

## Oregon Parks and Recreation Commission

July 17, 2013

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Agenda Item:	8a	Action
Topic:	Request to Adopt Division 53, Heritage Commission Grant and Coordination Programs, Oregon Museum Grant Program	
Presented by:	Roger Roper	

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### **Background:**

The Oregon Heritage Commission and staff are requesting that these rules for its Grants and Coordination programs be approved. While statute gives grantmaking and coordination authority to the Heritage Commission, the OPRD Commission has rulemaking authority for the Heritage Commission.

The current rules were created during the past 15 years. For example, the Museum Grant rules were created after the 2005 Legislature made the grant program a competitive program. The rules have not been revised since then and need revision to bring clarity and efficiency to the grantmaking and statewide celebration processes.

The proposed rules would clarify grantmaking processes and responsibilities, expand grant eligibility, and clarify statewide celebration requirements.

The announcement of the rulemaking was publicized widely through the heritage communities, as well as through the required state process. It generated only one unofficial comment in a Facebook post. A public hearing took place June 19 with no comment. No major changes have been made to the draft provided to the Commission at its May 8 meeting.

The new rules will be used immediately beginning this summer as the Heritage Commission begins grantmaking.

**Prior Action by Commission:** Approved going to rulemaking at May 8, 2013, meeting.

### **Action Requested:**

Staff requests the commission approve the revised OAR 736-050 to clarify the Heritage Commission's rules and make operation more efficient. The revisions are included in Attachment A.

**Attachments:** Exhibit 1 – clean copy of rule text, Exhibit 2 – marked copy of rule text

**Prepared by:** Kyle Jansson

# **PARKS AND RECREATION DEPARTMENT**

## **DIVISION 53**

### **HERITAGE COMMISSION GRANTS AND STATEWIDE CELEBRATIONS**

#### **736-053-0100**

##### **Purpose**

The purpose of OAR 736-053-0100 to 736-053-0140 is to establish the procedures and criteria that the Oregon Heritage Commission, with the advice of the Oregon Historical Society and the Oregon Museums Association, will use when awarding Museum Grant Funds as provided in ORS 358.583.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

#### **736-053-0105**

##### **Definitions**

As used in OAR 736-053-0100 to 736-053-0140, unless the context requires otherwise:

- (1) "Commission" means the Oregon Heritage Commission.
- (2) "Department" means the Oregon Parks and Recreation Department.(3) "Museum" means a public institution or private nonprofit Oregon corporation primarily devoted to the acquisition and public exhibition of specimens, artifacts, articles, documents and other items that relate to history, anthropology, archaeology, science, heritage, or art and that have historical significance.
- (4) "Grant" means an award from the Oregon Museum Grant Program.
- (5) "Museum Grant Review Committee" means the committee that reviews grant applications and makes funding recommendations to the commission.
- (6) "Heritage" means the array of significant things, thoughts, and activities associated with past human experience in Oregon.

(7) "Heritage collections" includes artifacts and other manifestations of material culture, documents, publications, photographs and film, heritage recordings, music and songs gathered for study, comparison or exhibition, and their management.

(8) "Heritage-related tourism" means the practice of traveling for leisure to learn, enjoy or appreciate heritage.

(9) "Heritage aspects of education and interpretation" means the action or process of educating or of being educated about heritage.

(10) "Grantee" means an eligible applicant museum legally capable of executing and which has executed a grant agreement for project awarded a Museum Grant.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583-

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

### **736-053-0110**

#### **Eligible Applicants**

In order to be eligible for a grant, museums must meet the following requirements:

- (1) Be in operation for a period of at least two years;
- (2) Provide museum services open to the public at least 120 hours per year at designated and reasonable hours and places;
- (3) Have a responsible, competent attendant on duty when museum services are provided to the public;
- (4) Be organized as a public or private non-profit institution that exists on a permanent basis for primarily educational or aesthetic purposes;
- (5) Care for tangible objects that the museum owns or uses; and
- (6) Exhibit tangible objects to the public on a regular basis through facilities the museum owns or operates.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

### **736-053-0115**

#### **Application Procedure**

(1) The Commission shall announce the availability of procedures, and deadlines for applying for Oregon Museum Grants, for at least two weeks prior to the application deadline.

(2) To apply for Oregon Museum Grants, museums must submit their applications by the specified deadline. In addition, applications must meet the format prescribed by the Commission and demonstrate the following:

(a) The museum is eligible for a grant;

(b) The proposed project qualifies for a grant;

(c) The museum is capable of carrying out the proposed project; and

(d) The proposed project is related to the collection and management of heritage collections, or for heritage-related tourism, or to assist in projects related to the heritage aspects of education and interpretation.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

### **736-053-0120**

#### **Evaluation of Applications**

(1) Eligible applications received by announced deadlines shall be evaluated by the department's Museum Grant Review Committee.

(2) The Museum Grant Review Committee shall rank applications in order of priority based on an evaluation of:

(a) The museum's capability of carrying out the proposed project;

(b) The anticipated results of the proposed project in the collection and management of heritage collections, the promotion of heritage-related tourism, or the provision of education and other interpretations related to heritage; and

(c) The commitment of other significant monetary or in-kind support to the goals of the project, or both.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

### **736-053-0125**

## **Award of Grants**

(1) The Commission shall, at a public meeting, consider and approve or disapprove, in part or in full, the recommendations of the Museum Grant Review Committee. The department shall then award grants based on the Commission's decision.

(2) All awards must be the subject of binding grant agreements between the department and grantees.

(3) Grant agreements must specify total project costs, participant's share, department share, work to be accomplished, products to be delivered, and deadlines for accomplishing work and delivering products.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

## **736-053-0130**

### **Museum Grant Review Committee**

(1) Department staff appoints the Museum Grant Review Committee, which must be composed of Commission representatives and museum or heritage professionals.

(a)-The committee must have a minimum of five members, and include individuals with professional knowledge related to the type of projects submitted, and individuals with a direct understanding of small museum operations.

(b) The department may consult with appropriate organizations including the Oregon Historical Society and Oregon Museums Association for committee member recommendations.

(2) The Museum Grant Review Committee shall follow current statutory conflict-of-interest provisions.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

## **736-053-0135**

### **Disbursement of Grant Funds**

The department will distribute grant funds to participants on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Participants will supply information substantiating billings if requested by the Commission. Grant funds may be disbursed in advance if participants can demonstrate a compelling need.

Stat. Auth.: ORS 390.124 & 358.585  
Stats. Implemented: ORS 358.583  
Hist.: PRD 2-2006, f. & cert. ef. 2-27-06

### **736-053-0140**

#### **Recovery of Grant Funds**

(1) Participant museums who fail to complete approved projects to the Commission's satisfaction shall return all unexpended grant funds.

(2) Participant museums must maintain records adequate for audit purposes for a period of not less than five years after project completion and shall reimburse the commission for any costs disqualified through audit findings.

Stat. Auth.: ORS 390.124 & 358.585  
Stats. Implemented: ORS 358.583  
Hist.: PRD 2-2006, f. & cert. ef. 2-27-06

### **Oregon Heritage Grants**

### **736-053-0200**

#### **Purpose**

The purpose of OAR 736-053-0200 to 736-053-0235 is to establish the procedures and criteria that the Oregon Heritage Commission will use when awarding Oregon Heritage Grants as provided in ORS 358.590(3) Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590  
Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **736-053-0205**

#### **Definitions**

As used in OAR 736-053-0200 to 736-053-0235, the following terms shall have the following meanings:

(1) "Commission" means the Oregon Heritage Commission.

- (2) "Department" means the Oregon Parks and Recreation Department.
- (3) "Grant" means an award from the Oregon Heritage Grant Program.
- (4) "Heritage" means the array of significant things, thoughts, and activities associated with past human experience in Oregon.
- (5) "Heritage Resources" means artifacts and other manifestations of material culture, documents, publications, photographs and film, prehistoric and historic sites, historic buildings and other structures, cultural landscapes, heritage celebrations, heritage festivals and fairs, and heritage recordings, music, and songs.
- (6) "Heritage Conservation" means activities that preserve or enhance heritage resources.
- (7) "Heritage Development" means activities that fulfill the potential of heritage resources to educate Oregonians and their visitors and enrich their lives.
- (8) "Grantee" means an eligible applicant legally capable of executing and which has executed a grant agreement for project awarded an Oregon Heritage Grant.
- (9) "Eligible Project Costs" means approved costs incurred after execution of a grant agreement.

Stat. Auth.: ORS 358.585  
Stats. Implemented: ORS 358.590  
Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **736-053-0210**

#### **Eligible Applicants:**

- (1) In order to be eligible for an Oregon Heritage Grant, applicants must be one of the following:
  - (a) A non-profit organization incorporated in the State of Oregon with a 501(c)(3) determination from the United States Internal Revenue Service and a legally-constituted board of trustees or directors;
  - (b) A tribal government of a Native American group recognized by the State of Oregon and the federal government and located in the State or Oregon;
  - (c) A university or college located in the State of Oregon; or
  - (d) A local government within the State of Oregon.
- (2) The following are not eligible to apply for Oregon Heritage Grants:

- (a) Individuals;
- (b) Religious organizations;
- (c) For-profit organizations such as partnerships, companies, and corporations;
- (d) State agencies, except for state-supported colleges and universities;
- (e) School districts; and
- (f) Federal agencies.

Stat. Auth.: ORS 358.585  
Stats. Implemented: ORS 358.590  
Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **736-053-0215**

#### **Application Procedure**

- (1) The Commission shall announce the availability of, procedures to apply for, and deadlines for applying for Oregon Heritage Grants, for at least two weeks prior to the application deadline.
- (2) To apply for Oregon Heritage Grants, applicants must submit their applications by the specified deadline. In addition, applications must meet the format prescribed by the Commission and demonstrate the following:
  - (a) The applicant is eligible to apply for an Oregon Heritage Grant;
  - (b) The proposed project qualifies for an Oregon Heritage Grant;
  - (c) The applicant is capable of carrying out the proposed project; and
  - (d) The proposed project ~~to~~ conserves or develops heritage resources.

Stat. Auth.: ORS 358.585  
Stats. Implemented: ORS 358.590  
Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **736-053-0220**

#### **Evaluation of Applications**

(1) Eligible applications received by announced deadlines shall be evaluated by an Oregon Heritage Grants Review Committee appointed by department staff and approved by the Commission Chair.

(2) The Oregon Heritage Grants Review Committee shall rank applications in order of priority based on an evaluation of:

(a) The applicant's capability of carrying out the proposed project; and

(b) How the proposed project will result in the conservation or development of heritage resources. Priority will be given to projects that preserve or develop heritage resources that are threatened, are of statewide significance, or both.

(3) The Oregon Heritage Grants Review Committee shall follow current statutory conflict-of-interest provisions.

(4) The Commission will, at public meetings, consider and disapprove, approve in part, or approve in full the recommendations of the Oregon Heritage Grant Review Committee.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **736-053-0225**

#### **Award of Grants**

(1) When Oregon Heritage Grant Program funds are appropriated by the Legislative Assembly, the Commission shall award these funds based on priorities recommended by the Oregon Heritage Grants Review Committee.

(2) Grants will be made for no more than fifty percent of total project costs. Up to fifty percent of a grantee's share of project costs may consist of department-approved donated services and materials.

(3) All awards shall be the subject of binding grant agreements between the department and participants.

(4) Grant agreements shall specify total project costs, participants' share, department share, work to be accomplished, products to be delivered, and deadlines for accomplishing work and delivering products.

(5) Indirect costs (grant processing, but not directly associated with the project) are limited to six percent of the awarded grant funds.

Stat. Auth.: ORS 358.585  
Stats. Implemented: ORS 358.590  
Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **736-053-0230**

#### **Disbursement of Grant Funds**

All Grant funds will be disbursed to participants on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Participants must supply information substantiating billings when requested by the Commission. Grant funds may be disbursed in advance if participants can demonstrate a compelling need.

Stat. Auth: ORS 358.585  
Stats. Implemented: ORS 358.590  
Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **736-053-0235**

#### **Recovery of Grant Funds**

(1) Participants who fail to complete approved projects to the Commission's satisfaction must return all unexpended Grant funds.

(2) Participants shall maintain records adequate for audit purposes for a period of not less than five years after project completion and must reimburse the Commission for any costs disqualified through audit findings.

Stat. Auth: ORS 358.585  
Stats. Implemented: ORS 358.590  
Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

## **Statewide Anniversary Celebrations**

### **736-053- 0300**

#### **Purpose**

The purpose of OAR 736-053-0300 to 736-053-0325 is to adopt regulations establishing procedures that the Oregon Heritage Commission shall use when coordinating statewide anniversary celebrations.

Stat. Auth: ORS 358.585  
Stats. Implemented: ORS 358.595(2f)  
Hist.: PRD 3-2001, f. & cert. ef. 2-23-01

### **736-053-0305**

#### **Definitions**

As used in OAR 736-053-0300 to 736-053-0325, the following terms shall have the following meanings:

- (1) "Commission" means the Oregon Heritage Commission.
- (2) "Statewide anniversary celebrations" means celebrations and other commemorations of anniversaries of events of statewide significance to Oregon's heritage.
- (3) "Oregon's heritage" means the array of significant things, thoughts, and activities associated with the human experience in Oregon.
- (4) "Coordinate" means serving as a source of information on resources, a source of technical assistance, a source of financial assistance when funds have been appropriated for that purpose by the Legislative Assembly, and as a clearinghouse for information and activities for designated celebrations.

Stat. Auth: ORS 358.585  
Stats. Implemented: ORS 358.595(2f)  
Hist.: PRD 3-2001, f. & cert. ef. 2-23-01

### **736-053-0315**

#### **Qualification as a Statewide Anniversary Celebration**

An event or episode may qualify for designation as a statewide anniversary celebration if its impacts are proven to have significance in Oregon beyond the actual event or episode being celebrated or commemorated. Upon demonstration of significance, the Commission may designate the event or episode a statewide anniversary celebration.

Stat. Auth: ORS 358.585  
Stat. Implemented: ORS 358.595(2f)  
Hist: PRD 3-2001, f. & cert. ef. 2-23-01

### **736-053-0325**

#### **Commission Coordination of Statewide Anniversary Celebrations**

Commission coordination of statewide anniversary celebrations designated under OAR 736-053-0315, may include providing communication, technical and financial assistance to government and non-profit organizations that implement the celebrations.

Stats. Auth: ORS 358.585

Stats. Implemented: ORS 358.595(2f)

Hist.: PRD 3-2001, f. & cert. ef. 2-23-01

# PARKS AND RECREATION DEPARTMENT

## DIVISION 53

### HERITAGE COMMISSION GRANTS AND STATEWIDE CELEBRATIONS COORDINATION PROGRAMS OREGON MUSEUM GRANT PROGRAM

#### 736-053-0100

##### Purpose

The purpose of ~~these rules~~ OAR 736-053-0100 to 736-053-0140 is to establish the procedures and criteria that the Oregon Heritage Commission, with the advice of the Oregon Historical Society and the Oregon Museums Association, will use when awarding Museum Grant Funds as provided in ORS 358.~~730~~583.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.~~730~~583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

#### 736-053-0105

##### Definitions

As used in ~~these rules~~ OAR 736-053-0100 to 736-053-0140, unless the context requires otherwise:

(1) "Commission" means the Oregon Heritage Commission.

