support of restricting vehicles access on the road to the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
16	15	Michael Regimbal	Pilot Butte	In support of restricting vehicles access on the road to the summit as well as improving bike access	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
17	16	Phil Kirk	Pilot Butte	In support of restricting vehicles access on the road to the summit. Also in support of using 3/4 minus gravel for trail	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.

9a: Attachment C: Adds the plan for Pilot Butte SSV to list of Master Plan public comment summary responses

	A	C	E	G	H
1		Name	Topic	Summary of Comment	OPRD Response
18	17	Caren Arlas	Pilot Butte	In support of prohibiting vehicles access on the road to the summit. Also in support of prohibiting dogs at the park.	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
19	18	David Cowan	Pilot Butte	In support of improving the exercise equipment and space	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
20	19	Chris Greeff	Pilot Butte	In support of prohibiting vehicles access on the road to the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
21	20	Denise Kahofer	Pilot Butte	In support of prohibiting vehicles access on the road to the summit	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
22	21	Gregory Kahofer	Pilot Butte	In support of restricting vehicles access on the road to the summit as well as improving bike access	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
23	22	Elsa Ruth Douglass	Pilot Butte	In support of promoting brochures explaining the flora and fauna at the park. Also in support of increasing hours for vehicle use to the summit.	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
24	23	Jess Beauchemin	Pilot Butte	In support of prohibiting dogs at the park. Also in support of adding a new parking lot and promoting volunteerism for park improvements.	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.
25	24	Jane Shields	Pilot Butte	In support of promoting maintenance to existing park grounds and facilities and does not support new items added to the park	Thank you for your comment. This rulemaking process adds the plan for Pilot Butte State Scenic Viewpoint to the list of Master Plans. However, we appreciate the time you took to submit a comment and will share them with the Park Manager so they can consider it in future operations.

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 9b

Action

Topic: Request to adopt – Distribution of Land and Water Conservation Funding Assistance (OAR 736-008-0005 to 736-008-0055)

Presented by: Katie Gauthier

The administrative rules for the Land and Water Conservation Fund Program (LWCF) were last updated in 1997. Since then, a number of rules have become outdated and no longer fit the current needs and practices of the program.

The proposed changes: update defined terms, propose updates to conform with LWCF federal requirements, expand program language to be inclusive of the Outdoor Recreation Legacy Partnership program which is a subset of LWCF, raise the minimum federal share on a project from \$12,500 to \$50,000, update the application form requirements, eliminate prescriptive timelines to provide flexibility in the program, and expand the organizations from which the Department can seek nominations for membership to the grant advisory committee.

Prior to opening public comment, the Department appointed a Rule Advisory Committee (RAC) to discuss proposed revisions. The ten-member RAC met virtually on April 19. The advisory committee membership included local government representatives involved on prior grant committees, a Parks and Recreation Commissioner and education representatives. The committee discussed proposed rules and the potential economic and fiscal impact of the rule change.

Based on the RAC's recommendation, the Department did not include proposed rule changes to add public educational institutions as eligible applicants for LWCF grants when the rule opened for public comment.

The public comment period was opened on May 3 and will close on June 3. Comments are accepted via mail, email, online and through a virtual public hearing held on May 26. A summary of the comments received will be provided to the commission in supplemental materials when the comment period closes. A full copy of all comments received is available on the rulemaking website. <https://www.oregon.gov/oprd/PRP/Pages/PRP-rulemaking.aspx>

Staff have included a recommendation for minor changes to the rule before the final adoption. Recommended changes are highlighted in yellow on Attachment A. Changes include: adding “federally recognized” before Indian tribes, as required by federal program rules; setting the minimum federal share for grants at \$50,000 instead of \$75,000, as proposed in the draft rules; and requiring state projects be consistent with SCORP (the Statewide Comprehensive Outdoor Recreation Plan).

Prior Action by Commission: Commission approved opening rules in April 2021.

Action Requested: Staff request the Commission adopt amendments to OAR 736-008-0005 to 736-008-0055 and repeal 736-008-0010 to update Land and Water Conservation Fund program rules.

Attachments:

Attachment A – proposed rules – marked copy

Attachment B- proposed rules- clean copy

Prepared by: Katie Gauthier

Chapter 736

Division 8

DISTRIBUTION OF LAND AND WATER CONSERVATION FUNDING ASSISTANCE TO UNITS OF LOCAL GOVERNMENT FOR PUBLIC OUTDOOR RECREATION

736-008-0005

Purpose of Rule

This ~~rule~~ **division** establishes the procedures and requirements used by the Oregon Parks and Recreation Department, State Liaison Officer, when distributing federal Land and Water Conservation Fund monies to **eligible**: state agencies and ~~eligible~~ local governments, and the process for establishing the priority order in which projects shall be funded.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

~~736-008-0010~~

~~Statutory Authority and Procedure~~

~~ORS 390.180 requires the Director of the State Parks and Recreation Department to adopt rules establishing procedures the State Parks and Recreation Department shall use when the Department allocates money to local governments or other state agencies.~~

~~Statutory/Other Authority: ORS 390.180~~

~~Statutes/Other Implemented: ORS 390.180~~

736-008-0015

Federal Requirements

The Land and Water Conservation Fund Act of 1965, as amended, provides matching grants to states and local units of government for acquisition and development of public outdoor recreation areas and facilities. ~~Funds for the program are derived from entrance or admission fees to federal recreation areas, Outer Continental Shelf revenues from leasing oil and gas sites in coastal waters, federal surplus real property sales and a small portion of federal motorboat fuel taxes.~~ All applicants for federal funding assistance must also satisfy the requirements delineated in the "National Park Service's Land and Water Conservation Fund Grants Manual," ~~Parts 600 through 685~~ **Volume 71 (March 11, 2021)**.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 390.180

736-008-0020

Definitions

For the purposes of ~~OAR 736-008-0005 through 736-008-0055~~ **this division** the following definitions shall apply, **unless the context clearly indicates otherwise:**

- (1) “Acquisition” — The gaining of property rights, including but not limited to fee title or easements, for public use by donation or purchase.
- (2) “Conversion” — Property acquired, ~~and/or developed,~~ **or both** with L&WCF assistance that has been **wholly or partly** converted to other than public outdoor recreation uses.
- (3) “Current Park Master Plan” — A site-specific resource based plan guiding park acquisition, development, protection and management of park areas and facilities.
- (4) “Department” — The State **Oregon** Parks and Recreation Department.
- (5) “Development” — The construction ~~or,~~ rehabilitation **or expansion** of facilities necessary for the use and enjoyment of public outdoor recreation resources.
- (6) “Director” — The Director of the State **Oregon** Parks and Recreation Department.
- (7) “Eligible Project” — ~~An acquisition, development, or major rehabilitation undertaking which satisfies the requirements of the federal Land and Water Conservation Fund Program.~~
- (8 ~~7~~) “Implementation Program” — A requirement of SCORP which identifies salient recreation issues to be addressed over a two-year period.
- (9 ~~8~~) “Land and Water Conservation Fund L&WCF ” — Those funds made available to the state through the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).
- (10 ~~9~~) “Local Comprehensive Plan” — The comprehensive land use plan prepared by each local jurisdiction within the state, as required by ORS ~~Chapter~~ 197.
- (11 ~~10~~) “Major Rehabilitation” — The repair, restoration, or reconstruction of eligible facilities which is necessitated by obsolescence, building code changes, **accessibility standards,** or normal wear and tear not attributed to lack of maintenance.
- (12 ~~11~~) “Oregon Application Procedures Manual” — A manual prepared by the Department containing state and federal policies, procedures and instructions to assist local government agencies wishing to participate in L&WCF assistance.
- (13 ~~12~~) “Oregon Outdoor Recreation Committee (OORC)” — The committee appointed by the Director to prioritize L&WCF project applications.
- (14) “Project Authorization” — ~~State/local agreement which authorizes the project, as signed by both the Department and project sponsor.~~

(13) “Outdoor Recreation Legacy Partnership Program (ORLP)” means the complementary federal grant program to the LWCF state-side formula grants program which supports projects that will acquire land for or develop outdoor recreation spaces in urban areas.

~~(14)~~ **14** “Project Sponsor” — The recipient of the grant funds and the agency responsible for implementation of the project and the maintenance and operation of the site.

~~(16) “Reapportionment Account” — Those monies derived from project underruns, cancellations and reduction in project scope. Separate accounts will be kept for both state and local sponsors.~~

~~(17)~~ **15** “State Comprehensive Outdoor Recreation Plan” — Otherwise known as SCORP, the document used to identify and assess Oregon outdoor recreation needs.

~~(18)~~ **16** “State Liaison Officer (SLO)” — Designated by the Governor, the ~~State Parks and Recreation Department~~ Director and his **or her** designees who have the responsibility to administer the stateside L&WCF.

~~(19)~~ **17** “State/Local Agreement” — Agreement between the state and project sponsor which authorizes the project to begin.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

736-008-0025

Apportionment of Monies Between State and Local Agencies

(1) Monies apportioned annually by the Department of Interior to the state from the federal Land and Water Conservation Fund shall be ~~divided into three shares~~ **distributed, after covering administrative costs of the office of the State Liaison Officer to operate the program:**

~~(a) An amount equal to one half of the annual anticipated administrative costs of the office of the State Liaison Officer to operate the program;~~

~~(b-a)~~ **a** Not less than 60 percent of the remainder to units of local government **and federally recognized Indian tribes**; and

~~(c-b)~~ **b** Up to 40 percent of the remainder to eligible state agencies.

(2) Monies derived from project underruns, project cancellations, reduction in project scope will ~~will~~ **may** be made available to the Director to redistribute to state or local projects, **subject to the discretion of the Secretary of the Interior.**

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

736-008-0030

Assessment for Services Conversions

(1) Each local government project sponsor shall be assessed a percentage of the total final project cost for services provided by the Department. This percentage assessment shall be established in the state/local agreement. The assessment shall be reviewed by the Department annually to insure that income does not exceed 50 percent of the administrative costs for grant distribution to units of local government. This assessment shall be made at the time of any project billing with the fee being withheld from the amount paid to the sponsor.

(1) Conversion Requirements: Property acquired or developed with LWCF and ORLP assistance shall be retained and used for public outdoor recreation in perpetuity. Any property so acquired, developed, or both shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the Department and of the National Park Service pursuant to the LWCF Act (54 U.S.C. section 200305(f)(3) and the regulations in of the LWCF Act, 36 CFR Part 59, and the regulations in the National Park Service’s Land and Water Conservation Fund Grants Manual,” Volume 71 (March 11, 2021).

(a) If the current lease is within 5 years of termination, the Department will require a letter of intent to renew the lease from the leasing agency. Project sponsors must insure that the land within the project boundary will be used only for park and recreational purposes, Project Sponsor controls or will control the land, and that the Project Sponsor will not change the use of, sell, or otherwise dispose of land within the LWCF boundary, except upon approval of the Department and the National Park Service.

(b) Project Sponsors that have not addressed or submitted documentation to the Department or the National Park Service for review and approval of an active conversion through the Land and Water Conservation Fund Program are not eligible to apply for LWCF funding assistance.

(c) Project Sponsors who have addressed a conversion at the local level and have submitted documentation to the Department, the National Park Service, or both for review and approval of the conversion through the LWCF program may apply for funding assistance.

(2) **Assessment for Services.** Any project sponsor requesting a conversion will **may** be required to pay an advance deposit **to the Department**. The deposit would cover staff salary and **Other Payroll Expenses (OPE)**, and administrative fees to process the conversion. The advance deposit amount will be based on the appraised value of the property to be converted. If the advance deposit does not cover all costs, the project sponsor will be billed for the balance due. If the total costs are less than the deposit, the Department will reimburse the project sponsor for the unused deposit amount.

(a) Converted property appraised up to \$50,000 will require a \$1,000 deposit;

(b) Converted property appraised from \$50,001 to \$100,000 will require a \$2,000 deposit;

(c) Converted property appraised above \$100,000 will require a \$3,000 deposit.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

736-008-0045

Application Procedure

The purpose of this ~~section~~ **rule** is to set forth requirements that **applicants** must be met by local government applicants **meet** in submitting an application for Land and Water Conservation Fund **LWCF or ORLP funding** assistance.

(1) **Applicant Eligibility for Funding Assistance.** Public agencies eligible for L&WCF funding assistance are:

(a) Local Governments **and federally recognized Indian tribes:**

(A) City Park and Recreation Departments;

(B) County Park and Recreation Departments;

(C) Park and Recreation Districts;

(D) Port Districts;

(E) ~~Indian Tribes and~~ **Federally recognized Indian tribes in Oregon** and;

(F) Metropolitan Service Districts.

(b) State Agencies:

(A) Oregon ~~State~~ Parks and Recreation Department;

(B) Oregon Department of Fish and Wildlife;

(C) Oregon Department of Forestry;

(D) Oregon ~~Division~~ **Department** of State Lands;

(c) ORLP: In addition to the requirements in (a) and (b), an applicant must also meet the National Park Service population requirements and be located within an Urbanized Area.

(2) Matching Requirements. ~~The Land and Water Conservation Fund provides for up to 50 percent funding assistance.~~ **Minimum match requirements are 50 percent of total eligible project costs. Match requirements may be reduced upon the discretion of the National Park Service.** The eligible agency match may include local budgeted funds, donated funds, and value of private donated property, equipment, materials, labor, or any combination thereof. ~~The minimum federal share shall be no less than \$12,500 (\$25,000 total project costs).~~ **Engineering and administration costs and costs incurred prior to the State/Local Agreement cannot exceed 15 percent of the total project costs.** ~~Section 6f of the L&WCF Act prohibits the use of other federal funds as matching share of a L&WCF grant.~~

(a) The LWCF Act prohibits the use of other federal financial assistance in a project assisted with LWCF, except in those instances where the statutory provisions of a subsequent federal grant-in-aid program explicitly allows recipients to use such assistance to match another federal grant.

(b) For LWCF: The minimum federal share shall be no less than \$50,000 (\$100,000 total project costs), unless otherwise authorized by the Director.

(c) For ORLP: The minimum and maximum federal share are established by the National Park Service.

(3) Projects Eligible for Funding:

(a) Projects eligible are acquisition, development and **major** rehabilitation projects that are consistent with the outdoor recreation goals and objectives contained in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and the Implementation Program, and recreation elements of local comprehensive plans, **and which satisfy the requirements of the federal LWCF Program.**

(b) Marine facility **and related support facility** development requests are eligible for funding. Projects which use federal ~~Dingle-Johnson~~ funds **from the federal Dingell-Johnson Act** may not be used as match with L&WCF.

(4) Local Agency Requirements. Local agencies participating in the **LWCF** funding assistance program must show that: ~~there is a current park master plan in effect and that the project is consistent with the local comprehensive land use plan.~~

(a) There is a current park master plan in effect and that the project is consistent with the local comprehensive land use plan and SCORP; or

(b) There is not a current park master plan in effect, but the project is consistent with the local comprehensive land use plan or a current local planning document and SCORP.

(5) State Agency Requirements. State agencies participating in the fund assistance program must ~~show~~ **identify** that the project is in their legislatively approved biennial budgets or is mandated by legislation, **or has support from agency leadership. The project must be consistent with the SCORP.**

(6) Application **Form Procedure.**

(a) All applications for funding assistance for outdoor recreation projects must be submitted ~~on forms supplied~~ **in a format prescribed** by the Department. All applications must be consistent with the Oregon Application Procedures Manual and **at a minimum, each application must** contain the following information:

~~(a-A)~~ **Program Project** narrative;

~~(b-B)~~ Environmental assessment **resources survey;**

(C) Maps:

~~(c)~~ Vicinity map;

~~(d-i)~~ Project **LWCF** boundary map;

(ii) Site plan;

(iii) Urban growth boundary map; and

(iv) Vicinity map.

~~(e)~~ Park master plan;

~~(f)~~ Civil Rights compliance;

~~(g)~~ Local Council of Governments review;

~~(h-D)~~ State agency review;

~~(i-E)~~ Property deed or lease **agreement. The Department will not approve development of facilities on leased land except for property either;**

- (i) Leased from the Federal Government with no less than 25 years remaining on the lease and is not revocable at will; or
- (ii) Leased from one public agency to another for 25 years or more, provided that safeguards are included to adequately ensure the perpetual use requirement of the LWCF Act. Such safeguards may include joint sponsorship of the proposed project or other agreement whereby the lessor land-owning agency would provide assurances that it would assume compliance responsibility for the LWCF boundary area in the event of default by the lessee or expiration of the lease, and these assurances are explicitly reflected in the project agreement.

(j-F) Estimate of development project costs and schedule;

(k) Preliminary title report (acquisitions only);

(l-G) Documented Americans with Disabilities Act Compliance Plan specific to projects;

(H) Certification by applicant of availability of local match;

(I) All required permits and certifications as identified in the Oregon Applications Procedures Manual;

(J) Land Use Compatibility Statement completed by the appropriate planning department;

(m-K) Other documentation that may be required by the Department.

(b) Additional requirements for acquisition projects:

(A) Appraisal. Appraisals must conform to the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) Appraisal Review;

(C) Preliminary title report; and

(D) Proof of a willing seller or donor.

(7) Local Project Time Line **Application Process:**

(a) All applications for funding must be submitted to the State Parks and Recreation Department in a completed form consistent with section (6) of this rule, no later than January 1 for funding in the next federal fiscal year which begins October 1. Incomplete applications will not be considered for funding assistance. **The Department shall announce through a variety of media the availability of, procedures for, deadlines, and other information for applying for LWCF or ORLP funding assistance. The Department shall not consider incomplete applications or applications submitted after the deadline set by the Department.** The Department Grants Program staff shall perform a technical review of all applications and forward eligible applications **for LWCF funding assistance** to the Oregon Outdoor Recreation Committee (OORC). Project sponsors will be contacted about missing documentation, which must be submitted to the Department within 10 days. On or about April 1, **The OORC will meet to recommend funding priorities evaluate the applications and make recommendations** to the Director **for Oregon Parks and Recreation Commission approval** for all eligible projects submitted.

(b) ORLP: Applications submitted for ORLP funding assistance will be submitted to the Oregon Parks and Recreation Commission for approval to apply to National Park Service.

~~(b) By October 1 of each year, sponsors whose projects have been prioritized and are scheduled for funding assistance must submit to the Department the following project information:~~

~~(A) Certification by project sponsor of availability of local match;~~

~~(B) All required permits and certifications as identified in the Department Procedural Manual;~~

~~(C) Preliminary plans and specifications (for construction projects);~~

~~(D) Appraisal for acquisition projects. Appraisals must conform to the Uniform Appraisal Standards for Federal Land Acquisitions.~~

~~(e) The Department will remove those project applications from the priority list (as outlined in subsection (b) of this section) that are unable to provide the required documentation.~~

~~(d) The amount of federal funding assistance available within the federal fiscal year (October 1 to September 30), will determine the projects to be funded;~~

~~(e) If additional federal monies become available throughout the current funding year, projects on the priority list will be funded in priority order;~~

~~(f) Reapportionment account will be requested on or about March 31 of each year to assure that the State does not lose the availability of those funds. All reapportionment monies received will be allocated to the current funding cycle.~~

(8) Project administration:

~~(a) A signed state/local agreement shall constitute project authorization. It shall be executed 30 days after federal approval. Projects not authorized within this time frame will be cancelled. Funds recovered from cancellations will be reassigned to other projects on the priority list. No project may begin without a signed state/local agreement from the Department;~~

~~(b) Final documentation (permits, plans and specifications) must be submitted to the Department prior to project authorization;~~

~~(c) In the event that the funding assistance available cannot fully fund the last priority project, the sponsor will be given the option of reducing the scope of the project or the Department will pass the available funds to the next priority project;~~

~~(d-b) The **project** sponsor shall have one year from the date of authorization to begin substantial work (*i.e.*, the award of contracts or to complete at least 25 percent of the work, if done by force account). Force account work is work on a development project with the forces and resources of the project sponsor. Projects not conforming to this schedule will be cancelled, unless substantial justification warrants an extension. Extensions in such cases will be made for a six month period only. In no situation will further extensions be granted.~~

(c) The Department may grant an extension for a six month period. Further extensions may be granted with substantial justification and contingent upon the Department having received sufficient funding, appropriations, limitations, allotments, or other authority.

~~(e) Projects that do not receive funding assistance for the federal fiscal year submitted will be returned to the applicant without prejudice;~~

(~~f~~**d**) All projects shall be completed and billed within two years from the authorization date. Projects will be inspected and audited by the Department, or its designee prior to final grant payment. Partial payments up to ~~90~~ **75** percent of the grant amount may be billed during the project for work completed.

(~~g~~**e**) Project amendments that increase the federal share will generally not be allowed. Project amendment requests based on extraordinary circumstances will, however, be reviewed on a case-by-case basis. Requests for time extensions must be approved **by the Department** prior to expiration of the approved project period as set forth in the state/local agreement.

(~~h~~) ~~Time Line Summary:~~

(~~A~~) ~~January 1 — Complete application due;~~

(~~B~~) ~~April 1 — Priority selection by OORC;~~

(~~C~~) ~~September 30 — Project certification;~~

(~~D~~) ~~October 10 — Revise list;~~

(~~E~~) ~~October 10 — Formal application submitted for federal obligation.~~

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

736-008-0050

Oregon Outdoor Recreation Committee

(1) The ~~Oregon Outdoor Recreation Committee (OORC)~~ **OORC** shall be composed of nine members appointed by the ~~State Parks and Recreation Department~~ Director. The ~~Committee~~ **OORC** membership, to serve nonconcurrent four-year terms, shall represent the following interests:

(a) Counties east of the Cascade Mountains;

(b) Counties west of the Cascade Mountains;

(c) Cities under 15,000 people;

(d) Cities over 15,000 people;

(e) Park and Recreation Districts, Metropolitan Service District or Port Districts;

(f) State Parks and Recreation Department;

(g) People with Disabilities;

(h) ~~Minorities~~ **Member of a historically underrepresented community**; or Representatives from Tribal Governments; and

(i) The public at large;

(j) The chair shall ~~appointed by the Director from the committee membership, considering the recommendations of the committee~~ **be nominated and selected by the members of the OORC.**

(2) Selection of committee members shall be from a list of not less than two candidates for each position to be supplied by:

(a) County representation shall be from lists supplied by the Oregon **Recreation and Parks Association's Counties & Outdoor Recreation Section (CORS)** and the Association of Oregon Counties;

(b) City representation shall be from lists supplied by the Oregon Recreation and Park Association and the League of Oregon Cities;

(c) Park and Recreation District, Port District or Metropolitan Service District representation shall be from a list supplied by the Special Districts Association of Oregon;

(d) Representatives for People with Disabilities, Tribal Governments, ~~Minorities~~ **Member of a historically underrepresented community**, Public at Large, and Parks Department shall be selected by the Director.

(e) The Department may consult with other appropriate organizations not otherwise listed in subsections (a) to (d) for committee membership candidates.

(3) The travel, meals and lodging expenses of all members of the ~~Committee~~ **OORC** will be reimbursed by the Department according to the rates established by the Department of Administrative Services and approved by the Director.

(4) Function of OORC:

(a) The ~~Committee~~ **OORC** shall meet ~~in April of every even year, starting in 1996, and at other times upon the call of the Director~~ **or designee**. The ~~committee~~ **OORC** will establish a priority order of eligible local government projects for ~~Land and Water Conservation~~ **LWCF** ~~F~~funding assistance or provide other assistance as requested by the Department. ~~The meeting will assure full and open project selection processes that will include an outreach to all citizens of the state.~~

(b) ~~In order to assure full citizen participation in the selection of local projects to be prioritized for funding, all projects submitted must be consistent with the recreation element of the local comprehensive land use plan. The prioritization process will provide the opportunity for the citizens of the state to address the degree to which each project meets the outdoor recreation needs of the state and local community. The Department will provide public notice of all projects to be presented to the OORC at least 30 days prior to their meeting.~~

(~~e~~-b) Each ~~sponsor~~ **applicant** shall be allowed to make a presentation under a procedure established by the Department.

(5) Priority Selection Criteria. Projects shall be prioritized by **the** OORC based on at least the following:

(a) Department review and recommendations, including a technical ~~scoring~~ **review** of each project that will include the extent to which projects satisfy basic outdoor recreation needs and ~~or~~ urgent needs identified in SCORP, the extent the project meets the recreation needs identified in the local comprehensive land use plan, and ~~sponsor's~~ **applicant's** past performance in their ability to complete and bill projects, maintain existing facilities, and whether there are any outstanding conversions;

(b) The ~~committee~~ **OORC** shall review all applications using project selection criteria, including but not limited to the following:

- (A) Extent the project demonstrates user benefits, public interest and support;
- (B) Extent the project demonstrates conformance with local and state planning guidelines, the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and local Park Master Plans; all projects must be identified in local comprehensive plans and current **park** master plans or **a current local planning document**;
- (C) Financial considerations, including cost/benefit ratio;
- (D) Environmental ~~assessment as defined in Oregon Application Procedures Manual~~ **resources survey**.
- (E) Extent the project increases outdoor recreation opportunity in the service area.
- (F) How well the project's design accommodates people with disabilities.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

736-008-0055

Emergency Procedure

- (1) Under extreme conditions such as severe cut backs of federal funds or complete elimination of these funds an emergency procedure may be initiated at the discretion of the ~~State Parks and Recreation Department~~ Director.
- (2) The emergency procedure will establish new time lines and funding strategies to coincide with the time delay created at the federal level. The Director may delay or abolish time lines, and fund projects on the existing priority list with underruns and cancellations until either projects or money is exhausted.
- (3) Under the emergency procedure the Director will notify prospective ~~sponsors~~ **applicants** of any anticipated time changes and assure ~~sponsors~~ **applicants** of adequate lead time in developing new time lines.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

736-008-0005

Purpose of Rule

This division establishes the procedures and requirements used by the Oregon Parks and Recreation Department, State Liaison Officer, when distributing federal Land and Water Conservation Fund monies to eligible: state agencies and local governments, and the process for establishing the priority order in which projects shall be funded.

STATUTORY/OTHER AUTHORITY: ORS 390.180

STATUTES/OTHER IMPLEMENTED: ORS 390.180

736-008-0015

Federal Requirements

The Land and Water Conservation Fund Act of 1965, as amended, provides matching grants to states and local units of government for acquisition and development of public outdoor recreation areas and facilities. All applicants for federal funding assistance must also satisfy the requirements delineated in the “National Park Service’s Land and Water Conservation Fund Grants Manual,” Volume 71 (March 11, 2021).

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 390.180

STATUTES/OTHER IMPLEMENTED: ORS 390.180

736-008-0020

Definitions

For the purposes of this division the following definitions shall apply, unless the context clearly indicates otherwise:

- (1) “Acquisition” — The gaining of property rights, including but not limited to fee title or easements, for public use by donation or purchase.
- (2) “Conversion” — Property acquired, developed, or both with LWCF assistance that has been wholly or partly converted to other than public outdoor recreation uses.
- (3) “Current Park Master Plan” — A site-specific resource based plan guiding park acquisition, development, protection and management of park areas and facilities.
- (4) “Department” — The Oregon Parks and Recreation Department.
- (5) “Development” — The construction, rehabilitation, or expansion of facilities necessary for the use and enjoyment of public outdoor recreation resources.

- (6) “Director” — The Director of the Oregon Parks and Recreation Department.
- (7) “Implementation Program” — A requirement of SCORP which identifies salient recreation issues to be addressed over a two-year period.
- (8) “Land and Water Conservation Fund (LWCF)” — Those funds made available to the state through the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).
- (9) “Local Comprehensive Plan” — The comprehensive land use plan prepared by each local jurisdiction within the state, as required by ORS chapter 197.
- (10) “Major Rehabilitation” — The repair, restoration, or reconstruction of eligible facilities which is necessitated by obsolescence, building code changes, accessibility standards, or normal wear and tear not attributed to lack of maintenance.
- (11) “Oregon Application Procedures Manual” — A manual prepared by the Department containing state and federal policies, procedures and instructions to assist local government agencies wishing to participate in LWCF assistance.
- (12) “Oregon Outdoor Recreation Committee (OORC)” — The committee appointed by the Director to prioritize LWCF project applications.
- (13) "Outdoor Recreation Legacy Partnership Program (ORLAP)" means the complementary federal grant program to the LWCF state-side formula grants program which supports projects that will acquire land for or develop outdoor recreation spaces in urban areas.
- (14) “Project Sponsor” — The recipient of the grant funds and the agency responsible for implementation of the project and the maintenance and operation of the site.
- (15) “State Comprehensive Outdoor Recreation Plan” — Otherwise known as SCORP, the document used to identify and assess Oregon outdoor recreation needs.
- (16) “State Liaison Officer (SLO)” — Designated by the Governor, the Director and their designees who have the responsibility to administer the stateside LWCF.
- (17) “State/Local Agreement” — Agreement between the state and project sponsor which authorizes the project to begin.

STATUTORY/OTHER AUTHORITY: ORS 390.180
STATUTES/OTHER IMPLEMENTED: ORS 390.180

736-008-0025

Apportionment of Monies Between State and Local Agencies

- (1) Monies apportioned annually by the Department of Interior to the state from the federal Land and

Water Conservation Fund shall be distributed, after covering administrative costs of the office of the State Liaison Officer to operate the program:

(a) Not less than 60 percent of the remainder to units of local government and federally recognized Indian tribes; and

(b) Up to 40 percent of the remainder to eligible state agencies.

(2) Monies derived from project underruns, project cancellations, reduction in project scope may be made available to the Director to redistribute to state or local projects, subject to the discretion of the Secretary of the Interior.

STATUTORY/OTHER AUTHORITY: ORS 390.180

STATUTES/OTHER IMPLEMENTED: ORS 390.180

736-008-0030

Conversions

(1) Conversion Requirements: Property acquired or developed with LWCF and ORLP assistance shall be retained and used for public outdoor recreation in perpetuity. Any property so acquired, developed, or both shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the Department and of the National Park Service pursuant to the LWCF Act (54 U.S.C. section 200305(f)(3) and the regulations in of the LWCF Act, 36 CFR Part 59, and the regulations in the National Park Service's Land and Water Conservation Fund Grants Manual," Volume 71 (March 11, 2021).

(a) If the current lease is within 5 years of termination, the Department will require a letter of intent to renew the lease from the leasing agency. Project sponsors must insure that the land within the project boundary will be used only for park and recreational purposes, Project Sponsor controls or will control the land, and that the Project Sponsor will not change the use of, sell, or otherwise dispose of land within the LWCF boundary, except upon approval of the Department and the National Park Service.

(b) Project Sponsors that have not addressed or submitted documentation to the Department or the National Park Service for review and approval of an active conversion through the Land and Water Conservation Fund Program are not eligible to apply for LWCF funding assistance.

(c) Project Sponsors who have addressed a conversion at the local level and have submitted documentation to the Department, the National Park Service, or both for review and approval of the conversion through the LWCF program may apply for funding assistance.

