

## Oregon Parks and Recreation Commission

June 24, 2015 Meeting

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Agenda Item: 3b

**Action**

Topic: Salmonberry Trail Project

Presented by: Lisa Sumption, Director

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### **Background:**

In the winter of 2007, a major storm came through northwest Oregon that resulted in catastrophic damage of the Port of Tillamook Bay Rail (POTB) Line. During the Federal Emergency Management Agency's damage assessment, POTB determined that the rail line was not able to be restored to its active rail use and the formation of the Salmonberry Coalition began. The Salmonberry Coalition developed a framework plan and approved the implementation of the plan. The first item to complete was the feasibility study to determine if a recreation corridor/trail was feasible. A feasibility study was completed in January 2013 and the [concept plan](#) is in final draft form.

### **Update:**

The new Board of Directors met on May 1 and June 2. The Board now consists of four voting members: Oregon Department of Forestry (ODF), Oregon Parks and Recreation Department (OPRD), Tillamook County and the POTB. The Board will also have seven non-voting ex-officio members: Washington County, Cycle Oregon, Tillamook Forest Heritage Trust, Washington County Visitors Association, Regional Solutions for the north coast, Senator Johnson and Representative Boone. Washington County requested to be a non-voting member. Their next meeting is scheduled for July 17<sup>th</sup> in Salem. Upon legal review, the Interagency Agreement (IGA) will be ready for signature by all parties (see Exhibit D of the attachment). OPRD is seeking approval from the Commission to sign the IGA.

The Tillamook Forest Heritage Trust hired the Metropolitan Group to complete the initial feasibility study for the capital campaign. They have completed several interviews and should have the reports completed by the end of June or early July 2015.

Tillamook County, Washington County Visitor's Association, Cycle Oregon, ODF and OPRD have partnered to fund a full-time, limited duration project manager anticipated to begin in June or July 2015. OPRD will house the position.

**Prior Action by Commission:** Affirmed draft concept plan. (11/2014)

**Action Requested:** Approval to sign IGA that will create the Salmonberry Trail Intergovernmental Agency.

**Attachment:** Salmonberry Declaration of Cooperation

**Prepared by:** Rocky Houston, State Trails Coordinator



## Oregon Solutions Declaration of Cooperation

### Salmonberry Trail

This Declaration of Cooperation begins to lay the governance framework as well as a process to identify responsible parties for trail management/operational tasks and trail support tasks.

The intent of the following commitments is to add clarity and direction to the process for near-term decision making that will lead to a governance structure that addresses:

- Who is going to own the trail;
- Who is going to raise funds and where the fiscal accountability resides for funding trail construction and maintenance;
- Who is going to develop the trail; and,
- Who has liability for the trail.

Answering these questions will largely define the long-term governance structure for the trail. Currently some of these accountabilities and responsibilities may reside in existing legal documents and more will be captured in future intergovernmental agreements, MOUs, MOAs, leases and related binding legal documents.

### Commitments

This Declaration of Cooperation (DoC), while not a binding legal contract, is evidence to, and a statement of, the good faith and commitment of the undersigned parties. The undersigned parties to this DoC have, through a collaborative process, agreed and pledged our cooperation toward:

- A. Implementing the trail consistent with the goals and project parameters for the Salmonberry trail project as outlined in the final draft Concept Plan. Specifically,
- Trail Goals
- Support Local Economies
    - *Encourage new economic opportunities for Corridor communities*
  - Preserve the Investment
    - *Stabilize existing right of way and limit future damage*
    - *Ensure a financially-viable and sustainable future for the project*
  - Provide Access for Multiple Users
    - *Improve and increase access to public lands for a wide range of uses (and ages) including walking, biking, hunting, fishing and equestrian*
  - Maintain and Improve the Environment
    - *Maintain and improve sensitive river and coastal environments*

### Trail Project Parameters

Throughout the planning process, public comments shaped the basic parameters that define the Salmonberry Corridor:

The Salmonberry Corridor project *IS*

- A historic transportation corridor
- An important natural resource
- Complementary of existing recreational uses
- A multi-use, non-motorized trail
- Intended for multiple users across diverse terrain, with multiple trail standards
- A rail with trail as well as a rail to trail
- Located within the POTB rail ROW where possible. If not, it will bypass the Corridor within public roadway ROW or public forestland. No private property will be acquired, unless by willing seller, for this project.
- A good neighbor to many adjacent public and private landowners