~~(2)~~ "Department" means the Oregon Parks and Recreation Department.

~~(3)~~ "Museum" means a public institution or private nonprofit Oregon corporation primarily devoted to the acquisition and public exhibition of specimens, artifacts, articles, documents and other items that relate to history, anthropology, archaeology, science, heritage, or art and that have historical significance.

~~(4)~~ "Grant" means an award from the Oregon Museum Grant Program.

~~(5)~~ "Museum Grant Review Committee" means the committee that reviews grant applications and makes funding recommendations to the commission.

~~(6)~~ "Heritage" means the array of significant things, thoughts, and activities associated with past human experience in Oregon.

(76) "Heritage collections" includes artifacts and other manifestations of material culture, documents, publications, photographs and film, heritage recordings, music and songs gathered for study, comparison or exhibition, and their management.

(87) "Heritage-related tourism" means the practice of traveling for ~~recreation~~leisure to learn, enjoy or appreciate heritage.

(98) "Heritage aspects of education and interpretation" means the action or process of educating or of being educated about heritage.

(109) "Grantee" means an eligible applicant museum legally capable of executing and which has executed a grant agreement for project awarded a Museum Grant.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.~~583-730~~

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

### 736-053-0110

#### Eligible Applicants

In order to be eligible for a grant, museums must ~~shall~~ meet the following requirements:

- (1) Be in operation for a period of at least two years;
- (2) Provide museum services open to the public at least 120 hours per year at designated and reasonable hours and places;
- (3) Have a responsible, competent attendant on duty when museum services are provided to the public;
- (4) Be organized as a public or private non-profit institution that exists on a permanent basis for ~~essentially~~ primarily educational or aesthetic purposes;
- (5) Care for ~~and own or use~~ tangible objects that the museum owns or uses; and
- (6) Exhibits ~~the~~ tangible objects to the public on a regular basis through facilities the museum owns or operates.

Stat. Auth.: ORS 390.~~214~~124 & 358.585

Stats. Implemented: ORS ~~358 758. 583358740~~

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

### 736-053-0115

#### Application Procedure

(1) ~~Each biennium, the~~ The eCommission shall announce the availability of procedures ~~to apply for,~~ and deadlines for applying for Oregon Museum Grants, for at least two weeks prior to the application deadline in general circulation publications in the State of Oregon and also by mail to parties who have expressed interest in the Oregon Museum Grant Program. If the commission has chosen to focus on a particular type of project in a particular grant cycle, that focus shall be a part of the announcement.

(2) To apply for Oregon Museum Grants, museums must submit their applications by the specified deadline. In addition, applications must meet the format prescribed by the Commission and demonstrate the following: ~~Museums may, by announced deadlines, submit application information in a format prescribed by the commission that:~~

- (a) ~~Documents that~~ The museum is eligible for a grant;
- (b) ~~Documents that~~ The proposed project qualifies for a grant;
- (c) ~~Documents that~~ The museum is capable of carrying out the proposed project; and
- (d) ~~Documents the potential effectiveness of~~ The proposed project is related to the collection and management of heritage collections, or and for heritage-related tourism, or and to assist in projects related to the heritage aspects of education and interpretation.

Stat. Auth.: ORS 390.~~214~~ 124 & 358.585

Stats. Implemented: ORS 358.~~750~~ 583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

**736-053-0120**

### **Evaluation of Applications**

(1) Eligible applications received by announced deadlines shall be evaluated by the department's Museum Grants Review Committee ~~appointed by the commission chair.~~

(2) The Museum Grants Review Committee shall rank applications in order of priority based on an evaluation of:

- (a) The museum's capability of carrying out the proposed project; ~~and~~
- ~~(b) The museum's most recent fiscal year operating budget, a current operating budget, or both;~~
- ~~(b)~~ (e) The anticipated effectiveness results of the proposed project in the collection and management of heritage collections, the promotion of heritage-related tourism, or the provision of education and other interpretations related to heritage; and

(c) The commitment of other significant monetary or in-kind support to the goals of the project, or both.

~~(3) The Commission shall, at a regularly scheduled public meeting, consider and approve or disapprove, in part or in full, the recommendations of the Museum Grants Review Committee.~~

Stat. Auth.: ORS 390.~~214~~ 124 & 358.585

Stats. Implemented: ORS 358.~~760~~ 583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

### 736-053-0125

#### Award of Grants

(1) The Commission shall, at a public meeting, consider and approve or disapprove, in part or in full, the recommendations of the Museum Grants Review Committee. ~~When the Legislative Assembly appropriates funds for the Museum Grant Program~~ When Museum Grant Program funds are appropriated by the Legislative Assembly, ~~the commission~~ department shall then award ~~grants~~ these funds based on the Commission's decision. ~~priorities recommended by the Museum Grants Review Committee's recommendations. and approved by the commission.~~

(2) All awards ~~must~~ shall be the subject of binding grant agreements between the ~~Oregon Parks and Recreation D~~ epartment and ~~participants~~ grantees.

(3) Grant agreements ~~must~~ shall specify total project costs, participant's share, ~~department~~ commission share, work to be accomplished, products to be delivered, and deadlines for accomplishing work and delivering products.

Stat. Auth.: ORS 390.~~214~~ 124 & 358.585

Stats. Implemented: ORS 358.~~750~~ 583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

### 736-053-0130

#### Museum Grant Review Committee

(1) Department staff appoints ~~F~~the Museum Grant Review Committee, which must be shall be appointed by the commission chair and composed of Commission representatives and museum or heritage professionals.

(a) ~~At least one representative recommended by the director of the Oregon Historical Society;~~ The committee must have a minimum of five members, and include individuals with professional knowledge related to the type of projects submitted, and individuals with a direct understanding of small museum operations.

~~(b) At least two members recommended by the president of the Oregon Museums Association;~~

~~(c) At least two other heritage professionals appointed by the commission chair; and~~

~~(d) A representative of the commission.~~ The department may consult with appropriate organizations including the Oregon Historical Society and Oregon Museums Association for committee member recommendations.

(2) The Museum Grant Review Committee shall ~~adopt guidelines on~~ follow current statutory conflict-of-interest provisions ~~guidelines that are consistent with as described in state statute.~~ ORS Chapter 244.

Stat. Auth.: ORS 390.~~214~~ 124 & 358.585

Stats. Implemented: ORS 358.~~583~~ 730(1)(d)

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06

**736-053-0135**

### **Disbursement of Grant Funds**

~~All grant funds shall be disbursed to participant museums using procedures included in the grant application announcement and specified in grant agreements. Participant museums shall supply information substantiating billings if requested by the commission.~~

The department will distribute gGrant funds will be disbursed to participants on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Participants will supply information substantiating billings if requested by the Commission. Grant funds may be disbursed in advance if participants can demonstrate a compelling need.

Stat. Auth.: ORS 390.124 & 358.585 & ~~378.730(1)(d)~~ 358.583

Stats. Implemented: ORS 358.~~583~~ 730 ~~853~~

Hist.: PRD 2-2006, f. & cert. ef. 2-27-06

**736-053-0140**

### **Recovery of Grant Funds**

- (1) Participant museums who fail to complete approved projects to the eCommission's satisfaction shall return all unexpended grant funds.

~~(2) All Grant funds will be disbursed to participants on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Participants will supply information substantiating billings if requested by the Commission.~~

(2) Participant museums must ~~shall~~ maintain records adequate for audit purposes for a period of not less than five years after project completion and shall reimburse the commission for any costs ~~questioned in~~ disqualified through audit findings.

Stat. Auth.: ORS 390.124 & ~~358.585~~378.730(1)(d)~~358.583~~

Stats. Implemented: ORS 358.~~730~~583

Hist.: PRD 2-2006, f. & cert. ef. 2-27-06

## Oregon Heritage Grants

### 736-053-0200

#### Purpose

The purpose of ~~these rules~~ OAR 736-053-0200 to 736-053-0235 is to establish the procedures and criteria that the Oregon Heritage Commission will use when awarding Oregon Heritage Grants as provided in ~~make grant awards as provided in~~ ORS 358.590(3) ~~and to adopt regulations establishing procedures that the Oregon Heritage Commission shall use when awarding Oregon Heritage Grants.~~

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### 736-053-0205

#### Definitions

As used in OAR 736-053-0200 to 736-053-0235~~these rules~~, the following terms shall have the following meanings:

(1) "Commission" means the ~~governor-appointed body charged with coordinating heritage activities statewide.~~ Oregon Heritage Commission.

(2) "Department" means the Oregon Parks and Recreation Department.

~~(3)~~ "Grant" means an award from the Oregon Heritage Grant Program.

~~(4)~~ "Heritage" means the array of significant things, thoughts, and activities associated with past human experience in Oregon.

(54) "Heritage Resources" means artifacts and other manifestations of material culture, documents, publications, photographs and film, prehistoric and historic sites, historic buildings and other structures, cultural landscapes, heritage celebrations, heritage festivals and fairs, and heritage recordings, music, and songs.

(65) "Heritage Conservation" means activities that preserve or enhance heritage resources.

(76) "Heritage Development" means activities that fulfill the potential of heritage resources to educate Oregonians and their visitors and enrich their lives.

(87) "~~Participant~~ Grantee" means an eligible applicant legally capable of executing and which has executed a grant agreement for project awarded an Oregon Heritage Grant.

(98) "Eligible Project Costs" means approved costs incurred after execution of a grant agreement.

~~(9) "Approved" means approved in writing by Commission.~~

~~(10) "Project Completion" means satisfaction of all requirements of a grant agreement as determined after review and inspection by the Commission.~~

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

## 736-053-0210

### Eligible Applicants:

(1) In order to be eligible for an Oregon Heritage Grant, applicants must be one meet of the following ~~criteria~~:

(a) ~~Be one of the following~~: A non-profit organization incorporated in the State of Oregon, with a 501(c)(3) determination from the United States Internal Revenue Service and a legally-constituted board of trustees or directors;

(b) ~~A~~ tribal government of a Native American group recognized by the State of Oregon and the federal government and located in the State or Oregon;

(c) A university or college located in the State of Oregon; or

(d) ~~A~~ local government within the State of Oregon.

~~(b) If a non-profit organization incorporated in the State of Oregon, have a 501(c)(3) determination from the United States Internal Revenue Service and have a legally-constituted board of trustees or directors.~~

(2) The following are not eligible to apply for Oregon Heritage Grants:

(a) ~~I~~Individuals;

(b) ~~R~~Religious organizations;

(c) ~~F~~For-profit organizations such as partnerships, companies, and corporations;

(d) ~~S~~State agencies, except for state-supported colleges and universities;

(e) ~~S~~School districts, ~~state-supported universities and colleges~~; and

(f) ~~F~~Federal agencies.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

**736-053-0215**

### **Application Procedure**

(1) The Commission ~~each biennium~~ shall at minimum announce the availability of, procedures to apply for, and deadlines for applying for Oregon Heritage Grants, for at least two weeks prior to the application deadline. in general circulation publications in the State of Oregon and also by direct mail to parties who have expressed interest in the Oregon Heritage Grant Program. If the Commission has chosen to focus on a particular type of project in a particular grant cycle, that focus will be a part of the announcement.

(2) To apply for Oregon Heritage Grants, applicants must submit their applications by the specified deadline. In addition, applications must meet the format prescribed by the Commission and demonstrate the following: ~~Applicants will, by announced deadlines, submit application information in a format prescribed by the Commission that:~~

(a) ~~Documents that~~ TThe applicant is eligible to apply for an Oregon Heritage Grant;

(b) ~~Documents that~~ TThe proposed project qualifies for an Oregon Heritage Grant;

(c) ~~Documents that~~ TThe applicant is capable of carrying out the proposed project; and

(d) ~~Documents the potential effectiveness of~~ TThe proposed project ~~to~~ conserves or develops heritage resources.

Stat. Auth.: ORS 358.585  
Stats. Implemented: ORS 358.590  
Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### 736-053-0220

#### Evaluation of Applications

(1) Eligible applications received by announced deadlines ~~shall~~will be evaluated by an Oregon Heritage Grants Review Committee appointed by department staff and approved by the Commission Chair.

(2) The Oregon Heritage Grants Review Committee ~~shall~~will rank applications in order of priority based on an evaluation of:

(a) The applicant's capability of carrying out the proposed project; and

(b) How ~~effective~~ the proposed project will ~~be~~result in the conservation or development of heritage resources. Priority will be given to projects that preserve or develop heritage resources ~~that~~which are threatened, ~~and/or~~ are of statewide significance, or both.

(3) The Oregon Heritage Grants Review Committee shall follow current statutory conflict-of-interest ~~guidelines provided in state statutes provisions.~~

(34) The Commission will, at ~~regularly scheduled~~ public meetings, consider and disapprove, approve in part, or approve in full the recommendations of the Oregon Heritage Grants Review Committee.

Stat. Auth.: ORS 358.585  
Stats. Implemented: ORS 358.590  
Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### 736-053-0225

#### Award of Grants

(1) When Oregon Heritage Grant Program funds are appropriated by the Legislative Assembly, the Commission shall award these funds based on priorities recommended by the Oregon Heritage Grants Review Committee ~~and approved in part or in full by the Commission.~~

(2) Grants will be made for no more than fifty percent of total project costs. Up to ~~twenty-five~~fifty percent of a grantee's ~~participant's~~ share of project costs may consist of department-approved donated services and materials.

(3) All awards ~~shall~~**will** be the subject of binding grant agreements between the department ~~the Commission~~ and participants.

(4) Grant agreements ~~shall~~**will** specify total project costs, participants' share, ~~department~~**Commission** share, work to be accomplished, products to be delivered, and deadlines for accomplishing work and delivering products.

(5) Indirect costs (grant processing, but not directly associated with the project) are limited to six percent of the awarded grant funds.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **736-053-0230**

#### **Disbursement of Grant Funds**

All Grant funds will be disbursed to participants on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Participants ~~must~~**will** supply information substantiating billings ~~if~~**when** requested by the Commission. Grant funds may be disbursed in advance if participants can demonstrate a compelling need.

Stat. Auth: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **736-053-0235**

#### **Recovery of Grant Funds**

(1) Participants who fail to complete approved projects to the Commission's satisfaction ~~must~~**shall** return all unexpended Grant funds.

(2) Participants shall maintain records adequate for audit purposes for a period of not less than five years after project completion and ~~must~~**shall** reimburse the Commission for any costs ~~questioned in~~**disqualified through** audit findings.

Stat. Auth: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00

### **Statewide Anniversary Celebrations**

## 736-053- 0300

### Purpose

The purpose of ~~these rules~~ [OAR 736-053-0300 to 736-053-0325](#) ~~to~~ is to adopt regulations establishing procedures that the Oregon Heritage Commission shall use when coordinating statewide anniversary celebrations.