(2) Assessment for Services. Any project sponsor requesting a conversion may be required to pay an advance deposit to the Department. The deposit would cover staff salary and Other Payroll Expenses (OPE), and administrative fees to process the conversion. The advance deposit amount will be based on the appraised value of the property to be converted. If the advance deposit does not cover all costs, the project sponsor will be billed for the balance due. If the total costs are less than the deposit, the

Department will reimburse the project sponsor for the unused deposit amount.

- (a) Converted property appraised up to \$50,000 will require a \$1,000 deposit;
- (b) Converted property appraised from \$50,001 to \$100,000 will require a \$2,000 deposit;
- (c) Converted property appraised above \$100,000 will require a \$3,000 deposit.

STATUTORY/OTHER AUTHORITY: ORS 390.180
STATUTES/OTHER IMPLEMENTED: ORS 390.180

736-008-0045

Application Procedure

The purpose of this rule is to set forth requirements that applicants must meet in submitting an application for LWCF or ORLP funding assistance.

(1) Applicant Eligibility. Public agencies eligible for LWCF funding assistance are:

(a) Local Governments and federally recognized Indian tribes:

- (A) City Park and Recreation Departments;
- (B) County Park and Recreation Departments;
- (C) Park and Recreation Districts;
- (D) Port Districts;
- (E) Federally recognized Indian tribes in Oregon;
- (F) Metropolitan Service Districts.

(b) State Agencies:

- (A) Oregon Parks and Recreation Department;
- (B) Oregon Department of Fish and Wildlife;
- (C) Oregon Department of Forestry;
- (D) Oregon Department of State Lands.

(c) ORLP: In addition to the requirements in (a) and (b), an applicant must also meet the National Park Service population requirements and be located within an Urbanized Area.

(2) Matching Requirements. Minimum match requirements are 50 percent of total eligible project costs. Match requirements may be reduced upon the discretion of the National Park Service. The eligible match may include local budgeted funds, donated funds, and value of private donated property, equipment, materials, labor, or any combination thereof. Engineering and administration costs and costs incurred prior to the State/Local Agreement cannot exceed 15 percent of the total project costs.

(a) The LWCF Act prohibits the use of other federal financial assistance in a project assisted with LWCF, except in those instances where the statutory provisions of a subsequent federal grant-in-aid program explicitly allows recipients to use such assistance to match another federal grant.

(b) For LWCF: The minimum federal share shall be no less than \$50,000 (\$100,000 total project costs), unless otherwise authorized by the Director.

(c) For ORLP: The minimum and maximum federal share are established by the National Park Service.

(3) Projects Eligible for Funding:

(a) Projects eligible are acquisition, development and major rehabilitation projects that are consistent with the outdoor recreation goals and objectives contained in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and the Implementation Program, and recreation elements of local comprehensive plans, and which satisfy the requirements of the federal LWCF Program.

(b) Marine facility and related support facility development requests are eligible for funding. Projects which use funds from the federal Dingell-Johnson Act may not be used as match.

(4) Local Agency Requirements. Local agencies participating in the LWCF funding assistance program must show that:

(a) There is a current park master plan in effect and that the project is consistent with the local comprehensive land use plan and SCORP; or

(b) There is not a current park master plan in effect, but the project is consistent with the local comprehensive land use plan or a current local planning document and SCORP.

(5) State Agency Requirements. State agencies participating in the fund assistance program must identify that the project is in their legislatively approved biennial budget, is mandated by legislation, or has support from agency leadership. The project must be consistent with the SCORP.

(6) Application.

(a) All applications for funding assistance for outdoor recreation projects must be submitted in a format prescribed by the Department. All applications must be consistent with the Oregon Application

Procedures Manual and at a minimum, each application must contain the following information:

- (A) Project narrative;
- (B) Environmental resources survey;
- (C) Maps:
 - (i) LWCF boundary map;
 - (ii) Site Plan;
 - (iii) Urban growth boundary map; and
 - (iv) Vicinity Map.
- (D) State agency review;
- (E) Property deed or lease agreement. The Department will not approve development of facilities on leased land except for property either:
 - (i) Leased from the Federal Government with no less than 25 years remaining on the lease and is not revocable at will; or
 - (ii) Leased from one public agency to another for 25 years or more, provided that safeguards are included to adequately ensure the perpetual use requirement of the LWCF Act. Such safeguards may include joint sponsorship of the proposed project or other agreement whereby the lessor land-owning agency would provide assurances that it would assume compliance responsibility for the LWCF boundary area in the event of default by the lessee or expiration of the lease, and these assurances are explicitly reflected in the project agreement.
- (F) Estimate of project costs and schedule;
- (G) Documented Americans with Disabilities Act Compliance Plan specific to projects;
- (H) Certification by applicant of availability of local match;
- (I) All required permits and certifications as identified in the Oregon Applications Procedures Manual;
- (J) Land Use Compatibility Statement completed by the appropriate planning department;
- (K) Other documentation that may be required by the Department.
- (b) Additional requirements for acquisition projects:

(A) Appraisal. Appraisals must conform to the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) Appraisal Review;

(C) Preliminary title report; and

(D) Proof of willing seller or donor.

(7) Application Process:

(a) The Department shall announce through a variety of media the availability of, procedures for, deadlines, and other information for applying for LWCF or ORLP funding assistance. The Department shall not consider incomplete applications or applications submitted after the deadline set by the Department. The Department Grants Program staff shall perform a technical review of all applications and forward eligible applications for LWCF funding assistance to the OORC. The OORC will meet to evaluate the applications and make recommendations to the Director for Oregon Parks and Recreation Commission approval for all eligible projects submitted.

(b) ORLP: Applications submitted for ORLP funding assistance will be submitted to the Oregon Parks and Recreation Commission for approval to apply to National Park Service.

(8) Project administration:

(a) A signed state/local agreement shall constitute project authorization. No project may begin without a signed state/local agreement from the Department;

(b) The project sponsor shall have one year from the date of authorization to begin substantial work (i.e., the award of contracts or to complete at least 25 percent of the work, if done by force account). Force account work is work on a development project with the forces and resources of the project sponsor. Projects not conforming to this schedule will be canceled, unless substantial justification warrants an extension.

(c) The Department may grant an extension for a six month period. Further extensions may be granted with substantial justification and contingent upon the Department having received sufficient funding, appropriations, limitations, allotments, or other authority.

(d) All projects shall be completed and billed within two years from the authorization date. Projects will be inspected and audited by the Department, or its designee prior to final grant payment. Partial payments up to 75 percent of the grant amount may be billed during the project for work completed.

(e) Project amendments that increase the federal share will generally not be allowed. Project amendment requests based on extraordinary circumstances will, however, be reviewed on a case-by-case basis. Requests for time extensions must be approved by the Department prior to expiration of the approved project period as set forth in the state/local agreement.

STATUTORY/OTHER AUTHORITY: ORS 390.180
STATUTES/OTHER IMPLEMENTED: ORS 390.180

736-008-0050

Oregon Outdoor Recreation Committee

(1) The OORC shall be composed of nine members appointed by the Director. The OORC membership, to serve nonconcurrent four-year terms, shall represent the following interests:

- (a) Counties east of the Cascade Mountains;
- (b) Counties west of the Cascade Mountains;
- (c) Cities under 15,000 people;
- (d) Cities over 15,000 people;
- (e) Park and Recreation Districts, Metropolitan Service District or Port Districts;
- (f) State Parks and Recreation Department;
- (g) People with Disabilities;
- (h) Member of a historically underrepresented community; or Representatives from Tribal Governments; and
- (i) The public at large;
- (j) The chair shall be nominated and selected by the members of the OORC.

(2) Selection of committee members shall be from a list of not less than two candidates for each position to be supplied by:

- (a) County representation shall be from lists supplied by the Oregon Recreation and Park Association's Counties & Outdoor Recreation Section (CORS) and the Association of Oregon Counties;
- (b) City representation shall be from lists supplied by the Oregon Recreation and Park Association and the League of Oregon Cities;
- (c) Park and Recreation District, Port District or Metropolitan Service District representation shall be from a list supplied by the Special Districts Association of Oregon;
- (d) Representatives for People with Disabilities, Tribal Governments, Member of a historically underrepresented community, Public at Large, and Parks Department shall be selected by the Director.

(e) The Department may consult with other appropriate organizations not otherwise listed in subsections (a) to (d) for committee membership candidates.

(3) The travel, meals and lodging expenses of all members of the Committee will be reimbursed by the Department according to the rates established by the Department of Administrative Services and approved by the Director.

(4) Function of OORC:

(a) The OORC shall meet upon the call of the Director or designee. The OORC will establish a priority order of eligible local government projects for LWCF funding assistance or provide other assistance as requested by the Department.

(b) Each applicant shall be allowed to make a presentation under a procedure established by the Department.

(5) Priority Selection Criteria. Projects shall be prioritized by the OORC based on at least the following:

(a) Department review and recommendations, including a technical review of each project that will include the extent to which projects satisfy basic outdoor recreation needs and urgent needs identified in SCORP, the extent the project meets the recreation needs identified in the local comprehensive land use plan, and applicant's past performance in their ability to complete and bill projects, maintain existing facilities, and whether there are any outstanding conversions;

(b) The OORC shall review all applications using project selection criteria, including but not limited to the following:

(A) Extent the project demonstrates user benefits, public interest and support;

(B) Extent the project demonstrates conformance with local and state planning guidelines, the SCORP and local Park Master Plans; all projects must be identified in local comprehensive plans and current park master plans or a current local planning document;

(C) Financial considerations, including cost/benefit ratio;

(D) Environmental resources survey

(E) Extent the project increases outdoor recreation opportunity in the service area.

(F) How well the project's design accommodates people with disabilities.

STATUTORY/OTHER AUTHORITY: ORS 390.180

STATUTES/OTHER IMPLEMENTED: ORS 390.180

736-008-0055

Emergency Procedure

(1) Under extreme conditions such as severe cut backs of federal funds or complete elimination of these funds an emergency procedure may be initiated at the discretion of the Director.

(2) The emergency procedure will establish new time lines and funding strategies to coincide with the time delay created at the federal level. The Director may delay or abolish time lines, and fund projects on the existing priority list with underruns and cancellations until either projects or money is exhausted.

(3) Under the emergency procedure the Director will notify prospective applicants of any anticipated time changes and assure applicants of adequate lead time in developing new time lines.

STATUTORY/OTHER AUTHORITY: ORS 390.180

STATUTES/OTHER IMPLEMENTED: ORS 390.180

Oregon Parks and Recreation Commission

June 23, 2020

Agenda Item: 9c

Action

Topic: Request to adopt rule – Division 50, Historic Preservation Officer

Presented by: Christine Curran, Deputy Director, Deputy State Historic Preservation Officer

Background:

Controversies surrounding the nomination of several high-profile projects, and the long period since the last update of this rule, prompted the revision of the state rules for the administration of the federal National Register of Historic Places program (National Register), authorized by the 1966 Historic Preservation Act, as amended, and administered by the National Park Service (NPS). Oregon State Historic Preservation Office (SHPO) staff assembled a Rule Advisory Committee (RAC) in early 2020 to address key issues, including aligning state processes with federal law, regulation, and guidance; establishing authority to accurately count owners and objections; and clarifying administrative processes, such as public notice, participation, and hearing procedures. The Oregon State Parks and Recreation Commission opened the rulemaking process at the body's June 17, 2020 meeting. The unusually long review period ensured a thorough review of this complex topic.

The public comment period opened July 1 and continued through October 15, 2020. Staff extended the public comment period over the summer and fall several times to accommodate the complications created by the COVID-19 public health crisis and at the request of Tribes. The agency held three virtual public hearings in July and August. The August 18th public meeting specifically addressed the concerns of local governments and Tribes. The agency extended invitations for government-to-government consultation to each of the state's nine federally-recognized Tribes by letter in December 2019 and June and September 2020. The SHPO invited the NPS to provide comments on the draft rule in January, July, August, and September 2020 and February and May 2021. The agency has not responded as of May 26, 2021.

The agency's outreach effort encouraged broad participation. During the public comment period the agency received a total of 109 written comments and oral testimony at the three public hearings. The Coquille Indian Tribe, Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians, Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes of the Grand Ronde Community of Oregon submitted comments, as did the US Department of the Air Force and Bureau of Reclamation. Several local governments that participate in the Certified Local Government (CLG) program (a federal designation) provided feedback, including the cities of Bend, Salem, St. Paul, Portland, and North Bend. The Port of Tillamook Bay and the University of Oregon administer properties listed in the National Register and also submitted comments. 1000 Friends of Oregon, the National Trust for Historic Preservation, and Restore Oregon, a statewide preservation-advocacy non-profit organization, also participated in the public comment period. Many private citizens representing a wide range

of interests and expertise submitted comments and attended the public meetings. A more complete summary of the public outreach process is described in the April 14th, 2021 brief on the rulemaking process provided to the Commission for the body's regular meeting, agenda item 9c.

Most comments were from government agencies, organizations, and persons with direct involvement in the nomination of several high-profile controversial properties to the National Register, or were residents of these nominated districts and communities. The projects generating the most interest include portions of the Pilot Butte Canal, Deschutes Co.; the Eastmoreland Historic District, Portland; and the Q'alya ta Kukwis shichdii me Traditional Cultural Property Historic District, Coos Co. Frequent topics included race and racism, equity and inclusion, and affordable housing; the definition of "owner" and counting notarized statements of objection; confidentiality of culturally-sensitive information; the role of local governments in the National Register nomination process; and SHPO accountability. The great majority of commenters offered suggestions on improving how the rule addressed these and other topics. Only five individuals submitted comments explicitly opposed to the rule amendment. A relatively small number of commenters either submitted questions about the rule or rulemaking process, were neutral, or spoke to other issues. Some commenters involved with the proposed Eastmoreland Historic District expressed concern about 1000 Friends of Oregon participating in the RAC and the public process, and specifically the organization's selected spokesperson. The SHPO invited 1000 Friends of Oregon to participate in the draft rulemaking process as the state-wide non-profit for land-use issues, and the organization choose its own representative. The Oregon Parks and Recreation Department (OPRD) is satisfied that none of the RAC members suffered from actual conflicts of interest.

Staff Response to Public Comments:

Race and Racism, Equity and Inclusion, and Affordable Housing

Many commenters stated that they believed that the rule should explicitly address racial justice and affordable housing. These are laudable and appropriate goals for any state program, but cannot be explicitly accommodated in this rule. Federal law and rule specifically allow any person to submit a nomination to the National Register, no matter the motivation, and require that the SHPO process every request for nomination in a timely manner. The Criteria for evaluation are also explicitly limited, and defined. Staff did not add additional criteria for evaluating properties to the National Register nor create processes to address racial justice or affordable housing. Instead, Oregon Administrative Rule (OAR) 736-050-0220(3) now affirmatively states that the program will "represent the full breadth of Oregon's history and the contributions of the State's diverse communities." The issue of affordable housing is beyond the purview of the mission of OPRD. Equity and social justice are addressed in the Oregon State Historic Preservation Plan, 2018-2023; OPRD Heritage Plan, 2020; and the State Advisory Commission on Historic Preservation's annual work plan.

Definition of "Owner" and Counting Notarized Statements

A key issue raised across several nomination efforts in recent years was counting owners and notarized statements to establish owner consent. Especially controversial was the topic of how to count trusts under Oregon State law. The great majority of commenters provided testimony on these topics, both in favor of more stringent requirements and for more lenient provisions. Staff reviewed the definition of "owner" and determined that because the definition relies on the

federal definition that it is broad enough include the breadth and diversity of ownership interests in Oregon. Staff revised the definition of “owner” and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the “owner” in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law, and states that it is “public policy” to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g).

In OAR 736-050-0250(15) the amendments create a process that ensures accuracy without raising unnecessary barriers. The draft rule either requires or allows the SHPO to request that owners submit forms provided by the SHPO and documentation to demonstrate that a person is an owner of real property within the boundary of the nominated property and that their notarized statement is valid. The rule also includes a process in section 16 for re-examining the property owner list should the accuracy of the tally be in question. Section 21 allows the agency to refer questions regarding ownership, accuracy of the property owner list, and validity of notarized statements to a contested case hearing following the return of a National Register nomination form from the NPS. These provisions are not explicitly included in federal law, but federal rule does require that the SHPO determine if there is owner consent to list a property in the National Register. Staff believe that this explicit responsibility provides sufficient justification for the requirements and processes described in the draft rule.

Confidentiality of Culturally-Sensitive Information

Confidentiality for culturally-sensitive information was an important issue identified during the unsuccessful nomination process for the Q'alya ta Kukwis shichdii me Traditional Cultural Property Historic District, Coos Co. The Coquille Indian Tribe, Confederated Tribes of the Coos, Lower Umpqua, & Siuslaw Indians, Confederated Tribes of the Grand Ronde Community of Oregon, and the City of North Bend offered substantive comments on the topic. The state and federal laws provide specific direction describing how confidential materials must be handled. OAR 736-050-0250 (9) and (10) address confidentiality of culturally-sensitive information by referencing the appropriate federal and state laws. The commenting Tribes, 1000 Friends of Oregon, and the City of North Bend each asked that the rule include more detail describing the process of redacting documents. Staff chose to not include a process in the rule. State public records laws already address the issue and need not be re-written in this rule. Under federal laws, the SHPO may make a request to the NPS for confidentiality, but does not direct the process. The agency is currently working with the interested parties to develop office practices for identifying and redacting culturally-sensitive information.

Role of Local Governments in the National Register Nomination Process

Staff received many comments regarding the involvement of Certified Local Governments (CLG) in the nomination process. CLGs are communities that enter into an agreement among the NPS and SHPO to carry out a local preservation program in alignment with federal and state standards. Among other responsibilities, CLGs review National Register nomination forms for nominated properties. Federal law states that CLGs may halt the nomination process if both the chief elected official and the local landmarks commission each independently object to the nomination.

Staff received many comments that recommended restricting the purview or actions of the chief elected official or local landmarks commission in response to concerns about how local politics may influence decision makers or to ensure alignment with state processes. 1000 Friends of Oregon and a handful of CLGs strongly advocated that the rule should be written to align with state land-use law and give the chief elected official and local governing body the sole authority to object to a nomination. Others recommended adjusting timeframes or processes, or requiring that local review of National Register nomination forms be subject to the local land-use process under state law. Previous drafts of the rule included a provision unanimously supported by the RAC prohibiting the chief elected official from acting unilaterally, and instead required that the person act “in their official capacity representing the majority opinion of the local government’s legislative body.” Staff concluded that many of the suggestions contradicted federal law, and that adding additional requirements would be unnecessarily burdensome for local governments and represented administrative overreach under Oregon’s home rule laws. Instead, the rule closely reflects the provisions of the federal law, which impose few requirements. Staff did shorten the period that the SHPO has to notify interested parties when a CLG objects in response to concerns regarding notice and the appeal process. Staff also eliminated the proposed provision that would have allowed a local landmarks commission to produce report that found a property eligible for listing but not recommend that it be listed in the National Register in response to public comment. Staff believe that the provision allowing for a CLG’s objection to be overruled by any person submitting a written statement provides sufficient guards against undue influence.

SHPO Accountability

Many comments addressed the National Register nomination process and alignment with the federal program, process transparency, and the appropriate authority of the Oregon State Historic Preservation Office (SHPO). Staff revised definitions and terminology used throughout the rule to align with those used in federal law, specifically 36 CFR 60 and 36 CFR 61, which address the National Register and Certified Local Government programs based on the recommendation of several commenters. The change provides for consistency between the federal and state programs. Several commenters also noted apparent gaps in process. In many cases these gaps are intentional. As revised, the rule incorporates by reference applicable federal laws and rules, and does not attempt to rewrite these provisions unless including the information provides clarity.

Many wished to see restrictions placed on the authority of the SHPO or create additional binding processes. As written, the federal rule for the National Register program provides CLGs, the State Advisory Committee on Historic Preservation, and the SHPO specific roles in the nomination process. The NPS expects that the program will be carried out as described with each party operating within the full extent of their responsibilities. Staff did not incorporate recommendations in the rule that limit the authority of the participants in the nomination process. To address concerns regarding transparency and accountability, the revised rule requires that the SHPO provide notification at all key steps in the process to involved stakeholders, including Tribes, CLGs, the chief elected official, owners, proponents, and the public. In response to comments from Tribes, staff included a specific provision for government-to-government consultation between the agency and Tribes in OAR 736-050-0250(6). Staff appreciate that many commenters are concerned about overreach and abuse of power. However, staff believe that any future conflicts will be appropriately resolved because the NPS retains overall authority for the administration of the National Register program and federal law, and the revised rule, both explicitly state that any SHPO decision may be appealed directly to the NPS.

Unresolved Issues in Proposed Amended Rule

Several commenters recommended changes or additions that contradict federal law or practice that cannot be accommodated, including creating a process to determine owner consent that more closely resembles a local election; considering intent of participants in the nomination process; and changing time limits for specific procedures, among others. In these cases, staff did not make the recommended changes, but answers addressing why the changes were not made are provided in Attachment B, “Summary of comments received and staff responses.”

Many identified the NPS’s practice of accepting notarized statements up until the day the agency makes a final decision whether to list a property in the National Register as especially problematic. The practice makes it difficult for the SHPO to accurately validate and count notarized statements in time to provide an accurate tally of owners, parcels of real property, and notarized statements, and can result in the NPS returning a nomination document to the SHPO without listing the property in the National Register. While this practice may result in process delays, a state rule cannot direct federal agency practices. As revised, the draft rule includes provisions for ensuring the accuracy and validity of the tally, resolving related disputes, and resubmitting a National Register nomination form to the NPS.

Staff Recommendation:

Based on comments received, staff recommends that the Commission adopt amendments to OAR 736-050-0220 through OAR 736-050-0260, as modified, and the creation of a new rule, OAR 736-050-0270, to implement the provisions of the rule amendment.

Prior Action by Commission:

The Oregon Parks and Recreation Commission opened rulemaking process at the body’s June 2020 meeting, agenda item 9a, Request to Open Rulemaking, Historic Preservation Officer, OAR 736-050-0220 to OAR 736-050-0260.

Action Requested:

Adopt the amendments to OAR 736-050-0220 through OAR 736-050-0260 for the Oregon Administrative Rules governing the state administration of the Federal National Register of Historic Places program (NRHP) under the authorities of the 1966 National Historic Preservation Act, as amended, and the creation of a new rule, OAR 736-050-0270 to implement the provisions of the rule amendment.

Prepared by: Ian P. Johnson, Associate Deputy State Historic Preservation Officer

Attachments: Attachment A – Proposed revised draft National Register Program rule
Attachment B – Summary of comments received and staff responses
Attachment C – Written comments received

H=OAR 736-050-0220, State Advisory Committee on Historic Preservation: Federal Requirements and Purpose

- (1) The National Historic Preservation Act of 1966, as amended, ([54 USC § 300101 et seq.](#)) (Act), specifies basic requirements for state historic preservation programs. The requirements and responsibilities listed in the Act are incorporated into federal rule, [36 CFR Part 60 \(2020 edition\)](#) and [36 CFR Part 61 \(2020 edition\)](#), which are hereby adopted by reference into OAR 736-050-0230 to OAR 736-050-0270.
 - (2) The Oregon State Historic Preservation Office must construe OAR 736-050-0230 to OAR 736-050-0270 to effectuate the purposes and implement the provisions of the Act and its implementing rules. The public policy specifically includes affording each owner of private property within the boundary of a building, district, object, site, or structure, as defined in [36 CFR § 60.3\(a\), \(d\), \(j\), \(l\), and \(p\) \(2020\)](#) nominated to the National Register of Historic Places (National Register) a single opportunity to object to listing the property in the National Register regardless of how many properties or what part of one property that person owns as provided in [36 CFR § 60.6\(g\)\(2020\)](#).
 - (3) The Oregon State Historic Preservation Office identifies and nominates properties to the National Register that represent the full breadth of Oregon's history and the contributions of the state's diverse communities.
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OAR 736-050-0230, State Advisory Committee on Historic Preservation: Definitions

The following definitions apply to OAR 736-050-0220 through OAR 736-050-0270:

- (1) “Act” means the National Historic Preservation Act of 1966, as amended, ([54 USC § 300101 et seq.](#)) that establishes the federal historic preservation program.
 - (2) “Associate Deputy SHPO” means the Associate Deputy State Historic Preservation Officer who serves under the delegated authority of the Deputy State Historic Preservation Officer.
 - (3) “CLG” means Certified Local Government, which is a local government certified by the National Park Service under [36 CFR § 61.6 \(2020\)](#) to carry out responsibilities under the Act and by the Oregon SHPO as meeting state requirements identified in the Oregon State Historic Preservation Office Certified Local Government Program Local Government Participation Procedures (2001), approved by the National Park Service.
 - (4) “Chief elected official” has the meaning provided in [36 CFR § 60.3\(b\) \(2020\)](#).
 - (5) “Committee” means the State Advisory Committee on Historic Preservation appointed by the Governor as established in [ORS 358.622](#). The committee is the “State Review Board” as that term is defined in [36 CFR § 60.3\(o\) \(2020\)](#).
 - (6) “Criteria for evaluation” means the National Register criteria for evaluation described in [36 CFR § 60.4 \(2020\)](#) by which the CLG, committee, SHPO, and the Keeper judge every property proposed for nomination to the National Register.
 - (7) “Deputy SHPO” means the Deputy State Historic Preservation Officer, who serves under the delegated authority of the State Historic Preservation Officer.
 - (8) “Determination of eligibility” has the meaning provided in [36 CFR § 60.3\(c\) \(2020\)](#).
 - (9) “Historic property” means a building, district, object, site, or structure, as defined in [36 CFR § 60.3\(a\), \(d\), \(j\), \(l\), and \(p\) \(2020\)](#) significant in American history, architecture, engineering, archeology, or culture at the national, state, or local level, and that is listed in the National Register or that the Keeper finds meets the criteria for evaluation for listing in the National Register under a determination of eligibility. This definition includes Traditional Cultural Properties as described in National Register Bulletin 38, “Guidelines for Documenting Traditional Cultural Properties” (1992) and Historic Properties of Religious and Cultural Significance to Indian Tribes as described in [36 CFR § 800.2\(c\)\(2\)\(B\)\(ii\) \(2020\)](#) that meet the criteria for evaluation.
 - (10) “Keeper” has the meaning provided in [36 CFR § 60.3\(f\) \(2020\)](#) for the Keeper of the National Register of Historic Places.
 - (11) “Local historic preservation commission” means an advisory or quasi-judicial body responsible for carrying out responsibilities under the Act on behalf of a CLG as described in
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[54 USC § 302503\(a\)](#) and described as the “historic preservation review commission” in [36 CFR § 61.6\(e\)\(2\) \(2020\)](#).

(12) “Major revision”

(a) means:

- (A) A request to remove a historic property from the National Register;
- (B) A request to physically relocate a still extant historic property;
- (C) A National Register nomination form for a historic property is edited to increase or decrease the boundary;
- (D) A National Register nomination form for a property not listed in the National Register is edited to increase the proposed boundary;
- (E) A National Register nomination form is edited to add one or more National Register Criteria or Criteria Considerations;
- (F) A National Register nomination form is revised or the committee recommends a revision(s) that the SHPO believes may determine whether the property is listed in the National Register or if a historic property will remain listed in the National Register as provided for in [36 CFR § 60.6\(w\) \(2020\)](#); or
- (G) Any combination of paragraphs (A), (B), (C), (D), (E), or (F).

(b) Does not mean:

- (A) Adding a National Register Criteria or a Criteria Consideration when the SHPO or committee determine that the narrative portions of the National Register nomination form sufficiently justify the addition;
- (B) The actions described in OAR 736-050-0250(19)(a)(A) to (E);
- (C) A National Register nomination form for a property not listed in the National Register is edited to decrease the proposed boundary; or
- (D) Any combination of paragraphs (A), (B), or (C).

(13) “National Register” means the National Register of Historic Places maintained by the United States Department of the Interior and administered by the National Park Service, which is the national list of historic properties significant in American history, architecture, archaeology, engineering, and culture.

(14) “National Register nomination form” has the meaning provided in [36 CFR § 60.3\(i\) \(2020\)](#).

(15) “Oregon SHPO” means the Oregon State Historic Preservation Office, an office of the Oregon Parks and Recreation Department.

(16) “Owner”

(a) Means: “owner or owners” as defined in [36 CFR § 60.3\(k\) \(2020\)](#), and means:

(A) A person possessing fee simple absolute or fee simple defeasible estate title to real property as shown in the property tax records of the county where the property is located, including, but not limited to, trusts, limited liability corporations, and any other legal entity that can hold fee simple absolute or fee simple defeasible title to real property within the State of Oregon;

(B) The purchaser under a land sale contract, if there is a recorded land sale contract in force for real property; or

(C) The settlor of a revocable trust, if the property is owned by the trustee of a revocable trust, except that when the trust becomes irrevocable only the trust is the owner.

(b) Does not mean:

(A) Individuals, partnerships, corporations, or public agencies holding easements or less than fee interests (including leaseholds) of any nature; or

(B) The life tenant of a life estate.

(c) Means, for a building, structure, site, object, or historic district, as defined in [36 CFR § 60.3\(a\), \(d\), \(j\), \(l\), and \(p\) \(2020\)](#), with multiple owners, a majority of the owners as defined in subsections (a) and (b).

(17) “Person” or “persons” means individuals, corporations, associations, firms, business trusts, estates, trusts, partnerships, limited liability companies, joint ventures, public and municipal organizations, joint stock companies, federal agencies, Tribes, state, local, and special government public bodies as defined in [ORS 174.109](#), or any other entity legally established under federal, state, or local law.

(18) “Proponent” means the person that submits a National Register nomination form to the SHPO.

(19) “Public comment period” means the opportunity for a person to comment on the National Register nomination form submitted for review by the committee. The public comment period begins on the date the SHPO notifies the proponent, owner, CLG, chief elected official, and Tribes under OAR 736-050-0250(11)(a) and ends the day that the Keeper makes a final decision to list a historic property in the National Register.

(20) “SHPO” means the Director of the Oregon Parks and Recreation Department and the State Historic Preservation Officer as defined in [ORS 358.565](#). The SHPO is the “State Historic Preservation Officer” as that term is defined in [36 CFR § 60.3\(m\) \(2020\)](#).

(21) “Tribe” or “Tribes” means one or more of the nine federally-recognized Indian tribes in Oregon.