The Salmonberry Corridor *IS NOT*:

- A restriction on adjacent land uses
- A single trail design or standard
- A change to existing hunting access
- A motorized trail

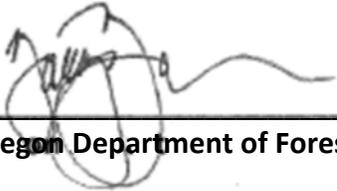
B. Working to establish a governance structure for the trail that:

- Maintains effective open and transparent communications including a trail related website and regularly scheduled meetings of the Coalition to discuss status, priorities and coordinate policies that affect design and implementation of the Trail.
- Promotes and encourages the formation of local collaborative partnerships.
- Provides a neutral forum to work directly with local partners in facilitating their interests with the final design and implementation of the Trail.
- Seeks to provide administrative, financial, and technical resources to local collaborative partnerships to build trust, set priorities, seize emerging opportunities and otherwise help identify the most efficient, effective and pragmatic means to complete the vision of the Trail.
- Mutually supports the leveraging of resources needed for implementation, operation and maintenance of the Trail as appropriate given each stakeholder's resources, expertise and mission.
- Advocates and identifies specific opportunities for linking economic and tourism funding to implementation, operation and maintenance.
- Provides strategic technical assistance to our partners.
- Links local collaborative partnerships to outside technical expertise as needed.
- Continuously seeks to identify other stakeholders that should be considered for participating with the Coalition.

In order to establish a governance structure that has the ability to accomplish the above objectives, we further agree to participate in the completion of an Intergovernmental Agreement as allowed under Oregon Revised Statutes Chapter 190 forming the “Salmonberry Trail Agency and Board” or similar named governing body as the initial governance structure to provide overall project leadership and determine trail ownership including assumption or assignment of the necessary authority to negotiate appropriate property and right-of-way transfers, leases, rail-banking and other transactions necessary to secure the future development of the trail.

Signed:

### Salmonberry Trail Prospective Board Members



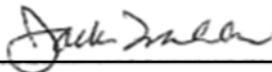
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**Oregon Department of Forestry**



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**Oregon Department of Parks and Recreation**



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**Port of Tillamook Bay**

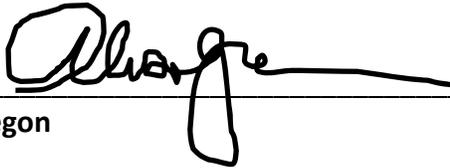


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**Tillamook County**

## Salmonberry Trail Prospective Board Ex Officio Members

As prospective ex officio members of the Salmonberry Trail Agency and Board, we support the creation of an Intergovernmental Agency consisting, at least initially, of the four governmental entities listed above for the purposes as indicated in this document and attached draft IGA (Exhibit D). Furthermore, we agree to participate in and otherwise support the activities of the Board in keeping with our respective roles and responsibilities for assisting the Board in accomplishing the goals and objectives listed under items A and B above:



Cycle Oregon



Governor's North Coast Regional Solutions Team



Tillamook Forest Heritage Trust



Washington County Visitors Association



Washington County

## **Salmonberry Trail Declaration of Cooperation Attachment and Exhibits**

- Attachment A. Oregon Solutions Salmonberry trail core leadership group members
- Exhibit A. Oregon Senate Bill 1516 (2014 Legislative session)
- Exhibit B. Executive Summary: *Draft Assessment prepared for the Oregon Department of Forestry Salmonberry Corridor Project. Phase 1 Report – A Reality Check on Progress to Date.* (February 2015)
- Exhibit C. Governor’s Oregon Solutions Project Designation Letter
- Exhibit D. Initial Draft: Intergovernmental Agreement (IGA) creating a Salmonberry Trail Board

# Attachment A.

## Core Leadership Group Principals

Alison	Graves	Cycle Oregon - Executive Director
Mark	Ellsworth	Governor's Office - Regional Solutions
Doug	Decker	ODF - State Forester
Mike	Cafferata	ODF - District Forester, Forest Grove
Liz	Dent	ODF - Deputy
Lisa	VanLaanen	OPRD - Director
MG	Devereux	OPRD - Deputy
Rocky	Houston	OPRD - Trails coordinator
Michele	Bradley	Port of Tillamook Bay – General Manager
Betsy	Johnson	State Senator
Mark	Labhart	Tillamook County Commissioner
Ross	Holloway	Tillamook Forest Heritage Trust
Andy	Duyck	Washington County Commissioner

**Enrolled**  
**Senate Bill 1516**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rural Communities and Economic Development)

CHAPTER .....