Stat. Auth: ORS 358.585

Stats. Implemented: ORS 358.595(~~5~~[2f](#))

Hist.: PRD 3-2001, f. & cert. ef. 2-23-01

## 736-053-0305

### Definitions

As used in ~~these rules~~ [OAR 736-053-0300 to 736-053-0325](#), the following terms shall have the following meanings:

- (1) "Commission" means the ~~governor appointed body charged with coordinating heritage activities statewide~~ [Oregon Heritage Commission](#).
- (2) "Statewide anniversary celebrations" means celebrations [and other commemorations](#) of anniversaries of events of statewide significance to Oregon's heritage.
- (3) "Oregon's heritage" means the array of significant things, thoughts, and activities associated with the human experience in Oregon.
- (4) "Coordinate" means serving as a source of information on resources, a source of technical assistance, a source of financial assistance when funds have been appropriated for that purpose by the Legislative Assembly, and as a clearinghouse for information and activities for ~~particular~~ [designated](#) celebrations.
- (5) ~~"Heritage Partners" means agencies of government and non-profit organizations with whom the Oregon Heritage Commission has executed partnership agreements.~~
- (6) ~~"Commission endorsed statewide anniversary celebrations" means anniversary celebrations found by the commission to be of statewide significance to Oregon's heritage.~~

Stat. Auth: ORS 358.585

Stats. Implemented: ORS 358.595(~~2f~~[5](#))

Hist.: PRD 3-2001, f. & cert. ef. 2-23-01

736-053-0315

### Qualification as a Statewide Anniversary Celebration

~~(1) Beginning with the period 2000 to 2005, the commission, will, with the assistance of its statewide heritage partners, identify and publish a list of anniversary celebrations deemed to qualify under ORS 358.595(5) and the provisions of these regulations.~~

~~(2) The list published under (1) above will be revised at least every five years.~~

~~(3) Inclusion on the Oregon Heritage Commission web site will constitute publication for the purposes of these regulations.~~

An event or episode may ~~shall~~ qualify for designation as a statewide anniversary celebration if its impacts are proven to have significance in Oregon beyond the actual event or episode being celebrated or commemorated. Upon demonstration of significance, the Commission may designate the event or episode a statewide anniversary celebration.

Stat. Auth: ORS 358.585

Stat. Implemented: ORS 358.595(2f5)

Hist: PRD 3-2001, f. & cert. ef. 2-23-01

736-053-0325

### Commission Coordination of Statewide Anniversary Celebrations

Commission coordination of statewide anniversary celebrations ~~recognized-designated~~ under OAR 7365-053-0315 ~~above~~, may include providing communication, technical and financial assistance to government and non-profit organizations that implement the celebrations. ~~be provided as follows:~~

~~(1) Information on resources on topics such as planning, implementation, and potential financial assistance will be provided on request to sponsors of commission endorsed activities associated with statewide anniversary celebrations qualified under these regulations.~~

~~(2) Technical assistance will be provided on request to sponsors of commission endorsed activities associated with statewide anniversary celebrations qualified under these regulations insofar as commission resources permit.~~

~~(3) Financial assistance will be provided to sponsors of commission endorsed statewide anniversary celebrations qualified under these regulations.~~

~~(a) If funds for such purposes have been appropriated by the commission by the Legislative Assembly; and~~

~~(b) In a manner consistent with all relevant state statutes, regulations, and policies.~~

~~(4) Clearinghouse service will be provided to sponsors of commission-endorsed activities associated with statewide anniversary celebrations qualified under these regulations by publication on the commission web site.~~

Stats. Auth: ORS 358.585

Stats. Implemented: ORS 358.595(~~5~~[2f](#))

Hist.: PRD 3-2001, f. & cert. ef. 2-23-01

## Oregon Parks and Recreation Commission

July 17, 2013

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Agenda Item: 8b Action

Topic: Request to Adopt OAR 736-010, General Park Area Rules

Presented by: Richard Walkoski

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### **Background:**

The general park area rules, division 10 of the OPRD administrative rules, were opened for revision at the January 2013 Commission meeting. At that time the proposed revisions were:

- Clarify “Purpose, Statutory Authority and Scope of Rules” section
- Add missing definitions in the “Definitions” section
- Clarify rules in “General Regulations” section
- Revise “Violations and Fines” section to bring it in compliance with recent changes in the Fine Schedule prepared by the Office of State Court Administrator, Oregon Judicial Department
- Add classes of violation to the “Motor Vehicles” section
- Clarify the responsibilities of handlers in the “Domestic Animals” section
- Clarify rules and add classes of violation to “Visitor Conduct” section
- Clarify rules and reference connected division 15 rules in the “Overnight Use” section
- Clarify rules in “Cultural, Historic, Natural and Wildlife Resources” section and rename the section “Park Resources”

Meetings were held to get input from field staff in seven of the eight OPRD districts. Several additional issues were brought up at those meetings resulting in additional revisions as follows: hunting closures on several Willamette Greenway properties due to safety concerns for nearby residents and park visitors; setting length of stay in campsites and opening/closing times for day use areas in rule; and a clarification of what is considered a motor vehicle to include motorized toys, Segways and motorized scooters.

The proposed rule revisions were posted for public comment in June and public hearings were held in Newport, Champoeg Park and Bend. The rule revisions and comment period were announced through statewide press releases, posting on the OPRD website and a direct e-mail to 1,100 reservation customers selected at random from those that have camped within the past year. There were no comments made at the public hearings although one person attended the hearing in Newport and one person attended in Bend. Five comments were received through e-mail and one by phone. Five of the six comments were in support of tightening the domestic animal rules (dogs) and one supported the banning of smoking on trails at Tryon Creek which is not included in these revisions. The written comments are included in Attachment C.

**Prior Action by Commission:** Approval for rule revisions at the January commission meeting.

### **Action Requested:**

Staff requests the commission adopt the revisions to OAR 736-010 included in Attachment A (markup) and Attachment B (clean). These revisions have been reviewed and approved by Assistant Attorney General Steve Shipsey.

**Attachments:** Attachment A- marked copy , Attachment B - clean copy, Attachment C – public comment

**Prepared by:** Richard Walkoski

DIVISION 10

GENERAL STATE PARK ~~AREA~~ RULES

736-010-0005

Purpose, Statutory Authority, and Scope of Rules, ~~Statutory Authority~~

(1) ~~This~~ The purpose of this division is to guide and governs the ~~operation-public use~~ of park ~~areas~~ properties that are provided under the jurisdiction of the department pursuant to ORS 390.111 and 390.121, which provides the department complete jurisdiction and authority over all park areas acquired by the state for in a manner that upholds their scenic, historic, natural, cultural ~~or and~~ recreational ~~purposes~~ values. Additional information about the use of park properties is available on the state park website.

(2) This division is adopted pursuant to the commission's authority to manage, operate and maintain park ~~areas-properties provided in~~ per ORS 390.121; the commission's authority to adopt rules necessary for the use and administration of park ~~areas-properties provided in~~ per ORS 390.124; and the authority of the director and park employees specifically designated by the director to enforce state park ~~area~~ rules ~~by citation provided in~~ per ORS 390.050.

(3) This division is based on an assessment of public uses currently allowed on park properties and does not, and is not intended to, create any obligation or liability on the part of the department to supervise or ensure the safety of park property visitors. The department does not assume any liability for the recreational use of park properties by the public beyond those specified in ORS 105.682.

Stat. Auth.: ORS 390.050, 390.111, 390.121, & 390.124

Stats. Implemented: ORS 390.124

736-010-0010

Statutory Authority and Procedures

The text of this rule, 736-010-0010, was combined with rule 736-010-0005 above.

Stat. Auth.: ORS 390

Stats. Implemented: ORS 390.050, 390.111, 390.121, 390.124

736-010-0015

Definitions

As used in this division, unless the context requires otherwise:

(1) "Day Use Area" is a park property or portion of a park property that the department has designated for day use only.

(2) "District Manager" means the immediate supervisor of park managers within a specified geographic region of the state.

(3) "Closed Area" means a park or portion of a park that the public is prohibited from entering. Closures will be identified by signs in the park and notices placed on the state park website.

(~~24~~) "Commission" means the Oregon State Parks and Recreation Commission.

(5) "Dawn" means 30 minutes prior to sunrise as calculated by the U.S. Naval Observatory.

(36) "Department" means the Oregon State Parks and Recreation Department.

(47) "Director" means the department director.

(8) "Domestic Animals" are those animals whose food and shelter are provided by a human custodian.

(9) "Dusk" means 30 minutes after sunset as calculated by the U.S. Naval Observatory.

(510) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported state park rule violations and to issue oral or written warnings or citations to enforce state park ~~area~~-rules.

(11) "Handler" means any person who either brings a domestic animal into a park property or keeps a domestic animal at a park property.

(12) "Motorized Vehicle" means any vehicle being powered by an engine or motor which is capable of transporting a person.

(613) "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (4526) below.

(714) "Park ~~Area~~Property" means any state park, natural area, wayside, corridor, scenic area, monument, historic structure or area, trail, or recreation area, ~~including the ocean shore adjacent to any park area boundary~~, under the jurisdiction of the department.

(815) "Park Employee" means an employee of the department while on duty.

(916) "Park Manager" means the supervisor or designated employee in charge of a park ~~area~~property.

(4017) "Park Resources" means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.

(4418) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(4219) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.

(20) "Public" includes all persons visiting or intending to visit a park property that are not park employees.

(4321) "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

(22) "State Park Rules" mean the rules, regulations, restrictions, prohibitions, or limitations established by this division for the use or protection of park properties.

(23) "State Park Website" means the internet resource with the host name <http://www.oregon.gov/OPRD/Parks/> and its associated links.

~~(14)~~(24) "Violate" includes failure to comply.

(25) "Visitor" means any member of the public who arrives at or is present at a park property.

~~(15)~~(26) "Wheelchair" means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111 & 390.124

736-010-0020

### General Regulations

(1) The director may establish seasons, overnight lengths of stay, camper checkout times and procedures to adjust daily park ~~area-property~~ opening and closing times, and portions of a park property that are permanently closed or limited to specific uses or activities by the public. These may differ from park property to park property and from time to time, but shall be indicated on the state park website, published maps, brochures, the current state parks guide booklet, or on posted signs at the park property.

(2) Unless otherwise specifically established by the director the following apply:

(a) The maximum length of stay for campers is 14 consecutive nights in a 17 night span. After three nights out of the park, campers may return to start a new stay.

(b) The maximum length of stay for hiker/biker sites is three consecutive nights in a seven night period per park.

(c) Unless otherwise posted or specifically open for an event or activity, the hours of operation for a day use area are dawn to dusk.

~~(2)~~(3) The director, by written agreement, may cooperatively exercise jurisdiction and authority over a park ~~area-property~~ with a county, city, or political subdivision thereof for the purposes of enforcing state park rules, and applicable state, county or city laws.

(4) A person shall observe and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and notices and from park employees.

~~(3)~~(5) A park manager or park employee may seek compliance from the public with any state park ~~area~~ rule.

~~(4)~~(6) A park manager or ~~designated park employee~~ department enforcement officer may order any person that violates any state park ~~area~~-rule to leave a park ~~area~~property.

~~(5)~~(7) A park manager or ~~an a~~ department enforcement officer may exclude a person that violates any state park ~~area~~-rule from the park ~~area-property~~ or multiple park properties for a specified period of time.

~~(6)~~(8) A peace officer, ~~pursuant to a written agreement with the department,~~ may seek compliance from the public with any state park ~~area~~-rule and may order a person who violates one or more state park ~~area~~ rules to leave ~~the a~~ park ~~area~~property.

(79) A peace officer, ~~pursuant to a written agreement with the department,~~ may exclude or recommend that the park manager exclude a person who violates any state park area-rule; federal, state, county, or city law; or court order from a park ~~area~~-property or multiple park properties for a specified period of time.

(810) A park manager or designated park employee may protect the safety or health of the public or protect park resources. This authority includes actions that may temporarily:

(a) Permit or limit specific activities or uses in designated portions of a park ~~area~~-property;

(b) Designate a location within a park for a single use to avoid conflicts between users;

(c) Restrict access to or close an entire park ~~area~~-property;

(d) Restrict access to or close a portion of a park ~~area~~-property; or

(e) Exclude a person from a park ~~area~~-property.

(911) A person excluded from a park ~~area~~-property may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the District Manager responsible for the park where the notice of exclusion was issued.

(12) The following situations are criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245:

(a) A person ordered to leave a park property that remains present as a visitor;

(b) A person excluded from a park property that enters or remains present as a visitor;

(c) A person enters a closed or restricted portion of a park property; and

(d) A person engages in an activity that has been specifically prohibited or restricted at a park property or a portion of a park property.

Stat. Auth.: ORS 390.050, 390.121, 390.124

Stats. Implemented: ORS 390.124

736-010-0022

#### Violations and Fines

(1) Violation of a state park rule is a ~~A person that violates any park rule commits either a Class A, B, C, or D violation unless otherwise specified in this division punishable, upon conviction, by a fine as provided in ORS 153.018(2).~~

(2) Vehicular violations in a park property are classified per the Oregon Vehicle Code, ORS chapters 801 to 826, unless further specified in this division.

(3) Violations that disturb or damage park resources are Class A violations.

(4) Violations that constitute criminal trespass per OAR 736-010-0020 are Class C violations.

(25) Each occurrence of a violation of a state park ~~area~~-rule shall be considered a separate offense.

(6) Violations of state park rules are punishable, upon conviction, by a fine as provided in ORS chapter 153 with the exception of the following specific violations:

(a) Violations of OAR 736-015-0030(3)(a), parking without displaying a valid parking permit when required, are Class D violations with a specific fine of \$60;

(b) Violations of OAR 736-010-0026(1)(b), failure of persons under 16 years to wear protective headgear, are Class D violations with a specific fine of \$60;

(7) With the exception of those specific fines set forth in section (6), enforcement officers shall cite on the presumptive fine amounts established by ORS chapter 153.

Stat. Auth.: ORS 153 & 390

Stats. Implemented: ORS 153.018, 390.050, 390.111 & 390.990

736-010-0025

Motor Vehicles

(1) All park area roadways are considered public roadways and all provisions of the Oregon Vehicle Code, ORS chapters 801 to 826~~motor vehicle laws of the State of Oregon~~ are applicable and enforceable on such roadways.

(2) Motorists must comply with motor vehicle regulatory signs posted ~~in on~~ park ~~areas~~properties.

(~~23~~) Motor vehicles, trailers, or other vehicles shall be operated only on public roadways~~roads~~ and in ~~parking areas~~other portions of park properties ~~constructed or~~ designated for motor vehicle use by signs or park employees.

(~~34~~) Where not otherwise posted, motor vehicles may not be operated within a park ~~area~~property at speeds in excess of 25 miles per hour. Violation of this rule is a Class B violation.

(~~45~~) ~~Automobiles~~Motor vehicles, trailers, or other vehicles shall be parked only in designated parking areas.