OAR 736-050-0240, State Advisory Committee on Historic Preservation: Organization and Duties

- (1) The SHPO may delegate authority under this division to the Deputy SHPO or the Associate Deputy SHPO.
 - (2) The Governor appoints committee members as described in [ORS 358.622](#).
 - (3) Committee members appointed to fill unexpired terms serve for the remainder of the term of the vacating member.
 - (4) Committee members may serve no more than two consecutive terms of appointment unless the Governor approves another consecutive term. A committee member appointed under section (3) may be considered for reappointment for two, full consecutive terms as described in section (4). A committee member may serve beyond an appointed term until the Governor appoints a replacement.
 - (5) The SHPO must nominate a chairperson and vice chairperson to the Governor for consideration. The Governor appoints the chairperson and vice chairperson for a two-year term or until the end of their second, full consecutive term, whichever occurs first. The chairperson and vice chairperson may serve consecutively in either role through their terms. The chairperson and vice chairperson may serve beyond their appointed term as chair and vice chair until the Governor appoints a replacement.
 - (6) The chairperson conducts committee meetings. The vice chairperson must fulfill this role when the chairperson is unavailable. The SHPO must appoint a committee member to conduct the meeting when the chairperson and vice chairperson are both unavailable.
 - (7) The committee may define additional responsibilities for the chairperson and vice chairperson.
 - (8) A committee member may resign by submitting a written resignation letter to the Governor, chairperson, and SHPO. The chairperson may resign by submitting a written resignation letter to the Governor and the SHPO.
 - (9) The SHPO must request that the Governor remove a committee member absent for two consecutive meetings without prior permission from the chairperson or, in the absence of the chairperson, the vice chairperson.
 - (10) The committee must carry out the duties described under [36 CFR § 61.4\(f\)\(6\) \(2020\)](#) and [ORS 358.622](#); and
 - (a) Meet at least three times annually;
 - (b) Review National Register nomination forms submitted to the committee by the SHPO for review as provided in OAR 736-050-0260;
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(c) Review and make recommendations to the SHPO on the Oregon State Historic Preservation Plan, and provide advice on comprehensive historic preservation planning processes; and

(d) Perform other duties as requested by the SHPO.

(11) The committee may take the following actions in the interest of carrying out the body's duties:

(a) Create advisory committees or subcommittees;

(b) Appoint committee members to serve as representatives to another body; and

(c) Adopt standard practices to carry out committee duties.

**OAR 736-050-0250, State Advisory Committee on Historic Preservation: Staff Activities
Relating to the National Register Program**

- (1) The SHPO may delegate authority under this division to the Deputy SHPO, the Associate Deputy SHPO, the National Register Program Coordinator, or other Oregon SHPO staff.
 - (2) The SHPO must appoint a National Register Program Coordinator to administer the state's National Register of Historic Places program.
 - (3) Upon request of the receiving party, the Oregon SHPO must make available an un-redacted, complete copy of a National Register nomination form to the federal planning agency, owner(s), CLG, and chief elected official as described in [36 CFR § 60.6\(x\) \(2020\)](#), and a copy to the proponent, public, and Tribes subject to the provisions of sections (9) and (10) at any time.
 - (4) The Oregon SHPO may provide notice to owners by public press release or other means in place of written notice when there are more than 50 owners, except for the public comment period notice described in paragraphs 11(a)(C) and (D), and 18(e)(C), not including the provisions of paragraph 11(a)(A).
 - (5) A proponent may submit a National Register nomination form regardless of ownership status to the SHPO, the federal preservation officer for the appropriate federal agency if the property is entirely located on federally-administered lands, or Tribal Historic Preservation Officer for the appropriate Tribe if the property is entirely located on trust land.
 - (6) A Tribe may request government-to-government consultation with the Oregon SHPO at any time.
 - (7) The Oregon SHPO must provide a written response to a proponent seeking to amend a National Register nomination form for a historic property or to nominate a property to the National Register within 60 calendar days of receipt and within 45 calendar days of receipt for a petition to remove a historic property from the National Register stating whether the National Register nomination form is:
 - (a) Adequately documented;
 - (b) Technically and professionally correct and sufficient; and
 - (c) Demonstrates that the property does or does not meet the National Register criteria for evaluation.
 - (8) A proponent may withdraw the National Register nomination form at any time by submitting a written request to the SHPO.
 - (9) The Oregon SHPO must keep all or qualifying portions of a National Register nomination form, associated correspondence, and other documents confidential and conditionally exempt
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from public disclosure under the conditions established in [ORS 192.345](#) and as described in [36 CFR § 60.6\(x\) \(2020\)](#). Oregon SHPO staff must apply the conditions of [ORS 192.355\(4\)](#) to submitted National Register nomination forms. In addition, SHPO will not make specific information relating to the location of property available if disclosure would create a risk of destruction or harm as provided in [36 CFR § 60.6\(x\) \(2020\)](#).

- (10) The SHPO may petition the Keeper to keep all or qualifying portions of a National Register nomination form, correspondence, and other documents confidential and exempt from public disclosure under the provisions of the Act, [54 USC § 307103](#).
 - (11) The Oregon SHPO must provide a public comment period for each National Register nomination form considered by the committee. The copy of the National Register nomination form made available for public comment may be redacted as provided for under sections (9) and (10) as applicable.
 - (a) The Oregon SHPO must:
 - (A) Identify owners using county property tax records obtained within 90 calendar days prior to opening the public comment period;
 - (B) Open the public comment period not less than 30 calendar days nor more than 75 calendar days before a scheduled committee meeting;
 - (C) Mail a written public comment period notice to the proponent; owner; CLG; chief elected official; federal, state, and local agencies and subdivisions of Oregon State Government that meet the definition of owner; and Tribes. The Oregon SHPO may choose to coordinate with local governments on the format, content, and distribution of the public comment period notice when nominating districts; and
 - (D) Include in the public comment period notice the date and location of the scheduled committee meeting and the process for submitting comments.
 - (b) The Oregon SHPO may:
 - (A) Publish a public comment period notice in one or more local newspapers of general circulation in the area where the nominated property is located.
 - (B) Hold or attend meetings or publish information to inform the public and interested parties if the SHPO believes that such an action is in the public interest.
 - (12) Any person may comment on a National Register nomination form considered by the committee.
 - (a) The Oregon SHPO must receive written comments at least five business days before the scheduled committee meeting, except as provided for CLGs in section (13). Any written
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comments received after this time but before the meeting must be included in the public record, but the Oregon SHPO must not provide the comments to the committee.

- (b) A person may provide written materials or oral comment to the committee for consideration the day of the committee meeting.
 - (c) The committee must only consider written and oral comment submitted during the public comment period that address:
 - (A) Requirements for a complete National Register nomination form described in section (7), or
 - (B) Procedural requirements under state and federal law.
 - (d) All comments received in any format are public records, except as provided for under sections (9) and (10).
 - (e) The public comment period must remain open when the committee defers making a recommendation under the provisions of OAR 736-050-0260(11) or (12).
- (13) A CLG may object to the nomination of a property to the National Register or a major revision to a National Register nomination form for a historic property as described in [54 USC § 302504](#) when all or part of the property is within the CLG's jurisdiction.
- (a) The CLG must provide the public an opportunity to comment and consider these comments when making a recommendation to the SHPO.
 - (b) A valid objection under this subsection must meet the following requirements:
 - (A) The SHPO must receive the CLG's objection within 60 calendar days following the opening of the public comment period described in section (11);
 - (B) The chief elected official recommends that the property not be nominated to the National Register or that the National Register nomination form for a historic property not receive a major revision; and
 - (C) The local historic preservation commission recommends by majority opinion that the National Register nomination form does not meet one or more of the criteria described in section (7).
 - (c) Upon receipt of a valid objection under subsection (b), Oregon SHPO must:
 - (A) Remove the National Register nomination form from committee consideration and take no further review action from the date the Oregon SHPO receives the objection;
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- (B) Suspend the nomination process for 30 calendar days; and
 - (C) Provide written notice to the persons noted under subsection 11(a)(C) within 5 calendar days of the action. The notice must specify the date the SHPO received the objection under paragraph (b)(A).
 - (d) Any person may appeal a CLG's objection by submitting a written statement appealing the CLG's objection to the SHPO within 30 calendar days after the date the Oregon SHPO received the CLG's objection. Following the receipt of the appeal, the SHPO must submit the National Register nomination form for committee consideration at the next regularly-scheduled committee meeting, not less than 90 calendar days from the date the Oregon SHPO received the CLG's objection.
 - (e) If an appeal is not submitted from the date the SHPO received a valid objection under subsection (b) within 30 calendar days the SHPO must stop the nomination process and take all necessary actions to close the administrative process.
 - (f) A CLG may object each time proposed revisions to a National Register nomination form meet the definition of a "major revision."
- (14) The executive department of state government as defined in [ORS 174.112](#) and political subdivisions of state government may comment on a National Register nomination form. State government and political subdivisions of state government may object to listing a property in the National Register, but the SHPO must not count the objection toward the total number of private property owners needed to prevent the property from being listed in the National Register as prohibited by the provisions of [36 CFR § 60.6\(g\) \(2020\)](#). As used in section (14), "political subdivision" includes counties, cities, taxing districts, and any other governmental unit within this state.
- (15) The SHPO must determine if the majority of owners object to listing a nominated property in the National Register by comparing the total number of owners identified on the property owner list to the number of notarized statements that object to listing the property in the National Register. The SHPO must provide the Keeper the property owner list and tally of notarized statements objecting to nominating the property to the National Register through the end of the public comment period.
- (a) The Oregon SHPO must create a property owner list that includes each owner and parcel of real property within the boundary of a building, district, object, site, or structure nominated for listing in the National Register using county property tax records obtained as provided in subsection (11)(a)(A). That property owner list is the official list of property owners and real property throughout the public comment period. In creating the property owner list, the Oregon SHPO must:
 - (A) Edit the property owner list based on the submission of a valid, notarized statement and as described in section (16).
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- (B) Assume that the property tax records provided by the county assessor are accurate.
 - (C) Include owners on the property owner list regardless of whether the owner can be contacted using the information included on the property owner list provided by the county assessor's office.
 - (D) When encountering similar names, compare the name and mailing addresses to determine if there are one or more owners. The SHPO must consider Jane Doe and Jane S. Doe as two distinct persons when the county property tax records identify differing mailing addresses. If the mailing address is the same, the SHPO must identify these individuals as the same person.
 - (E) Count entities, such as named trusts, corporations, partnerships, etc., as individual owners when the owner name differs in any way, even when the mailing address is the same.
 - (F) Count a trust as a single owner when multiple trustees are named, but no trust is identified.
 - (G) Unless the terms of a trust expressly provide that the trust is irrevocable, count the settlor as the owner of the trust consistent with [ORS 130.505](#).
 - (H) Use any adopted system of abbreviations, symbols, or other codes used by the county assessor from the county providing property tax records to identify owners when creating the property owner list.
- (b) An owner may submit a valid notarized statement to take the actions in paragraphs (A) to (E) at any time during the public comment period:
- (A) Object to listing a property in the National Register. An owner may object only once regardless of how many properties or what portion of a property the owner owns;
 - (B) Withdraw their own previous objection;
 - (C) Remove the previous owner as the owner of record from the property owner list and withdraw the previous owner's objection;
 - (D) Assert ownership of a property within the nominated area when the property owner list does not include the owner or parcel of real property and add the name of the owner and the real property to the property owner list; or
 - (E) Any combination of paragraphs (A), (B), (C), and (D).
- (c) To be valid notarized statements must meet the following criteria:
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- (A) An owner must submit to the Oregon SHPO an original, notarized statement;
 - (B) The notarized statement must be on a form provided by the Oregon SHPO;
 - (C) The notarized statement must identify private, real property within the boundary of the nominated property that the owner owns;
 - (D) The notarized statement must clearly identify the intent of the owner as described in subsection (b);
 - (E) The owner must identify the name they were previously known by and listed in the county property tax records if different from their current legal name;
 - (F) The notarized statement must clearly identify the nature of the owner's property interest;
 - (G) The owner must sign and date the notarized statement; and
 - (H) A notary public must confirm, or "attest," the identity of the owner signing the notarized statement.
- (d) The SHPO must consider only the most recent valid notarized statement submitted under subsection (b) when determining the total number of owners and parcels of real property on the property owner list under subsection (a) and notarized statements of objection.
 - (e) The SHPO must not accept a notarized statement that does not meet the requirements of subsection (c), or that is incomplete, or illegible.
 - (f) The legal representative of an owner may submit a valid notarized statement on an owner's behalf under subsection (b). The representative must provide documentation demonstrating that they legally represent the owner.
 - (g) A person not listed on the property owner list created in subsection (a) that submits a notarized statement must submit documentation demonstrating that they meet the definition of "owner" in OAR 736-050-0230(16), including instruments used to create legal entities such as trusts, limited liability corporations, and any other legal entities. For a trust, a certification of trust that complies with [ORS 130.860](#) is adequate documentation under subsection (g).
 - (h) When removing the objection of a previous owner under paragraph (b)(C), a person must submit documentation demonstrating that the previous owner no longer has an ownership interest and that they themselves meet the definition of "owner" in OAR 736-050-0230(16).
 - (i) The SHPO must not recognize any person as an "owner" who is unable or refuses to submit documentation as required by this rule.
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- (j) All notarized statements and accompanying documentation are public records as defined in [ORS 192.311\(5\)\(a\)](#) and subject to inspection as provided for in [ORS 192.311 through ORS 192.380](#).
 - (k) The SHPO must acknowledge persons in writing within 30 calendar days of the receipt of their notarized statement and any accompanying documents. Acknowledgements must indicate if the notarized statement and accompanying documents are valid under subsections (c) through (i) and if not valid, describe why and how to correct the error.
- (16) The SHPO must examine the accuracy of the property owner list and validity of notarized statements when the SHPO determines that the reasonably possible outcome of identifying potential error(s) may determine if the nominated property is or is not listed in the National Register.
- (a) Any person may request that the SHPO carry out an examination of the property owner list. Such a request must be in writing, and identify and document with evidence of one or more of the following:
 - (A) Factual inaccuracy;
 - (B) Error in the property owner list;
 - (C) Error in the tally of notarized statements; or
 - (D) Any combination of paragraphs (A), (B), or (C).
 - (b) The SHPO must respond in writing to the petitioner within 15 calendar days of a request an examination stating whether the SHPO will conduct an examination and the basis for the decision. The SHPO must provide the response to the proponent, owner, CLG, chief elected official, and Tribes if proceeding with an examination.
 - (c) The SHPO may complete an examination for any reason. The SHPO must notify the proponent, owner, CLG, chief elected official, and Tribes within 5 calendar days of initiating an examination.
 - (d) The SHPO must determine how best to conduct an examination on a case-by-case basis based on the nature of the identified concern.
 - (e) An examination under subsection (a) is limited to the specific nature of the identified concern and does not include an evaluation of each entry in the property owner list or each submitted notarized statement unless the SHPO determines that this step is necessary.
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- (f) The SHPO may choose to re-examine the property owner list and notarized statements against official land recordation records or property tax assessor records, the results of a title search, or any public record.
 - (g) The SHPO may require that persons submit documentation to prove their ownership status, existence of real property, or the validity of their submitted notarized statements. The Oregon SHPO must not treat persons as “owners” who are unable or refuse to submit documentation for the purposes of taking any action under subsection (15)(b).
 - (h) The SHPO may add or remove a person or real property from the property owner list or invalidate a notarized statement upon completion of an examination. The SHPO must inform a person in writing within 30 calendar days of acting and provide the reason the SHPO took the action. A person receiving notice of the SHPO’s action under this section may submit documentation as described in this rule to the SHPO for an action under subsection (15)(b).
 - (i) An examination under section (16) is complete once the SHPO determines that further identification and correction of errors will not determine if the nominated property will or will not be listed in the National Register.
- (17) The SHPO must consider the comments from the committee, CLG, Tribes, and all other comments received during the public comment period when making a recommendation and submitting a National Register nomination form to the Keeper under the provisions of [36 CFR § 60.6\(o\) and \(p\) \(2020\)](#). The SHPO must provide the recommendation provided to the Keeper to the proponent, owner, CLG, chief elected official, and Tribes.
- (18) Under the Act, upon receipt of a National Register form from the SHPO the Keeper may list a property in the National Register; correct a submitted National Register nomination form and list the nominated property in the National Register; or return a National Register nomination form without listing the property in the National Register.
- (a) If the Keeper lists a property in the National Register the SHPO must provide notice to the committee at their next regularly-scheduled meeting and written notice to the proponent, owner(s), CLG, chief elected official, and Tribes within 30 calendar days.
 - (b) If the Keeper corrects a submitted National Register form and lists a property in the National Register, the Oregon SHPO must provide notice to the committee at their next regularly-scheduled meeting, and written notice to the proponent, owner(s), CLG, chief elected official, and Tribes within 30 calendar days.
 - (c) If the Keeper returns a National Register nomination form without listing the property in the National Register, the Oregon SHPO must provide notice to the committee, and written notice to the proponent, owner(s), CLG, chief elected official, and Tribes within 30 calendar days. The notice will forward the Keeper’s reasons for the return and state whether the SHPO intends to resubmit the National Register nomination form to the committee or the Keeper and the reasons for the decision.
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- (A) The Oregon SHPO must provide the proponent, owner, CLG, chief elected official, and Tribes 30 calendar days to comment and consider their opinion before making a final decision. The SHPO must provide a written final decision to the proponent, owner, CLG, chief elected official, and Tribes after considering any comments received.
 - (B) The SHPO may resubmit a National Register nomination form not requiring major revision to the Keeper without committee review.
 - (C) The SHPO may resubmit to the committee a National Register nomination form returned by the Keeper. The SHPO must address the reasons the Keeper returned the National Register nomination form before resubmission to the committee and the Keeper.
 - (d) The SHPO may either require that the proponent complete the revisions identified by the Keeper before resubmission of the National Register nomination form to the committee or the Keeper or the Oregon SHPO may complete needed revisions itself.
 - (e) The SHPO must resubmit a National Register nomination form to the Keeper within two years from the date the Keeper initially returns the National Register nomination form for correction as described in subsection (c) or end the National Register nomination process. If the SHPO does not resubmit a National Register nomination form to the Keeper the public comment period and the nomination process end.
 - (f) The Oregon SHPO must complete the following to continue the National Register process following the two-year period from the date of the Keeper's initial return of a National Register nomination form:
 - (A) Review the National Register form as described in section (7) for completeness and accuracy. The Oregon SHPO may require the proponent to complete revisions before resubmitting the National Register nomination form to the committee or the Keeper, or the Oregon SHPO may complete needed revisions itself;
 - (B) Close the public comment period;
 - (C) Provide a public comment period notice as provided in paragraph (11)(a)(C), and (11)(b); and
 - (D) Complete an examination of the property owner list created in subsection 15(a) using the process described in sections (16)(d) through (i).
 - (g) Notarized statements submitted and determined to be valid under the provisions of section 15 remain valid unless determined to not be valid under the provisions of section 16.
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(19) Petitioning the Keeper:

(a) The SHPO may petition the Keeper to take the following actions without review by the committee:

(A) Remove a razed historic property from the National Register;

(B) Amend a National Register nomination form for a historic property when the amendment is not a major revision;

(C) Change the contributing status of an individual historic property within a historic district listed in the National Register;

(D) Change the contributing status or recommend the relocation of a secondary historic property, such as a garage, shed, or other small-scale building, object, site, or structure that in the opinion of the SHPO does not qualify for listing in the National Register on its own merit included within the boundary of a historic property; or

(E) Any combination of paragraphs (A), (B), (C), and (D).

(b) Prior to petitioning the Keeper under subsection (a), the SHPO must notify the proponent, owner, CLG, chief elected official, and Tribes, and allow for a 30 calendar day comment period following notice and consider the provided comments. The SHPO may waive the comment period if the CLG provides a comment period as part of a local process.

(A) The SHPO must provide the proponent, owner, CLG, chief elected official, and Tribes notice of the SHPO's petition to the Keeper.

(B) The SHPO must notify the proponent, owner, CLG, chief elected official, and Tribes of the Keeper's decision within 30 calendar days. The SHPO shall inform the committee at the next scheduled committee meeting.

(20) Any person may appeal directly to the Keeper any SHPO decision regarding the nomination of a property to the National Register, an amendments to a National Register form for a historic property, or a petition to remove a historic property from the National Register under the provisions of [36 CFR § 60.12 \(2020\)](#).

(21) The SHPO may refer a nomination submitted pursuant to section (5) to the State of Oregon Office of Administrative Hearings for a contested case hearing as provided in [ORS 183.413 to 183.425, 183.440 to 18.452, 183.457, 183.460 to 183.470](#) following the Keeper's return of a National Register nomination form for issues related to counting owners, parcels of real property, and notarized statements. The proponent shall be a party to any contested case. The SHPO shall designate the scope of issues that may be addressed in the contested case, which may include:

- (a) The determination of whether a majority of owners provided notarized statements of objection as provided in section (15); and
 - (b) The determination of the accuracy of the property owner list and validity of notarized statements as provided in section (16).
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OAR 736-050-0260 State Advisory Committee on Historic Preservation: Committee Procedures for Review and Approval of Nominations to the National Register

- (1) The committee must review all National Register nomination forms except for those prepared under OAR 736-050-0250(19)(a)(A) to (E) and when a CLG objects to a National Register nomination form as provided under OAR 736-050-0250(13).
 - (2) The committee must make a recommendation to the SHPO whether the National Register nomination form meets the following criteria:
 - (a) All procedural requirements are met;
 - (b) The National Register nomination form is adequately documented;
 - (c) The National Register nomination form is technically and professionally correct and sufficient; and
 - (d) The National Register nomination form demonstrates that the nominated property meets the National Register criteria for evaluation.
 - (3) Neither the SHPO nor the committee chairperson or vice chairperson will consider a National Register nomination form submitted after the opening of the public comment period.
 - (4) The owner(s) and chief elected official may waive the CLG comment opportunity described in OAR 736-050-0250(13) by each submitting a written statement to the SHPO at least 15 calendar days before a scheduled committee meeting. The remaining provisions of OAR 736-050-0250 must be met.
 - (5) Committee members must disclose actual and potential conflicts of interest in accordance with [ORS 244.120 to ORS 244.130](#).
 - (6) Committee members must not recuse themselves for a potential conflict of interest.
 - (7) A quorum of 5 committee members are required to conduct business. The committee retains a quorum if by the removal of committee members for declared actual conflicts of interest the committee falls below 5 present, voting committee members.
 - (8) For each National Register nomination form presented to the committee, the National Register Program Coordinator must provide a summary of:
 - (a) The argument presented in the National Register nomination form, and
 - (b) Public comment received prior to the committee meeting pursuant to OAR 736-050-0250(11)(a).
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- (9) The chairperson must call for comments from the proponent(s), opponent(s), and other interested parties present following the National Register Program Coordinator's presentation. The total time allowed for comments must be determined by the chairperson or by practices adopted by the committee.
- (10) The SHPO, Deputy SHPO, Associate Deputy SHPO, and Oregon SHPO staff may participate in committee discussions, but are not voting committee members.
- (11) The committee must take one of the following actions when considering a National Register nomination form based on the committee's deliberations and comments received during the public comment period:
- (a) Recommend that the SHPO find that the National Register nomination form meets the criteria in subsections (2)(a) to (d) as presented to the committee with no revisions;
 - (b) Recommend that the SHPO find that the National Register nomination form meets the criteria in subsections (2)(a) to (d) after making less than a major revision(s) to the National Register nomination form;
 - (c) Defer making a recommendation until a future committee meeting to allow the proponent to make revision(s) or for any other reason deemed appropriate by the committee related to the criteria in subsections (2)(a) to (d); or
 - (d) Recommend that the SHPO find that the National Register nomination form does not meet the criteria in subsections (2)(a) to (d). The committee must provide reasons for the recommendation. The committee may re-consider a recommendation at a later committee meeting after the SHPO determines that the proponent resolved the committee's objections.
- (12) The committee must defer making a recommendation until a future committee meeting if the National Register nomination form requires a major revision.
- (13) The SHPO must take action on a National Register nomination form reviewed by the committee as described in [36 CFR § 60.6\(k\) to \(w\) \(2020\)](#).
- (14) The committee may provide courtesy comments on a National Register nomination form submitted to the Oregon SHPO by a federal agency or Tribe for properties administered by a federal agency or on lands held in trust by the United States of America on behalf of a Tribe or an individual allotment held by a tribal member. Reviews completed under section (14) are subject to the procedures described in OAR 736-050-0260(2)(b), (c), and (d), and sections (3), and (5) through (10).
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OAR 736-050-0270 State Advisory Committee on Preservation: Incorporation of Publications by Reference and Effective Date of Rule

- (1) The publication(s) referred to or incorporated by reference in OAR 736-050-0220 through OAR 736-050-0270 are available from the Oregon SHPO.
 - (2) This division adopts by reference the following publications of the National Park Service: “The National Register of Historic Places Regulations (36 CFR Part 60): A Brief History and Annotated Guide,” August 2012; “Historic Preservation Fund Grant Manual” (June 2007); National Register Bulletin 15, “How to Apply the National Register Criteria for Evaluation” (1995); National Register Bulletin 16A, “How to Complete the National Register Form” (1997); National Register Bulletin 16B, “How to Complete the National Register Multiple Documentation Form” (1999); National Register Bulletin 21 and 12, “Defining Boundaries for National Register Properties” (1997); and “Preparing National Register Nominations in Oregon” (2021), published by the Oregon SHPO.
 - (3) OAR 736-050-0220 through OAR 736-050-0270 are effective upon filing of the rule with the Secretary of State.
 - (4) OAR 736-050-0250(15)(c)(B), OAR 736-050-0250(18)(e), and OAR 736-050-0250(18)(f)(B) are not applicable to National Register forms submitted before the effective date of this division.
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Sorting Number	PDF Page	Entity	Type	Name	City/ organization	topic(s)	Opinion	Summary of Comment	Staff Response
1	3	Group	Email	Kassandra Rippee	Coquille Indian Tribe	Tribal Consultation, Confidentiality, Redactions, Objections	Enhance	<p>"I'll highlight again that the Tribe is not merely a member of the public or a stakeholder, and so submission of comments bulked as members of the public is not appropriate... In 2019, the Coquille Indian Tribe's Tribal Historic Preservation Office (THPO) provided comments to these rule changes. Unfortunately, we do not see any of those comments reflected in the rule changes as proposed. The Tribe has repeatedly expressed interest in seeing these rules updated to address the State's responsibilities to cultural resources and to the Tribes...evaluation and determination of eligibility for Native American sites/properties/resources should be conducted in consultation with the Tribes, regardless of landownership status... Under Staff Activities: OAR 736-050-0250 (6) & (7) regarding confidentiality: The Coquille Indian Tribe requests to be involved through consultation in the development of procedures for applying conditions of confidentiality on National Register nominations...SHPO must mail public comment period notice to... and tribes: Which tribes? All nine federally recognized Tribes in Oregon? Only those identified by LCIS with interest in the area? Only those with adjacent property ownership? To whom within the Tribe will the letter be sent?...The most recent document we reviewed included many arbitrary redactions which did not meet any applicable confidentiality regulations or rational and no correction to those redactions was made prior to submission of the filing to the Keeper. Redactions, furthermore, should be made uniformly in black, rather than alternating between white and black... Will objections by Certified Local Governments be addressed/considered the same way if the resource is only partially within the boundaries of the CLG as if it were completely in the CLG boundaries? Why do Tribes not have the right to object to nominations in the same way that Certified Local Governments do, if the boundaries of a nominations fall within (partially or completely) Tribal lands?... We are not members of the public and should be consulted with as sovereign nations on matters affecting our interests and resources."</p>	<p>Thank you for sharing your comments regarding the rulemaking process, providing notice, consultation on proposed nominations, document confidentiality, and the objection process. We appreciate the Coquille Tribe's willingness to submit comments through the public comment process. OPRD invited the Coquille Tribe to government-to-government consultation, and this invitation remains extended. We encourage the Coquille Tribe to use either or both processes.</p> <p>As written the rule requires that the SHPO send documents to all nine federally-recognized Tribes in Oregon wherever the term "Tribe(s)" is used.</p> <p>The agency did not include more specific processes regarding confidentiality of culturally-sensitive information in OAR 736-050-0250 (9) & (10). The provisions of federal and state confidentiality laws are not included in the draft rule because staff believes that the referenced laws provide sufficient guidance to carry out their provisions. Staff will reach out to stakeholders to develop office practices, including tribal governments to ensure coordination among all interested parties. The SHPO edited these sections for clarity based on public comments. The Oregon SHPO acknowledges that this is an important issue as it relates to Tribes' deep connection to their homelands and vested interest in how their history is documented.</p> <p>The public process for listing a property in the National Register of Historic Places is described in detail in federal law, rule, and policy. As written, the nomination and objection processes described in the rule accurately reflects these documents. Federal law states that any individual or entity can nominate any property for listing in the National Register of Historic Places regardless of ownership or government jurisdiction. Consultation with tribes is not required, and cannot be a prerequisite to the process. The draft rule does include notification provisions beyond what is required in federal law. As written, the draft rule requires the SHPO to inform Tribes of their opportunity to participate in the public comment process. OAR 736-050-0250(6) provides for government-to-government consultation at any time during the nomination process, and section 17 requires the SHPO to consider a Tribe's comments when forwarding a National Register nomination form to the Keeper.</p> <p>A Tribal Historic Preservation Office (THPO) has the same role in the National Register process as a SHPO described in federal law and rule and applicable guidance documents. A THPO may decline to nominate a property to the National Register when the entirety of the nominated area is within the boundary of the THPO's jurisdiction or recommend or not recommend that a property be listed in the National Register when any portion of the nominated area is within the THPO's jurisdiction. The objection provision allowing local governments recognized as "Certified Local Governments" (CLG) to object to a nomination when all or a portion of a nominated property is within the local government's jurisdiction is specified in federal law. A CLG's objection may be overruled when any individual or entity submits a request to the SHPO to continue the process within 30 days of the SHPO receiving the CLG's objection. The draft rule includes more specificity on this process, including stating when and how the SHPO must notify participants when a CLG objects and a process for reconsidering nominations should a CLG objection be overruled.</p>
2	6	Group	Email	Stacy Scott	Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians	Public Comment Extension	N/A	Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians request a 30 day extension to the public comment period.	Thank you for your request to extend the public comment period. The agency granted this request.
3	9	Group	Email	Ashley Morton	Confederated Tribes of the Umatilla Indian Reservation	Support	Support	"At this time, the CTUIR does not have any objections or concerns to the proposed updates. CTUIR appreciates the opportunity to comment. "	Thank you for reviewing the draft state administrative rules for the National Register of Historic Places in Oregon.

4	10	Group	Email	Stacy Scott	Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians	Definition of "historic resource" and "historic property", Tribe consultation, CLG training	Enhance	<p>"the definitions of "historic resource" and "historic property" in the rules should be revised to be consistent with National Historic Preservation Act (NHPA) federal regulations, 36 C.F.R. § 800.16... the Tribe recommends that the rules should be changed to require landmarks commissions ("Commissions") to include a local Tribal Nation representative with expertise in historic preservation if available... the rules should be clarified to require certified local governments (CLGs) and landmarks commissions to have regular and appropriate training to meet the responsibilities of the rule... the rules should add a definition for "Tribal consultation" and specify when and how the agency will engage in consultation with Tribal Nations in Oregon. This should include a requirement for early notification of any nomination... the Tribe requests an opportunity to consult with your agency prior to the finalization of any new rules to understand what will be adopted and how changes may impact tribal resources." Shares additional attachment with detailed document edit suggestions.</p>	<p>Thank you for submitting comments regarding the definition of "historic property," consultation with Tribes, and the participation of local governments in the Certified Local Government (CLG) program.</p> <p>The SHPO agrees that the draft rule language should reflect federal law and rule. The SHPO deleted the definition for "historic resource," which is not defined in federal law, and revised the definition for "historic property" to align with the rules for the National Register program, 36 CFR 60. The CTCLUSI's recommended definition for "historic property" is applicable to a separate provision of the National Historic Preservation Act, commonly known as "Section 106," which describes the responsibility of federal agencies to consider the impacts of their actions on historic property(ies).</p> <p>The objection provision allowing local governments recognized as a "Certified Local Government" (CLG) to object to a nomination when all or a portion of a nominated property is within the local government's jurisdiction is specified in federal law. The SHPO agrees that it is reasonable to require CLGs to meet all program rules in order to participate in the nomination process. The draft rule text, OAR 736-050-0230(3), definition of "CLG," now defines that only those communities that meet the state program requirements are CLGs. The SHPO believes that the CTCLUSI's recommendations regarding requirements for participation in the CLG program, tribal representation on local landmarks commissions, and commissioner training are best addressed in the state rules for the CLG program and not the rules for the state National Register program. The SHPO will consult with and consider the perspective of Tribes when the agency revises the state rules for the CLG program.</p> <p>The public process for listing a property in the National Register of Historic Places is described in detail in federal law, rule, and policy. As written, the nomination and objection processes described in the rule accurately reflects these documents. Federal law states that any individual or entity can nominate any property for listing in the National Register of Historic Places regardless of ownership or government jurisdiction. Consultation with tribes is not required, and cannot be a prerequisite to the process. The draft rule does include notification provisions beyond what is required in federal law. As written, the draft rule requires the SHPO to inform Tribes of their opportunity to participate in the public comment process. OAR 736-050-0250(6) provides for government-to-government consultation at any time during the nomination process, and section 17 requires the SHPO to consider a Tribe's comments when forwarding a National Register nomination form to the Keeper.</p> <p>In the marked draft of the rule the CTCLUSI asked for additional clarity regarding whether federal agencies are "owners" under the rule; decreasing the boundary of properties already listed in the National Register; redacting National Register nomination forms; and counting owners and objections. These questions are answered briefly here. The definition of "owner" does include federal agencies because agencies are "the owner of fee simple absolute or fee simple defeasible estate title to a property as shown in the property tax records," OAR 736-050-0230(16). A proposal to decrease the boundary of a historic property listed in the National Register of Historic Places is subject to the processes described in OAR 736-050-0250, but a boundary reduction for a National Register nomination form for a property proposed for listing is not. See the definition of "Major Revision" in OAR736-050-0230(12). The SHPO must provide the proponent, owner(s), CLG, federal planning agency, and chief elected official an unredacted copy of a National Register nomination form under federal rule. The SHPO may redact all or part of a form under OAR 736-050-0250, sections 9 and 10, when sharing the form with other persons. The term "additional actions" used in OAR 736-050-0250((11)b)(B) is deleted and replaced with "hold or attend meetings or publish information."</p> <p>Under OAR 736-050-0250(15), any private individual or entity that meets the definition of "owner" may submit a notarized objection statement, which is consistent with federal law and rule. This means that a single individual may object on their own behalf, and separately as a representative of a corporation, trust, or other legally-established entity because the individual, and each legally-established entity is a separate, distinct owner under Oregon law.</p>
5	32	Group	Email	Briece Edwards	The Confederated Tribes of the Grand Ronde Community of Oregon	Detailed changes, definition of "historic properties"	Enhance	<p>"Our Office has reviewed the proposed rule changes, and have provided specific line-by-line comments in the attached document. Overall, we are concerned that the language in the rule changes does not specifically address historic properties of religious and cultural significance to Indian Tribes... Additionally, we ask to consult and engage with the agency as it develops the procedures identified in the proposed rule... We would appreciate an opportunity to meet with you and/or appropriate technical staff to discuss these comments in more detail."</p>	<p>Thank you for your comments concerning historic properties of special interest to Indian Tribes, document confidentiality, notice, and staff procedures.</p> <p>The SHPO added Traditional Cultural Properties and Historic Properties of Religious and Cultural Significance to Indian Tribes to the definition of "Historic Property" in OAR 736-050-0230(9) in response to the Tribe's question regarding the applicability of the rule to historic properties of special interest to Tribes.</p> <p>The agency did not include more specific processes regarding confidentiality of culturally-sensitive information in OAR 736-050-0250 (9) & (10). The provisions of federal and state confidentiality laws are not included in the draft rule because staff believes that the referenced laws provide sufficient guidance to carry out their provisions. Staff will reach out to stakeholders to develop office practices, including tribal governments to ensure coordination among all interested parties. The SHPO edited these sections for clarity based on public comments. The Oregon SHPO acknowledges that this is an important issue as it relates to Tribes' deep connection to their homelands and vested interest in how their history is documented.</p> <p>OAR 736-050-0250(11)(b)(A) allows the SHPO to post a notice in a general circulation newspaper if the agency deems this step necessary. OAR 736-050-0250(11)(a)(C) requires the SHPO to mail notice to proponent, owner, CLG, chief elected official, and Tribes. The notice's content is specified in (11)(a)(D).</p> <p>736-050-0260(14) is revised to refer to the paragraphs of this rule that are applicable to the process. Courtesy reviews are initiated by the proponent, and the proponent is free to accept or reject any advice provided by the committee. Staff made text edits to this section for clarity.</p>
6	57	Individual	Electronic Public Comment	Laurie Matthews		Thanks	Support	<p>"Thank you for taking on the work of clarifying the rules and procedures. I have no substantive comments since all of the changes seem appropriate."</p>	<p>Thank you for reviewing the draft state administrative rules for the National Register of Historic Places in Oregon.</p>

7	58	Individual	Electronic Public Comment	Nancy Brown		Public Hearings	Question	"I thought four public hearings were going to occur? I understand modifications because of COVID, but limiting the number of hearings? I am unavailable on July 23 and without internet and intended to participate. I'm sure I am not alone."	Thank you for your comment on the public comment process for the draft state administrative rules for the National Register of Historic Places in Oregon. The agency selected meeting dates and times based on the requirements of state law and agency experience with best practices. The COVID-19 pandemic crisis unfortunately limited the public outreach process. The agency accommodated the situation by extending the comment period and sending requests for comment through the agency's various media outlets specifically targeting under-represented communities, local governments, and Tribes. Those who could not attend the public meetings had the opportunity to visit the agency website at https://www.oregon.gov/oprd/PRP/pages/PRP-rulemaking.aspx to learn more about the process and submit written comments. Recordings of past hearings are located on the agency YouTube channel at https://www.youtube.com/channel/UckqL6iVPBfCTO27cNmCTwg .
8	58	Individual	Electronic Public Comment	Nancy Brown		Public Hearings	Question	"Who and when was it decided to move from (what I thought was) FOUR different hearings—to TWO on the SAME day? I would think there would be (more) inclusivity and accommodation with the pandemic and it being the middle of summer? Unfortunately the location (where I'll be on the 23rd) also has really poor cell service. There has been an incredible amount of time and expense invested to get to this point in the process..."	Thank you for your comment on the public comment process for the draft state administrative rules for the National Register of Historic Places in Oregon. The agency selected meeting dates and times based on the requirements of state law and agency experience with best practices. The COVID-19 pandemic crisis unfortunately limited the public outreach process. The agency accommodated the situation by extending the comment period and sending requests for comment through the agency's various media outlets specifically targeting under-represented communities, local governments, and Tribes. Those who could not attend the public meetings had the opportunity to visit the agency website at https://www.oregon.gov/oprd/PRP/pages/PRP-rulemaking.aspx to learn more about the process and submit written comments. Recordings of past hearings are located on the agency YouTube channel at https://www.youtube.com/channel/UckqL6iVPBfCTO27cNmCTwg .
9	60	Group	Email	Joseph Young	173 FW Civil Engineers	Support	Support	"Thank you for the opportunity to comment on the proposed changes to the rules governing how the state protects historical places. After reviewing the proposed changes presented, we have no concerns at this time."	Thank you for reviewing the draft state administrative rules for the National Register of Historic Places in Oregon.
10	62	Individual	Electronic Public Comment	Dennis Strayer	Kerbyville Museum in Kerby, Josephine County, Oregon	Positive Experience	Support	"On [Kerbyville Museum] property is the historic 1880 Wilhelm/William and Nancy Naucke House that was listed on the National Register of Historic Places in 1997/1999. We are a small rural history museum located in a high poverty area of Southern Oregon. Having the historic 1880 Naucke House listed on the National Register of Historic Places has been a real benefit to our museum and our community. This designation helped our museum obtain several historic preservation grants over a three year period that helped us hire a professional historic house contractor [for multiple repairs]."	Thank you for reviewing the draft state administrative rules for the National Register of Historic Places in Oregon and your support for the National Register program.
11	63	Individual	Email	Patty Brandt		Rule Application	Question	"When looking at the draft rule OAR 736-050-0270, "State Advisory Committee on Preservation: Incorporation of Publications by Reference and Effective Date of Rule," sub (4). As currently written, this states that two specific provisions of the draft rule OAR 736-0500250 (15)(d) and 736-050-0250(15)(e)(B) do not apply to nominations submitted before the rule is filed with the Secretary of State. Why do these two rules not apply to nominations submitted before the rule? What is the affect of the rule changes on the process for the Eastmoreland Historic District if draft (4) passes as written or if all the rules apply to the Eastmoreland Historic District? "	The OPRD-appointed citizen Rule Advisory Committee (RAC) advised the agency during their meetings in early 2020 that proponents who already submitted nomination documents before the effective date of the rule should not be required to re-submit and go through the listing process again. Staff found that this recommendation was reasonable and chose to exclude those nominations already in process from OAR 736-050-0250(15)(c)(B), requiring owners to resubmit notarized statements on forms provided by the SHPO, and OAR 736-050-0250(18)(e) and 18(f)(B), requiring ending the nomination process after two years from the initial return of the National Register nomination form from the Keeper and closing the public comment period.
12	71	Group	Electronic Public Comment	Michele Bradley	Port of Tillamook Bay	Support	Support	"We have no issue or comments on any of the proposed changes."	Thank you for reviewing the draft state administrative rules for the National Register of Historic Places in Oregon.
13	72	Individual	Electronic Public Comment	Midge Micginnis		Question	Question	"If a county park currently has buildings on the National Register, will this new ruling have any impact?"	The draft rule includes revised procedures for amending National Register nomination forms for historic properties already listed in the National Register. The rule does not create new requirements for local governments concerning the administration of local preservation programs or the protection of historic properties.
14	74	Individual	Email	Kirk Ranzetta		NPS Coordination	Question	"Have you 1) coordinated with NPS on this draft of the OPRC's National Register nomination process rules and 2) have you sent this draft of the rules to NPS for them to identify any potential NR nomination process timing conflicts with 36 CFR Part 60? If you have, who at the NRHP have you been coordinating with? I am seeing some extra procedures here that would appear to intentionally conflict with the timely federal review of nominations as the state's rules and administrative hearings process would appear to preempt the federal rules governing the timing of the nomination process."	The Oregon SHPO invited the National Park Service to provide comments on the draft rule for the National Register program in Oregon when the SHPO provided the draft to the OPRD-appointed citizen Rule Advisory Committee (RAC) in January 2020, and again during the public comment period in July, August, and September 2020, and following the public comment period in February and May 2021. The agency has not responded as of May 26, 2021.
15	77	Individual	Email	Beth Warner		Question Response	Question	"Is it true that we can't ask questions and staff can't give information?"	The process for the public hearings is prescribed by state laws. During the testimony period speakers are invited to provide statements. Staff cannot answer questions during this time. Staff can answer questions before or after the public testimony period at the public hearings, or by email or phone at anytime.

16	79	Individual	Electronic Public Comment	Russell Monson		Eastmoreland	Support	"I support the Eastmoreland application for historic district status, and I support the state rule changes as currently proposed. I have watched with frustration as several parties have attempted to impose agendas, other than those intended for Historic District status, on the proceedings involving the Eastmoreland application and, more recently, the state rule change deliberations. In my opinion, the Eastmoreland application and associated consideration for protections by the National Park Service, are intended to preserve the unique architectural history of the Eastmoreland neighborhood.... During the past two years groups, driven mostly by financial interests, have attempted to stall the Eastmoreland application with questionable tactics, which led to the requirement for a rule change. Please allow the rule change to go through as currently stated, and allow the existing Eastmoreland application to proceed as soon as possible, so that we can move forward from this divisive process and protect these homes from further destruction."	Thank you for reviewing the draft state administrative rules for the National Register of Historic Places in Oregon and your support for the National Register program.
17	80	Individual	Electronic Public Comment	Kristen Minor		Edits and Limits to CLG Objections	Limit	"Under "Staff Activities..." on p9, a very minor edit under (5) is required to remove a stray letter r ("submitted r at any time"). Continuing with this section, under (10) "A CLG may object..." I do want to be very certain that all of the provisions must be met under (a): (A), (B), and (C). Without the "and" it might be contestable. (D) seems like it does not belong as a "requirement." Under (10)(d) at the bottom of page 10 it says "A CLG may object each time a National Register nomination form is substantively revised." I would like to see language added that limits and clarifies what the CLG may object to: "...object to the listing of a new nomination or to the substantive alteration of an existing nomination" perhaps. I would not want the CLG to be able to object to an existing nomination"	<p>Thank you for your comments. Staff made minor changes to (13)(f) to reference the definition of "substantive revision," now "major revision," provided in the rule, among other changes. The Oregon SHPO appreciates the concern regarding CLG review of substantive revisions to National Register forms for historic properties that are already listed. The National Park Service recommends that SHPOs facilitate a public process when revisions to a National Register form add a substantial amount of information, challenges previous assertions, or brings into question the continued eligibility of the property, among other considerations. Staff believe that these are good practices and incorporated these processes into rule. The SHPO believes that the revised definition of "major revision" in OAR 736-050-0230(12) and the provisions in OAR 736-050-0250(13) allowing for any person to appeal a CLG objection provide sufficient accountability. A CLG cannot object to a historic property already listed in the National Register of Historic Places, only to a "major revision."</p> <p>In response to other commenters staff made revisions throughout OAR 736-050-0250(13) and related provisions. Staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws. The Oregon SHPO also reduced the number of days the agency has to inform participants that a CLG objected from 10 to 5, specified that a Certified Local Government (CLG) must meet all federal and state requirements to participate in the definition of "CLG" in OAR 736-050-0230(3), and edited the language in OAR 736-050-0250(13) to more accurately reflect the federal statute. Staff believe that as revised OAR 736-050-0250(13) now accurately reflects the federal law, U.S.C § 302504.</p>
18	81	Individual	Email	Derek Blum		Concern for Abuse	Enhance	"There are several aspects of the proposed rules which I would like to call attention to at this time." 1. "Owner" Definition and Interpretation 2. Powers of the Certified Local Government (CLG). 3. Owner Substantiation and Forms 4. Examination of property owner list and notarized statements 5. NPS Returns and Ending Nomination Processes 6. Eastmoreland Next Steps 7. Post-Submission Process...my concerns are not based on hypotheticals -- they are based, in part, on specific activities, actions, or questions arising out of Eastmoreland's nomination. While I am certain that staunch opponents of the Eastmoreland Historic District will continue to look for creative and unsavory ways to block the nomination, I can only hope that when drafting the new rules, the SHPO has considered ways to prevent a broad range of potential abuses."	<p>The Oregon SHPO appreciates the submitted comments regarding accurately counting owners and objections and the submission process, among other issues. The questions and comments provided to our office are addressed here by topic.</p> <p>Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g).</p> <p>When preparing the owner list, the SHPO will assume that the property tax records provided by the county are complete and accurate and will apply the definition of "owner" and the process described in OAR 736-050-0250(15)(a) to create the property owner list and count the total number of objections. Only those persons not included in the property tax records provided by the county will be asked to submit documentation regarding their ownership in order to establish that they are "owners." Persons already listed in the property tax records are assumed to be owners. This process allows the office to efficiently count owners and notarized statements in cases when it is clear whether there is owner consent to list a</p>

									<p>property in the National Register. In the SHPO's experience, there is no question of whether there is or is not owner consent for the great majority of properties nominated for listing in the National Register. OAR 736-050-0250(15)(c) identifies the standards for a valid notarized statement, and requires that persons submitting notarized statements identify their ownership status, including the nature of a trust's ownership. Section 16 describes the process for reviewing the property owner list and notarized statements in cases where the outcome is contested, including seeking clarification of whether a person meets the definition of "owner" provided in OAR 736-050-0230(16).</p> <p>It is a valid concern that persons may delay the nomination process by challenging the tally of owners or objections, or submitting documents late in the public comment period. The SHPO understands that federal law and rule do not permit the state rule to restrict a person's opportunity to challenge the process or submit documentation during the public comment period. Further, the SHPO understands that it is responsible for providing the National Park Service (NPS) an accurate count of owners and objections throughout the entire comment period regardless of when the SHPO receives comments and notarized statements. The office's conclusion is based on prior experience and communication with the NPS regarding a handful of controversial nomination efforts in the last several years. Following NPS's practice, notarized statements remain valid indefinitely if the person meets the definition of "owner," no matter the length of time between initial and subsequent submission to the agency. Section 16 creates a process to determine the accuracy of the property owner list and validity of notarized statements and make edits as necessary. The Oregon SHPO expects that the processes described in Sections 15 and 16 will create a clear, well documented process that narrows the scope of any challenge and limits the potential or duration of any delay in the nomination process. For those properties already in process, the SHPO will take the actions required by the draft rule should it be adopted.</p> <p>The submitted comments addressed a number of recommended text edits. The Oregon SHPO edited OAR 760-050-2060(1) to include a reference to OAR 736-050-0250(13) to address the comment regarding a discrepancy with the provision providing communities participating in the Certified Local Government program to object and Committee procedures. The Oregon SHPO did not intend to require persons who previously submitted notarized statements to resubmit them for properties already in process prior to the adoption of the rule for the National Register program. The SHPO added OAR 736-050-0250(15)(c)(B) to the list of provisions in OAR 736-050-0270(4) that do not apply to nominations for forms submitted before the effective date of the rule. Regarding the appeal of SHPO decisions, any action of the SHPO may be challenged by petitioning the National Park Service as described in OAR 736-050-0250(20). The SHPO agrees that the process described in OAR 736-050-0250(18)(e) is unclear. The text is revised to apply only to nominations for properties not listed within two years from the date the NPS first returns the National Register nomination form for correction and more clearly describe the process.</p>
19	84	Individual	Electronic Public Comment	Chris Friess	Old Bend Neighborhood Association	Future Updates	N/A	"I chair the Old Bend Neighbor that borders Drake Park along the Deschutes River and adjacent to the downtown commercial district. Our neighbor hood is interested in preserving this park including the rock wall where the park abuts Mirror Pond. Please keep me posted on rule changes in park preservation."	Thank you for reviewing the draft state administrative rules for the National Register of Historic Places in Oregon and your interest in the National Register program.
20	85	Individual	Email	Patty Brandt		Attendance and Outreach	N/A	"This week's three rulemaking conference calls, with less than 25 people attending, of which three were staff, provided three oral testimonies. Also very little written testimony has been submitted to date. This is a "poor" showing by any standard. It should also be noted that the National Register has taken a pause accepting new nominations due to the Covid crisis. So why not SHPO in Oregon? ... Other than a press release...what other actions have you taken for outreach? ... This outreach process is not working at least for the residents...it may be working for SHPO."	OPRD appreciates your concern regarding the negative impacts of the COVID-19 pandemic on public participation. The agency selected meeting dates and times based on the requirements of state law and agency experience with best practices. The agency also created additional opportunities for comment by extending the comment period, adding public meetings, and sending requests for comment through the agency's various media outlets, specifically targeting under-represented communities, local governments, and Tribes. Those who could not attend the public meetings had the opportunity to visit the agency website at https://www.oregon.gov/oprd/PRP/pages/PRP-rulemaking.aspx to learn more about the process and submit written comments. Recordings of past hearings are located on the agency YouTube channel at https://www.youtube.com/channel/UCkqL6iVPBrfCTO27cNmCTwg . The National Park Service did briefly suspend the National Register program during the initial crisis, but has since resumed accepting nominations.
21	89	Individual	Email	Jan Napack	Ward 1 Corvallis City Council	Link Error	N/A	"I received the July 17 press release regarding updating the national Register Program. Within the body of the release is the following text and a link: "The full text of the proposed change is available online: oregon.gov/OPRD/PRP/Pages/PRP-rulemaking.aspx . The link does not work as embedded but eventually can be found by inserting the full address."	Thank you for pointing out this error. OPRD apologizes for the inconvenience. We corrected the error.
22	91	Individual	Email	Tom Hansen		Designation Process	Enhance	"I attempted to read the proposed changes and found them to be very difficult to understand...From reading the proposed changes to the OARS, I think I read that nominations and submissions will not be public documents so citizens will not know who submitted what claims. In general, transparency demands that information be made available to the public, so I do not support hiding this information...I hope that the changed rule will boil down to one vote per property, even if it means giving named property owners a partial vote. For instance, if three people are on the deed and don't agree with the change, each should register 0.33 of a single vote."	Thank you for your comment regarding the complexity of the draft rule for the state administration of the National Register of Historic Places in Oregon. Staff reviewed the rule and simplified the language wherever possible. Nomination documents are, and remain public documents under the provisions of the current draft unless all or a portion of a document is redacted under the specific requirements described under Staff Activities: OAR 736-050-0250 (9) & (10). State and federal law generally favor disclosure, and staff anticipate that these provisions will be used only in limited circumstances. The process for counting property owners and objections is described in federal law and rule. The Oregon SHPO is required to carry out these provisions as administered by the National Park Service. Federal law requires that each person with fee simple title to private, real property within the geographic area of a nominated property have the opportunity to object to listing, no matter what portion of that property they own or how many individuals own that property. An owner may object only once, regardless of how many properties they own in the nominated area. The Oregon SHPO acknowledges that some believe that this process is not equitable.

23	92	Group	Email	Rod Merrick	Eastmoreland Neighborhood Association	Definition of owner, county records, limitation of the powers of the certified local government, exception to the proposed two year limitation, closure for counting	Enhance	<p>"Our organization and the great majority of our neighbors who support the nomination have been repeatedly frustrated by having the nomination returned to SHPO four times for problems related to counting eligible owners and objectors under the existing State rules...We support the significant improvements in the draft rules but are not fully satisfied and have the following concerns... definition of owner, county records, limitation of the powers of the certified local government, exception to the proposed two year limitation, closure for counting... We urge that this rulemaking process stay focused on resolving the issues at hand without opening the process to debating a variety of tangential issues intended to delay and disrupt approval of these clarifications...The "red herring" association 1000 Friends presumes between historic preservation and discriminatory practices is false, offensive, and inflammatory. Justifying the use of 5,000 objection trusts to terminate the nomination fits the same go low unethical standard used by their opposition team in our neighborhood. A National Register listing is about history and preservation"</p>	<p>The SHPO made edits to the draft rule in response to the Eastmoreland Neighborhood Association's comments regarding accurately counting owners and notarized statements of objection. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g).</p> <p>The Oregon SHPO made revisions throughout sections 15 and 16 in OAR 736-050-0250 for clarity. As written sections 15 and 16 are separate, but complementary, and the processes described in each may occur simultaneously as required by the process. The SHPO will assume that the property tax records provided by the county are complete and accurate and will apply the definition of "owner" and the process described in OAR 736-050-0250(15)(a) to create the property owner list and count the total number of notarized statements of objection. Subsection 16 describes the process for reviewing the property owner list and notarized statements in cases where the outcome is contested, including seeking clarification of whether a person meets the definition of "owner" and "owners." This process allows the office to efficiently count owners and notarized statements in cases when it is clear whether there is owner consent to list a property in the National Register. In the SHPO's experience, there is no question of whether there is or is not owner consent for the great majority of properties nominated for listing in the National Register.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. In response to other commenters staff made revisions throughout OAR 736-050-0250(13) and related provisions. Staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230(12) and the provision allowing for a CLG's objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO acknowledges that delays in the National Register process are frustrating, time consuming, and can be costly. However, regardless of the reason for the delay the National Register documentation form and count of owners and objections must be accurate. Restarting the process allows for a full re-examination of the nomination form and count of owners and objections within a public process. The Oregon SHPO revised these provisions for clarity, but did not substantively change the process. The proposed Eastmoreland Historic District was submitted before the effective date of the draft rule, should it be adopted, and key provisions of the rule do not apply, including the requirement to restart the nomination process. See OAR 736-050-0270(4).</p> <p>It is a valid concern that persons may delay the nomination process by challenging the tally of owners or objections or submitting documents late in the public comment period. The SHPO understands that federal law, rule, and practice prohibit the state rule from restricting the opportunity to challenge the process or submit documentation during the public comment period. Further, the SHPO understands that it is responsible for providing the National Park Service (NPS) an accurate count of owners and objections throughout the entire comment period regardless of when comments and notarized statements are received. The office's conclusion is based on prior experience and communication with the NPS regarding a handful of controversial nomination efforts in the last several years. The Oregon SHPO expects that the processes described in Sections 15 and 16 will create a clear, well-documented process that narrows the scope of any challenge and limits the potential or duration of any delay in the nomination process. For those properties already in process, the SHPO will take the actions required by the draft rule should it be adopted.</p>
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24	95	Individual	Email	Diane Lund and Michael Muzikant	Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	"My husband and I have lived in the Eastmoreland neighborhood since 1996 and are submitting the following testimony in favor of allowing our neighborhood becoming an Historic District. Here are her concerns:" definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision" in OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
25	96	Individual	Email	Diana Shenk	Prevent Cheating	Enhance	"Opponents of the Eastmoreland Historic District have, time and again, taken steps to ensure that the historic district nomination is not approved by the NPS. From generating thousands of sham trusts, to coercing neighbors, to submitting volumes of unsubstantiated statements to the NPS, these opponents will certainly look for other loopholes or tactics to deny Eastmoreland's listing on the National Register. It is now quite obvious that there is not a majority who object to the historic district, but a few ringleaders continue to use unethical means to deny the majority."	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p>
26	97	Individual	Email	Sue Van Brocklin	Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	"I want to write about the effort to revise the rules that apply to the administration of nominations for listing on the National Register of Historic Places via the National Park Service." Bulleted items include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>

27	99	Individual	Email	Arnold Cogan		Frustration with 1000 Friends of Oregon	Enhance	"Those who are using Oregon's land use planning legacy to oppose the Eastmoreland Historic District are being intellectually dishonest. The opposition's tactics are a distortion of what land use planning is all about... In fact, Oregon's land use goals value historic districts and support these designations...I find it extremely unfortunate that some are distorting the principles of sound land use planning to oppose historic districts and furthermore, to imply that those who favor them are discriminatory and racist. I am also saddened by the efforts of 1000 Friends of Oregon to discredit the Eastmoreland Historic District nomination. Once a respected organization that I helped support, 1000 Friends of Oregon is engaged in an ambitious if slanderous campaign to remove protections from residential historic districts in Oregon. Please keep this in mind and do not let politics enter this decision as you weigh new changes to Oregon's rules that apply to the administration of nominations for listing on the National Register of Historic Places via the National Park Service."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.
28	101	Individual	Email	Paul Henson		Response to Public Comments	Enhance	"I feel compelled to respond to the comments provided by M.K. McCurdy, Deputy Director of 1,000 Friends of Oregon. Her comments on several key points are pejorative and unreasonably conflate distinct issues in an attempt to devalue current historic preservation efforts." Addresses Role of Elected Officials, Historic Designations can be Reconciled with Other Environmental Policy Goals, 1,000 Friends Could Weaken the Process for All Types of Historic Designations With Wide-reaching Consequences, New Historic Districts Should Not Be Conflated with Institutionalized Racism."In summary, I appreciate 1,000 Friends' agenda to preserve the Urban Growth Boundary while also advancing more fair housing options. I believe they are sincere but misguided in their goals. Meeting these worthwhile goals does not mean we must demolish our architectural treasures and abdicate our responsibility to preserve historical resources for future generations. Therefore, I urge you to reject the unsound recommendations of Ms. McCurdy and 1,000 Friends regarding the process for designation of historic districts for the following reasons: 1. Do not subject the final decision for whether or not to preserve irreplaceable historic resources to the whims of elected politicians who may be influenced by ulterior motives or supporters with financial conflicts; 2. Historic districts can and have been made compatible with implementing other policy goals such as energy efficient technology and new construction; as in other policy debates, Oregon can be a national leader in this field; and 3. Historical neighborhood districts are not inherently racist, and in fact the historical district designation process is now being used across the country to preserve neighborhoods of a variety of cultural and ethnic histories. Reject the pejorative suggestion that conserving historic resources is incompatible with policies promoting racial equality and fair housing practices."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon and comments submitted by 1000 Friends of Oregon. Please see the response to 1000 Friends of Oregon's comments regarding your observations about the process for nominating properties to the National Register of Historic Places and local land-use decisions.
29	106	Individual	Email	Sharon Waterman		Terminology concern, owner involvement, trustee votes	Enhance	Concerned about "historic resource" replacing "historic district", 736-050-0250(3) should have owner involvement noted, (6) and (7) qualifying portions of the nomination should not be confidential, (12)F each trustee should be a single vote, and exact boundaries for the historic district should be required.	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The SHPO made a number of edits in response to these comments and those of others. The SHPO deleted the definition of "historic resource," and edited the definition of "historic property" to include historic districts listed in the National Register of Historic Places. All properties proposed for listing in the National Register are simply referred to as "property" or "properties" in the text. The Oregon SHPO edited Sections 9 and 10 in OAR 736-050-0250 for clarity regarding confidentiality under state and federal law, but did not remove the requirement that the agency redact all or portions of National Register nomination forms as required by state and federal laws. The draft rule identifies a boundary increase for a nominated property to be reconsidered by the State Advisory Committee on Historic Preservation before it is sent to the National Park Service for final consideration. Sections 15 and 16 in OAR 736-050-0250 address counting owners and objections. The SHPO edited these sections to be consistent with state and federal law. Following federal law and rule, each "owner" as defined in OAR 736-050-0230(16) may object to listing their property in the National Register once, no matter how many or what portion of a property they may own. The public process for listing a property in the National Register of Historic Places is described in detail in federal law, rule, and policy. The Oregon SHPO receives many inquiries concerning the National Register of Historic Places program and draft nomination documents. The vast majority of these projects do not result in a property nominated to the National Register. To avoid unnecessary notifications, the SHPO informs owners that their property is nominated for listing once the agency deems the nomination is complete and schedules a public hearing. The draft rule does include notification provisions beyond what is required in federal law, including a requirement that the SHPO send paper mailings and provisions that allow the agency to work with local governments and take additional steps to inform the public.