(~~56~~) The department may have a vehicle towed at the owner's expense if a vehicle is parked in a fire lane, roadway, campsite, entry way, driveway, closed area, or other location in a manner that threatens park resources, impedes park operations, or safety, or ~~both~~any combination thereof.

(~~67~~) Abandoning a vehicle or leaving a vehicle unattended for~~Abandoned vehicles exceeding~~ 72 hours or more at a park property without permission from the park manager is prohibited and is a Class B violation. Vehicles abandoned for 72 hours or more or vehicles owned by a person who has been excluded from the park property or who is in violation of criminal trespass may be towed at the owner's expense.

(~~78~~) ~~All~~ Parking a motor vehicle ~~or a~~ ~~and~~ ~~trailers~~ parking overnight in a day use areas is prohibited without written permission of the park manager or designated park employee and such vehicles~~must obtain a permit. Motor vehicles and trailers without a permit~~ are subject to towing at the owner's expense.

(~~89~~) Unlicensed motorized vehicles, except ~~park area~~department service vehicles, may not be operated in park ~~areas~~ properties unless otherwise posted, with the exception of other power-driven mobility devices operated within the constraints established in section 11~~the operation of motor-assisted scooters by disabled persons on bicycle lanes or paths~~.

(~~910~~) A person may only operate an Off-Highway Vehicle (OHV) on park property:

(a) ~~only in~~In designated off-highway riding areas or on park roadways which are signed for OHV use.

(~~10b~~) ~~A person may operate an OHV in park areas only~~ during those seasons and hours of operation which are established by the park manager.

~~(11c) A person shall operate an OHV b~~ Below the maximum permissible decibel level as published on the state park website on July 1, 2013.

~~(12) A person may not operate a motor assisted scooter in a park area, including on a bicycle lane or bicycle path.~~

~~(13~~11) The park manager or ~~his or her designee~~ a park employee designated by the manager will allow the use of other power-driven mobility devices by individuals with mobility disabilities, in areas open to the public unless it is determined that the device cannot be operated in accordance with legitimate safety concerns for the operator, park visitors, park resources and park facilities. In determining if the device can be operated in a safe manner the manager or designee will consider the following criteria:

(a) The type, size, weight, dimensions, and speed of the device;

(b) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

(c) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

(d) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility or area; and

(e) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with applicable state laws and regulations.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.330, 819.110, 819.120, 811 et seq., 814.500, 814.516, 814.550 & 814.554

736-010-0026

#### Non-Motorized Vehicles, Cycles or Similar Devices

(1) A person operating a bicycle, skateboard, scooter, roller- or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land must comply with the following:

(a) Motor vehicle and bicycle regulatory signs posted in park ~~areas~~properties,

(b) Persons under 16 years of age are required to wear protective headgear,

(A) In the event that a person under 11 years of age violates this subsection, the notice of violation shall be issued to the person's parent, legal guardian or person with legal responsibility.

(B) In the event that a person between 11 and 16 years of age violates this subsection, the notice of violation may be issued to the violator or that person's parent, legal guardian or person with legal responsibility.

(c) Restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users. This includes:

(A) Yielding the right-of-way to pedestrians and animals;

- (B) Dismounting and walking in congested areas and posted walk zones;
- (C) Slowing down and making presence well know in advance and using caution when overtaking other persons or animals;
- (D) Displaying adequate lighting during the hours of darkness, in compliance with ORS chapters 814 to 816;
- (E) Using caution when approaching turns or areas of limited sight distance;
- (F) Not disturbing or harassing wildlife as provided in OAR 736-010-0055; and
- (G) Operating in compliance with any additional requirements identified in ORS 814.488 when on public roads accessible by motor vehicles.

(2) A person may operate non-motorized cycles or similar devices on roads and trails ~~in~~ at any park ~~area~~ property, except where posted to specifically prohibit or conditionally restrict such activity.

(3) The director or designee may open or close roads and trails to the operation of non-motorized cycles or similar devices, based on an evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

(4) A person may not operate non-motorized cycles, scooters, or similar devices in those portions of a park property ~~any park area~~ listed below, except where authorized by the director and posted specifically or conditionally to allow such activities:

(a) Off roads or off trails;

(b) Within designated natural areas, natural forest areas, or natural area preserves except on roads open for motor vehicles; ~~and~~

(c) On docks, piers, floats and connecting ramps; and

(d) In areas specifically designated as free from this use.

(5) Individuals with mobility disabilities can use wheelchairs and manually-powered mobility aids, designed for use by individuals with mobility disabilities, to access any areas open to pedestrian use.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 814.400 - 814.489 & 814.600

736-010-0027

#### Boats and Moorages

(1) The park manager may post restrictions or prohibitions on the use of motorboats or other watercraft ~~in~~ at park ~~areas~~ properties.

(2) Boaters must comply with regulatory signs posted in boat launching, moorage and beach areas.

(3) Boaters shall moor or secure their boat in a manner that will not cause personal injury or damage to private property or park resources.

(4) Boaters shall vacate moorages by the designated checkout time on the last day of the rental date unless otherwise posted.

(5) If a person has failed to pay moorage rental rates for two consecutive days, has exceeded the moorage stay limit, or is occupying a moorage slip reserved by another, the department may have all possessions, including the watercraft, removed at the owner's expense. The department is not responsible for any loss or damage to possessions or watercraft.

(6) The park manager may permit or restrict fishing from boat moorage docks.

(7) A person may not swim or water ski within 200 feet of ~~or from~~ boat moorage docks or facilities.

(8) Motorized boats and all other watercraft are prohibited from entering established swimming areas except for the protection or rescue of human life.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 830.912 & 830.914

736-010-0030

#### Domestic Animals

~~(1) Domestic animals means those animals whose food and shelter are provided by a human custodian. Handler means any person who either brings a domestic animal into a park area or keeps a domestic animal in a park area.~~

~~(2)~~ A handler is responsible for the behavior of their domestic animal and shall either confine their domestic animal or keep it under physical control on a leash not more than six feet long at all times except in designated off leash areas.

~~(2)~~ The In designated off leash areas a handler shall keep their domestic animal shall be under physical control at all times such that it is within the unobstructed sight of the handler, remains responsive to voice commands, or other methods of control.

~~(3)~~ Handlers shall carry a leash or restraining device at all times while in designated off leash areas and must promptly leash animals at the request or order of a park employee.

~~(4)~~ Handlers must prevent their domestic animal from harassing or intimidating people, wildlife, and other domestic animals.

~~(5)~~ Domestic animals shall only be hitched or confined in a manner that does not cause damage to any park resources.

~~(36)~~ A handler ~~is responsible for the animal's behavior and containment and for the removal~~ shall pick up and properly dispose of the their domestic animal's waste while in-at the park area property.

~~(47)~~ With the exception of service animals and miniature horses as described in section ~~(912)~~ below, domestic animals are prohibited in the following locations:

(a) Park ~~area property~~ buildings and structures, except for up to a total of two dogs ~~and two~~ cats in any combination in yurts and cabins that have been designated as pet friendly by the park manager;

(b) Bodies of water, except hunting dogs are allowed in those areas described in OAR 736-010-0055;

(c) Beaches adjacent to designated for swimming areas; and

(d) Other areas where posted.

(58) The park manager or an enforcement officer may take any measure deemed necessary (including the removal of the animal from the park ~~area~~property) to protect park resources or to prevent interference by the animal with the safety, comfort, or well-being of any person ~~in-at~~ the park ~~area~~property.

(69) Park employees may seize any domestic animal running at large in a park area and release it to an animal pound or animal control officer or shelter.

(710) The park manager may designate a portion of a park ~~area~~property as-to be open to dogs off leash for the purposes of training dogs, conducting open field trials, or exercising dogs, under the control of ~~when the handler is in control of the dog~~.

(811) With the exception of miniature horses as described in section (912) below, a person may not ride, drive, lead, or keep a horse or other large animal ~~in-at~~ any park ~~area~~property, except on such roads, trails, or areas designated for that purpose. A handler may not hitch or confine a horse or other large animal in a manner that may cause damage to any tree, shrub, improvement or structure.

(912) The park manager or ~~his or her designee~~designated park employee will allow the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and if, in the park manager or designee's assessment, the miniature horse can reasonably be allowed in a specific facility based on consideration of the following:

(a) The type, size and weight of the miniature horse and whether the facility can accommodate these features;

(b) Whether the handler has sufficient control of the miniature horse;

(c) Whether the miniature horse is housebroken; and

(d) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Stat. Auth ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0035

Livestock and Farming

(1) A person may not harass livestock or interfere with lawfully permitted farming activities or facilities, including fencing, at park properties.

(2) A person may ~~not~~ conduct ~~non-permitted~~ farming activities ~~in-at~~ park ~~areas~~properties only with written permission of the park manager or designated park employee.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0040

Visitor Conduct

(1) ~~Fires in park areas shall be confined to~~A person shall cause, build, maintain, or accelerate a fire at a park property only in:

(a) Park camp stoves or fireplaces provided for such purpose;

(b) Portions of beach areas designated as permissible for campfires; or

(c) Portable stoves used in-at established campsites, picnic areas, or beach areas where fires are ~~allowed~~ designated as permissible.

~~(2) Every fire shall be extinguished before its users leave the park area. No fire shall be allowed to cause personal injury or damage to private property or park resources. A person who has caused, built, or maintained an allowed fire shall:~~

(a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;

(b) Burn wood no longer than 24 inches in length;

(c) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;

(d) Use no gasoline, diesel or any other petroleum-based products to start or maintain a fire; and

(e) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.

(3) The park manager may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, and all persons shall observe such restrictions.

(4) A person may not injure, mutilate, deface, damage, harass, or remove any park resource, property, structure or facility of any kind in-at a park ~~area~~ property, except as provided in OAR 736-010-0055.

~~(5) A person shall leave garbage, recyclables, sewage or waste in a park area only in the designated containers provided. in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, or other offensive matter or any abandoned property or material to be placed or left at a park property, except for:~~

~~(6a) A person may not dispose of garbage, recyclables, sewage, or waste generated by activities conducted outside a park area in a park area, with the exception of recreational vehicle sewage and gray water holding tank contents to be that are disposed of in designated dump stations;~~

(b) Garbage, trash, and recyclables generated while using a park property and disposed of in the designated containers provided.

~~(7) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.~~

(7) A person may not leave personal property or possessions overnight in a day use area without written permission from the park manager or designated park staff.

~~(8) A-While many activities are allowed on park property, the following activities are specifically prohibited at park properties, and a person may not engage in the following activities in park areas:~~

(a) ~~Use~~ Using or ~~operation~~ operating of any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park ~~area~~ visitors except as allowed in section 10 below;

(b) ~~Use of~~ Using a public address system or similar device without written permission of the park manager;

(c) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar materials or substances without the written permission of the park manager or designated park employee;

(d) ~~Use of~~Using a metal detector or similar device without ~~a written permit from the department in~~written permission of the park manager or designated employee at any park property or portion of a park property not listed on the “Detecting Allowed” list, published on the ~~OPRD~~state park website;

(e) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;

(f) Entering or occupying any building, facility or portion of a park ~~area~~property that has been closed to public access; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(g) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(h) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(i) Fighting; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the physical well-being of any person ~~in~~at the park ~~area~~property;

(j) Smoking in any areas where the Oregon Indoor Clean Air Act, ORS 433.835 to 433.875; prohibits smoking;

(k) Activities or conduct which constitutes a public nuisance or hazard;

(l) Public indecency as defined in ORS 163.465;

(m) Base-jumping, hang gliding, paragliding or similar activities ~~are not allowed in park areas~~ without a written ~~permit~~permission from the park manager. ~~The~~ except that the use of hang gliders is allowed at Cape Kiwanda State Natural Area;

(n) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except ~~in~~at those park ~~area~~property locations and for those purposes specified in OAR 736-010-0055(7);

(o) Placing a sign, marker or inscription of any kind, except in designated areas within a park ~~area~~property, without written permission from the park manager;

(9) A person may ~~not only~~ distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park ~~area~~property ~~unless~~after they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.

(10) ~~A person may not operate a concession, solicit, sell or offer for sale, peddle, hawk or vend any goods, wares, merchandise, food, liquids or services in a park area without prior written authorization from the park manager. A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within a park property that:~~

(a) Is an organized group activity or event attended by over 50 people;

(b) Uses a portion of a park property to the exclusion of other persons or the department;

(c) Modifies or embellishes the park property, or places structures, such as tents, chairs, arches, and similar structures on the park property in a manner outside of normal recreational use, as determined by the park manager or enforcement officer;

(d) Uses public-address, amplification or lighting systems, other than those designed for personal use;

(e) Charges money for participation or admission;

(f) Involves the sale of products or services;

(g) Could disturb the natural, cultural, scenic and recreational resources in the park property or adjacent areas;

(h) Could pose a safety or access concern for other park users or for those involved in the event or activity.

(11) A person who obtains a special use permit under OAR chapter 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.

~~(4412)~~ All money or goods, having a value of \$100 or more and found by the public ~~in at~~ park ~~areas~~properties, must be turned over to the park manager or a park employee. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

~~(4213)~~ The director or designee may close rock formations and cliffs within a park ~~area~~property to descending, scaling or technical rock climbing. A person that engages in such activities at such locations commits a Class C misdemeanor as provided in section (8)(f).

~~(4314)~~ The director or designee may close park access to lakes, streams or waterfalls ~~to for~~ kayaking, boating, diving, ~~or~~ swimming, or other water recreation activities when the park manager has determined the activity to be a danger to participants. Persons accessing through closed areas to engage in such activities commit a Class C misdemeanor as provided in section (8)(f).

~~(4415)~~ A person using a park ~~area~~property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of ~~selected~~designated facilities or the purchase of services or products.

Stat. Auth.: OAR 390.124

Stats. Implemented: ORS 390.111, 163.465, 433.835 - 433.875 & 498.006

736-010-0045 [Renumbered to 736-010-0040]

736-010-0050

Overnight Use

(1) Overnight use is ~~not permitted~~prohibited on the ocean shore abutting park ~~areas~~properties, ~~or and~~ in any park ~~area~~property or portion of a park property not specifically designated for camping.

(2) A person must comply with seasons, overnight lengths of stay, and camper checkout times as provided in OAR 736-010-0020.

(3) Overnight facilities shall be occupied only by ~~paid customers or permitted visitors only~~ persons and allowed visitors who have paid overnight use fees as established and required in OAR chapter 736, division 15.

(4) Owners of vehicles in a campground later than 10:00 PM are subject to overnight use fees and must comply with OAR chapter 736, division 15.

(5) A park employee may authorize more than one vehicle to occupy an individual campsite, subject to OAR chapter 736, division 15, but ~~not~~ individual campsites shall not be occupied by ~~no~~ more than one recreational vehicle at the same time, unless authorized by ~~a~~ the park ~~employee~~ manager.

(6) A maximum of eight individuals may occupy one campsite unless otherwise specified by the park manager.

(7) Quiet hours at park property campgrounds are 10:00 P.M. to 7:00 A.M., and a person may not make, cause, or allow to be made loud noise in a manner that disturbs or may disturb park visitors during these times.