30	108	Individual	Email	Jane Monson		Define ownership	Support	Supports "condition that the Eastmoreland neighborhood does not have to reapply for a historic district under the new rules. I agree with the concern raised in the public hearing on July 28 that property ownership should be clearly defined ..." Those who object have a financial interest in doing so.	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years. The Oregon SHPO retained the provisions in 736-050-0270(4) that exempt properties already under consideration before the effective date of the rule from the requirement to restart the nomination process.
31	109	Individual	Electronic Public Comment	Jim Wygant		Voting	Oppose	Wants to have Eastmoreland issue resolved without further delay. Describes Eastmoreland voting history. "Please restore the original rule: if you live in the neighborhood you are entitled to one vote"	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The public process for listing a property in the National Register of Historic Places is described in detail in federal law, rule, and policy, including counting owners and objections and the nomination process. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years. The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.
32	110	Individual	Electronic Public Comment	Matthew Hicks		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years. The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(10) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revisions, OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence. The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.

33	111	Individual	Electronic Public Comment	Paul Henson		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	States it is "imperative that the State corrects the process for selecting and designating historical resources..." Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland. "...residents have consistently elected pro-historic district members to the Board...This outcome gives reliable insight into the preference of the majority of the neighborhood regarding support for the HD."	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revisions, OAR 736-050-0230 (12), and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
34	112	Individual	Electronic Public Comment	Jay Goodman		Voting	Enhance	"The proposed changes are very difficult for me to make sense of. If it takes a bunch of lawyers to understand what is being proposed, it doesn't serve the community very well. How about "one house, one vote" to resolve the problem and get on with it. "	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The SHPO made edits to throughout the draft for clarity. The public process for listing a property in the National Register of Historic Places is described in detail in federal law, rule, and policy, including counting owners and objections and the nomination process. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p>
35	113	Individual	Electronic Public Comment	Elizabeth Super		Define ownership	Enhance	"Please improve the definition of a home owner, especially in relation to trusts. Currently Eastmoreland has 2,000 sham trusts in an attempt to take down the Historic District nomination. To protect demolishing old homes and DECREASING affordability, please approve the Historic District. Without it, developers have been demolishing affordable single family homes to build two expensive homes on the land"	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p>

36	114	Individual	Email	Stephen Leasia		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
37	116	Individual	Email	Susan Bragdon		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>

38	118	Individual	Email	Margaret Delacy		Voting	Enhance	<p>"It is vital that the new rules establish a clear process and an unambiguous definition of "ownership," that cannot be undermined by questionable loopholes...I do, however, think that a representative from a neighborhood association should have been on the advisory committee.... I think the SHPO should be able to disregard comments by Certified Local Governments (CLGs)...However, as a layperson I find the language in the current proposal confusing and I am not sure it will prevent the use of abusive trusts...Majority rule may not make sense if the "ownership" of the property is unevenly divided -this often occurs when an owner dies and their portion of a property is divided among heirs...In this rule, 16 (b) (B) should "less than fee interests" be "less than fee SIMPLE interests?" I don't know what a "fee interest" is." Poses numerous questions about the proposed rule in what/if style that Margaret wants to see addressed in the rules for clarity.</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The SHPO understands that the draft rule is complex. The public process for listing a property in the National Register of Historic Places is described in detail in federal law, rule, and policy, including counting owners and objections and the nomination process. The SHPO simplified the text and made edits throughout the draft state rule for clarity based on the submitted comments.</p> <p>Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(10) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," OAR 736-050-0230 (21) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>Federal law, rule, and practice, and the state draft rule allows the SHPO to take administrative actions to maintain its records. The SHPO cannot make these decisions unilaterally. Any revision submitted to the National Park Service (NPS) for consideration is reviewed by the agency before NPS makes a final decision. This process is described in the draft state rule. All SHPO actions are appealable to the NPS under federal law. This provision is restated in OAR 736-050-0250(20).</p> <p>Oregon state law defines and differentiates between actual and potential conflicts of interest, and only requires that a decision maker remove themselves in an instance of an actual conflict of interest. To avoid conflict, the draft rule refers to the applicable laws generally, rather than including their text or summarizing their content. The applicable law is ORS 244.120. The SHPO made no changes to these provisions.</p>
39	124	Individual	Email	Rick Eichstaedt	Attorney, Wheat Law Offices	Public Comment Extension	N/A	"A longer timeframe would be better if that is possible."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. OPRD extended the comment period through October 15, 2020.
40	126	Individual	Email	Beth Warner		Public Comment Extension	N/A	<p>"The extension and the addition of the fourth webinar for public testimony are totally unnecessary...I have attended all of the webinar sessions and have presented testimony at the session on July 28th. The sessions were not well attended nor has there been a great deal of written testimony presented. Perhaps citizens aren't interested? What is the rationale behind extending the date and adding an additional session? I would like to know. There has been plenty of time for citizens to testify, both virtually or in writing. There is no need for an extension as it once again prolongs the rule making process that was established.... Rules are rules, a process is a process, and the goal post cannot continue to be moved when the majority of citizens are abiding by the stated rules. "</p>	OPRD appreciates that many would like to see the rule revision process completed as soon as possible. The agency is responsible for setting the schedule for the rulemaking process and may extend the public comment period at its discretion under the applicable state laws and rules. The agency believes that it is important to conclude the process in a timely manner while still allowing for sufficient time for public comment. The agency chose to extend the timeline to allow for more individuals and organizations to comment than have been able to so far.
41	129	Individual	Email	Dinah Adkins		Response to Public Comments	N/A	Writes statement to oppose a previous public comment that suggested the following regarding Eastmoreland's nomination: "...the inclusion of Portland's Eastmoreland neighborhood on the National Historic Register should be denied because of historic "redlining." McCurdy and her allies in "Keep Eastmoreland Free" (she is a founding member and chief strategist) have painted neighbors as racist and elitist throughout their campaign opposing the proposed historic district..." Shares frustration over developers in the neighborhood and writes to deny racist sentiments about Eastmoreland.	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO believes that diversity, equity, and fairness are important issues that must be addressed in any federal or state government program or process. The SHPO, state review board, and National Park Service evaluate properties for listing using criteria defined in federal law and rule, which are included in the draft state rule, OAR 736-050-0260. The evaluation process does not permit consideration of any other factors. However, past injustices may be recognized in the National Register nomination document. In some instances, these same injustices may be the reason why a property is eligible for recognition.

42	135	Individual	Email	Ron Cascisa		Define ownership	Support	"I would ask that definition of ownership be clarified to the nth degree. No one property (whether held in trust or not) should garner more than one vote in any determination!" Requests "that the rules only allow the Certified Local Government a way to prevent advancement of nomination, if and only if the local landmarks commission agrees to it...Please see to it that undue influence is not allowed to sway the Certified Local Government officials in their determinations. Do not allow landmarks commissions, appeals options and checks and balances be removed from these proposed changes."	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p>
43	136	Individual	Email	Rachel Papkin		Definition of "owner" is still ambiguous, keep politics out of the process, response to public comments	Enhance	"there is some confusion in the rules about the owner of a trust...The proposed rules, 736-050-0250 (10) imposing strict requirements for objections by the Certified Local Government and allowing for appeal of an objection by proponents of a property's designation should stand...Eastmoreland has waited long enough. It is time to put aside the cheating and the red herrings and for our nomination for historic status go forward." Notes that previous public comments of racism in Eastmoreland are incorrect.	<p>The Oregon SHPO reviewed applicable federal and state laws and rules and revised the definition of "owner" and "owners," OAR 736-050-0230(16). Following federal law and rule, each "owner" may object to listing their property in the National Register once, no matter how many or what portion of a property they may own. Under OAR 736-050-0250(15)(b) any individual or entity that meets the definition of "owner" may object. This means that a single individual may object on their own behalf, and separately as a representative of a corporation, trust, or other legally-established entity because the individual, and each legally-established entity is a separate, distinct owner under Oregon law.</p> <p>Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO believes that diversity, equity, and fairness are important issues that must be addressed in any federal or state government program or process. The SHPO, state review board, and National Park Service evaluate properties for listing using criteria defined in federal law and rule, which are included in the draft state rule, OAR 736-050-0260. The evaluation process does not permit consideration of any other factors. However, past injustices may be recognized in the National Register nomination document. In some instances, these same injustices may be the reason why a property is eligible for recognition.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
44	139	Individual	Email	Marlene Burns		Definition of "owner" is still ambiguous, prevent cheating, proceed with Eastmoreland	Enhance	"I am in support of National-Register registration of the Eastmoreland Historic District." Improve the definition of "owner" "especially as this term pertains to trusts." Eastmoreland opponents "have done [cheating] through generating thousands of blatantly sham trusts...if, and when, new rules are adopted, please proceed quickly with the Eastmoreland's Nomination."	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>

45	140	Individual	Email	Jon Dickinson		Definition of "owner" is still ambiguous, prevent cheating, proceed with Eastmoreland	Enhance	"I am in support of National-Register registration of the Eastmoreland Historic District." Improve the definition of "owner" "especially as this term pertains to trusts." Eastmoreland opponents "have done [cheating] through generating thousands of blatantly sham trusts...If, and when, new rules are adopted, please proceed quickly with the Eastmoreland's Nomination."	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
46	141	Individual	Electronic Public Comment	Jeff Frkonja		Frustration with Eastmoreland process, word choice suggestions	Enhance	"Rule (12) as currently written will perpetuate the biased and undemocratic system that requires property owners objecting to historic designation to submit notarized documents." Suggests alternate wording to (12). "I ask you to strike all other references to "notarized" documents regarding the nomination process from the rules, except for submissions of fact to establish property ownership and other matters of legal standing...Mark my words: if you leave the notarization provision IN the new rules you will simply convince one set of stakeholders that SHPO is hopelessly biased, leading to a further erosion of trust in government and increasingly bizarre efforts to overcome that bias." Shares frustration of Eastmoreland process.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The public process for listing a property in the National Register of Historic Places is described in detail in federal law and rule. Under the federal rule for the National Register program the only way an owner may object to the nomination of a property to the National Register is by submitting a written, notarized statement. The Oregon SHPO may not establish an alternative process. The Oregon SHPO acknowledges that many believe that the federal process is unfair.</p>
47	142	Individual	Electronic Public Comment	Ralph Bodenner		Affirmative Consent	Enhance	"Oregon uniquely links National Register historic status to a set of land use regulations determined by local governments. This practice has led to unintended consequences, where a few determined parties can do an end-run around the democratic process and enact land use changes that normally are the domain of elected officials, public process, and affirmative consent... As we have seen with the Eastmoreland historic district nomination, the existing rules allow a small group of powerful interests to advance a land use agenda divorced from democratic accountability or inclusiveness...The best rule change would be to require affirmative consent for an historical district nomination... Since the State's goal is to bring local rules in line with the federal government's process, the second-best solution would be to allow local governments to inject democracy into the proceedings."	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. We appreciate your support for the provisions addressing the participation of Certified Local Governments in the nomination process. In response to other commenters staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws. See OAR 736-050-0250(13). The public process for listing a property in the National Register of Historic Places is described in detail in federal law and rule. Under the federal rule for the National Register program, the SHPO determines if there is owner consent by comparing a property owner list prepared from county tax records to the total number of written, notarized objections to determine if the majority of property owners object. The Oregon SHPO may not establish an alternative process. The Oregon SHPO acknowledges that many believe that the federal process is unfair.</p>
48	143	Individual	Email	Sarah Bland		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>

49	144	Couple	Email	Sally and Bruce Williams		Definition of "owner" is still ambiguous, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
50	146	Individual	Email	Ted Rothstein		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(10) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
51	146	Individual	Email	Frances Zeman		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230(12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>

52	149	Individual	Email	Heidi Kennedy	City of Bend	Neutral	Neutral	"We discussed at our last Landmarks Commission meeting and are neutral on the language changes."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO appreciates the City of Bend's participation in the Certified Local Government program.
53	152	Individual	Email	Beth Warner		Extended Comment Period	N/A	"I have attended all of the webinar sessions and have presented testimony at the session on July 28th. The sessions were not well attended nor has there been a great deal of written testimony presented. Perhaps citizens aren't interested? ...There has been plenty of time for citizens to testify, both virtually or in writing. There is no need for an extension as it once again prolongs the rule making process that was established...Rules are rules, a process is a process, and the goal post cannot continue to be moved when the majority of citizens are abiding by the stated rules."	OPRD appreciates that many would like to see the rule revision process completed as soon as possible. The agency is responsible for setting the schedule for the rulemaking process and may extend the public comment period at its discretion under the applicable state laws and rules. The agency believes that it is important to conclude the process in a timely manner while still allowing for sufficient time for public comment. The agency chose to extend the timeline to allow for more individuals and organizations to comment than have been able to so far.
54	156	Individual	Email	Ellen Fitchen		Eastmoreland	N/A	Eastmoreland resident. ". It is only the extraordinary and frankly illegal and coercive shenanigans of very prejudicial groups like 1000 Friends, which had their leaders not been residents of Eastmoreland we would have had a smooth path to approval like Laurelhurst had most recently... I believe our city's architectural history has value to future generations and should be honored and preserved."	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO believes that diversity, equity, and fairness are important issues that must be addressed in any federal or state government program or process. The SHPO, state review board, and National Park Service evaluate properties for listing using criteria defined in federal law and rule, which are included in the draft state rule, OAR 736-050-0260. The evaluation process does not permit consideration of any other factors. However, past injustices may be recognized in the National Register nomination document. In some instances, these same injustices may be the reason why a property is eligible for recognition.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
55	157	Individual	Email	Bruce Sternberg		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revisions" OAR 736-050-0230(12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>

56	158	Individual	Email	Gary Scrivens		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO recognizes that many are concerned about the involvement of 1000 Friends of Oregon in the rulemaking process. The Oregon SHPO invited 1000 Friends of Oregon to participate in the draft rulemaking process as the state-wide non-profit for land-use issues. The organization choose its own representative. The Oregon SHPO encourages the participation of all those with an interest in the process to participate in the public conversation, regardless of their affiliation, place of residence, or position on the issues within the provisions of Oregon State law.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
57	160	Individual	Email	Rochelle Scrivens		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (16) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO recognizes that many are concerned about the involvement of 1000 Friends of Oregon in the rulemaking process. The Oregon SHPO invited 1000 Friends of Oregon to participate in the draft rulemaking process as the state-wide non-profit for land-use issues. The organization choose its own representative. The Oregon SHPO encourages the participation of all those with an interest in the process to participate in the public conversation, regardless of their affiliation, place of residence, or position on the issues within the provisions of Oregon State law.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>

58	161	Individual	Email	Nathan Morales for Ted Brown	Perkins Coie		Enhance	<p>Nathan Morales representing Tom Brown "a property owner in the Eastmoreland neighborhood of Portland, Oregon... Historical preservation plays an important role in our society, but it is critical that historical preservation does not become a tool to exclude and disenfranchise marginalized populations. Though the act of preserving historic homes, districts, and other locations is commendable, OPRD should include provisions in this rulemaking that explicitly require OPRD, the State Historic Preservation Office(r) (SHPO), and the State Advisory Committee on Historic Preservation (SACHP), to consider whether racial animus or racial motivation have infected a particular historic-district nomination." Morales shares 14 pages of testimony supporting that OPRD should "Amend OAR 736-050-0250 and OAR 736-050-0260 to expressly require consideration of diversity and inclusion in a historic-district nomination, as part of the National Register criteria. [and] Amend OAR 736-050-0250 and OAR 736-050-0260 to include specific consideration of macro factors leading to the submission of an application. OPRD should undertake a comprehensive evaluation of the racial history of a nomination and proposed historic district before approving an application." Morales concludes with "Where there is any question of efforts to exclude minority groups from housing districts, OPRD, SHPO, and SACHP, must assess whether the aims of the national historic district program are met by approving a nomination. Though we appreciate historic preservation efforts, we implore OPRD to consider whether preservation has been co-opted to serve nefarious ends, before approving a nomination. This does not mean that OPRD, SHPO, or SACHP, should reject any application from any area that has been historically segregated. Rather, we ask that OPRD draft a rule provision explicitly directing the agency to consider issues of equity, justice, and inclusion when considering state nominations to the National Register."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO appreciates the submitted comments concerning housing equity and racial justice, and recommendations for how to address these in the state National Register program. The Oregon SHPO believes that these are important considerations, but determined that the recommendation to revise the draft rule to explicitly consider these issues as part of the nomination process contradict federal law and rule.</p> <p>The stories of historically marginalized communities are underrepresented in Oregon's list of historic properties. The SHPO recognizes this gap in our state's story, and leads and actively supports efforts to recognize historic properties associated with Oregon's diverse communities. These values are captured in the Oregon Historic Preservation Plan, 2018-2023, and the office is currently carrying out efforts under this plan to accomplish these goals. The Oregon SHPO assisted the City of Portland in creating a study describing the contribution of African Americans to the City, and worked with advocates to list Billy Webb Elks Lodge, a community gathering place, social club, and hub of civil rights activism for Portland's African American community, among others. The office is currently sponsoring a statewide study using a federal grant. The office welcomes comment on our efforts and suggestions for how we may better tell the whole story of Oregon's history.</p> <p>The SHPO, State Advisory Committee on Historic Preservation, and National Park Service evaluate properties for listing using criteria defined in federal law and rule, which are included in the draft state rule. The evaluation process does not permit consideration of any other factors, and federal rule allows any person to nominate a property to the National Register. The SHPO may prioritize its work, but may not limit access to the program, or consider the motivation of the proponent as a criterion for listing a property. However, past injustices may be recognized in the National Register nomination document. In some instances, these same injustices may be the reason why a property is eligible for recognition.</p> <p>The SHPO appreciates that local land-use processes are increasingly controversial. These local processes are subject to specific state laws carried out locally, and are beyond the scope of Oregon's National Register program. Properties listed in the National Register of Historic Places are subject to local land-use processes as described in Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources. The rule mandates a process to consider the impacts of local land-use decisions on historic properties, but does not mandate a specific outcome. Local governments may adopt ordinances and policies that address and balance housing equity, racial justice, and historic preservation goals. Local governments may choose to offset any costs, financial or social, if the community chooses to do so. The Department of Land Conservation and Development (DLCD) is the state agency responsible for the administration of the rule. The DLCD rule cannot be changed as part of the process for the revision of the state rule for the National Register program.</p>
59	176	Individual	Electronic Public Comment	Katherine Showalter		Define ownership	Support	<p>"I support the draft rule invalidating a Certified Local Government's objection to a Historic Resource nomination if the local Landmarks Committee determines that it should go forward...that the language of draft rules regarding ownership of trusts is ambiguous."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO appreciates your support for the provisions addressing the involvement of Certified Local Governments in the National Register nomination process and notes your support for comments provided by others. In response to other commenters, staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws.</p>
60	177	Individual	Electronic Public Comment	Maria Baker		Define ownership, check and balances	Enhance	<p>Wants a stronger definition of "owner" Suggests to "Let the residents decide, not special interest groups...Please keep checks and balances in place."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p>

61	179	Individual	Email	Katie McClintock		Definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, proceed with Eastmoreland	Enhance	Eastmoreland resident. Bulleted items to consider in final draft include definition of "owner" is still ambiguous, prevent cheating, keep politics out of the process, and proceed with Eastmoreland.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.</p>
62	181	Individual	Email	Patty Brandt		Inconsistency, lack of clarity, no reasoning provided for rule changes	Enhance	Suggests multiple additions and edits to the draft rules. Presents personal reasoning for the changes.	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO choose to not require that the official land recordation records be consulted to create the owner list. The federal rule allows the Oregon SHPO to choose one of two methods to create the property owner list. The SHPO may use either official land recordation records or tax records. The SHPO agrees that official land recordation records are more accurate than the tax records. However, such accuracy is rarely required for most properties nominated to the National Register of Historic Places. Closely contested nominations, such as the proposed Eastmoreland Historic District are the rare exception. More common are nominations that fall far short or greatly exceed the number of needed notarized statements of objection to prevent a property from being listed in the National Register. Creating the property owner list from the official land recordation records creates an unnecessary administrative burden, increasing costs and potentially delaying nomination efforts. The provisions provided in OAR 736-050-0250(16) specifically address creating a more accurate property owner list and vetting notarized statements more closely when this is required to complete the nomination process. Under federal rule the SHPO may not remove an owner from the property owner list because they cannot be contacted. It is the SHPO's expectation that the processes outlined in Sections 15 and 16 in OAR 736-050-0250 will address the majority of the concerns raised over the last several years.</p> <p>OAR 736-050-0250(18) now requires the SHPO to provide a written reason when deciding whether to resubmit a nomination returned to the NPS to the agency or to halt the nomination process. The SHPO did not add decision criteria. Federal law allows any person may challenge the SHPO's decision to not forward a National Register nomination form to the NPS. This provision is also included in OAR 736-050-0250(20).</p> <p>Regarding your question concerning OAR 736-050-0270, please see the response to your prior July 22nd email on the same topic, comment 11 in this document.</p>
63	186	Individual	Email	Kimberli Fitzgerald	City of Salem HLC, a CLG	Questions	N/A	Questions regarding definitions, duties, NR program, and review procedures. Ian Johnson responded.	Response provided by Ian Johnson, Associate Deputy State Historic Preservation Officer by email on August 18, 2020, and is included in public record.
64	188	Individual	Email	Patty Brandt		Inconsistency, lack of clarity, no reasoning provided for rule changes	Enhance	Resubmitting the same testimony and feedback from 8/17/20. Suggests multiple additions and edits to the draft rules. Presents personal reasoning for the changes.	See prior answer to this question, comment 62.
65	195	Individual	Email	Tom Brown		News Article	N/A	Shares an electronic news article as public comment.	Thank you for sharing this article. Your submission is part of the public record.
66	202	Group	Email	Marcia Garritt	St. Paul CLG	Support	Support	"St. Paul CLG accepts rule changes to the National Register Program."	Thank you for submitting comments for the draft state administrative rule for the National Register of Historic Places program in Oregon. The Oregon SHPO appreciates the City of St. Paul's participation in the Certified Local Government Program.

67	203	Individual	Email	Sandra Shotwell		Determining ownership procedures, racial history amendment, privacy	Enhance	<p>"...a clear, detailed and reasonable set of rules and procedures must be available for applicant and for the owners of those [nominated] homes... I fully support the requirement that each owner receive a letter of notification... If accurate ownership must be determined, ownership as of what date? What is the plan for establishing an ownership date? And then allowing objections, and managing objections while more ownership changes occur? ... for Section 13 (g) I strongly recommend including clearly defined procedures that detail what documentation the SHPO will accept from third parties in making ownership determinations... [section 13 (c) (A)] I strongly recommend that any notarized statement that contains all the information laid out in this section of the rules be accepted by SHPO.... [13 (c) (D)] This requirement seems unworkable and I recommend removing it... Is it possible to amend an application to include this negative but important historic information? The application for Eastmoreland was effectively whitewashed... I object to the notarized statements being made public without the express permission of the owner."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon and your questions regarding public notice. The property owner list is created from county property tax records obtained within 90 calendar days prior to the beginning of the public comment period. See OAR 736-050-0250(15)(a). The property owner list is used throughout the nomination process. The "public comment period" is defined in OAR 736-050-0230(19), and begins when the SHPO provides public notice to those participating in the nomination process. The property owner list may be corrected by individuals submitting notarized statements as described in subsection OAR 736-050-0250(15) and (16). This process is consistent with federal law, rule, and practice. The draft rule addresses what actions the SHPO must take if a nomination is not listed within two years of its return from the National Park Service for corrections in OAR 736-050-0250(18), which includes public notice requirements, among other provisions. The Oregon SHPO made revisions throughout sections 15 and 16 in OAR 736-050-0250 based on public comment and expect that these will address the majority of the concerns raised over the last several years.</p> <p>The Oregon SHPO acknowledges that the office may not be able to contact property owners using information provided by a county. To ensure broad public notification, the SHPO will take reasonable steps to inform owners. The draft rule includes additional provisions for notifying impacted persons, including public notices in general circulation newspapers. It is the responsibility of individual owners to ensure that county tax information is complete and accurate.</p> <p>The Oregon SHPO agrees that accurately counting owners and objections is key to the process of listing a property in the National Register. Closely contested nominations, such as the proposed Eastmoreland Historic District are a rare exception. More common are nominations that fall far short or greatly exceed the number of needed notarized objections to prevent a property from being listed in the National Register. The requirements for a notarized statement are listed in OAR 736-050-0250(15)(c). An owner whose legal name differs from that listed on the property owner list must identify themselves in order to avoid confusing their identity. The SHPO will not accept notarized statements that do not meet the draft rule's requirements should it be adopted. The provisions provided in OAR 736-050-0250(16) specifically address creating a more accurate property owner list and vetting notarized statements more closely when this is required to complete the nomination process. The SHPO edited section 16 based on public comment.</p> <p>The Oregon SHPO acknowledges the harmful history of racial discrimination in housing, and welcomes any recommendation regarding additional documentation for the Eastmoreland Historic District that accurately portrays the neighborhood's historic development.</p> <p>The Oregon SHPO acknowledges privacy concerns regarding publishing notarized statements and public comments. The SHPO is reconsidering this practice. Under state law all records submitted to the SHPO are public records, and may be requested by third parties at any time, subject to applicable state privacy laws.</p>
68	209	Individual	Email	James Heuer		Definition, Determination, and Counting of Owners, local governments objections to nominations, response to other public comments	Enhance	<p>Does not believe rulemaking was necessary, but hope these changes "plug the holes". Suggest multiple wording changes to clarify definition, determination, and counting of owners. Makes multiple suggestions about the role of local governments (Including CLGs) to object to nominations. Makes multiple editorial comments and shares multiple responses to public comments.</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon concerning counting owners and objections, the participation of local governments, and previously-submitted comments. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p> <p>The SHPO acknowledges that specifying a "date certain" for both creating the property owner list and closing the public comment period may resolve many issues associated with counting owners and objections. However, federal law, rule, and practice require the SHPO to edit the property owners list throughout the process as persons submit notarized statements and allows for these statements to be submitted through the day that the National Park Service makes its final decision. The SHPO may not establish an alternative process. The SHPO intends to ask for personal contact information on the notarized statement form described in OAR 736-050-2050, but finds that requiring this information is an unnecessary barrier to full participation in the process. A notary must verify the identity of the person signing a document when the document is notarized. As revised, the draft rule complies with applicable federal and state laws and rules.</p> <p>In response to other commenters staff made revisions throughout OAR 736-050-0250(13) and related provisions. The text of OAR 736-050-0230(9) reflects the applicable federal law, 54 USC § 302504, and is revised to include Traditional Cultural Properties and Historic Properties of Religious and Cultural Significance that meet the criteria for evaluation. Staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow</p>

									<p>national register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws. The Oregon SHPO also reduced the number of days the agency has to inform participants that a CLG objected from 10 to 5, specified that a Certified Local Government (CLG) must meet all federal and state requirements to participate in the definition of "CLG" in OAR 736-050-0230(3), and edited the language in OAR 736-050-0250(13) to more accurately reflect the federal statute. The Oregon SHPO encourages local government and public participation in the National Register process, and chooses to not raise additional barriers beyond what is required by the federal law. As written, no justification is required to overturn a CLG's objection, but an objection does have the effect of delaying the nomination to provide additional time for the nomination process. Local governments may choose to limit the authority of landmarks commissions to considering only the National Register program criteria when considering the nomination of a property, or to require a public hearing for a nomination. The Oregon SHPO believes that the narrow definition of "substantive revision," now "major revision," OAR 736-050-0230(12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence.</p> <p>The provisions of federal and state confidentiality laws are not included in this draft rule because staff believes that the referenced laws provide sufficient guidance to carry out their provisions. The draft already addresses informing interested parties regarding nomination processes throughout the revised OAR 736-050-0250. Federal law allows the SHPO to make an independent recommendation to the National Park Service concerning the eligibility of a property for listing in the National Register. The SHPO revised OAR 736-050-0250(14) for clarity, now OAR 736-050-0250(3). The rule requires that the SHPO provide notification at key points during the nomination process to the involved parties. See sections 15 and 16. Under federal law, any person may challenge the SHPO decision by petitioning the National Park Service as described in OAR 736-050-2050(20).</p>
69	222	Individual	Email	Beth Warner		Press Release Response	N/A	<p>"Can you please tell me why the public comment period was extended once again? This is getting to be a bit ridiculous. The comment period was opened on July 1 and was due to remain open until August 14th. Then it was extended to August 31st. Now it is September 14th? You say in the message that it is being extended because of a request from stakeholders. What stakeholders? Stakeholders have had almost two months to present both oral and written testimony. This extension seems unreasonable to me. I, too, am a stakeholder, and I would like to see the public comment period closed."</p>	Response provided by Ian Johnson by email to multiple inquiries on August 24, 2020 and is included in the public record.
70	229	Group	Email	1000 Friends of Oregon	1000 Friends of Oregon	Housing, determination, public engagement, disconnecting automatic restrictions, forego certain uses of the National Register program	Limit	<p>"The proposed rules, while largely procedural, also raise some significant substantive issues. These include important and potentially adverse impacts on housing diversity, sufficiency, and affordability throughout a community. Therefore, these comments will focus on four issues: the role of local elected leaders in determining whether privately nominated structures and geographic areas should be submitted for inclusion on the National Register of Historic Places; the public engagement process currently underway for these proposed rules; a request to direct staff to pursue disconnecting the state historic preservation program's automatic restrictions from a listing on the National Register; and a recommendation that the Oregon Parks & Recreation Commission and ORPD forego certain uses of the National Register program in ways that perpetuate institutionalized racism."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO appreciates the submitted comments concerning local government participation in the nomination process, housing equity and racial justice, and recommendations for how to address these in the state National Register program.</p> <p>In response to public comments staff made revisions throughout OAR 736-050-0250(13) and related provisions. The text of OAR 736-050-0230(9) reflects the applicable federal law, 54 USC § 302504, and is revised to include Traditional Cultural Properties and Historic Properties of Religious and Cultural Significance that meet the criteria for evaluation. Staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws. The Oregon SHPO also reduced the number of days the agency has to inform participants that a CLG objected from 10 to 5, specified that a Certified Local Government (CLG) must meet all federal and state requirements to participate in the definition of "CLG" in OAR 736-050-0230(3), and edited the language in OAR 736-050-0250(13) to more accurately reflect the federal statute. Staff believe that as revised OAR 736-050-0250(13) now accurately reflects the federal law, U.S.C § 302504.</p> <p>The SHPO agrees that where federal law is not specific that state rules may fill in these gaps. However, the SHPO finds that federal law specifically requires an independent decision from both the chief elected official and the local historic landmarks commission. The law states, "If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action..." The SHPO finds that this language is unambiguous, specifying that "both" the chief elected official and the local landmarks commission must object.</p> <p>The Oregon SHPO appreciates 1000 Friends of Oregon's close reading of the draft, and made many of the suggested editorial changes. The Oregon SHPO asks for a person to identify previous names in OAR 736-050-0250(15)(c)(E) when submitting a notarized statement to ensure that all owners are correctly identified.</p>

The state of historically established communities are represented in Oregon's list of historic properties. The SHPO

									<p>The stories of historically marginalized communities are underrepresented in Oregon's list of historic properties. The SHPO recognizes this gap in our state's story, and leads and actively supports efforts to recognize historic properties associated with Oregon's diverse communities. These values are captured in the Oregon Historic Preservation Plan, 2018-2023, and the office is currently carrying out efforts under this plan. The Oregon SHPO assisted the City of Portland in creating a study describing the contribution of African Americans to the City and worked with advocates to list the Billy Webb Elks Lodge, a community gathering place, social club, and hub of civil rights activism for Portland's African American community, among others. The office is currently sponsoring a statewide study of African American historic properties using a federal grant. The office welcomes comment on our efforts and suggestions for how we may better tell the whole story of Oregon's history.</p> <p>The SHPO, State Advisory Committee on Historic Preservation, and National Park Service evaluate properties for listing using criteria defined in federal law and rule, which are included in the draft state rule. The evaluation process does not permit consideration of any other factors, and federal rule allows any person to nominate a property to the National Register. The SHPO may prioritize its work, but may not limit access to the program, or consider the motivation of the proponent as a criterion for listing a property. However, past injustices may be recognized in the National Register nomination document. In some instances, these same injustices may be the reason why a property is eligible for recognition.</p> <p>The COVID-19 public health crisis complicated outreach efforts for the draft National Register program rule. The SHPO solicited comments by press release and direct email through various media outlets, held four public virtual meetings in August, and extended the comment period multiple times, ending on October 15th. The agency received many verbal comments at the hearings and over 100 written comments that included Tribes, federal agencies, local governments, and private citizens. Please see our agency rule-making website for a record of these actions.</p>
71	238	Individual	Mail	Edward Sullivan		Housing, determination, public engagement, disconnecting automatic restrictions, forego certain uses of the National Register program	Limit	"I have read, and agree with, the letter submitted by 1000 Friends of Oregon... I am concerned that neighborhoods and cities may attempt to evade their housing obligations under state and federal law by advancing faux "historic districts" that would not be able to accommodate person less well-off than their current residents and thus will be used as a tool for the perpetuation of de facto segregation... I urge the Commission to include [the 1000 Friends of Oregon] suggestions in the final version of the rules."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Please see the Oregon SHPO's response to 1000 Friends of Oregon's comments submitted by email on July 20, 2020, line 71 of this document.
72	240	Individual	Mail	Mark Ries		Add more protections	Oppose	Recent removals of statues and monuments demonstrates "cancel culture" and wanting to remove the knowledge and memory of the American ideal. Systemic destruction of art is a release of anger. "I did a search of the [proposed rule change] document on the word "protect" and did not get a single hit. I am more concerned about protecting existing historical statues, monuments, places, etc. than future works... If your "proposed" rules changes do not deal with protecting and preserving existing invaluable-irreplaceable- historic entities that reflect Oregon's and America's diverse and historical past from "mob rule", then what is the point of revisions?"	Thank you for submitting comments. The draft state administrative rules for the National Register of Historic Places program in Oregon establish procedures for listing properties in the federal National Register of Historic Places. They do not address protection. Protection of cultural resources are addressed under other state laws and rules, including Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources.
73	242	Individual	Email	Patty Brandt		Press Release Response	N/A	In response to the press release "This is deceptive...Oregon does and Eastmoreland has every intention to place restrictions on property clearly communicated by Rod Merrick. The National Register has paused during this time of Covid. SHPO should too. Two conference calls the last week in July is not a public campaign."	The Oregon SHPO acknowledges and regrets the error and issued a correction.
74	246	Individual	Email	Sara Roberston	Oregon State University	Ability to Revise Boundaries	Limit	Shares concerns over revised rules that may impact OSU's ability to revise their Historic District boundaries. "If the proposed rule changes are adopted as currently drafted, OSU's ability to revise the district boundary or the status of resources in the district could become more difficult and burdensome. Per the definition of substantive revision in the proposed OAR 736-050-0230(21) and the procedures outlined in the proposed OAR 736-050-0250(10), if Oregon State University requested a change to the OSU National Historic District boundary or a revision to the classification of a structure from contributing to non-contributing, that action could be blocked by the Certified Local Government (CLG) if both the local landmarks commission by majority vote (the non-elected Corvallis Historic Resources Commission) and the head of the local CLG (Corvallis Mayor) object to the change. If the CLG objected to the substantive revision, OSU would have the option to appeal the CLG's objection per the proposed OAR 736-050-0250(10)(c), which states that "[a]ny person may appeal a CLG's objection by submitting a written appeal to the Oregon SHPO within 30 calendar days after the date the SHPO received the CLG's objection."... It is particularly important to the university that it is able to efficiently make revisions to an approved nomination..."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Yes, a Certified Local Government (CLG) can temporarily block a request to revise a boundary for a property already listed in the National Register of Historic Places. This authority was already included in federal law. However, the provision in the draft rule does not necessarily stop the process. Any person may appeal a CLG's objection by requesting in writing within 30 days of the CLG's objection that the Oregon SHPO continue with the nomination. Changes to the contributing status of individual structures are not defined as a "substantive revision" in the draft rule, and a CLG may not object to them as described in OAR 736-050-0250(13). The Oregon SHPO made edits to sections 736-050-0250(13) and (19) to clarify the processes based on public feedback.

75	248	Individual	Email	June Chapin		Voting	N/A	"If any neighborhood in the City should qualify for historical it should be Eastmoreland. Since my husband passed away eight years ago my Attorney recommended that put the property in a Revocable Trust. which I did. I live in my home. and I have One Vote. How is it possible some residents in the neighborhood have add 1000 TRUSTS to their property. I call this very dishonest would not agree? These owners are dishonest and should not be allowed to cheat, So I trust with all my heart that SHPO will do what is right."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years. Following federal law and rule, each "owner" may object to listing their property in the National Register once, no matter how many or what portion of a property they may own. Under OAR 736-050-0250(12)(D) and (E) Any individual or entity that meets the definition of "owner" may object. This means that a single individual may object on their own behalf, and separately as a representative of a corporation, trust, or other legally-established entity because the individual, and each legally-established entity is a separate, distinct owner under Oregon law.
76	249	Individual	Electronic Public Comment	Edward Dundon		Definition of Owner, Voting	Enhance	"... I have also witnessed the underhanded efforts of a small group of opponents to prevent the process from moving forward. The most egregious of these efforts has been the creation of 5,000 sham trusts to circumvent the wishes of the majority. I urge you to carefully consider the proposed rules changes with the understanding that they should provide for a fair process that reflects the majority of the property owners in a neighborhood. With this in mind please consider the following: - What is a fair definition of an owner? "	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years. Following federal law and rule, each "owner" may object to listing their property in the National Register once, no matter how many or what portion of a property they may own. Under OAR 736-050-0250(12)(D) and (E) Any individual or entity that meets the definition of "owner" may object. This means that a single individual may object on their own behalf, and separately as a representative of a corporation, trust, or other legally-established entity because the individual, and each legally-established entity is a separate, distinct owner under Oregon law.
77	250	Individual	Email	Edward Dundon		Definition of Owner, Voting	Enhance	"... I have also witnessed the underhanded efforts of a small group of opponents to prevent the process from moving forward. The most egregious of these efforts has been the creation of 5,000 sham trusts to circumvent the wishes of the majority. I urge you to carefully consider the proposed rules changes with the understanding that they should provide for a fair process that reflects the majority of the property owners in a neighborhood. With this in mind please consider the following: - What is a fair definition of an owner? ... -I am concerned about the proposed rule allowing the Certified Local Government to prevent a nomination from advancing. This language allows politics into the process and provides another avenue for opponents to circumvent the wishes of the majority of property owners...Thank you for your careful consideration of a process that is democratic and fairly represents the wishes of the majority, not only for Eastmoreland but for other nominations in the future."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years. The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision" OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence. The Oregon SHPO expects to resubmit the proposed Eastmoreland Neighborhood Historic District under the new draft rule should it be adopted, unless the Eastmoreland Neighborhood Association withdraws the organization's application in writing.

78	251	Individual	Email	Tracy Schwartz		Honorary designation, Eastmoreland centric feedback, definition of "historic property", references to "Tribes", annual meetings	Enhance	"First, NRHP listing was intended to be an honorary designation. So honorary in fact that a homeowner has to purchase their own commemorative plaque once listed. The State of Oregon has linked NRHP designation to land use decisions (Goal 5). For that reason, in Oregon, a program meant to commemorate may come with a level of controversy. While I hope that the State will consider decoupling the NRHP from Goal 5 (obviously beyond the scope of this rule), I ask that you remember the NRHP was designed to be honorary and enact a rule that accounts for the purpose and spirit of the federal program.... I have been greatly disappointed with the Eastmoreland centric tone the NRHP rulemaking process has had. As you review all the comments and public testimony, please remember that this is a rule for the entire State of Oregon, not one neighborhood." Additionally suggests: " I would request some clarification regarding the definition of "historic property (736-050-0230(10))... "Tribes" (736-050-0230(22)) should refer to more than Oregon's nine federally recognized tribes.... 736-050-0240(8)(a) calls for the Committee to meet three at least times each year. I recommend that the rule not be so specific in the number of meetings annually, and instead call for a minimum of one meeting each year with additional meetings added at the discretion of Oregon SHPO staff."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The SHPO agrees that the draft rule language should reflect federal law and rule. The SHPO deleted the definition for "historic resource," which is not defined in federal law, and revised the definition for "historic property" to align with the rules for the National Register program, 36 CFR 60. The SHPO agrees that Tribal involvement is important in any federal or state process. The National Park Service (NPS) treats the nomination of properties to the National Register of Historic Places as exempt from consultation with Indian Tribes under federal law. Tribes that are not federally recognized or are recognized in other states may request to engage in government-to-government consultation with NPS or participate in the state process as any other person during the public comment period. The SHPO did not revise the definition of "Tribes." The scope of tribal consultation under state processes is limited by Oregon State law. Oregon Revised Statute (ORS) 182.162(2) defines "Tribes" as "a federally recognized Indian tribe in Oregon." This definition is consistently applied across state agencies and programs. Draft Oregon Administrative Rule (OAR) 736-050-0260(14) addresses federally-administered property, including those held in trust on behalf of Indian Tribes, and now includes a procedure for this process. The nomination process is described in federal law and rule and NPS publications adopted by reference in OAR 736-050-0270(2). The draft rule attempt to include processes from the federal law and rule only when necessary for clarity. ORS 358.622(3) requires that the State Advisory Committee on Historic Preservation meet three times annually. This provision is repeated in the draft rule for completeness.
79	253	Couple	Email	Anna Choe & Don Lee		Address racism, objecting to nominations, Eastmoreland nomination	Enhance	"The Proposed Rules is a step forward in remediating that opaque process, but there are certain Proposed Rules when applied, will continue to cause confusion, and result in arbitrary outcomes. In addition, the Proposed Rules fail by omission to address "racism in historic places and heritage organizations resources," something that the Oregon SHPO has stated as a part of its mission statement on its web-landing page." Makes suggestions on The Proposed Rules - Section 736-050-0270 (4), The Proposed Rules - Section 736-050-0250 (12), and the lack of addressing racism.	The OPRD-appointed citizen Rule Advisory Committee (RAC) advised the agency during their meetings in early 2020 that proponents who already submitted nomination documents before the effective date of the rule should not be required to resubmit and go through the nomination process again. Staff found that this recommendation was reasonable, but agree that nomination documents must be complete and accurate. SHPO staff edited OAR 736-050-0250(18) to require that nomination documents in process before the effective date of the rule must be edited for completeness and accuracy before resubmission to the National Park Service, but are not subject to a new administrative process. The Oregon SHPO acknowledges that the many perceive that the process for listing properties in the National Register is undemocratic. The public process for listing a property in the National Register of Historic Places is explicit and described in detail in federal law, rule, and policy. As written, the nomination and objection processes described in the rule accurately reflects these documents, including the provisions requiring notarized statements to object to a nomination of a property to the National Register and the process for amending the property owner list. The SHPO may not develop separate procedures in the state rule for counting owners and objections. The creation date for the property owner list is defined in OAR 736-050-0250(15)(a). Section 15 in OAR 736-050-0250 describes how owners and properties may be added or removed from the property owner list. The provisions in OAR 736-050-0250(16) address revising the property owner list and review of notarized statements should a property not be listed in a timely manner. It is the SHPO's expectation that the processes outlined in Sections 15 and 16 will address the majority of the concerns raised over the last several years. The staff of the Oregon SHPO are angered and deeply saddened by the blatantly racist verbal attack against you and your husband at your home. The SHPO is committed to ensuring that our programs are open to all Oregonians and believes that racism, diversity, equity, and fairness are important issues that must be addressed in any federal or state government program or process. The Oregon SHPO Preservation Plan, 2018 – 2023 guides the agency's work and addresses these important issues. The SHPO, state review board, and National Park Service evaluate properties for listing using criteria defined in federal law and rule, which are included in the draft state rule, OAR 736-050-0260. The evaluation process does not permit consideration of any other factors. However, past injustices may be recognized in the National Register nomination document. In some instances, these injustices may be the reason why a property is eligible for recognition.
80	257	Individual	Email	Robert Papkin		Voting, Definition of owner	Enhance	"That Notice contains a Statement of Need which refers to a number of controversial issues involved in recent historic district nomination cases and asserts that "especially controversial is counting property owners and objections to establish owner consent as required by federal rule, specifically trusts" and that the proposed rule changes are needed "to provide general clarity" ... There is a way to allow proper use of a trust to be treated as an owner while prohibiting the creation of a huge number of additional votes from a single trust property. Article 130 of the Oregon Revised Statutes(ORS) ..."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years
81	259	Individual	Mail	Sam Pambrun		Do not focus on rulemaking	N/A	Notes that the rulemaking process is not user friendly. "...Both OPRD and SHPO are the problem. You have effectively insulated yourselves from the public by making it so difficult to communicate with you. Quit hiding what you are doing behind layers of rhetoric...SHPO is abetting an effort to destroy 9 1/2 miles of Oregon Trail...thanks to SHPO there is no official voice to counter this pliffing of history... quit wording about miniscule word changes... get your house in order first..."	The SHPO acknowledges that the COVID-19 pandemic complicates public outreach efforts and took reasonable steps to allow for the greatest degree of public participation under the circumstances, including extending the public comment period, hosting virtual, online public forums, and providing information about the process through our various media outlets. The SHPO believes that it is necessary to revise the state rules for the National Register program in Oregon to address a number of issues raised over the last several years by a handful of controversial nomination efforts.
82	260	Individual	Email	Tom Brown		Visual Aid	N/A	"Please add this flyer to the public record. This shows how the Eastmoreland Neighborhood Association used the NPS Historic program to "protect" the neighborhood when all of their other efforts failed. If Oregon didn't have demolition protection for historic resources Eastmoreland NA would have never pursued an historic nomination. The HD program is being abused because Oregon offers demolition protection."	Thank you for the submission of this article. It is part of the public record.

83	263	Individual	Email	Charles Boyd		Nomination Jurisdiction	Enhance	"I own the Charles Boyd buildings which are on the National Register in Bend, Oregon. I believe it is a mistake to give the county commissioners jurisdiction over new nominations for the register. The present commissioners are totally business and economical oriented and give little priority to the environment, or the saving of historic sites. The landmarks commission and historical society would be a better choice."	The Oregon SHPO appreciates the concern that local politics may influence decision makers and made minor text edits in OAR 736-050-0230(13) for clarity and to align the rule with federal law. The Oregon SHPO believes that the definition of "substantive revision," now "major revision," OAR 736-050-0230 (12) and the provision allowing for a Certified Local Government's (CLG) objection to be overruled by any person submitting a written statement provide sufficient guards against undue influence. In response to public comments, staff removed the provision in OAR 736-050-0250(13) allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws.
84	264	Individual	Electronic Public Comment	Julie Nelson-Thiele		Cost of Registration, Repair Loans, Funding Support	Enhance	"When considering changing the rules for registering historic places, please take into account the cost to the owner of the property. If it is an individual who has owned a property and loves living there don't make it impossible for them to continue living there because the rules state they must register the property and the cost of registering will cause a financial burden not bearable... Also, when they need repair or upgrade a part of the building it would be good to have a no interest loan available.... It would be good if there was funding to compensate organizations so that we could keep the history for future generations..."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The draft rule addresses the process for listing properties in the National Register of Historic Places, and does not address the maintenance of historic properties or incentives for their maintenance. The SHPO acknowledges that these are important issues. The draft rule does not include any provision for the Oregon SHPO to charge for its services.
85	265	Individual	Email	Harvey Schowe		Hazardous Materials	Enhance	"I reviewed the changes in the statutes and no thing that seems missing. Many older buildings or sites may have contamination or have materials that are hazardous to human health or the environment. Years ago there was no or little regulations in regard to hazardous materials. The historic registration review process should include some provision especially in the case where a local or state government will take over the property for historical preservation... If the property was a business over 100 years ago what materials and items that was sold, manufactured, and stored on the property needs some investigation."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The draft rule addresses the process for listing properties in the National Register of Historic Places, and does not address the maintenance of historic properties or hazardous materials. The SHPO acknowledges that these are important issues.
86	311	Individual	Email	Kelly Nobels		Historical Boundary Notices	Enhance	"Two years ago I hired someone to clear the sage brush of my undeveloped parcel. I received notice from an CTUIR office that he thinks the historical boundary was changed and that my land is now in the archeological site known as 3SUM1. My family has lived here for 4 generations and we all know the USACE has a fence around the historical site and it is a no trespassing area. Apparently in the early 1980's SHPO decided to extend the boundary of 3SUM1 without notifying the property owners or the city of Umatilla." Kelly Nobels explains the lengthy and costly process to get resolution on this issue. "It seems odd that historical site boundaries can be so easily manipulated through administrative decision and not a formal process. How is it possible SHPO controls sites without informing the city administration or the private property owner?... I understand and agree with the need to protect historical sites, I understand federal lands have additional requirements but this is private land that I have spent \$87,000 myself to prove it is not of historical significance and I am still waiting for permission to gravel access to my property across a street that was dug up for a main sewer line...Please provide private landowners with knowledge that their property is under SHPO jurisdiction as well as a reasonable time line to permit them to use their property if proper research is completed."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon and the description of your personal experience with the program. The draft rule addresses the process for listing properties in the National Register of Historic Places only, but does not address subsequent regulation of listed historic properties under applicable federal and state laws.
87	319	Group	Email	Brian Turner/ National Trust for Historic Preservation and Restore Oregon	National Trust for Historic Preservation and Restore Oregon	Support, concern with public comment suggestions	Support	"The rules as proposed would successfully remedy these issues. Our comments recommend some minor technical improvements that will help to clarify several issues. We also write, however, to raise objections to additional changes in the regulations that have recently been proposed by 1000 Friends of Oregon. These proposals would make NR listings more difficult and more politicized. They are out of step with best practice and should be rejected... With due respect to 1000 Friends and their important mission to build livable communities in Oregon, we are concerned that their suggestions would have the effect of making the process of NR designation much more politicized, less objective, and less representative of Oregon's history..."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon regarding the participation of Certified Local Governments in the nomination process and the issues of fair housing and race and racism. The Oregon SHPO addressed the suggested changes.

88	328	Individual	Email	Brandon Spencer-Hartle	City of Portland Bureau of Planning & Sustainability	Additional provisions	Enhance	<p>"The City of Portland is generally supportive of the proposed rules, and offers the following specific comments..." Shares specific points covering appreciation of resolved concerns with rule draft and "The new provisions in 736-050-0250(12) address the counting of owners and owner objections. The City supports increased clarity on the State's administration of owner counting and objections, but requests an additional provision to 736-050-0250(12) that mirrors the objection timeline in 736-050-0250(10) when any owner submits a formal objection to a proposed listing in the National Register that would affect their property. Allowing an objecting owner to pause the nomination timeline for an additional four months would provide additional opportunities for local government, community members, and property owners to engage in dialogue regarding the merits of the proposed listing... The Portland Historic Landmarks Commission, in their role advising City staff and decision-makers, have requested additional clarity be added to the provision 736-050-0250 (10)(d) to the scope of the objections allowed under this subsection. Specifically, the Historic Landmarks Commission requests that objections only be considered in the nomination of new listings in the National Register...Provisions described under 736-050-250 (10)(a) describe the process under which a CLG may object to a nomination. The City of Portland generally believes that the ultimate authority for such an objection must rest with the chief elected official rather than having both the elected official and the appointed volunteer Historic Landmarks Commission object..."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The SHPO appreciates the City of Portland's support for many of the provisions in the draft rule and recommendations for improvement. The Oregon SHPO believes that diversity, equity, and fairness are important issues that must be addressed in any federal or state government program or process, and actively supports recognizing historic properties associated with Oregon's diverse communities. These values are captured in the Oregon Historic Preservation Plan, 2018-2023, and the office is currently carrying out efforts under this plan to accomplish these goals. The office welcomes comment on our efforts and how we may improve.</p> <p>Staff addressed most recommendations provided by the City, except the recommendation to allow owners to delay the nomination process and remove the local historic preservation commission's responsibility to provide an independent recommendation in OAR 736-050-0250(13). The timeline for processing nominations to the National Register of Historic Places is set in federal law and rule, and does not allow for an owner to pause the process in the same way that a Certified Local Government may as described in federal law, 54 U.S.C § 302504. A proponent may end the nomination process by withdrawing the nomination document, see OAR 736-050-0250(8). An owner may object to a nomination as described in OAR 736-050-0250(15)(b).</p> <p>In response to other commenters staff made revisions throughout OAR 736-050-0250(13) and related provisions. The text of OAR 736-050-0230(9) reflects the applicable federal law, 54 USC § 302504, and is revised to include Traditional Cultural Properties and Historic Properties of Religious and Cultural Significance that meet the criteria for evaluation. Staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws. The Oregon SHPO also reduced the number of days the agency has to inform participants that a CLG objected from 10 to 5, specified that a Certified Local Government (CLG) must meet all federal and state requirements to participate in the definition of "CLG" in OAR 736-050-0230(3), and edited the language in OAR 736-050-0250(13) to more accurately reflect the federal statute. The SHPO finds that where federal law is not specific that the draft state rules may fill in these gaps, but where the law is specific the agency cannot provide an alternative. The SHPO finds that federal law specifically requires an independent decision from both the chief elected official and the local historic landmarks commission. The law states, "If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action..." The SHPO finds that this language is unambiguous, specifying that "both" the chief elected official and the local historic landmarks commission must object. Staff believe that as revised OAR 736-050-0250(13) now accurately reflects the federal law, U.S.C § 302504.</p>
89	331	Individual	Email	Constance Beaumont		Definition of owner, limitation of the powers of the certified local government, racism	Enhance	<p>Shares feedback on Definition of "owner", Role of Certified Local Governments, Response to argument that historic districts perpetuate racism.</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years</p> <p>The Oregon SHPO acknowledges your support for the provision addressing the participation of Certified Local Governments (CLG) in the nomination process. In response to other commenters staff made revisions throughout OAR 736-050-0250(13) and related provisions. Staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws. The Oregon SHPO also reduced the number of days the agency has to inform participants that a CLG objected from 10 to 5, specified that a Certified Local Government (CLG) must meet all federal and state requirements to participate in the definition of "CLG" in OAR 736-050-0230(3), and edited the language in OAR 736-050-0250(13) to more accurately reflect the federal statute. Staff believe that as revised OAR 736-050-0250(13) now accurately reflects the federal law, U.S.C § 302504.</p> <p>The SHPO acknowledges that diversity, equity, affordable housing, and local planning processes are important issues. Under federal law and rule, the SHPO, state review board, and National Park Service evaluate nominated properties for listing using criteria defined in federal law and rule, which are included in the draft state rule, OAR 736-050-0260. The evaluation process does not permit consideration of any other factors.</p>
90	335	Individual	Email	Sean Hess	U.S. Bureau of Reclamation	Title 54, "historic resource" and "historic property" definition	Enhance	<p>"These comments represent the collective concerns of the Columbia-Pacific Northwest Regional Archaeologist, the California-Great Basin Regional Cultural Resources Officer, and Reclamation's Federal Preservation Officer (FPO)... 1) Citations to the U.S. Code for the National Historic Preservation Act (NHPA) in 736-050-0220 and throughout the document... 2) Retain language referring to the Keeper of the National Register in 736-050-0220 and throughout the document... 3) Definition of "historic resource" in 736-050-0230 (9) and "historic property" in 736-050-0230 (10) ... 4) Identity of Proponents Making Nominations to the NRHP for properties on Federal land in 736-050-0250 (3) ... "</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO agrees that the draft state rule must accurately reference and be in alignment with the applicable federal laws, and that the draft state rule should use the same terms used in federal law and rule for the National Register program. The SHPO made changes throughout the document to align with the applicable federal laws and rules.</p>

91	339	Individual	Email	Mary Dettmer		Decision making authority, consider diversity and inclusion	Enhance	<p>"OPRD should give the locally elected government body the final decision-making authority over a proposed nomination to the National Register of Historic Places... SHPO should seek to disconnect the honorary (as intended) federal national historic register program from state statutory and administrative rule provisions... OPRD should amend 736-050-0250 and 736-050-0260 to require consideration of diversity and inclusion in a historic-district nomination as part of the National Register criteria..."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The SHPO acknowledges the frustration of many with the laws that bound the program, including provisions related to the involvement of local government in the nomination process, local land-use, and issues of race, diversity, equity, and fairness. The draft rule addresses these issues to the extent possible within existing law. The SHPO understands federal law, 54 U.S.C § 30250, to mean that both the chief elected official and the local historic landmarks commission have the authority to make a recommendation independent of the other. The statute states, "If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action." Properties listed in the National Register of Historic Places are subject to local land-use processes as described in Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources. The Oregon Department of Land Conservation and Development (DLCD) is the state agency responsible for the administration of this rule. The DLCD rule cannot be changed as part of the process for the state rule for the National Register program.</p> <p>The Oregon SHPO believes that diversity, equity, and fairness are important issues that must be addressed in any federal or state government program or process. The SHPO, state review board, and National Park Service evaluate properties for listing in the National Register using criteria defined in federal law and rule, which are included in the draft state rule, OAR 736-050-0260. The evaluation process does not permit consideration of any other factors. However, past injustices may be recognized in the National Register nomination document. In some instances, these same injustices may be the reason why a property is eligible for recognition. The Oregon SHPO actively supports recognizing historic properties associated with Oregon's diverse communities. These values are captured in the Oregon Historic Preservation Plan, 2018-2023, and the office is currently carrying out efforts under this plan to accomplish these goals. The office welcomes comment on our efforts and how we may improve.</p>
92	341	Individual	Email	Beth Warner		Definition of "owner", Eastmoreland	Enhance	<p>Shares input on concerns of definition of "owner" and Eastmoreland concerns "...However, there is no mention as to how the nomination will proceed. The current nomination form can be resubmitted, but what about the volumes of documents that have been submitted over the course of Eastmoreland's four-year nomination history? ..."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years. Following federal law and rule, each "owner" may object to listing their property in the National Register once, no matter how many or what portion of a property they may own. Any individual or entity that meets the definition of "owner" may object. This means that a single individual may object on their own behalf, and separately as a representative of a corporation, trust, or other legally-established entity because the individual and each legally-established entity is a separate, distinct owner under Oregon law.</p> <p>The Oregon SHPO understands the desire for certainty around the provisions of the draft rule. The draft language in OAR 736-050-0250 11(a)(A), formally subsection (8)(e) is as accurate as possible and remains unchanged. The SHPO cannot determine in advance when the agency will receive the tax records from a county following a request, and the meeting dates for the State Advisory Committee on Historic Preservation change from year-to-year. These two considerations make it impossible to determine when the SHPO would receive the owner list during the 90-day period before the opening of the public comment period. The SHPO clarified the provisions of OAR 736-050-0250(18). The SHPO is responsible for reviewing the administrative record as described in this passage, including providing up-to-date information throughout the entire process until the National Park Service makes its final decision to either list or not list a property in the National Register.</p>

93	345	Individual	Electronic Public Comment	John Liu		Definition of Owner, CLGs, land use effects, community effects	Enhance	Suggests clarifying the definition of "owner". Shares extensive input surrounding 736-050-0250 – CLG Objection Section (10), 736-050-0250 – Two Year Time Limit Section (15) (d), Land Use Effects, Community Effects	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The SHPO appreciates that many object to a single individual dividing ownership of their property so that they may have more opportunities to object to the nomination of a property. However, the SHPO finds that the federal definition of "owner" does not address this issue. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. Following federal law and rule, each "owner" may object to listing their property in the National Register once, no matter how many or what portion of a property they may own. Under OAR 736-050-0250(15)(b), any individual or entity that meets the definition of "owner" may object. This means that a single individual may object on their own behalf, and separately as a representative of a corporation, trust, or other legally-established entity because the individual, and each legally-established entity is a separate, distinct owner under Oregon law.</p> <p>The Oregon SHPO made minor revisions throughout sections 12 and 13 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity and to align the rule with federal law. In response to other commenters staff made revisions throughout OAR 736-050-0250(13) and related provisions. Staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws. The Oregon SHPO also reduced the number of days the agency has to inform participants that a CLG objected from 10 to 5, specified that a Certified Local Government (CLG) must meet all federal and state requirements to participate in the definition of "CLG" in OAR 736-050-0230(3), and edited the language in OAR 736-050-0250(13) to more accurately reflect the federal statute. Staff believe that as revised OAR 736-050-0250(13) now accurately reflects the federal law, U.S.C § 302504.</p> <p>The SHPO understands the concern that a party may use the process described in the rule to "run out the clock," requiring the process to begin again after two years. The SHPO selected the proposed two-year timeline based on the need to revisit the documentation and property owner list for accuracy. The SHPO chooses to not extend this period to five years. It is the SHPO's expectation that the processes outlined in Sections 12 and 13 will address the majority of the concerns raised over the last several years and will minimize potential delays.</p> <p>Thank you for sharing your experience and observations regarding listing the Laurelhurst Neighborhood in the National Register, and your comments regarding race, equity, diversity, and urban planning and the National Register program. The Oregon SHPO also appreciates the submitted comments on the provisions of OAR 736-050-0230(10). The SHPO made edits to this section for clarity based on public comment.</p>
94	348	Individual	Email	Terry Brandt		Require affirmative consent, requirement for nomination, Eastmoreland	Enhance	"I agree with the oral and written testimony submitted by 1000 Friends of Oregon...In particular, I share the same concern that special interest groups will use the "historic district" tool as a means to circumvent local and state planning mandates meant to prevent unlawful segregation in our communities... unlike most other states, Oregon uniquely links National Register historic status to a set of land use regulations determined by local governments. This practice has led to unintended consequences, where a few determined parties can do an end-run around the democratic process and enact land use changes that normally are the domain of elected officials, public process, and affirmative consent... I'm pleased to see the recent draft rule changes would give certified local governments (CLG's) power to consider the land use impacts of an historic district nomination before it can proceed to the federal level, where the NPS regulations explicitly do not consider any local municipal regulatory effect of the nomination... The best rule change would be to require affirmative consent for an historic district nomination and/or rethink the requirement for a nomination to be honorary v. binding..." Share thoughts and examples are Eastmoreland process	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO believes that diversity, equity, and fairness are important issues that must be addressed in any federal or state government program or process. The SHPO actively supports recognizing historic properties associated with Oregon's diverse communities. These values are captured in the Oregon Historic Preservation Plan, 2018-2023, and the office is currently carrying out efforts under this plan to accomplish these goals. The SHPO, State Advisory Committee on Historic Preservation, and National Park Service evaluate properties for listing using criteria defined in federal law and rule, which are included in the draft state rule, OAR 736-050-0260. The evaluation process does not permit consideration of any other factors. However, past injustices may be recognized in the National Register nomination document. In some instances, these same injustices may be the reason why a property is eligible for recognition. The office welcomes comment on our efforts and how we may better tell the whole story of Oregon's history.</p> <p>The Oregon SHPO acknowledges the issues created by state and federal law and rule, but cannot change these as part of this rulemaking process. Federal law and rule require that the majority of owners must submit a notarized objection to prevent a nominated property from being listed in the National Register of Historic Places. The Oregon SHPO may not establish an alternative process that allows for "affirmative consent." Properties listed in the National Register of Historic Places are subject to local land-use processes as described in Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources. The Oregon Department of Land Conservation and Development (DLCD) is the state agency responsible for the administration of this rule. The DLCD rule cannot be changed as part of the process for the revision of the state rule for the National Register program. The Oregon SHPO acknowledges that many believe that the federal process and state land-use requirements are unfair.</p>
95	351	Individual	Email	Steve Dotterrer		Complex language, preservations incentives, update Historical Resource Inventory of CLGs	Enhance	"The proposed rule changes should help to reduce that controversy by establishing clear and objective standards for determining ownership... I also believe that the change to allow participation by local governments that are Certified Local Governments (CLG) is a valuable change... First, the rules for the National Register are stated in a complicated manner... Second, the commission and staff should also propose incentives that might be applied to preserving our history and culture... Finally, the commission and SHPO staff should provide guidance and at least technical support for the updating the Historic Resources Inventory of CLGs..."	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The SHPO reviewed the entirety of the draft rule and simplified the text wherever possible. The text retains terms and phrases that are specific to the federal program and applicable federal and state laws and rules. The Oregon SHPO currently administers two tax and several grant programs for building rehabilitation, restoration, and historic property survey. Please see our website at www.oregonheritage.org.</p>