(8) ~~Non-reserved~~ Campsites must be occupied the first night after any belongings are left in the site and must remain occupied each night during the entire length of stay unless other arrangements have been made with the park manager or designated park employee. If a person has failed to pay camping rental rates for two consecutive days or has exceeded the length of stay time limit the department may have all possessions removed from the campsite at the owner's expense. The department will not be responsible for any loss or damage to possessions.

(9) ~~Campers~~ A person must be 18 years of age or older to reserve and register for campsites, cabins, yurts, and other overnight facilities in parks areas.

(10) The registered camper shall be present in the campsite each night of the stay or they shall provide park staff a means of contacting them if they will not be in the campsite overnight.

(10) The registered camper ~~will~~ shall be responsible for the activities of all users of the site.

(11) The park manager or designated park employee may require that all food, garbage and equipment used to cook or store food, when not attended, be placed in a vehicle or hard sided camping unit.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0055

#### ~~Cultural, Historic, Natural and Wildlife~~ Park Resources

(1) A person may not excavate, injure, disturb, destroy, alter or remove any archaeological, cultural, or historical site, object, or material from a park ~~area~~ property, unless authorized by the director as defined in ORS 390.235 and OAR 736-051-0060 to 736-051-0080.

(2) A ~~person may not, except~~ visitor may only conduct the following activities with the written permission of the ~~park~~ director, or park manager, or designated park employee unless the activity is specifically allowed by other sections of this rule:

(a) Dig up, or remove any sand, soil, rock, historical, or fossil materials;

(b) Place, remove, Roll, or move any stones, logs or other objects that may endanger a person or damage park resources; ~~or~~

(c) Pick, cut, mutilate, trim, uproot, or remove any living vegetation; ~~plants or natural resources of any type from any park area, except as allowed by sections (3) to (5) and (7) of this rule.~~

(d) Harass, disturb, pursue, injure or kill wildlife; or

(e) Introduce or release animals onto the park property.

~~(3) A person may collect limited souvenirs of agate and gem stone rock materials within the boundaries of Succor Creek State Recreation Area away from the developed public use areas and roadways of the park under the following conditions:~~

~~(a) No commercial digging, quarrying, or removal of rock is allowed;~~

~~(b) No excavating or rock collecting is allowed within a distance of 500 feet from any developed public use picnic area or campground, or 200 feet from an improved highway or park road within the park area; or within the area of an archeological site;~~

~~(c) Excavation is restricted to standard hand tools including a hand pick, shovel, or hammer;~~

~~(d) The use of mechanical excavators including, but not limited to bulldozers, backhoes, scoops, tractors, or the use of other power tools to excavate or remove materials is prohibited;~~

~~(e) Excavation of rock or soil materials around the root zone of trees and shrubs is prohibited. A person may remove small quantities of natural materials from a park property for personal use without written permission of the department, but only if done in accordance with the following provisions:~~

~~(a) Collection is done at a park property or portion of a park property at which the department has not specifically prohibited the removal of natural products either by location or time of year through the posting of signs, publishing of maps or brochures, or indicating on the state park website; and~~

~~(b) Collection is for souvenirs that may serve as a reminder of a person's park visit and includes only a small quantity of agates and other rocks, driftwood, or similar non-living items collected for non-commercial, personal use.~~

(4) Notwithstanding section (2) or (3), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on ~~the~~ state and federal lands ~~of this area~~.

(5) ~~A~~ Unless otherwise posted a person may gather for personal consumption berries, fruits, mushrooms, or similar edibles in quantities not to exceed five gallons per person per day.

~~(6)~~ A person may not uproot living plants, ~~and or collect~~ roots, tubers, flowers, and stems ~~may not be collected~~ except with a written ~~permit~~ permission of the park manager or designated park employee and only for scientific collection or research purposes, or by a Native American tribal member for personal consumption as part of their traditional religious, medicinal, or other customary cultural heritage practices. Driftwood may be taken in small amounts in accordance with OAR 736-026-0010.

~~(67)~~ A person may ~~not only~~ give or offer food items to ~~any~~ wildlife within a park ~~area~~ property ~~except~~ when authorized by the park manager.

~~(78)~~ A person or handler may ~~not only~~ hunt, pursue, trap, kill, injure, ~~or molest~~, or remove any wildlife or disturb their habitats within a park ~~area~~ property, ~~except~~ under the following provisions:

(a) In those park ~~areas~~ properties where hunting and trapping is specifically allowed by this rule, ~~a person must comply~~ but only in compliance with the rules and regulations of the Oregon Department of Fish and Wildlife.

(b) In those park areas where hunting is allowed, dogs being used for hunting game birds or unprotected wildlife or being trained for hunting or tracking shall be in the handler's control at all times.

(c) ~~Seasonal~~ While seasonally hunting ~~of~~ waterfowl ~~is allowed in~~ at the following park ~~areas~~ properties:

(A) Bowers Rock State Park;

(B) That portion of Elijah Bristow State Park located north of the main channel of the Middle Fork of the Willamette River;

(C) Portions of Fort Stevens State Park adjacent to Trestle Bay as posted;

(D) That portion of Willamette Mission State Park located on Grand Island in Yamhill County;

(E) That portion of Government Island State Recreation Area including the perimeter of both Government and Lemon Islands, not above the mean high water mark as posted;

(F) That portion of Rooster Rock State Park which includes Sand Island as well as the bank which runs parallel to the south of the island. ~~– Hunting will not be allowed~~ except during the special waterfowl hunting season which starts in September. as posted;

(G) That portion of Benson State Recreation Area at Dalton Point, north of I-84, starting 300' east of the boat ramp running to the eastern most tip of the property at river mile 134 as posted;

(H) That portion of Starvation Creek State Park, north of I-84, river mile 159.6 to 160.2 as posted;

(I) That portion of Mayer State Park including the entire Salisbury Slough area and the pond 800' Northwest of the boat ramp as posted.

(d) Seasonal hunting of game wildlife is allowed within Deschutes River State Recreational Area south of the stream gauge cable crossing line and parallel extensions of the cable crossing line to the east and west park boundaries.

(e) Seasonal hunting of deer is allowed in portions of La Pine State Recreation Area north of the east-west power line road, approximately one mile north of the campground booth.

(f) Seasonal hunting of game wildlife and upland game birds is allowed on department property at Cottonwood Canyon State Park except:

(A) Hunting is not allowed within the 200 yard area surrounding the boat launch at the ~~former~~ J.S. Burres site at Cottonwood Bridge, and

(B) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department will post such closures at designated park entrances.

(g) Seasonal hunting of upland game birds is allowed in Succor Creek State Park, except within 500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.

(h) Trapping is allowed only by special permit from the department in Bowers Rock State Park, Deschutes State Recreation Area, Elijah Bristow State Park, and Willamette Mission State Park.

(i) Hunting is allowed with shotguns or bows and arrows only, during authorized seasons in all Willamette River Greenway Corridor parcels, except in those parcels described below, where all hunting is prohibited:

Item 8b Attachment A – Division 10 Revisions 6/28/2013 (markup copy)

(A) Wapato Access (Virginia Lake), River Mile 17.0–18.0, Multnomah Channel, Right bank when facing downstream;

(B) Crown Zellerbach, River Mile 21.3, Main Channel, Left Bank when facing downstream;

(C) Merrell (Mary S. Young State Park), River Mile 23.6, Main Channel, Left Bank when facing downstream;

(D) Willamette Shores, Inc. (Mary S. Young State Park), Main Channel, River Mile 24.0, Main Channel, Left Bank when facing downstream;

(E) Meldrum Bar Park (City of Gladstone) River Mile 24.2–24.4, Main Channel, Right Bank when facing downstream;

(F) Hattan-Fisher, River Mile 24.3, Main Channel, Left Bank when facing downstream;

(G) Dahl Park (City of Gladstone) River Mile 24.7, Main Channel, Right Bank when facing downstream;

(H) Coalca Landing, River Mile 30.7, Main Channel, Right Bank when facing downstream;

(I) Lang, River Mile 30.7, Main Channel, Left Bank when facing downstream;

(J) Pete's Mountain Landing, River Mile 30.8, Main Channel, Left Bank when facing downstream;

(K) Peach Cove Landing, River Mile 31.5, Main Channel, Left Bank when facing downstream;

(L) Brandborg, River Mile 32.0, Main Channel, Left Bank when facing downstream;

(M) Asche, River Mile 34.1, Main Channel, Left Bank when facing downstream;

(N) Molalla River State Park, River mile 34.6–36.1, Main Channel, Right Bank when facing downstream  
[\(Note: hunting is not allowed along the Molalla River within the park property\);](#)

(O) Willamette Meridian Landing, River Mile 37, Main Channel, Left Bank when facing downstream;

(P) French Prairie Access, River Mile 41.0, Main Channel, Right Bank when facing downstream;

(Q) Parrett Mountain Access, River Mile 45.5–46.0, Main Channel, Left Bank when facing downstream;

(R) Hess Creek Landing, River Mile 53, Main Channel, Left Bank when facing downstream;

~~(S) San Salvador Access, River Mile 56.7, Main Channel, Right Bank when facing downstream;~~

(~~T~~S) Lincoln Access, River Mile 76.2–77.0, Main Channel, Left Bank when facing downstream;

(~~U~~T) Lincoln Access (Doak's Ferry) River Mile 77.6, Main Channel, Left Bank when facing downstream;

(~~V~~U) Darrow Rocks Access, River Mile 78.1, Main Channel, Left Bank when facing downstream;

(~~W~~V) Ross Island Sand & Gravel (Salem Waterfront), River Mile 82.8, Main Channel, Right Bank when facing downstream;

(~~X~~W) Hall's Ferry Access, River Mile 91.3, Main Channel, Right Bank when facing downstream;

(~~Y~~X) Springfill Access, River Mile 113.8, Main Channel, Left Bank when facing downstream;

(ZY) Takenah Landing (City of Albany), River Mile 118.5, Main Channel, Left Bank when facing downstream (Closed only for 500 feet west of parking area);

(AAZ) Jasper Bridge, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

~~OTC 2-1980, f. & cf. 1-4-80; PR 9-19~~

(BBA) Minshall, Eller, River Mile 119.9, Main Channel, Left Bank when facing downstream;

(CBB) Jones, Lanham, River Mile 120.1, Main Channel, Left Bank when facing downstream;

(DDC) F. Schmidt, P. Schmidt, River Mile 120.3, Main Channel, Left Bank when facing downstream;

(DD) Browns Landing, River Mile 167.25, Main Channel, Left Bank when facing downstream;

(EE) Truax Island Access, River Mile 168.7, Main Channel, Left Bank when facing downstream (closed only for 500 feet west of parking area);

(FF) Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing downstream;

(GG) Log Jam Access, River Mile 194.4–194.8, Middle Fork, Left Bank when facing downstream;

(HH) Pengra Access, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

(II) Cougar Mountain Access, River Mile 15.5, Coast Fork, Right Bank when facing downstream; and

(JJ) Lynx Hollow Access, River Mile ~~17.2~~16.5, Coast Fork, Left Bank when facing downstream ~~(Closed except for 100-foot strip along riverbank);~~

(KK) Trapping is allowed only with written authorization from the department in the Willamette River Greenway Corridor parcels closed to hunting, as listed above. Trapping is allowed in all other Willamette River Greenway Corridor parcels.

(k) When hunting on those properties allowed by this rule hunters may not erect structures or blinds with the exception of portable blinds and tree stands that must be removed daily.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 498.002 & 498.006

736-010-0060

Alcoholic Beverages

(1) A person under 21 years of age may not possess or use alcoholic beverage(s) ~~in~~at any park ~~area~~property.

(2) A person may ~~not only~~ possess or use alcoholic beverages in the following areas ~~except by permit~~with written permission from the park manager:

~~(a) Bald Peak State Scenic Viewpoint;~~

- | (ba) That portion of Dabney State Recreation Area downstream from the Stark Street bridge;
- | (cb) Lewis and Clark State Recreation Site between the east bank river frontage road and the Sandy River from I-84 upstream to the park boundary;
- | (cc) TouVelle State Recreation Site;
- | (cd) Tumalo State Park day use area;
- | (ce) Bonnie Lure State Recreation Area;
- | (cf) Warm Springs boat launch access, Deschutes River, Jefferson County;
- | (cg) Iwetemlaykin State Heritage Site;
- | (ch) [State Capitol State Park](#);
- | (ci) [Cline Falls State Scenic Viewpoint](#); and
- | (cj) Other park ~~areas~~ [properties](#) as signed.

(3) A person may not use an Oregon Liquor Control Commission licensed server to dispense any alcoholic beverage including malt beverages from kegs without a permit from the park manager.

Stat. Auth: ORS 390.124  
Stats. Implemented: ORS 390.111

736-010-0065

#### Rooster Rock State Park -- Nudity

(1) A person of post-pubescent age or over 12 years of age is prohibited from engaging in nudity, as defined in ORS 167.060, in any ~~area west of the boundary established by a line running north and south from 100 yards east of the easternmost beach access stairway and south of a line running east and west along part of the park property west of the established boundary running north and south 100 yards east of the easternmost beach access stairway and east above~~ the approximate high water mark of the Columbia River in Rooster Rock State Park.

(2) Section (1) applies only where the person engaging in nudity is in public view. Section (1) does not apply to nudity in a public bathhouse, lavatory, or within tents, campers or other enclosures which are screened so that the nudity cannot be viewed by the public.

Stat. Auth: ORS 390.124  
Stats. Implemented: ORS 390.111

736-010-0066

#### State Capitol State Park — Recognitions and Honorary Features

(1) Purpose. The purpose of this rule is to provide guidance for honoring individuals, groups, or events that are of exceptional significance to Oregon or to the history of the nation, while respecting existing features and aesthetics of the State Capitol State Park and the Capitol Mall area, as well as the values of Oregonians, in general.

(2) Recognitions and honorary features may include installations of plantings, traditional park amenities, or features that are consistent with the department's State Capitol State Park Comprehensive Plan.

(3) Application and Approval Process.

(a) Persons interested in sponsoring recognitions or honorary feature shall make application to the director in a manner prescribed by the department.

(b) The application shall indicate how the proposal meets the criteria listed in section (4).

(c) The department will review and evaluate the application and coordinate with the applicant to obtain any additional information that the department may require to adequately review the proposal.

(d) The director shall determine whether the department deems a proposal significant or minor, taking into consideration the design, size, scope, location, construction process, and infrastructure needs of the proposal.

(e) The department will appoint a department liaison to the applicant for significant proposals. The liaison will assist the applicant with preliminary design and the review process.

(f) The application shall provide an identified estimate of costs and funding sources for design, construction, regular maintenance, and repair of the proposed feature.

(g) For significant proposals, the Assistant Director, Heritage Programs will convene a review committee that may be comprised of a representative of the State Capitol Foundation, Governor's Office, Legislative Administrative Committee, Capitol Planning Commission, City of Salem, a citizen at large, and at least one representative of an agency whose offices are located on the Capitol Mall. The review committee shall provide an opportunity to consider input from the public. It will review significant proposals to assess their compliance with criteria and objectives prescribed in this rule and make a recommendation to the director for further action that may include suggestions for changes to the design or location.