96	353	Individual	Email	David Brownhill	Eastmoreland, deviation from federal rule	Oppose	<p>"In reviewing the proposed rule changes, it appears that SHPO is going rogue and making up its own rules to retroactively whitewash its mishandling of the hopelessly flawed and now four-year-old, stale Eastmoreland NHD nomination... the proposed rule changes are invalid or DOA to the extent they deviate in any way from federal statutes, rules, and guidance. To complicate matters, NPS is in the process of revising its rules, which creates a moving target for SHPO... The proposed rule changes make the NHD listing process even more undemocratic... The [Eastmoreland] Nomination is replete with flaws and unworthy of redemption... Veiled, some would say blatant, racism underlies the [Eastmoreland] Nomination... The [Eastmoreland] survey is tainted and unreliable... NHD boundary was gerrymandered to benefit certain ENA board members... SHPO erred by using county property tax records... SHPO targeted the objectors by publicizing their names and addresses... PHLC and SACHP were not fair and neutral arbiters... Majority of homeowners opposed the Nomination in 2017.</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The SHPO agrees that the state program must comply with the applicable provisions of federal law and rule. The office's experience with the proposed Eastmoreland Historic District and other controversial nomination efforts showed that the state rules for the National Register program must be amended to bridge the gap between state laws and rules and the federal program.</p> <p>The SHPO acknowledges that many find the limited scope of the hearings to consider properties nominated to the National Register and process for determining owner consent undemocratic, and object to the land-use restrictions placed on listed properties in Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources. The nomination process and procedures for counting owners and objections are defined in federal law and rule. The Oregon SHPO must follow these provisions. The SHPO chose to not require that the official land recordation records be consulted to create the owner list. The federal rule allows the Oregon SHPO to choose one of two methods to create the property owner list. The SHPO may use either official land recordation records or tax records, and OAR 736-050-0250(16) is revised to permit either to be used. The SHPO agrees that official land recordation records are more accurate than the tax records. However, such accuracy is rarely required for most properties nominated to the National Register of Historic Places. Closely contested nominations, such as the proposed Eastmoreland Historic District are the rare exception. More common are nominations that fall far short or greatly exceed the number of needed notarized objections to prevent a property from being listed in the National Register. Creating the property owner list from the official land recordation records creates an unnecessary administrative burden, increasing costs and potentially delaying nomination efforts. The provisions provided in OAR 736-050-0250(16) specifically address creating a more accurate property owner list and vetting notarized statements more closely when this is required to complete the nomination process. The requirements for notarized statements reflect the many issues raised challenging the validity of these documents and the property owner list over the last several years. It is the SHPO's expectation that the processes outlined in Sections 15 and 16 will address the majority these concerns.</p> <p>The Oregon SHPO believes that diversity, equity, and fairness are important issues that must be addressed in any federal or state government program or process. The SHPO, State Advisory Committee on Historic Preservation, and National Park Service evaluate properties for listing using criteria defined in federal law and rule, which are included in the draft state rule. The evaluation process does not permit consideration of any other factors, and federal rule allows any person to nominate a property to the National Register. The SHPO may not limit access to the program, or consider the motivation of the proponent as a criterion for listing a property. However, past injustices may be recognized in the National Register nomination document. In some instances, these same injustices may be the reason why a property is eligible for recognition.</p> <p>All records submitted and all communication between and among state employees and the public as part of the process of nominating a property to the National Register are public records, subject to public disclosure unless otherwise prohibited under applicable federal and state laws. Confidentiality is addressed in the draft rule, OAR 736-050-0250(9) and (10). The SHPO will reconsider the practice of publishing records on its website following the conclusion of the rulemaking process.</p> <p>Unless the proponent, the Eastmoreland Neighborhood Association, (ENA) withdraws the nomination, the SHPO plans to resubmit the nomination document for the proposed Eastmoreland Historic District. As written, the draft rule requires that the SHPO revisit the nomination document, property list, and notarized statements. Staff will review the accuracy of the nomination document at that time. See OAR 736-050-0250 (15) and (16).</p>
97	360	Individual	Email	Colin Folawn	Property Records, confidentiality, stale nominations	Limit	<p>Suggests: "Rely upon property records, not tax records... A nomination form should not be confidential and kept from the public... Objections should not be made more difficult... Trust instruments are private; trust certifications are not... Rejected and stale nominations should not be exempt from appropriate scrutiny... The proposed OAR 736-050-0270(4) should be struck and not included in the new rules... There is no good reason for exempting pending nominations from proposed rules that serve as a safeguard to protect against rejected and stale nominations."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon.</p> <p>The nomination process and procedures for counting owners and objections is defined in federal law and rule. The Oregon SHPO must follow these provisions, but made edits to the draft rule wherever possible in response to comments regarding accurately counting owners and objections and the nomination process. The federal rule allows the Oregon SHPO to choose one of two methods to create the property owner list. The SHPO may use either official land recordation records or tax records, and OAR 736-050-0250(16) is revised to permit either to be used. OAR 736-050-0250(15) relies on property tax records to create the property owner list. The SHPO agrees that official land recordation records are more accurate than the tax records. However, such accuracy is rarely required for most properties nominated to the National Register of Historic Places. Closely contested nominations, such as the proposed Eastmoreland Historic District are the rare exception. More common are nominations that fall far short or greatly exceed the number of needed notarized objections to prevent a property from being listed in the National Register. Creating the property owner list from the official land recordation records creates an unnecessary administrative burden, increasing costs and potentially delaying nomination efforts. The provisions provided in OAR 736-050-0250(16) specifically address creating a more accurate property owner list and vetting notarized statements more closely when this is required to complete the nomination process. Staff edited OAR 736-050-0250(12)(g) to specify that a certificate of trust is sufficient in response to comments seeking clarity on what documentation would be required to demonstrate ownership. The requirements for notarized statements reflect the many issues raised challenging the validity of these documents and the property owner list over the last several years.</p> <p>All records submitted and all communication between and among state employees and the public as part of the process of nominating a property to the National Register are public records, subject to public disclosure unless otherwise prohibited under applicable federal and state laws. Confidentiality is addressed in the draft rule, OAR 736-050-0250(9) and (10). The SHPO edited these sections for clarity based on public comments. The provisions of federal and state confidentiality laws are not included in the draft rule because staff believes that the referenced laws provide sufficient guidance to carry out their provisions. Oregon State law and federal favor sharing documents with the public and provide only limited exceptions. The draft addresses providing a copy of the National Register nomination form in OAR 736-050-2050(3), formally section (14). The rule also requires the SHPO to notice interested parties at key steps during the nomination process throughout the process.</p>

									<p>the revised rule.</p> <p>Unless the proponent, the Eastmoreland Neighborhood Association, (ENA) withdraws the nomination, the SHPO plans to resubmit the nomination document for the proposed Eastmoreland Historic District. As written, the draft rule requires that the SHPO revisit the nomination document, property list, and notarized statements. Staff will review the accuracy of the nomination document at that time. See OAR 736-050-0250(15) and (16).</p> <p>The OPRD-appointed citizen Rule Advisory Committee (RAC) advised the agency during their meetings in early 2020 that proponents who already submitted nomination documents before the effective date of the rule should not be required to resubmit and go through the listing process again. Staff found that this recommendation was reasonable and chose to exclude those nominations already in process from the provisions of OAR 736-0500250 (15)(c)(B), OAR 736-050-0250(18)(e) and 736-050-0250(18)(f)(B) in the current draft. The SHPO edited these sections for clarity based on public comments.</p> <p>Staff reviewed the text of OAR 736-050-0270(4) and the cited case law in the submitted comment, <i>Strizver v. Wilsey</i>, 210 Or. App.33, 38,150 P.3d 10 (2006); <i>Portland Gen. Elec. Co. v. Mead</i>, 235 Or. App. 673, 681-82, 234 P.3d 1048, 1053 (2010). In these cases, staff find that the legislature did not specify whether the statutes were to apply retroactively, so the court had to construe their intent. That is not the case with this rule, where the rule states that these three provisions of the rule do not apply to pending matters. Staff retained this provision.</p>
98	365	Individual	Email	Joanne Carlson		Eastmoreland, trusts	Enhance	<p>Shares Eastmoreland feedback. "I do not see a clear explanation in the new rule making that the trust issue is resolved. Please provide the help for SHPO to figure this out. The solution may be an attorney specialized in land title and trust related issues. If someone at SHPO, RAC, DOJ, OPRD of the Oregon State Parks and Recreation Commission sees a clear answer to protect the HD process from sham trusts in the rule making document please put it in simple terms and let's get on with it and approve these fixes to the rules."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.</p>
99	368	Group	Email	Mary Kyle McCurdy	1000 Friends of Oregon	Racism, displacement, gentrification	Oppose	<p>"We recommend that you delay this rulemaking until the results of this evaluation can be reflected in SHPO's rules... It is time to fully live up to [recognizing racism] by, among other things, evaluating the Oregon historic designation process... the need for the OPRC to undertake an evaluation of the historic designation process, rationale, criteria, and various ways to recognize history, to ensure it does not further racial and other discrimination... Today we see legitimate concern for displacement and gentrification that is occurring in the neighborhoods into which Blacks were traditionally redlined, but one cannot critique that and not also recognize that change is needed on the flip side of the same coin— opening up the exclusive neighborhoods that also reflect past racist covenants, zoning, and financing practices to more and diverse housing.</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO appreciates the submitted comments concerning housing equity and racial justice and recommendations for how to address these in the state National Register program. Please see the SHPOs prior response to 1000 Friends of Oregon's comments submitted in May and July, line 87 in this document.</p>

100	376	Individual	Email	Tom Christ		Segregation, discrimination, stale nomination	Enhance	<p>"I recommend that you refer the rules as a whole back to your staff to draft new provisions that will prevent historic designation from being used to perpetuate segregation in housing...A neighborhood can't be diverse without a diversity of housing within it. It's the housing stock that mostly determines who lives there – who wants to, and who can afford to. In places where the housing is all of one kind, the residents tend to be, too. And when the housing is all big houses on big lots, as in Eastmoreland, the people tend to be all of one color, as they are in Eastmoreland...I'm not making assumptions here. The district proponents have been upfront about their intentions. It was not to preserve houses that might be "historic" because of who designed them or who once lived there. It was and is to prevent any change in the neighborhood's housing stock, even though that can slow or stifle a corresponding change in the neighborhood's demographics, as explained above." Shares a second letter: "In this letter, I discuss one of the draft rules that tries to exempt another rule from applying to one particular nomination to which it should apply...It makes good sense to put an end to historic district nominations after a period of time, especially if they have problems that are uncorrectable within two years... The rules themselves don't explain why the provisions in OAR 736-050-0260(15) for terminating stale and uncorrected nominations should not apply to pending nominations."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon.</p> <p>The stories of historically marginalized communities are underrepresented in Oregon's list of historic properties. The SHPO recognizes this gap in our state's story, and leads and actively supports efforts to recognize historic properties associated with Oregon's diverse communities. These values are captured in the Oregon Historic Preservation Plan, 2018-2023, and the office is currently carrying out efforts under this plan. The Oregon SHPO assisted the City of Portland in creating a study describing the contribution of African Americans to the City and worked with advocates to list the Billy Webb Elks Lodge, a community gathering place, social club, and hub of civil rights activism for Portland's African American community, among others. The office is currently sponsoring a statewide study using a federal grant. The office welcomes comment on our efforts and suggestions for how we may better tell the whole story of Oregon's history.</p> <p>The SHPO, State Advisory Committee on Historic Preservation, and National Park Service evaluate properties for listing using criteria defined in federal law and rule, which are included in the draft state rule. The evaluation process does not permit consideration of any other factors, and federal rule allows any person to nominate a property to the National Register. The SHPO may prioritize its work, but may not limit access to the program, or consider the motivation of the proponent as a criterion for listing a property. However, past injustices may be recognized in the National Register nomination document. In some instances, these same injustices may be the reason why a property is eligible for recognition.</p> <p>The SHPO appreciates that local land-use processes are increasingly controversial. These local processes are subject to specific state laws carried out locally, and are beyond the scope of Oregon's National Register program. Properties listed in the National Register of Historic Places are subject to local land-use processes as described in Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources. The rule mandates a process to consider the impacts of local land-use decisions on historic properties, but does not mandate a specific outcome. Local governments may adopt ordinances and policies that address and balance housing equity, racial justice, and historic preservation goals, and may choose to offset any costs, financial or social, if the community chooses to do so. The Department of Land Conservation and Development (DLCD) is the state agency responsible for the administration of the rule. The DLCD rule cannot be changed as part of the process for the revision of the state rule for the National Register program.</p> <p>Staff reviewed the text of OAR 736-050-0270(4) and the cited case law in the submitted comment, <i>Strizer v. Wilsey</i>, 210 Or. App.33, 38,150 P.3d 10 (2006); <i>Portland Gen. Elec. Co. v. Mead</i>, 235 Or. App. 673, 681-82, 234 P.3d 1048, 1053 (2010). In these cases, staff find that the legislature did not specify whether the statutes were to apply retroactively, so the court had to construe their intent. That is not the case with this rule, where the rule states that these three provisions of the rule do not apply to pending matters. Staff retained this provision.</p> <p>Unless the proponent, the Eastmoreland Neighborhood Association (ENA), withdraws the nomination, the SHPO plans to resubmit the nomination document for the proposed Eastmoreland Historic District. As written, the draft rule requires that the SHPO revisit the nomination document, property list, and notarized statements. Staff will review the accuracy of the nomination document at that time. See OAR 736-050-0250 (15) and (16). The OPRD-appointed citizen Rule Advisory Committee (RAC) advised the agency during their meetings in early 2020 that proponents who already submitted nomination documents before the effective date of the rule should not be required to resubmit and go through the listing process again. Staff found that this recommendation was reasonable and choose to exclude those nominations already in process from the provisions of OAR 736-050-0250 (15)(c)(B), 736-050-0250 (18)(e) and 736-050-0250 (18)(f)(B). The SHPO edited these sections for clarity based on public comments.</p>
101	386	Individual	Email	Beth Warner		Flyer	N/A	<p>"I would like to submit the attached photos as public testimony to the RAC. This flyer was stapled to telephone poles in Eastmoreland on July 4th and 5th by an opponent to the Historic District. It demonstrates, once again, the attempts by opponents to use racism as a factor in deterring Eastmoreland's nomination to the National Register of Historic Places." Photo of flyer on telephone pole that reads "Black Lives Matter - Stop the Eastmoreland historic district - it's time to connect the dots."</p>	<p>Thank you for providing the submitted photos for the public record.</p>
102	389	Individual	Email	Bert Sperling		Eastmoreland	N/A	<p>"In my comments about the proposed Historic District, I want to share my perspective about how the process in Eastmoreland has progressed to this point in the Fall of 2020. Many good comments have been submitted regarding the intricacies and interpretation of the rules and I would have little new to add to the discussion. However, little has been written about the human dynamics involved in Eastmoreland's historic district application and this story should be documented. As you read how the historic district process in Eastmoreland has been misused, you will see that it does not reflect the wishes of its residents and should not be accepted."</p>	<p>Thank you for your insights concerning what you call the "human dynamics" of the proposed nomination of the Eastmoreland Neighborhood Historic District. All records submitted and all communication between and among state employees and the public as part of the process of nominating a property to the National Register are public records, subject to public disclosure unless otherwise prohibited under applicable federal and state laws. The Oregon SHPO will reexamine its practice of publishing public records following the conclusion of the rule process</p>

103	404	Individual	Email	Kirk Ranzetta		Federal guidance	Oppose	<p>"Overall, I have several significant concerns about the development of these rules by the State of Oregon as I believe that several of the proposed changes exceed the authorities delegated to the State under the National Historic Preservation Act of 1966 (54 U.S.C. § 300101 et seq.) as implemented in 36 Code of Federal Regulations (C.F.R.) Part 60 and further guided by The National Register of Historic Places Regulations (36 CFR Part 60): A Brief History and Annotated Guide published National Register of Historic Places (NRHP) staff in 2012. As I will outline below, the proposed changes 1) openly conflict with the procedural requirements outlined in 36 C.F.R. Part 60; 2) seeks to preempt federal statutes and regulations by supplementing the existing federal regulatory scheme with more stringent, costly, and arbitrary state regulations and deliberately attenuated timelines; and</p> <p>3) clearly intends to interfere with the success of the federal regulatory process by seeking to institutionalize clear violations of the federal Administrative Procedures Act (APA) (5 U.S.C. §551 et seq.)</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon.</p> <p>The SHPO appreciates that many are concerned that the National Register nomination process may be unduly influenced or abused. Federal law states that any action of the SHPO may be appealed directly to the National Park Service (NPS). The federal provision is included in the draft rule, OAR 736-050-0250(20). The SHPO invited NPS to provide comments in January, July, August, and September 2020 and February and May 2021. The agency has not responded as of May 26, 2021.</p> <p>The Oregon SHPO agrees that the draft state rule must accurately reference and be in alignment with the applicable federal laws, and that the draft state rule should use the same terms used in federal law and rule for the National Register program. The SHPO made changes throughout the document to align the federal and state programs.</p> <p>Staff made revisions throughout OAR 736-050-0250(13) and related provisions in response to public comments regarding the participation of CLGs in the nomination process. Staff removed the provision allowing the local landmarks commission to acknowledge that a property was eligible for listing in the National Register, but recommend that it not be listed. After further consideration, staff also revised the section to allow the chief elected official to act without consent from the local governing body after determining that this provision conflicted with Oregon's home rule laws. The Oregon SHPO also reduced the number of days the agency has to inform participants that a CLG objected from 10 to 5, specified that a Certified Local Government (CLG) must meet all federal and state requirements to participate in the definition of "CLG" in OAR 736-050-0230(3). Staff believe that as revised OAR 736-050-0250(13) now accurately reflects the federal law, U.S.C § 302504.</p> <p>OAR 736-050-0250(19) allows the SHPO to carry out administrative actions to maintain the accuracy of National Register nomination documents. Under the provisions of this section, the SHPO can petition NPS to take these actions, but the SHPO cannot unilaterally accomplish them. The SHPO must provide evidence justifying the petition as described in detail in the applicable federal laws, rules, and NPS publications adopted by reference in OAR 736-050-0270(1) and (2). The Oregon SHPO finds that no further elaboration is necessary. The SHPO revised 736-050-0250(19) to include a notice requirement and comment opportunity for interested parties.</p> <p>The SHPO agrees that referring a contested nomination effort to the State of Oregon Office of Administrative Hearings for a contested case hearing may result in the SHPO failing to meet the timelines for submitting National Register nomination forms to the NPS. The SHPO revised OAR 736-050-0250(21) to permit this process only after a document is returned by the NPS. The office acknowledges that the administrative hearing process is costly and time consuming, but finds that the process will provide the necessary documentation to move nominations forward that would otherwise be stalled indefinitely. In the case of several controversial nomination efforts, the SHPO found that it could not provide the needed documentation and certainty to meet NPS' standard for counting owners and objections.</p> <p>The SHPO agrees that nominations for properties to the National Register should move quickly and efficiently through the process, but that this should not take priority over due process. NPS encourages SHPOs to solicit feedback from the public, those involved in the nomination process, and the state review board when any change is made to a National Register nomination form that may impact the argument for a nominated property's eligibility for listing in the National Register or to address a procedural error. The definition of "substantive revision," now "major revision," and reference to "public interest" in the draft rule provides this opportunity. In addition, the draft rule states that a nomination document will be reviewed after two years from its return from the NPS. This provision allows for the property owner list, notarized statements, and the nomination form to be revisited and edited as needed as part of a public process. Some of the documentation may be three years old, or older, at this point in the process and should be reviewed. The SHPO finds that federal law and rule do not explicitly prohibit the SHPO from determining when it is necessary to review a nomination document again, absent direction from the NPS. In limited circumstances, the NPS allows for SHPOs to petition for administrative actions without public comment as described in OAR 736-050-0250(19). In response to public comments, the SHPO revised the definition of "substantive revision," now "major revision" 736-050-0230(12) to include reasons why the SHPO may find that a nomination meets the definition.</p>
104	425	Individual	Electronic Public Comment	Karl Lee		Eastmoreland	N/A	<p>"I believe the entire application process for historic district designation is flawed... If there is to be a wholesale application, the burden must be placed on residents who want to opt in rather than the opt out (or object) as is the current mode. As such, owners would submit a notarized letter of consent... I am opposed to using the national program as a de-facto land use planning tool. Portland is fully capable of land-use rules to encourage multi-family and a variety of housing types, especially in areas well served by transit and in the core part of the city... Establishing a historic district will exacerbate this inequity because it will curtail the evolution of the housing stock to keep up with the needs of society... While it makes little sense for a single owner to chop their home into a thousand "trustlets", it makes equally little sense to let a small handful of people push a historic district down the throats of a thousand property owners."</p>	<p>Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO acknowledges that some find the federal rules for counting owners and objections and the National Register process undemocratic, but the SHPO cannot change these provisions as part of this rulemaking process. Federal law and rule allow any person to nominate a property for listing in the National Register, and requires that the majority of owners must submit a notarized objection to prevent the nominated property from being listed. The Oregon SHPO may not establish an alternative process. Historic properties listed in the National Register are subject to Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources, administered by the Oregon Department of Land Conservation and Development (DLCD) and carried out locally. Local governments may adopt ordinances and policies that address and balance housing equity, racial justice, and historic preservation goals, and may choose to offset any costs, financial or social, if the community chooses to do so. These rules are beyond the scope of Oregon's National Register program. The SHPO made edits to the draft rule for clarity in response to public comments regarding accurately counting owners and objections and the nomination process throughout OAR 736-050-0230, Definitions, and OAR 736-050-0250, Staff Activities.</p>

105	426	Individual	Electronic Public Comment	Rob Zoeller		Ownership	Enhance	"I propose modifying OAR 736-050-0250(12) as follows: (12) The SHPO must determine if the majority of owner(s) object to listing a nominated historic resource in the National Register by comparing the total number of owners identified on the property owner list to the number of notarized statements that object to listing the historic resource. For purposes of determining the majority of owner(s) under this subsection, each property shall be deemed to have one owner. For properties with multiple owners, an objection may be filed only if all of the owners join in the objection."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO acknowledges that some find the federal rules for counting owners and objections and the National Register process undemocratic, but the SHPO cannot change these provisions as part of this rulemaking process. Federal law and rule allow any person to nominate a property for listing in the National Register, and requires that the majority of owners must submit a notarized statement of objection to prevent the nominated property from being listed. The Oregon SHPO may not establish an alternative process. The SHPO made edits to the draft rule in response to public comments for clarity regarding accurately counting owners and objections and the nomination process throughout OAR 736-050-0230, Definitions, and OAR 736-050-0250, Staff Activities.
106	427	Individual	Electronic Public Comment	Liz Oliver		Federal guidance, definition of "tribe", notification process, statewide consideration		"The National Historic Preservation Act of 1966 was recodified at 54 USC §§ 300101-307108. Recommend updating all references to the law with the appropriate US code... Please ensure future procedures are consistent with the 36CFR60 requirements... 736-050-0260 (13) If the rules limit the definition of Tribe to only nine tribes, tribal citizens with allotments or tribes with lands held in trust within Oregon that are not included in the nine will not receive a copy, and potentially no notification, of a nomination on their property... The proposed rule changes appear to derive from the controversy surrounding the Eastmoreland District nomination in Portland. While this nomination needs resolution, the rules should not be updated solely to address on type of property in one location. The rules must work for all types of National Register properties across the whole state."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Some provisions in the draft rule respond to issues raised during controversial nomination efforts within the past several years. The Oregon SHPO appreciates the reminder that the rule must address the needs of all Oregonians. The Oregon SHPO agrees that the draft state rule must accurately reference the applicable federal laws and rules. The SHPO made changes throughout the document to correct statutory references and align terminology and processes based on public comments. The National Park Service (NPS) treats the nomination of properties to the National Register of Historic Places as exempt from consultation with Indian Tribes under federal law. Tribes that are not federally recognized or are recognized in other states may request government-to-government consultation with NPS or participate in the state process as any other person during the public comment period. The SHPO did not revise the definition of "Tribe." The scope of tribal consultation under state processes is limited by Oregon State law. Oregon Revised Statute (ORS) 182.162(2) defines "Tribes" as "a federally recognized Indian tribe in Oregon." This definition is consistently applied across state agencies and programs. Draft Oregon Administrative Rule (OAR) 736-050-0260(14) addresses federally-administered property, including those held in trust on behalf of Indian Tribes. Staff revised this provision to include procedures for reviews under this section. The nomination process is described in federal law and rule and National Park Service publications adopted by reference in OAR 736-050-0270(1) and (2).
107	429	Individual	Email	Beth Warner		Trusts	Enhance	Suggests a change in wording to 5(a)(A): "The owner of the fee simple absolute or fee simple defeasible estate title to a property as shown in the property tax records of the county where the property is located, including, but not limited to, <i>trusts trustees and/or settlers of revocable or irrevocable trusts</i> ..."	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. Accurately counting owners and notarized statements of objection is critical to the National Register nomination process. Staff reviewed the definition of "owner" in OAR 736-050-0230(16) and determined that because the definition in the draft rule relies on the broad federal definition that it includes most ownership interests in Oregon, including public owners. Staff revised the definition of "owner" and rule text as necessary to address state law related to property ownership, including differentiating between revocable and irrevocable trusts and who is the "owner" in each circumstance. Oregon Administrative Rule 736-050-0220(2) addresses concerns about counting trusts and owners by relying on federal law and stating that it is "public policy" to provide each owner a single opportunity to object to listing a property in the National Register. Further clarification on counting trusts is provided in paragraph OAR 736-050-0250(15)(a)(G). The draft rule also now allows the SHPO to require a trust certificate to demonstrate ownership in subsection OAR 736-050-0250(15)(g). The Oregon SHPO also made revisions throughout sections 15 and 16 in OAR 736-050-0250, which describe the process of counting owners and objections for clarity. It is the SHPO's expectation that the processes outlined in sections 15 and 16 will address the majority of the concerns raised over the last several years.
108	431	Individual	Email	John Liu		Definition of Owner, CLGs, land use effects, community effects	Enhance	Submits same text and suggestions as previously submitted: Suggests clarifying the definition of "owner". Shares extensive input surrounding 736-050-0250 – CLG Objection Section (10), 736-050-0250 – Two Year Time Limit Section (15) (d), Land Use Effects, Community Effects	Thank you for resubmitting your comments, originally received September 14, 2020. Please see response to comment 93.
109	436	City	Email	Chelsea Schnabel	City of North Bend	Confidentiality, Notice, Due process	Enhance	Shares detailed feedback on the following aspects as a result of previous involvement with this process/rule: Confidentiality, notice, and due process. Additionally, the comment submission includes PDF scans of written correspondence on the matter.	Thank you for submitting comments for the draft state administrative rules for the National Register of Historic Places program in Oregon. The Oregon SHPO acknowledges that the office erred in the application of state and federal confidentiality laws in the past. The SHPO revised Oregon Administrative Rule (OAR) 736-050-0250(9) to require that The SHPO must provide complete copies of the National Register nomination document to the proponent, owner(s), CLG, and chief elected official per federal rule, 36CFR60.6(x). The SHPO did not include a similar provision in OAR 736-050-0250(10). The National Park Service (NPS) has the authority to redact documents under 54 U.S.C. § 307103. Under these provisions, the SHPO may request that all or part of a document be kept confidential, but is bound by the NPS' decision. The SHPO did not amend the number of days required for notice because these timelines are already defined in federal rule. Federal rule limits the notice period to not more than 75 days and not less than 30 days before the State Advisory Committee on Historic Preservation hearing in 36 CFR 60.6(c). OAR 736-050-0250(11)(a)(B) includes this provision. OAR 736-050-0250(17) requires the SHPO to provide a copy of the SHPO's recommendation to NPS following review by the state review board. Federal rule allows the SHPO up to 90 calendar days following the review board meeting to submit a form to the NPS. The SHPO made minor changes to OAR 736-050-0250(19), but did not broaden the scope of this provision because federal law already includes an appeal process for SHPO decisions. This provision is included in OAR 736-050-0250(20). The contested case hearing described in OAR 736-050-0250(21) serves as a tool to accurately count owners and objections as required under federal law and rule when the SHPO determines that there are substantive legal questions not addressed by federal or state law or rule. The SHPO is solely responsible for tallying the total number of owners and objections under federal law. Most other disputes regarding nominating a property to the National Register of Historic Places are resolved by the NPS on appeal. Staff chose to not expand the use of the contested case process.