(h) Upon receiving a positive recommendation from the review committee, the director will present the proposal to the State Parks and Recreation Commission for consideration and possible approval.

(i) The department accepts no responsibility for any expenditure incurred by the applicant prior to approval by the Commission or subsequently. Construction or installation may not begin until the Commission grants approval and the applicant has obtained all necessary state and local permits.

(j) For minor proposals to place recognitions or honorary features consisting of small plantings, benches and other small installations that are consistent with the State Capitol State Park Comprehensive Plan, the director may consider and approve or deny such requests without further review or approval.

(4) Criteria for Recognitions and Honorary Features.

(a) The subject of the recognition shall be widely known and appreciated for great contributions and significance to the state of Oregon, the history of the nation, or both;

(b) The subject of the recognition, if a person, shall have been deceased for at least ten years, and if an event, shall have occurred at least ten years prior;

(c) The proposed feature shall enhance the aesthetics of the park and shall be consistent with the adopted State Capitol State Park Comprehensive Plan;

(d) The proposed feature shall not:

(A) Be located in the open, grassy areas of the Central Mall and Willson Park ovals;

(B) Disturb major trees and plantings;

(C) interfere with traffic flows or sightlines; or

(D) Disturb other installations and structures;

(e) There shall be demonstrated, statewide, public support for the recognition or honorary feature;

(f) There shall be specific, valid reasons why other venues, that have been carefully explored, were not a suitable alternative location.

(g) The proposed feature shall not create unmitigated or significant additional liability; repair and maintenance cost; or safety and security concern, for the department;

(5) Costs. All expenses for design, fabrication, and installation shall be borne by the applicant. The department shall assist the applicant to determine the requirements for installation. Prior to installation, the applicant shall provide for deposit in the Recognition and Honorary Feature Maintenance Trust Fund an amount equal to 15 percent of the project replacement value to be expended for maintenance and repair of recognitions and honorary features in the State Capitol State Park.

(6) Design Approval and Installation.

(a) The department must approve the final design of the project. The proposed feature must meet all applicable codes and standards.

(b) For projects constructed and installed by the applicant, the department will assign a project manager to provide construction inspection and oversight. The applicant is responsible for acquiring all necessary permits prior to construction.

(c) For projects constructed and installed by the department on behalf of the applicant, the applicant shall reimburse the department for the costs of bid preparation, contracting services, permits, construction inspection and project management oversight.

(d) The applicant shall remain responsible and liable for the project until it is accepted in writing by the department.

(7) Recognitions and honorary features shall become the sole property of the department.

(8) The department shall maintain a registry of existing and future recognitions and honorary features in the agency's asset records.

(9) Maintenance.

(a) The department shall establish a Recognition and Honorary Feature Trust Fund from funds provided by applicants and donations. The fund shall be used to defray the costs of maintenance and repair of recognitions and honorary features in the State Capitol State Park.

(b) The department may relocate or remove existing recognitions or honorary features, if determined necessary. The department will consult a review committee prior to relocation or removal.

(c) If living recognitions or honorary features such as trees or plantings die, are damaged, or present a hazard to the public or adjacent buildings or structures, the department may remove or replace them at its discretion. If plaques or recognition items are associated with the removed trees or plantings, they will be offered first if possible to the family of the individual recognized, or secondarily, to the State Capitol Foundation for archiving.

Stat. Auth.: ORS 390.050, 390.121 & 390.124

Item 8b Attachment A – Division 10 Revisions 6/28/2013 (markup copy)

Stats. Implemented: ORS 390.111

DIVISION 10

GENERAL STATE PARK RULES

736-010-0005

Purpose, Statutory Authority, and Scope of Rules

(1) The purpose of this division is to guide and govern the public use of park properties that are provided by the department pursuant to ORS 390.111 and 390.121, in a manner that upholds their scenic, historic, natural, cultural and recreational values. Additional information about the use of park properties is available on the state park website.

(2) This division is adopted pursuant to the commission's authority to manage, operate and maintain park properties per ORS 390.121; the commission's authority to adopt rules necessary for the use and administration of park properties per ORS 390.124; and the authority of the director and park employees specifically designated by the director to enforce state park rules per ORS 390.050.

(3) This division is based on an assessment of public uses currently allowed on park properties and does not, and is not intended to, create any obligation or liability on the part of the department to supervise or ensure the safety of park property visitors. The department does not assume any liability for the recreational use of park properties by the public beyond those specified in ORS 105.682.

Stat. Auth.: ORS 390.050, 390.111, 390.121, & 390.124

Stats. Implemented: ORS 390.124

736-010-0010

Statutory Authority and Procedures

The text of this rule, 736-010-0010, was combined with rule 736-010-0005 above.

Stat. Auth.: ORS 390

Stats. Implemented: ORS 390.050, 390.111, 390.121, 390.124

736-010-0015

Definitions

As used in this division, unless the context requires otherwise:

(1) "Day Use Area" is a park property or portion of a park property that the department has designated for day use only.

(2) "District Manager" means the immediate supervisor of park managers within a specified geographic region of the state.

(3) "Closed Area" means a park or portion of a park that the public is prohibited from entering. Closures will be identified by signs in the park and notices placed on the state park website.

(4) "Commission" means the Oregon State Parks and Recreation Commission.

(5) "Dawn" means 30 minutes prior to sunrise as calculated by the U.S. Naval Observatory.

(6) "Department" means the Oregon State Parks and Recreation Department.

- (7) "Director" means the department director.
- (8) "Domestic Animals" are those animals whose food and shelter are provided by a human custodian.
- (9) "Dusk" means 30 minutes after sunset as calculated by the U.S. Naval Observatory.
- (10) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported state park rule violations and to issue oral or written warnings or citations to enforce state park rules.
- (11) "Handler" means any person who either brings a domestic animal into a park property or keeps a domestic animal at a park property.
- (12) "Motorized Vehicle" means any vehicle being powered by an engine or motor which is capable of transporting a person.
- (13) "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (26) below.
- (14) "Park Property" means any state park, natural area, wayside, corridor, scenic area, monument, historic structure or area, trail, or recreation area under the jurisdiction of the department.
- (15) "Park Employee" means an employee of the department while on duty.
- (16) "Park Manager" means the supervisor or designated employee in charge of a park property.
- (17) "Park Resource" means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.
- (18) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.
- (19) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.
- (20) "Public" includes all persons visiting or intending to visit a park property that are not park employees.
- (21) "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.
- (22) "State Park Rules" mean the rules, regulations, restrictions, prohibitions, or limitations established by this division for the use or protection of park properties.
- (23) "State Park Website" means the internet resource with the host name <http://www.oregon.gov/OPRD/Parks/> and its associated links.
- (24) "Violate" includes failure to comply.

(25) "Visitor" means any member of the public who arrives at or is present at a park property.

(26) "Wheelchair" means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111 & 390.124

736-010-0020

### General Regulations

(1) The director may establish seasons, overnight lengths of stay, camper checkout times and procedures to adjust daily park property opening and closing times, and portions of a park property that are permanently closed or limited to specific uses or activities by the public. These may differ from park property to park property and from time to time, but shall be indicated on the state park website, published maps, brochures, the current state parks guide booklet, or on posted signs at the park property.

(2) Unless otherwise specifically established by the director the following apply:

(a) The maximum length of stay for campers is 14 consecutive nights in a 17 night span. After three nights out of the park, campers may return to start a new stay.

(b) The maximum length of stay for hiker/biker sites is three consecutive nights in a seven night period per park.

(c) Unless otherwise posted or specifically open for an event or activity, the hours of operation for a day use area are dawn to dusk.

(3) The director, by written agreement, may cooperatively exercise jurisdiction and authority over a park property with a county, city, or political subdivision thereof for the purposes of enforcing state park rules, and applicable state, county or city laws.

(4) A person shall observe and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and notices and from park employees.

(5) A park manager or park employee may seek compliance from the public with any state park rule.

(6) A park manager or department enforcement officer may order any person that violates any state park rule to leave a park property.

(7) A park manager or a department enforcement officer may exclude a person that violates any state park rule from the park property or multiple park properties for a specified period of time.

(8) A peace officer may seek compliance from the public with any state park rule and may order a person who violates one or more state park rules to leave a park property.

(9) A peace officer may exclude or recommend that the park manager exclude a person who violates any state park rule; federal, state, county, or city law; or court order from a park property or multiple park properties for a specified period of time.

(10) A park manager or designated park employee may protect the safety or health of the public or protect park resources. This authority includes actions that may temporarily:

Item 8b Attachment B – Division 10 Revisions 6/28/2013 (clean copy)

- (a) Permit or limit specific activities or uses in designated portions of a park property;
- (b) Designate a location within a park for a single use to avoid conflicts between users;
- (c) Restrict access to or close an entire park property;
- (d) Restrict access to or close a portion of a park property; or
- (e) Exclude a person from a park property.

(11) A person excluded from a park property may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the District Manager responsible for the park where the notice of exclusion was issued.

(12) The following situations are criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245:

- (a) A person ordered to leave a park property that remains present as a visitor;
- (b) A person excluded from a park property that enters or remains present as a visitor;
- (c) A person enters a closed or restricted portion of a park property; and
- (d) A person engages in an activity that has been specifically prohibited or restricted at a park property or a portion of a park property.

Stat. Auth.: ORS 390.050, 390.121, 390.124

Stats. Implemented: ORS 390.124

736-010-0022

#### Violations and Fines

- (1) Violation of a state park rule is a Class D violation unless otherwise specified in this division.
- (2) Vehicular violations in a park property are classified per the Oregon Vehicle Code, ORS chapters 801 to 826, unless further specified in this division.
- (3) Violations that disturb or damage park resources are Class A violations.
- (4) Violations that constitute criminal trespass per OAR 736-010-0020 are Class C violations.
- (5) Each occurrence of a violation of a state park rule shall be considered a separate offense.
- (6) Violations of state park rules are punishable, upon conviction, by a fine as provided in ORS chapter 153 with the exception of the following specific violations:
  - (a) Violations of OAR 736-015-0030(3)(a), parking without displaying a valid parking permit when required, are Class D violations with a specific fine of \$60;
  - (b) Violations of OAR 736-010-0026(1)(b), failure of persons under 16 years to wear protective headgear, are Class D violations with a specific fine of \$60;
- (7) With the exception of those specific fines set forth in section (6), enforcement officers shall cite on the presumptive fine amounts established by ORS chapter 153.

Stat. Auth.: ORS 153 & 390

Stats. Implemented: ORS 153.018, 390.050, 390.111 & 390.990

736-010-0025

#### Motor Vehicles

- (1) All park area roadways are considered public roadways and all provisions of the Oregon Vehicle Code, ORS chapters 801 to 826 are applicable and enforceable on such roadways.
- (2) Motorists must comply with motor vehicle regulatory signs posted on park properties.
- (3) Motor vehicles, trailers, or other vehicles shall be operated only on public roadways and in other portions of park properties designated for motor vehicle use by signs or park employees.
- (4) Where not otherwise posted, motor vehicles may not be operated within a park property at speeds in excess of 25 miles per hour. Violation of this rule is a Class B violation.
- (5) Motor vehicles, trailers, or other vehicles shall be parked only in designated parking areas.
- (6) The department may have a vehicle towed at the owner's expense if a vehicle is parked in a fire lane, roadway, campsite, entry way, driveway, closed area, or other location in a manner that threatens park resources, impedes park operations, or safety, or any combination thereof.
- (7) Abandoning a vehicle or leaving a vehicle unattended for 72 hours or more at a park property without permission from the park manager is prohibited and is a Class B violation. Vehicles abandoned for 72 hours or more or vehicles owned by a person who has been excluded from the park property or who is in violation of criminal trespass may be towed at the owner's expense.
- (8) Parking a motor vehicle or a trailer overnight in a day use area is prohibited without written permission of the park manager or designated park employee and such vehicles are subject to towing at the owner's expense.
- (9) Unlicensed motorized vehicles, except department service vehicles, may not be operated in park properties unless otherwise posted, with the exception of other power-driven mobility devices operated within the constraints established in section 11.
- (10) A person may only operate an Off-Highway Vehicle (OHV) on park property:
  - (a) In designated off-highway riding areas or on park roadways which are signed for OHV use.
  - (b) During those seasons and hours of operation which are established by the park manager.
  - (c) Below the maximum permissible decibel level as published on the state park website on July 1, 2013.
- (11) The park manager or a park employee designated by the manager will allow the use of other power-driven mobility devices by individuals with mobility disabilities, in areas open to the public unless it is determined that the device cannot be operated in accordance with legitimate safety concerns for the operator, park visitors, park resources and park facilities. In determining if the device can be operated in a safe manner the manager or designee will consider the following criteria:
  - (a) The type, size, weight, dimensions, and speed of the device;
  - (b) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);

(c) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

(d) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility or area; and

(e) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with applicable state laws and regulations.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.330, 819.110, 819.120, 811 et seq., 814.500, 814.516, 814.550 & 814.554

736-010-0026

#### Non-Motorized Vehicles, Cycles or Similar Devices

(1) A person operating a bicycle, skateboard, scooter, roller- or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land must comply with the following:

(a) Motor vehicle and bicycle regulatory signs posted in park properties,

(b) Persons under 16 years of age are required to wear protective headgear,

(A) In the event that a person under 11 years of age violates this subsection, the notice of violation shall be issued to the person's parent, legal guardian or person with legal responsibility.

(B) In the event that a person between 11 and 16 years of age violates this subsection, the notice of violation may be issued to the violator or that person's parent, legal guardian or person with legal responsibility.

(c) Restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users. This includes:

(A) Yielding the right-of-way to pedestrians and animals;

(B) Dismounting and walking in congested areas and posted walk zones;

(C) Slowing down and making presence well known in advance and using caution when overtaking other persons or animals;

(D) Displaying adequate lighting during the hours of darkness, in compliance with ORS chapters 814 to 816;

(E) Using caution when approaching turns or areas of limited sight distance;

(F) Not disturbing or harassing wildlife as provided in OAR 736-010-0055; and

(G) Operating in compliance with any additional requirements identified in ORS 814.488 when on public roads accessible by motor vehicles.

(2) A person may operate non-motorized cycles or similar devices on roads and trails at any park property, except where posted to specifically prohibit or conditionally restrict such activity.

(3) The director or designee may open or close roads and trails to the operation of non-motorized cycles or similar devices, based on an evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

(4) A person may not operate non-motorized cycles, scooters, or similar devices in those portions of a park property listed below, except where authorized by the director and posted specifically or conditionally to allow such activities:

(a) Off roads or off trails;

(b) Within designated natural areas, natural forest areas, or natural area preserves except on roads open for motor vehicles;

(c) On docks, piers, floats and connecting ramps; and

(d) In areas specifically designated as free from this use.

(5) Individuals with mobility disabilities can use wheelchairs and manually-powered mobility aids, designed for use by individuals with mobility disabilities, to access any areas open to pedestrian use.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 814.400 - 814.489 & 814.600

736-010-0027

#### Boats and Moorages

(1) The park manager may post restrictions or prohibitions on the use of motorboats or other watercraft at park properties.

(2) Boaters must comply with regulatory signs posted in boat launching, moorage and beach areas.

(3) Boaters shall moor or secure their boat in a manner that will not cause personal injury or damage to private property or park resources.

(4) Boaters shall vacate moorages by the designated checkout time on the last day of the rental date unless otherwise posted.

(5) If a person has failed to pay moorage rental rates for two consecutive days, has exceeded the moorage stay limit, or is occupying a moorage slip reserved by another, the department may have all possessions, including the watercraft, removed at the owner's expense. The department is not responsible for any loss or damage to possessions or watercraft.

(6) The park manager may permit or restrict fishing from boat moorage docks.

(7) A person may not swim or water ski within 200 feet of boat moorage docks or facilities.

(8) Motorized boats and all other watercraft are prohibited from entering established swimming areas except for the protection or rescue of human life.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 830.912 & 830.914

736-010-0030

## Domestic Animals

- (1) A handler is responsible for the behavior of their domestic animal and shall either confine their domestic animal or keep it under physical control on a leash not more than six feet long at all times except in designated off leash areas.
- (2) In designated off leash areas a handler shall keep their domestic animal under control at all times such that it is within the unobstructed sight of the handler, remains responsive to voice commands, or other methods of control.
- (3) Handlers shall carry a leash or restraining device at all times while in designated off leash areas and must promptly leash animals at the request or order of a park employee.
- (4) Handlers must prevent their domestic animal from harassing or intimidating people, wildlife, and other domestic animals.
- (5) Domestic animals shall only be hitched or confined in a manner that does not cause damage to any park resources.
- (6) A handler shall pick up and properly dispose of their domestic animal's waste while at the park property.
- (7) With the exception of service animals and miniature horses as described in section (12) below, domestic animals are prohibited in the following locations:
  - (a) Park property buildings and structures, except for up to a total of two dogs or cats in any combination in yurts and cabins that have been designated as pet friendly by the park manager;
  - (b) Bodies of water, except hunting dogs are allowed in those areas described in OAR 736-010-0055;
  - (c) Beaches adjacent to designated for swimming areas; and
  - (d) Other areas where posted.
- (8) The park manager or an enforcement officer may take any measure deemed necessary (including the removal of the animal from the park property) to protect park resources or to prevent interference by the animal with the safety, comfort, or well-being of any person at the park property.
- (9) Park employees may seize any domestic animal running at large in a park area and release it to an animal pound or animal control officer or shelter.
- (10) The park manager may designate a portion of a park property to be open to dogs off leash for the purposes of training dogs, conducting open field trials, or exercising dogs under the control of the handler.
- (11) With the exception of miniature horses as described in section (12) below, a person may not ride, drive, lead, or keep a horse or other large animal at any park property, except on such roads, trails, or areas designated for that purpose. A handler may not hitch or confine a horse or other large animal in a manner that may cause damage to any tree, shrub, improvement or structure.
- (12) The park manager or designated park employee will allow the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and if, in the park manager or designee's assessment, the miniature horse can reasonably be allowed in a specific facility based on consideration of the following:

(a) The type, size and weight of the miniature horse and whether the facility can accommodate these features;

(b) Whether the handler has sufficient control of the miniature horse;

(c) Whether the miniature horse is housebroken; and

(d) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Stat. Auth ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0035

#### Livestock and Farming

(1) A person may not harass livestock or interfere with lawfully permitted farming activities or facilities, including fencing, at park properties.

(2) A person may conduct farming activities at park properties only with written permission of the park manager or designated park employee.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0040

#### Visitor Conduct

(1) A person shall cause, build, maintain, or accelerate a fire at a park property only in:

(a) Park camp stoves or fireplaces provided for such purpose;

(b) Portions of beach areas designated as permissible for campfires; or

(c) Portable stoves used at established campsites, picnic areas, or beach areas where fires are designated as permissible.

(2) A person who has caused, built, or maintained an allowed fire shall:

(a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;

(b) Burn wood no longer than 24 inches in length;

(c) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;

(d) Use no gasoline, diesel or any other petroleum-based products to start or maintain a fire; and

(e) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.

(3) The park manager may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, and all persons shall observe such restrictions.

(4) A person may not injure, mutilate, deface, damage, harass, or remove any park resource, property, structure or facility of any kind at a park property, except as provided in OAR 736-010-0055.

(5) A person shall in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, or other offensive matter or any abandoned property or material to be placed or left at a park property, except for:

(a) Recreational vehicle sewage and gray water holding tank contents that are disposed of in designated dump stations;

(b) Garbage, trash, and recyclables generated while using a park property and disposed of in the designated containers provided.

(6) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.

(7) A person may not leave personal property or possessions overnight in a day use area without written permission from the park manager or designated park staff.

(8) While many activities are allowed on park property, the following activities are specifically prohibited at park properties, and a person may not engage in:

(a) Using or operating any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park visitors except as allowed in section 10 below;

(b) Using a public address system or similar device without written permission of the park manager;

(c) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar materials or substances without the written permission of the park manager or designated park employee;

(d) Using a metal detector or similar device without written permission of the park manager or designated employee at any park property or portion of a park property not listed on the "Detecting Allowed" list, published on the state park website;

(e) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;

(f) Entering or occupying any building, facility or portion of a park property that has been closed to public access; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(g) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(h) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(i) Fighting; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the physical well-being of any person at the park property;

(j) Smoking in any areas where the Oregon Indoor Clean Air Act, ORS 433.835 to 433.875; prohibits smoking;

(k) Activities or conduct which constitutes a public nuisance or hazard;

(l) Public indecency as defined in ORS 163.465;

(m) Base-jumping, hang gliding, paragliding or similar activities without written permission from the park manager except that the use of hang gliders is allowed at Cape Kiwanda State Natural Area;

(n) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except at those park property locations and for those purposes specified in OAR 736-010-0055(7);

(o) Placing a sign, marker or inscription of any kind, except in designated areas within a park property, without written permission from the park manager;

(9) A person may only distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park property after they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.

(10) A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within a park property that:

(a) Is an organized group activity or event attended by over 50 people;

(b) Uses a portion of a park property to the exclusion of other persons or the department;

(c) Modifies or embellishes the park property, or places structures, such as tents, chairs, arches, and similar structures on the park property in a manner outside of normal recreational use, as determined by the park manager or enforcement officer;

(d) Uses public-address, amplification or lighting systems, other than those designed for personal use;

(e) Charges money for participation or admission;

(f) Involves the sale of products or services;

(g) Could disturb the natural, cultural, scenic and recreational resources in the park property or adjacent areas;

(h) Could pose a safety or access concern for other park users or for those involved in the event or activity.

(11) A person who obtains a special use permit under OAR chapter 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.

(12) All money or goods, having a value of \$100 or more and found by the public at park properties, must be turned over to the park manager or a park employee. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

(13) The director or designee may close rock formations and cliffs within a park property to descending, scaling or technical rock climbing. A person that engages in such activities at such locations commits a Class C misdemeanor as provided in section (8)(f).

(14) The director or designee may close park access to lakes, streams or waterfalls for kayaking, boating, diving, swimming, or other water recreation activities when the park manager has determined the activity to be a danger to participants. Persons accessing through closed areas to engage in such activities commit a Class C misdemeanor as provided in section (8)(f).

(15) A person using a park property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of designated facilities or the purchase of services or products.

Stat. Auth.: OAR 390.124

Stats. Implemented: ORS 390.111, 163.465, 433.835 - 433.875 & 498.006

736-010-0045 [Renumbered to 736-010-0040]

736-010-0050

#### Overnight Use

(1) Overnight use is prohibited on the ocean shore abutting park properties and in any park property or portion of a park property not specifically designated for camping.

(2) A person must comply with seasons, overnight lengths of stay, and camper checkout times as provided in OAR 736-010-0020.

(3) Overnight facilities shall be occupied only by persons and allowed visitors who have paid overnight use fees as established and required in OAR chapter 736, division 15.

(4) Owners of vehicles in a campground later than 10:00 PM are subject to overnight use fees and must comply with OAR chapter 736, division 15.

(5) A park employee may authorize more than one vehicle to occupy an individual campsite, subject to OAR chapter 736, division 15, but individual campsites shall not be occupied by more than one recreational vehicle at the same time, unless authorized by the park manager.

(6) A maximum of eight individuals may occupy one campsite unless otherwise specified by the park manager.

(7) Quiet hours at park property campgrounds are 10:00 P.M. to 7:00 A.M., and a person may not make, cause, or allow to be made loud noise in a manner that disturbs or may disturb park visitors during these times.

(8) Campsites must be occupied the first night after any belongings are left in the site and must remain occupied each night during the entire length of stay unless other arrangements have been made with the park manager or designated park employee. If a person has failed to pay camping rental rates for two consecutive days or has exceeded the length of stay time limit the department may have all possessions removed from the campsite at the owner's expense. The department will not be responsible for any loss or damage to possessions.

(9) A person must be 18 years of age or older to reserve and register for campsites, cabins, yurts, and other overnight facilities in parks areas.

(10) The registered camper shall be present in the campsite each night of the stay or they shall provide park staff a means of contacting them if they will not be in the campsite overnight.

(10) The registered camper shall be responsible for the activities of all users of the site.

(11) The park manager or designated park employee may require that all food, garbage and equipment used to cook or store food, when not attended, be placed in a vehicle or hard sided camping unit.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

736-010-0055

Park Resources

- (1) A person may not excavate, injure, disturb, destroy, alter or remove any archaeological, cultural, or historical site, object, or material from a park property, unless authorized by the director as defined in ORS 390.235 and OAR 736-051-0060 to 736-051-0080.
- (2) A visitor may only conduct the following activities with the written permission of the director, manager, or designated park employee unless the activity is specifically allowed by other sections of this rule:
  - (a) Dig up, or remove any sand, soil, rock, historical, or fossil materials;
  - (b) Place, remove, roll, or move any stones, logs or other objects that may endanger a person or damage park resources;
  - (c) Pick, cut, mutilate, trim, uproot, or remove any living vegetation;
  - (d) Harass, disturb, pursue, injure or kill wildlife; or
  - (e) Introduce or release animals onto the park property.
- (3) A person may remove small quantities of natural materials from a park property for personal use without written permission of the department, but only if done in accordance with the following provisions:
  - (a) Collection is done at a park property or portion of a park property at which the department has not specifically prohibited the removal of natural products either by location or time of year through the posting of signs, publishing of maps or brochures, or indicating on the state park website; and
  - (b) Collection is for souvenirs that may serve as a reminder of a person's park visit and includes only a small quantity of agates and other rocks, driftwood, or similar non-living items collected for non-commercial, personal use.
- (4) Notwithstanding section (2) or (3), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on state and federal lands.
- (5) Unless otherwise posted a person may gather for personal consumption berries, fruits, mushrooms, or similar edibles in quantities not to exceed five gallons per person per day.
- (6) A person may not uproot living plants or collect roots, tubers, flowers, and stems except with written permission of the park manager or designated park employee and only for scientific collection or research purposes, or by a Native American tribal member for personal consumption as part of their traditional religious, medicinal, or other customary cultural heritage practices. Driftwood may be taken in small amounts in accordance with OAR 736-026-0010.
- (7) A person may only give or offer food items to wildlife within a park property when authorized by the park manager.
- (8) A person or handler may only hunt, pursue, trap, kill, injure, molest, or remove any wildlife or disturb their habitats within a park property under the following provisions:
  - (a) In those park properties where hunting and trapping is specifically allowed by this rule, but only in compliance with the rules and regulations of the Oregon Department of Fish and Wildlife.

(b) In those park areas where hunting is allowed, dogs being used for hunting game birds or unprotected wildlife or being trained for hunting or tracking shall be in the handler's control at all times.

(c) While seasonally hunting waterfowl at the following park properties:

(A) Bowers Rock State Park;

(B) That portion of Elijah Bristow State Park located north of the main channel of the Middle Fork of the Willamette River;

(C) Portions of Fort Stevens State Park adjacent to Trestle Bay as posted;

(D) That portion of Willamette Mission State Park located on Grand Island in Yamhill County;

(E) That portion of Government Island State Recreation Area including the perimeter of both Government and Lemon Islands, not above the mean high water mark as posted;

(F) That portion of Rooster Rock State Park which includes Sand Island as well as the bank which runs parallel to the south of the island, except during the special waterfowl hunting season which starts in September, as posted;

(G) That portion of Benson State Recreation Area at Dalton Point, north of I-84, starting 300' east of the boat ramp running to the eastern most tip of the property at river mile 134 as posted;

(H) That portion of Starvation Creek State Park, north of I-84, river mile 159.6 to 160.2 as posted;

(I) That portion of Mayer State Park including the entire Salisbury Slough area and the pond 800' Northwest of the boat ramp as posted.

(d) Seasonal hunting of game wildlife is allowed within Deschutes River State Recreational Area south of the stream gauge cable crossing line and parallel extensions of the cable crossing line to the east and west park boundaries.

(e) Seasonal hunting of deer is allowed in portions of La Pine State Recreation Area north of the east-west power line road, approximately one mile north of the campground booth.

(f) Seasonal hunting of game wildlife and upland game birds is allowed on department property at Cottonwood Canyon State Park except:

(A) Hunting is not allowed within the 200 yard area surrounding the boat launch at the J.S. Burres site at Cottonwood Bridge, and

(B) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department will post such closures at designated park entrances.

(g) Seasonal hunting of upland game birds is allowed in Succor Creek State Park, except within 500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.

(h) Trapping is allowed only by special permit from the department in Bowers Rock State Park, Deschutes State Recreation Area, Elijah Bristow State Park, and Willamette Mission State Park.