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 10a(i)

Information

Topic: Procurement Report

Presented by: Daniel Killam, Deputy Director of Administrations

The attached report includes:

- 4 New agreements for a total of \$596,046
- 22 New contracts for total of \$3,974,347
- 17 Amendments for a total of \$474,542

Action Requested: None.

Attachments: Procurement Report

Prepared by: Jayme Jones

OREGON PARKS AND RECREATION DEPARTMENT

**Procurement Report
March and April 2021**

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
GOODS AND/OR SERVICES CONTRACTS									
03/02/21	CXT Incorporated	Willamette River Greenway-Spring Valley Access in Marion County	Vault toilet building	X	\$33,680			\$33,680	New Contract
03/02/21	Valley Powersports	Headquarters in Marion County	Can-Am ATV		\$24,106			\$24,106	New Contract
03/11/21	Slice Recovery	Jessie M. Honeyman Memorial State Park in Lane County	Firewood and delivery		\$150,000	\$0	\$0	\$150,000	Amendment 1 extends the contract end date, updates contact information and increases price per bundle.
03/15/21	Verbal Judo Institute	Statewide	Certification extension		\$26,537	\$33,463	\$33,463	\$60,000	Amendment 2 reinstatement and Amendment 1 extends contract end date, extend certification length and increase contract compensation.
03/22/21	Pacific Netting Products	The Cove Palisades State Park Marina in Jefferson County	Wave attenuators and related hardware	X	\$605,961			\$605,961	New Contract
03/22/21	Topper Industries Inc.	Willamette Mission State Park in Marion County	Fabrication and delivery of aluminum boarding docks	X	\$100,758			\$100,758	New Contract
03/24/21	Waste Equipment Sales and Service, Inc.	Emigrant Springs State Heritage Area in Umatilla County and Ecola State Park in Clatsop County	Trash compactors		\$69,554			\$69,554	New Contract
03/31/21	Cafferata Consulting, LLC	Silver Falls State Park in Marion County	Owl surveys		\$20,000			\$20,000	New Contract
04/01/21	Adaptive Preservation, LLC	Cottage Grove in Lane County	Disaster inventories in Cottage Grove for SHPO		\$14,200			\$14,200	New Contract
04/07/21	Southern Oregon Aspire	Valley of the Rogue State Park in Jackson County	Janitorial services		\$26,000	\$15,089	\$15,089	\$41,089	Amendment 1 extends the contract end date and increases funding.
04/12/21	Mosaic Ecology LLC doing business as Happy Fish Restoration Landscaping, LLC	OPRD properties in Hood River, North Wasco, Multnomah, Clackamas, Columbia, Washington, Yamhill, Polk, and Marion Counties	On-call vegetation management for Valleys Region		\$152,797	\$28,840	\$61,840	\$214,637	Amendment 3 extends contract through 2022 and updates pricing.
04/20/21	Ash Creek Forest Management, LLC	OPRD properties in Hood River, North Wasco, Multnomah, Clackamas, Columbia, Washington, Yamhill, Polk, Marion, Benton, Linn, and Eastern Lane Counties	On-call vegetation management for Valleys Region		\$31,455	\$0	\$41,000	\$72,455	Amendment 2 extends contract through 2022 and updates pricing.
04/23/21	Slice Recovery	Sunset Bay State Park in Coos County	Firewood and delivery		\$140,000	\$0	\$0	\$140,000	Amendment 3 extends contract through 2023 and updates pricing.
04/29/21	JB Firewood	Devil's Lake State Recreation Area in Lincoln County	Firewood and delivery		\$35,000			\$35,000	New Contract
PERSONAL SERVICES CONTRACTS									
04/02/21	Ryan Berkley Illustration, LLC	Statewide	Commissioned art series		\$50,000	\$0	\$0	\$50,000	Amendment 1 extends term, restores ownership rights for original art work to artist/contractor, and adds creation of bird illustrations.
04/22/21	J. M. Ross Enterprises, Inc.	Frenchglen Hotel State Heritage Site in Harney County	Frenchglen Hotel concession services		\$90,000	\$0	\$130,000	\$220,000	Amendment 3 allows adjustments to fees due to OPRD during 2021.
PUBLIC IMPROVEMENTS CONTRACTS									
03/05/21	Guido Construction Inc.	Jessie M. Honeyman Memorial State Park in Lane County	Restroom-shower building replacement	x	\$1,326,322	\$36,029	\$95,433	\$1,421,755	Amendment 5 extended date and added funding.
03/22/21	Roli Fabrication	L.L. Stub Stewart State Park in Washington County	Pressure wash and stain cabins	X	\$2,067,667			\$2,067,667	New Contract

OREGON PARKS AND RECREATION DEPARTMENT

**Procurement Report
March and April 2021**

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
04/09/21	Road and Driveway	South Beach State Park in Lincoln County	Paving loops "H" and "I"	X	\$156,406	\$7,082	\$7,082	\$163,488	Change Order 1 to add paving of additional areas within the park to allow better ADA access and improve old gravel walkways.
PUBLIC IMPROVEMENTS CONTRACTS (Continued)									
04/13/21	Pleasant Hill Development Company	Carl G. Washburne Memorial State Park in Lane County	New concrete pad and fuel tank installation	X	\$34,568			\$34,568	New Contract
04/14/21	Morello Construction	Detroit Lake State Recreation Area in Marion County	Paving improvements	X	\$238,557			\$238,557	New Contract
04/20/21	7 Peaks Paving, LLC	Prineville Reservoir State Park in Crook County	Paving improvements	X	\$134,650			\$134,650	New Contract
04/28/21	NW Paving, LLC	State Capitol State Park in Marion County	Pressure wash and re-sand pavers	X	\$58,900			\$58,900	New Contract
04/30/21	Bayview Asphalt Inc.	Fort Stevens State Park in Clatsop County	Paving improvements	X	\$289,905			\$289,905	New Contract
ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS									
03/03/21	Terry Hsu, LLC	Banks-Vernonia State Trail in Columbia and Washington Counties	Design fish passage culvert		\$23,067	\$1,991	\$191,258	\$214,325	Amendment 4 added funding.
03/04/21	Wiss, Janney, Elstner Associates, Inc.	Heceta Head Lighthouse in Lane County	Metal column inspection		\$45,000			\$45,000	New Contract
03/18/21	KPFF, Inc.	Silver Falls State Park in Marion County	Trailhead engineering survey	X	\$51,290			\$51,290	New Contract
04/05/21	Mayer/Reed, Inc.	Silver Falls State Park in Marion County	Trailhead landscape design	X	\$57,269			\$57,269	New Contract
04/09/21	Pinnacle Architecture, Inc.	Kam Wah Chung State Heritage Site in Grant County	Interpretive Center design		\$20,000			\$20,000	New Contract
04/21/21	Environmental Science Associates	Sunset Bay State Park and Golden and Silver Falls State Natural Area in Coos County	Fish passage plans for replacement bridges	X	\$16,440	\$749	\$749	\$17,189	Amendment to modify statement of work and increase funding.
ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (RELATED SERVICES)									
03/02/21	Willamette Cultural Resource Associates, LTD	Farewell Bend State Recreation Area in Baker County	Cultural resource investigation	X	\$19,282			\$19,282	New Contract
03/03/21	David C. Smith & Associates, Inc.	Statewide	Photogrammetric mapping and related services		\$80,000	\$20,000	\$20,000	\$100,000	Amendment 1 continues services, extends term and increases compensation.
03/08/21	Campbell Environmental, LLC	Mayer State Park in Wasco County	Environmental investigation services	X	\$9,950			\$9,950	New Contract
04/16/21	Windsor MEP Engineers, LLC	Oswald West State Park in Tillamook County	Water system improvement project	X	\$28,000			\$28,000	New Contract
04/19/21	Wallowa Resources	Wallowa Lake State Park in Wallowa County	Biological assessment		\$16,050			\$16,050	New Contract
04/23/21	Wallowa Resources	Wallowa Lake State Park in Wallowa County	Biological assessment		\$16,050	\$0	\$0	\$16,050	Amendment 1 extends term.
INTERGOVERNMENTAL AGREEMENTS									
03/05/21	Hood River County	7 Streams Staging Area in Hood River County	Management and maintenance of staging area		\$0			\$0	New Agreement
03/18/21	ODOT	The OC&E Woods Line State Trail is a rail trail in Klamath and Lake Counties	OC&E Bridge final engineering and construction of pedestrian bridge		\$561,046			\$561,046	New Agreement

OREGON PARKS AND RECREATION DEPARTMENT

**Procurement Report
March and April 2021**

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
03/23/21	Luckiamute Watershed Council	Luckiamute State Natural Area in Lane and Benton Counties	Floodplain connection and vegetation restoration		\$88,989	(\$36,799)	(\$36,799)	\$52,189	Amendment 2 reduces compensation and adds drone services.
03/24/21	Umatilla County	Ukiah-Dale Forest State Scenic Corridor in Umatilla County	Campground loop resurfacing	X	\$35,000			\$35,000	New Agreement
04/08/21	Middle Fork Willamette Watershed Council	Elijah Bristow State Park in Lane County	Floodplain restoration		\$0			\$0	New Agreement where OPRD will provide in-kind services valued at \$20,062.
INTERGOVERNMENTAL AGREEMENTS									
(Continued)									
04/14/21	Jefferson County	Cove Palisades State Park in Jefferson County	Law enforcement		\$220,000	\$132,000	\$132,000	\$352,000	Amendment 2 extends the agreement.
04/21/21	Oregon Department of Forestry	Tillamook Forestry Center in Tillamook County	Tillamook Forest Center position funding		\$142,511	\$236,098	\$453,664	\$596,175	Amendment 2 changes contact information and extends the funding.

Oregon Parks and Recreation Commission
June 23, 2021

Agenda Item: 10a(ii, iii)

Information

Topic: Report of Scenic Waterway Program Notification Actions, Ocean Shore Permits Issued, and Timber Harvest Revenue from March 29, 2021 through May 26, 2021.

Presented by: Trevor Taylor, Stewardship Manager

Pursuant to a duly adopted delegation order, and acting in accordance therewith, the Director, or her designee, has approved the following actions on behalf of the Oregon Parks & Recreation Commission:

SCENIC WATERWAYS NOTIFICATION

March 22, 2021, a Notification of Intent 2A-268-21 was approved to Robert Vinje on the Middle Deschutes Scenic Waterway to construct a single-family house with garage and driveway. This work was approved because the trees on the property between the home and the back of the river will remain to provide screening and the proposed home meets setback requirements and the exterior materials (wood siding, green roof) will blend into the landscape.

March 29, 2021, a Notification of Intent 9-416-21 was approved to Richard Clarke on the Clackamas River Scenic Waterway to harvest 8 acres of fire salvage and timber within the recreational area of the scenic waterway. This project was approved because it met all the requirements of this segment of the state scenic waterway and the homeowner will plant additional vegetation to improve screening.

The harvest activities proposed by Clarke met all the conditions of the Clackamas River Scenic Waterway rules.

March 29, 2021, a Notification of Intent 2-215-21 was approved to the Deschutes Club Homeowners Association for the repair and upgrade of an existing boat ramp and also bank stabilization structure. The work was approved because it uses materials that match surrounding environment and will improve soil erosion work related to public recreation.

March 31, 2021, a Notification of Intent (Statewide) was approved to ODOT for the Clackamas, Molalla, Little North Fork of the Santiam, McKenzie and Umpqua River Scenic Waterways to remove danger trees and property fire debris due to the 2020 Labor Day wildfire incidents. A comprehensive Environmental Protection and Restoration Plan have been developed for the project. The proposed Statewide project by ODOT has been approved and has met all the conditions of the Scenic Waterway rules.

April 2, 2021, Notification of Intent 2B-1073-21 was approved for Elaine Remy to construct a single-family residence and driveway on the Upper Deschutes State Scenic Waterway. This project was approved because it met all the requirements of this segment of the state scenic waterway and the homeowner will plant additional vegetation to improve screening.

April 12, 2021, a Notification of Intent 9-417-21 was approved to Kristen Broadhurst on the Clackamas River Scenic Waterway to harvest 1 acre of fire/drought salvage & hazard trees within the recreational area of the scenic waterway. This project was approved because it met all the requirements of this segment of the state scenic waterway and the homeowner will plant additional vegetation to improve screening. The harvest activities proposed by Broadhurst met all the conditions of the Clackamas River Scenic Waterway rules.

April 12, 2021, a Notification of Intent 2A-269-21 was approved to Susan Nikiel on the Middle Deschutes Scenic Waterway the work approved was the removal of one mature Western Juniper Tree at their residence between the home and the rimrock; to compensate for this loss of vegetation screening the property owners agreed to install three additional juniper trees elsewhere between their home and the rimrock. This will help mitigate visibility of the structure from view of the river.

April 15, 2021, a Notification of Intent 2A-270-21 was approved to Ann Lindsay within the Middle Deschutes State Scenic Waterway for the construction of a new residential home with garage and an attached shop. The work was approved because the structure exceeds the 20' setback from the rimrock, nine new juniper trees will be installed between the home and the river and the color and type of exterior materials will blend with the surrounding environment.

April 23, 2021, a Notification of Intent 2B-1074-21 was approved to Desiree and David Thrower in the Upper Deschutes State Scenic Waterway for the construction of a new single-family home. The approval was given because the structure meets setback requirements, falls below height limitation, is finished in muted tones and will include maintaining and adding vegetation on site to help blend the structure into the surrounding environment.

May 1, 2021, a Notification of Intent 2A-271-21 was approved for Alisha and Blake Runckel to construct an addition to an existing single-family dwelling. The addition involves the enclosure of an existing 392 sq. ft patio that is no closer to the river than the existing home. Substantial vegetation exists between the home and the river. The existing dwelling is not set back consistent with current scenic waterway requirements for new structures (i.e., less than 100 feet from the river), however, the request is for the modification of an existing structure that pre-dates the scenic waterway designation. Maintenance and modifications of existing structures is permitted as is replacement of existing structures, provided the structures meet the other requirements as described in rule. No portion of the requested modifications to the existing dwelling will be closer to the river than the existing lawfully established structure. The approval was given because the project meets all the scenic waterway requirements.

May 7, 2021, a Notification of Intent 2A-272-21 was approved to Jeff LaGood for his property on the Middle Deschutes Scenic Waterway for the construction of a new single-family residence. The work was approved because it exceeds setback distances, does not exceed the height limitation and will not involve any vegetation removal between the home and the river.

May 10, 2021, a Notification of Intent 17-73-21 was approved to Douglas County on the North Umpqua River Scenic Waterway to harvest 39 acres of fire salvage within the recreational area of the scenic waterway. This project was approved because it met all the requirements of this segment of the state scenic waterway and the landowner will plant 435 seedlings per acre for restoration and to improve screening by leaving a 50 foot no spray buffer above the highway to allow for rapid regrowth of native hardwoods and brush. The harvest activities proposed by Douglas County met all the conditions of the North Umpqua River Scenic Waterway rules.

May 10, 2021, a Notification of Intent 17-74-21 was approved to Douglas County on the North Umpqua River Scenic Waterway to harvest 31 acres of fire salvage within the recreational area of the scenic waterway. This project was approved because it met all the requirements of this segment of the state scenic waterway and the landowner will plant 435 seedlings per acre for restoration and to improve screening within a few years. The riparian management area will provide an adequate buffer for screening of the property as vegetation recovers. The harvest activities proposed by Douglas County met all the conditions of the North Umpqua River Scenic Waterway rules.

May 14, 2021, a Notification of Intent 2A-273-21 was approved to Joy Graham on the Middle Deschutes Scenic Waterway for a garage addition attached to an existing garage. This work was approved because it is likely not visible from the river, exceeds rimrock setbacks, is below the height limitation and will not involve any vegetation removal.

May 14, 2021, a Notification of Intent 2A-274-21 was approved to Paul Switlick on the Middle Deschutes Scenic Waterway for an attachment to the existing home and detached existing carport. The approval was given because the improvements are minor on an existing structure, that will likely not create additional visibility from the river. All exterior materials will blend into the surrounding environment, all setbacks and height limitations will be adhered to and no additional vegetation will be removed.

May 14, 2021, a Notification of Intent 2A-275-21 was approved to Stefan and Rachel Redfield in the Middle Deschutes Scenic Waterway for the construction of a new residence. It was approved because the project meets all requirements including exceeding setbacks from the river and maintaining natural vegetation between the home and the river. The structure will be finished in muted colors that blend in with the surrounding environment.

May 21, 2021, a Notification of Intent 2B-1076-21 was approved to Judd Lynn in the Upper Deschutes Scenic Waterway for the remodel of an existing family home. The work was approved because it exceeds setback requirements, will be finished in tones that blend with the surrounding environment and will include landscaping with evergreen trees to help screen the structure from view of the river.

May 21, 2021, a Notification of Intent 2B-1075-21 was approved to Douglas Keep in the Upper Deschutes Scenic Waterway for the construction of a new single-family home. The work was approved because it exceeds setback requirements, falls below the height limitation, will be finished in colors and tones that blend with the surrounding environment and includes landscaping that will help screen it from view of the river.

May 21, 2021, a Notification of Intent 2A-276-21 was approved to Pascal and Ann Hebert in the Middle Deschutes Scenic Waterway for the addition to their existing single-family residence and the construction of a detached garage. The work was approved because it exceeds the rimrock setback, does not exceed height limitations and will be finished in materials that blend with the surrounding environment.

May 21, 2021, a Notification of Intent 15-26-21 was approved to House of the Metolius LLC in the Metolius Scenic Waterway for the replacement of two rental homes that were lost to fire and fallen hazards trees. New cabins will be placed further away from the river, and be smaller in size than the structures they are replacing. No trees will be removed to complete this construction and they fall well below the height limitation. All structures will match those existing on site, with a dark brown finished siding and dark shingles to ensure they will blend into the surrounding environment.

OCEAN SHORES ALTERATION DECISIONS

On March 23, 2021, Ocean Shore Permit #2953 was approved for Jerry Gilmour to construct a riprap shoreline protective structure. The project is designed to mitigate active erosion at the site, which is threatening the upland residential improvements including a septic system, deck, and home. The new riprap structure will protect 60 feet of shoreline, with a height of approximately 21 feet, a width of approximately 27 feet, and have a slope of approximately 1.75:1 (horizontal: vertical) with tapered ends to minimize adverse effects on adjoining properties. The project will include approximately 711 cubic yards of armor stone and backing material and will be covered with 2 feet beach sand, then planted with beach grass for sand stabilization and to reduce visual impacts. The project is located at 6375 NW Finisterre St. in Yachats, and is further identified on Lincoln County Assessor's map #14-12-11CA as tax lot 8300 and the southerly 10 feet of the Oregon St. right-of-way.

On May 10, 2021, Ocean Shore Permit #2959 was issued to the City of Bandon for a project involving the removal and replacement of a failing culvert under a street serving 3 residential homes, to prevent flooding and restriction of access to the homes during high water events. The new bottomless culvert will be approximately 40' X 83" X 57". Storm water overflow will be treated with a bioswale feature, and the embankment at the culvert end will be protected with riprap. The downstream channel will be cleared of woody debris and logs, and river rock (cobbles) will be placed within the restored downstream channel to improve fish passage and habitat. Invasive gorse vegetation will be removed from within the project area and replaced with plantings of native species to create a new riparian corridor along the stream banks between the culvert end and open beach and dunes. The project is located at 3004 Beach Loop Drive SW in Bandon, and is further identified on Coos County Assessor's map #28S-15W-36CC as tax lot 1300.

On May 27, 2021, Ocean Shore Permit #2960 was approved for Michael Franciscovich to replace an existing riprap constructed in the 1970's along the western end of the subject property, as part of a larger project which includes two properties (see Permit #2961). The proposed riprap project would extend along 110 ft of shoreline fronting the property. As proposed, the new riprap will be approximately 27 feet in height, 64 feet in width, and have a slope of approximately 2H:1V (horizontal to vertical), with a total volume of 1,540 cubic yards of armor stone and

backing materials. The project area would be covered with a topping of beach sand and planted with beach grasses or native species of coastal vegetation. The project is located at 17 Ocean Crest Rd in the Salishan development near Gleneden Beach, and the subject property is identified on Lincoln County Assessor's Map #8-11-9DA as tax lot 301.

On May 27, 2021, Ocean Shore Permit #2961 was approved for Dennis Osterlund to replace an existing riprap constructed in the 1970's along the western end of the subject property, as part of a larger project which includes two properties (see Permit #2960). The proposed riprap project would extend along 110 feet of shoreline fronting the property. As proposed, the new riprap will be approximately 27 feet in height, 64 feet in width, and have a slope of approximately 2H:1V (horizontal to vertical), with a total volume of 1,540 cubic yards of armor stone and backing materials. The project area would be covered with a topping of beach sand and planted with beach grasses or native species of coastal vegetation. The project is located at 17 Ocean Crest Rd in the Salishan development near Gleneden Beach, and the subject property is identified on Lincoln County Assessor's Map #8-11-9DA as tax lot 304.

TIMBER HARVEST REVENUE

On May 6, 2021, OPRD received \$760 in timber revenue for 7.6 MBF of windthrown trees that were removed from Silver Falls State Park.

On May 10, 2021, OPRD received a payment of \$31,097.09 in timber revenue for down payment on 25% of estimated timber volume to be salvaged from Collier Memorial State Park.

On May 19, 2021, OPRD received payment of \$225,000 in timber revenue for down payment on 25% of estimated timber volume to be salvaged from Ben & Kay Dorris State Park.

Prior Action by the Commission: None

Action Requested: None

Attachments: None

Prepared by: Stewardship Section Staff

Oregon Parks and Recreation Commission

June 23, 2021

Agenda Item: 10b

Information

Topic: Marine Rocky Habitat Management Strategy Update

Presented by: Trevor Taylor

Background: This briefing to the Commission will provide a status update on the process to amend Part III of the Oregon Territorial Sea Plan (TSP): The Rocky Habitat Management Strategy. The TSP uses a multi-jurisdictional framework implemented by the Ocean Policy Advisory Council (OPAC), Oregon’s legislatively established stakeholder advisory body, for guiding the plan. OPAC has initiated the process to amend Part III: Rocky Habitat Management Strategy in accordance with the requirements established in the TSP. This strategy acts as Oregon’s coordinated framework across state and federal agencies for managing the state’s rocky ocean shore resources. The strategy was originally adopted in 1994 and focuses on rocky habitat management. The OPAC TSP Rocky Habitat Working Group has been tasked with leading the review and recommendation process.

The amendment process will result in changes to TSP Part III including new recommendations for state agencies that manage rocky shore areas and resources on Oregon’s shoreline. While the Oregon Parks and Recreation Department is a non-voting member of OPAC, staff participates actively as the plan may have impacts on resources under OPRD jurisdiction. The Oregon Land Conservation and Development Commission (LCDC) is the formal policy body responsible for adopting the draft recommended amendments received from OPAC.

Phase 1 of this update included general plan text including policies, objectives, management principles, contextual justification, and a community proposal process for site designation updates. This document underwent public comment, was presented to OPAC and was approved by the LCDC. The Rocky Shores Working Group then reconvened to conduct Phase 2 work, updating the Rocky Habitat Natural Resource Inventory, site-based designation language, and community proposal process details. Altogether, plans that cover the rocky shores and Territorial Sea can affect OPRD policy and management of the Ocean Shore State Recreation Area.

Update: The amendment to Part Three of the Oregon Territorial Sea Plan – The Rocky Habitat Management Strategy – is close to reaching the culmination of the third and final phase of the project. Following OPAC approval in May, 2020 of the latest draft of the Strategy, the Initial Proposal Period was opened June 1st, 2020 and extended through December 31st to accommodate for conditions related to the COVID-19 Pandemic. During this pilot process, members of the public submitted 12 proposals to alter or add rocky habitat management sites or to update management at rocky habitat sites along the Oregon Coast. The Rocky Habitat Working Group

conducted proposal evaluations and public comment between January-February 2021. The Working Group then reviewed and incorporated public feedback and submitted a recommendation to OPAC at their May 17, 2021 meeting to designate two of the proposals and consider further evaluation of another six proposals. The remaining four proposals were not recommended for further evaluation. OPAC reached consensus on the recommendation to adopt the two new sites recommended by the working group.

The two sites recommended for designation are Coquille Point Marine Garden in Bandon and Cape Blanco Marine Research Area. Coquille Point will, if adopted by LCDC, join other areas with the same no-take regulations and a focus on public outreach and interpretation, such as well-known tidepooling hotspots at Haystack Rock Marine Garden in Cannon Beach and Harris Beach Marine Garden in Brookings. The proposal was developed by Shoreline Education for Awareness (SEA), a local volunteer-organization that has been providing environmental outreach in the area for over 30 years. Cape Blanco Marine Research Area, proposed by a research group out of Oregon State University (OSU), will, if designated, join other areas, like Cape Arago and Boiler Bay, focused on supporting scientific research and long-term monitoring while maintaining ecological integrity. OSU has been conducting research at Cape Blanco for more than 30 years.

Table 1 from Part III, included below, shows an overview of the standard practices within each designation category.

Table 1 REGULATORY STANDARDS & MANAGEMENT PRACTICES			
	Marine Research Area	Marine Garden (Marine Education Area)	Marine Conservation Area
Fish Harvest	<p><u>Commercial</u> – No additional site-based fish harvest regulations. Coastwide Oregon Department of Fish and Wildlife regulations apply.</p> <p><u>Recreational</u> – No additional site-based fish harvest regulations. Coastwide Oregon Department of Fish and Wildlife regulations apply.</p> <p><u>Scientific & Educational</u> – Requires a permit from Oregon Department of Fish and Wildlife or Oregon Parks and Recreation Department, which may be issued if the research does not impede the management goals of the Marine Research Area.</p>	<p><u>Commercial</u> – No additional site-based fish harvest regulations. Coastwide Oregon Department of Fish and Wildlife regulations apply.</p> <p><u>Recreational</u> – No additional site-based fish harvest regulations. Coastwide Oregon Department of Fish and Wildlife regulations apply.</p> <p><u>Scientific & Educational</u> – Requires a permit from Oregon Department of Fish and Wildlife or Oregon Parks and Recreation Department, which may be issued if the research aligns to further the management goals of the Marine Garden.</p>	<p>Marine Conservation Areas with broad conservation goals may be proposed with regulations closing harvest in all categories.</p> <p>Specific fish harvest regulations will be established based on the proposed management goals of the site.</p> <p>Individual site management must include a clear justification for all proposed regulations for <u>commercial</u>, <u>recreational</u>, <u>scientific</u> and <u>educational</u> fish harvest.</p>
Invertebrate Harvest	<p><u>Commercial</u> – No take</p> <p><u>Recreational</u> – No take except at a subset of sites which allow species-specific harvest of clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, and shrimp.</p> <p><u>Scientific & Educational</u> – Requires a permit from Oregon Department of Fish and Wildlife or Oregon Parks and Recreation Department, which may be issued if the research does not impede the management goals of the Marine Research Area.</p>	<p><u>Commercial</u> – No take</p> <p><u>Recreational</u> – No take except for single mussels for bait.</p> <p><u>Scientific & Educational</u> – Requires a permit from Oregon Department of Fish and Wildlife or Oregon Parks and Recreation Department, which may be issued if the research aligns to further the management goals of the Marine Garden.</p>	<p>Marine Conservation Areas with broad conservation goals may be proposed with regulations closing harvest in all categories.</p> <p>Specific invertebrate harvest regulations will be established based on the proposed management goals of the site.</p> <p>Individual site management must include a clear justification for all proposed regulations for <u>commercial</u>, <u>recreational</u>, <u>scientific</u> and <u>educational</u> invertebrate harvest.</p>
Marine Aquatic Vegetation Harvest	<p><u>Commercial</u> – No take</p> <p><u>Recreational</u> – No take</p> <p><u>Scientific & Educational</u> – Requires authorization from Oregon Parks and Recreation Department or the Department of State Lands, which may be issued if the research does not impede the management goals of the Marine Research Area.</p>	<p><u>Commercial</u> – No take</p> <p><u>Recreational</u> – No take</p> <p><u>Scientific & Educational</u> – Requires authorization from Oregon Parks and Recreation Department or the Department of State Lands, which may be issued if the research aligns to further the management goals of the Marine Garden.</p>	<p>Marine Conservation Areas with broad conservation goals may be proposed with regulations closing harvest in all categories.</p> <p>Specific marine aquatic vegetation harvest regulations will be established based on the proposed management goals of the site.</p> <p>Individual site management must include a clear justification for all proposed regulations for <u>recreational</u>, <u>scientific</u> and <u>educational</u> marine aquatic vegetation harvest.</p>

NON-REGULATORY STANDARDS & MANAGEMENT PRACTICES			
	Marine Research Area	Marine Garden (Marine Education Area)	Marine Conservation Area
	<ul style="list-style-type: none"> • In regards to physical public access to areas: <ul style="list-style-type: none"> ○ Avoid enhancement of <u>future</u> physical public access on public lands to rocky habitats except in instances of safety concerns. ○ Maintain but avoid enhancing capacity of <u>current</u> physical access. ○ Enhance visual access to these sites. ○ Prioritize access to these sites for low impact research. • When possible, researchers in these areas should report project outcomes and metadata to the permitting agency for incorporation into a publically accessible repository. • Other actions and practices that aid in reaching site goals. 	<ul style="list-style-type: none"> • Increase, enhance, and maintain visual and physical access on public lands to rocky habitats to be inclusive of diverse uses while prioritizing the protection of ecological and cultural resources. • Encourage educational and interpretive programming that increases informed visitation to the site and minimizes impacts to site resources. <ul style="list-style-type: none"> ○ Educational programs should aim to reduce the impacts of trampling and wildlife disturbance, as well as monitor impacts of visitor use. • Increase and enhance messaging around rules and regulations, and highlight general rocky habitat etiquette and stewardship. • Other actions and practices that aid in reaching site goals. 	<ul style="list-style-type: none"> • Variable non-regulatory management practices are applicable in Marine Conservation Areas. • Individual site management must outline clear non-regulatory management mechanisms that aid in reaching the site goals.

Final revisions to the TSP text, including revisions to the proposal submission and evaluation processes, will be made following a workshop to be scheduled in summer 2021. OPAC will also re-consider the six proposals recommended for further evaluation at this workshop.

Concurrently, project staff have begun updates to the Rocky Shores Communications Strategy, which outlines plans to provide public education and interpretation about rocky habitats. This is a tri-agency plan to be developed in coordination with DLCD, ODFW, and OPRD.

For further information about the plan update process as it relates to OPRD, please contact Laurel Hillmann, OPRD Ocean Shore Specialist at Laurel.Hillmann@oregon.gov or visit the DLCD website at <https://www.oregonocean.info>.

Prior Action by the Commission: Informational item April 17, 2018; Workshop presentation November 17, 2020.

Action Requested: None.

Prepared by: Laurel Hillmann