(i) Hunting is allowed with shotguns or bows and arrows only, during authorized seasons in all Willamette River Greenway Corridor parcels, except in those parcels described below, where all hunting is prohibited:

Item 8b Attachment B – Division 10 Revisions 6/28/2013 (clean copy)

- (A) Wapato Access (Virginia Lake), River Mile 17.0–18.0, Multnomah Channel, Right bank when facing downstream;
- (B) Crown Zellerbach, River Mile 21.3, Main Channel, Left Bank when facing downstream;
- (C) Merrell (Mary S. Young State Park), River Mile 23.6, Main Channel, Left Bank when facing downstream;
- (D) Willamette Shores, Inc. (Mary S. Young State Park), Main Channel, River Mile 24.0, Main Channel, Left Bank when facing downstream;
- (E) Meldrum Bar Park (City of Gladstone) River Mile 24.2–24.4, Main Channel, Right Bank when facing downstream;
- (F) Hattan-Fisher, River Mile 24.3, Main Channel, Left Bank when facing downstream;
- (G) Dahl Park (City of Gladstone) River Mile 24.7, Main Channel, Right Bank when facing downstream;
- (H) Coalca Landing, River Mile 30.7, Main Channel, Right Bank when facing downstream;
- (I) Lang, River Mile 30.7, Main Channel, Left Bank when facing downstream;
- (J) Pete's Mountain Landing, River Mile 30.8, Main Channel, Left Bank when facing downstream;
- (K) Peach Cove Landing, River Mile 31.5, Main Channel, Left Bank when facing downstream;
- (L) Brandborg, River Mile 32.0, Main Channel, Left Bank when facing downstream;
- (M) Asche, River Mile 34.1, Main Channel, Left Bank when facing downstream;
- (N) Molalla River State Park, River mile 34.6–36.1, Main Channel, Right Bank when facing downstream  
(Note: hunting is not allowed along the Molalla River within the park property);
- (O) Willamette Meridian Landing, River Mile 37, Main Channel, Left Bank when facing downstream;
- (P) French Prairie Access, River Mile 41.0, Main Channel, Right Bank when facing downstream;
- (Q) Parrett Mountain Access, River Mile 45.5–46.0, Main Channel, Left Bank when facing downstream;
- (R) Hess Creek Landing, River Mile 53, Main Channel, Left Bank when facing downstream;
- (S) Lincoln Access, River Mile 76.2–77.0, Main Channel, Left Bank when facing downstream;
- (T) Lincoln Access (Doak's Ferry) River Mile 77.6, Main Channel, Left Bank when facing downstream;
- (U) Darrow Rocks Access, River Mile 78.1, Main Channel, Left Bank when facing downstream;
- (V) Ross Island Sand & Gravel (Salem Waterfront), River Mile 82.8, Main Channel, Right Bank when facing downstream;
- (W) Hall's Ferry Access, River Mile 91.3, Main Channel, Right Bank when facing downstream;
- (X) Springfill Access, River Mile 113.8, Main Channel, Left Bank when facing downstream;
- (Y) Takenah Landing (City of Albany), River Mile 118.5, Main Channel, Left Bank when facing downstream (Closed only for 500 feet west of parking area);

- (Z) Jasper Bridge, River Mile 195.2, Middle Fork, Right Bank when facing downstream;
- (AA) Minshall, Eller, River Mile 119.9, Main Channel, Left Bank when facing downstream;
- (BB) Jones, Lanham, River Mile 120.1, Main Channel, Left Bank when facing downstream;
- (CC) F. Schmidt, P. Schmidt, River Mile 120.3, Main Channel, Left Bank when facing downstream;
- (DD) Browns Landing, River Mile 167.25, Main Channel, Left Bank when facing downstream;
- (EE) Truax Island Access, River Mile 168.7, Main Channel, Left Bank when facing downstream (closed only for 500 feet west of parking area);
- (FF) Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing downstream;
- (GG) Log Jam Access, River Mile 194.4–194.8, Middle Fork, Left Bank when facing downstream;
- (HH) Pengra Access, River Mile 195.2, Middle Fork, Right Bank when facing downstream;
- (II) Cougar Mountain Access, River Mile 15.5, Coast Fork, Right Bank when facing downstream; and
- (JJ) Lynx Hollow Access, River Mile 16.5, Coast Fork, Left Bank when facing downstream;
- (j) Trapping is allowed only with written authorization from the department in the Willamette River Greenway Corridor parcels closed to hunting, as listed above. Trapping is allowed in all other Willamette River Greenway Corridor parcels.
- (k) When hunting on those properties allowed by this rule hunters may not erect structures or blinds with the exception of portable blinds and tree stands that must be removed daily.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 498.002 & 498.006

736-010-0060

#### Alcoholic Beverages

- (1) A person under 21 years of age may not possess or use alcoholic beverage(s) at any park property.
- (2) A person may only possess or use alcoholic beverages in the following areas with written permission from the park manager:
  - (a) That portion of Dabney State Recreation Area downstream from the Stark Street bridge;
  - (b) Lewis and Clark State Recreation Site between the east bank river frontage road and the Sandy River from I-84 upstream to the park boundary;
  - (c) TouVelle State Recreation Site;
  - (d) Tumalo State Park day use area;
  - (e) Bonnie Lure State Recreation Area;
  - (f) Warm Springs boat launch access, Deschutes River, Jefferson County;

- (g) Iwetemlaykin State Heritage Site;
- (h) State Capitol State Park;
- (i) Cline Falls State Scenic Viewpoint; and
- (j) Other park properties as signed.

(3) A person may not use an Oregon Liquor Control Commission licensed server to dispense any alcoholic beverage including malt beverages from kegs without a permit from the park manager.

Stat. Auth: ORS 390.124  
Stats. Implemented: ORS 390.111

736-010-0065

#### Rooster Rock State Park -- Nudity

(1) A person of post-pubescent age or over 12 years of age is prohibited from engaging in nudity, as defined in ORS 167.060, in any part of the park property west of the established boundary running north and south 100 yards east of the easternmost beach access stairway and east above the approximate high water mark of the Columbia River in Rooster Rock State Park.

(2) Section (1) applies only where the person engaging in nudity is in public view. Section (1) does not apply to nudity in a public bathhouse, lavatory, or within tents, campers or other enclosures which are screened so that the nudity cannot be viewed by the public.

Stat. Auth: ORS 390.124  
Stats. Implemented: ORS 390.111

736-010-0066

#### State Capitol State Park — Recognitions and Honorary Features

(1) Purpose. The purpose of this rule is to provide guidance for honoring individuals, groups, or events that are of exceptional significance to Oregon or to the history of the nation, while respecting existing features and aesthetics of the State Capitol State Park and the Capitol Mall area, as well as the values of Oregonians, in general.

(2) Recognitions and honorary features may include installations of plantings, traditional park amenities, or features that are consistent with the department's State Capitol State Park Comprehensive Plan.

(3) Application and Approval Process.

(a) Persons interested in sponsoring recognitions or honorary feature shall make application to the director in a manner prescribed by the department.

(b) The application shall indicate how the proposal meets the criteria listed in section (4).

(c) The department will review and evaluate the application and coordinate with the applicant to obtain any additional information that the department may require to adequately review the proposal.

(d) The director shall determine whether the department deems a proposal significant or minor, taking into consideration the design, size, scope, location, construction process, and infrastructure needs of the proposal.

(e) The department will appoint a department liaison to the applicant for significant proposals. The liaison will assist the applicant with preliminary design and the review process.

(f) The application shall provide an identified estimate of costs and funding sources for design, construction, regular maintenance, and repair of the proposed feature.

(g) For significant proposals, the Assistant Director, Heritage Programs will convene a review committee that may be comprised of a representative of the State Capitol Foundation, Governor's Office, Legislative Administrative Committee, Capitol Planning Commission, City of Salem, a citizen at large, and at least one representative of an agency whose offices are located on the Capitol Mall. The review committee shall provide an opportunity to consider input from the public. It will review significant proposals to assess their compliance with criteria and objectives prescribed in this rule and make a recommendation to the director for further action that may include suggestions for changes to the design or location.

(h) Upon receiving a positive recommendation from the review committee, the director will present the proposal to the State Parks and Recreation Commission for consideration and possible approval.

(i) The department accepts no responsibility for any expenditure incurred by the applicant prior to approval by the Commission or subsequently. Construction or installation may not begin until the Commission grants approval and the applicant has obtained all necessary state and local permits.

(j) For minor proposals to place recognitions or honorary features consisting of small plantings, benches and other small installations that are consistent with the State Capitol State Park Comprehensive Plan, the director may consider and approve or deny such requests without further review or approval.

(4) Criteria for Recognitions and Honorary Features.

(a) The subject of the recognition shall be widely known and appreciated for great contributions and significance to the state of Oregon, the history of the nation, or both;

(b) The subject of the recognition, if a person, shall have been deceased for at least ten years, and if an event, shall have occurred at least ten years prior;

(c) The proposed feature shall enhance the aesthetics of the park and shall be consistent with the adopted State Capitol State Park Comprehensive Plan;

(d) The proposed feature shall not:

(A) Be located in the open, grassy areas of the Central Mall and Willson Park ovals;

(B) Disturb major trees and plantings;

(C) Interfere with traffic flows or sightlines; or

(D) Disturb other installations and structures;

(e) There shall be demonstrated, statewide, public support for the recognition or honorary feature;

(f) There shall be specific, valid reasons why other venues, that have been carefully explored, were not a suitable alternative location.

(g) The proposed feature shall not create unmitigated or significant additional liability; repair and maintenance cost; or safety and security concern, for the department;

(5) Costs. All expenses for design, fabrication, and installation shall be borne by the applicant. The department shall assist the applicant to determine the requirements for installation. Prior to installation, the applicant shall provide for deposit in the Recognition and Honorary Feature Maintenance Trust Fund an amount equal to 15 percent of the project replacement value to be expended for maintenance and repair of recognitions and honorary features in the State Capitol State Park.

(6) Design Approval and Installation.

(a) The department must approve the final design of the project. The proposed feature must meet all applicable codes and standards.

(b) For projects constructed and installed by the applicant, the department will assign a project manager to provide construction inspection and oversight. The applicant is responsible for acquiring all necessary permits prior to construction.

(c) For projects constructed and installed by the department on behalf of the applicant, the applicant shall reimburse the department for the costs of bid preparation, contracting services, permits, construction inspection and project management oversight.

(d) The applicant shall remain responsible and liable for the project until it is accepted in writing by the department.

(7) Recognitions and honorary features shall become the sole property of the department.

(8) The department shall maintain a registry of existing and future recognitions and honorary features in the agency's asset records.

(9) Maintenance.

(a) The department shall establish a Recognition and Honorary Feature Trust Fund from funds provided by applicants and donations. The fund shall be used to defray the costs of maintenance and repair of recognitions and honorary features in the State Capitol State Park.

(b) The department may relocate or remove existing recognitions or honorary features, if determined necessary. The department will consult a review committee prior to relocation or removal.

(c) If living recognitions or honorary features such as trees or plantings die, are damaged, or present a hazard to the public or adjacent buildings or structures, the department may remove or replace them at its discretion. If plaques or recognition items are associated with the removed trees or plantings, they will be offered first if possible to the family of the individual recognized, or secondarily, to the State Capitol Foundation for archiving.

Stat. Auth.: ORS 390.050, 390.121 & 390.124

Stats. Implemented: ORS 390.111

## Comments: Division 10, General Park Area Rules – June 2013

### E-mail Comments

Messrs. Havel and Walkoski -

Thank you for the opportunity to review and comment on the Oregon park rules. I have two comments concerning dog behavior and, by inference, the behavior of their owners. Many dog owners do not consider a barking dog to be an impediment to others' enjoyment of a public area. Please consider adding to the list of responsibilities required of owners of domestic animals (specifically dogs) to keep their animals quiet so as other park guests can enjoy their visit -- while it may be difficult to strictly prohibit barking, certainly there can be a stated consequence if an animal is making unnecessary noise. Please also consider a rule that dogs may not be left alone at a campsite -- another reason for a dog to bark, whine and carry on until its owner returns.

Fortunately, my horse tends not to bark, and is just as happy being left alone!

Thank you again. We enjoy Oregon parks and appreciate your hard work.

Regards,

Wynona Owens

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Hi

My husband and me found while traveling the Oregon Coast that the Park Rangers at your State Parks were very personable. I am not exactly sure about the changes to your rules, but would like to comment regarding dogs in State Parks. As a dog owner I would like to see the Park Rangers being able to use their own discretion when it comes to dealing with dogs. Instead of a 6 foot leash rule, why not go by a dog's temperament and training?? Maybe there could be more off-leash designated beach areas and or off-leash areas in parks. Thank you Deanna

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Hello,

I am a frequent visitor to Tryon Creek State Park in Portland, OR, and I wish smoking was not allowed on the trails. Seems like 1/2 the times I visit I have to follow behind someone on the trail smoking, and it only makes my visit to a natural area less special.

<,,><

Michael D. Barton  
Portland, OR

>>> Marychris Mass 6/19/2013 10:31 AM >>>

So I will admit that I am not a frequenter of state or national parks, but I'm going to put in my two cents anyway. I realize that there are as many non-dog humans as us non-kid humans, but the bottom line, neither of those creatures are going away soon. Dogs have been our companions for anywhere from 15,000 to 40,000 years. I personally would not want to be anywhere out in the wilds without mine, but I am a single woman trained on the wild streets of Chicago. And yes, I know I could hike with my dog on a leash, if only to protect her from crazed bike riders bombing down the trails at high speeds or to keep her from rolling in the occasional piles of human excrement, but sometimes we all want to enjoy a little freedom. Sometimes dogs meeting on leash will be more aggressive as the leash can set up a defense mechanism. And I see from the comments on the Oregonians page after the article was published about how you want rangers to crack down hard on us miserable miscreants, that I am a sad, lonely, unintelligent piece of aforementioned human excrement. Sad fact, I am none of those. My three digit IQ has not diminished (in fact, owning Rottweilers has probably increased my intelligence, as being smarter than they are is a full time job.), my attachments to my neighbors and community are stronger from getting to know each other at the dog park or the local coffee shop, and I am forced into the outdoors. I have a suggestion that I am sure will fall on deaf ears, but here I go...what if there were designated off-leash trails? That would keep us out of the hair and crotches of other hikers, safe from bombing bikers (really, that's more acceptable than an off-leash dog?...University of Colorado once published a report that found that dogs hiking with their persons wandered roughly about 8" off the trail..) and give us the opportunity to enjoy nature. I know that as dog owners (which apparently to some is equal to mass murderer), we may not deserve the same consideration as the agro biker or avid vegan outdoorsman, but we would like a shot at enjoying the parks without the same fear of harassment we apparently inflict on non-dog people.  
Marychris Mass

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We have been camping at Oregon State parks for years.

But have noticed that over the past few years they have turned into Dog parks. Last year at South Beach we were one of few campers that didn't have a dog / dogs. Most campsites had a least two dogs and several had 4 dogs. At one point we had to go and ask the owner of a barking dog if he would put the dog inside. That didn't go over to well. It had barked for over an hour. This year we watched dogs and owners walk off and leave there mess on the grass. We know the rules and are sure that the dog owners do to but just don't clean up after there dogs. Walking into a dogs mess with new hiking boots isn't fun.

As I said we know the rules and are sure the dog owners do to. But there aren't enough rangers to monitor all the dogs in the camping area. Our suggestion would be to start charging a fee for the dogs. You charge for an extra car ? Extra people ? And also put a limit on how many per camp site, or have campers with dogs in a different area. One that has larger sites for the dogs. It is so much cheaper to bring the dogs than to board them so campers bring them. With the extra money you can hire more help and stations for dog waste.

While in Newport we also went to the Highland games. Once again there were as many dogs as people. We will be going to the North West Highland Games in Washington that DON'T allow dogs. On every internet pages it states "No Dogs Allowed". We will be going to this one.

I am a dog lover and have had many dogs in my life. But with camping there needs to be a limit and more control. Please put a limit on how many dogs per site and start charging a fee.

Thank you  
Terry Thorsen  
Sharon Easton