AN ACT

Relating to the Salmonberry Trail; appropriating money; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) The State Parks and Recreation Department and the State Forestry Department shall, in cooperation with other interested state agencies, local governments, nonprofit organizations and other stakeholders, develop a plan to construct a trail along or adjacent to the portion of the former Pacific Railway and Navigation Company line between Banks and Tillamook, to be known as the Salmonberry Trail. The plan shall identify and address:**

**(a) Options for the development, maintenance and operation of each trail segment, and the costs associated with the development, maintenance and operation, that:**

**(A) Take into account the existing uses of the land where trail segments are to be constructed, including active rail use;**

**(B) Ensure that the designation of trail segments will not affect surrounding private property rights, including rights of way and easements, or require management of privately owned lands in a manner different from that required under the Oregon Forest Practices Act;**

**(C) Ensure that the development, maintenance and operation of the trail segments do not affect active management of lands for their intended purposes as provided under ORS 530.050 and 530.490; and**

**(D) Take into account the concerns of the public and other interested parties;**

**(b) Potential sources of funding for implementation of the plan, including but not limited to federal, state and private sources; and**

**(c) Options for designation of final state agency or other responsibility for the development, maintenance and operation of the trail and trail facilities as identified in the plan.**

**(2) The State Parks and Recreation Department and the State Forestry Department may coordinate with nonprofit organizations to raise funds and to develop, maintain and operate trail and trail facilities as necessary to implement the plan developed under this section.**

**SECTION 2. The State Parks and Recreation Department and the State Forestry Department shall submit the plan provided for in section 1 of this 2014 Act to an appropriate interim committee of the Legislative Assembly no later than October 1, 2015.**

**SECTION 3.** The Salmonberry Trail Trust Fund is established in the State Treasury, separate and distinct from the General Fund. All gifts, grants, appropriations or donations received by the state for purposes of developing or implementing the plan described in section 1 of this 2014 Act shall be deposited in the Salmonberry Trail Trust Fund. All moneys in the fund are continuously appropriated to the State Forestry Department for the purposes of developing and implementing the plan.

**SECTION 4.** This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

Passed by Senate March 4, 2014

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Robert Taylor, Secretary of Senate

.....  
Peter Courtney, President of Senate

Passed by House March 5, 2014

.....  
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2014

Approved:

.....M,....., 2014

.....  
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2014

.....  
Kate Brown, Secretary of State

# **An Assessment for the Oregon Department of Forestry**

## **Salmonberry Corridor Project – A Reality Check on Progress to Date**



By the  
National Policy Consensus Center  
Oregon Solutions Program  
Hatfield School of Government, Portland State University

Jim Johnson, Interim Director  
Steve Bryant, Senior Project Manager  
Pete Dalke, Senior Project Manager  
Amy Delahanty, Graduate Assistant

March 2, 2015



# INTRODUCTION

The core leadership group for the Salmonberry rails and trails project, including the Oregon Department of Forestry, the Oregon Parks and Recreation Department, the Port of Tillamook Bay, Tillamook County, and Washington County recognized that with the final draft [Salmonberry Corridor Concept Plan](#) release in November 2014, the related efforts were at a critical juncture. In working with the Salmonberry Coalition to prepare for the next round of public meetings and for the upcoming 2015 Oregon legislative session, key opportunities and needs exist to refine the project identity and arrive at an initial governance structure.

In January, 2015, Oregon Solutions (OS) was engaged by the Oregon Department of Forestry to conduct interviews of key stakeholders as part of a “reality check” on the progress to date.

OS staff conducted interviews with close to 40 project stakeholders during January and February 2015. Stakeholders identified for the interviews were those with an ownership, operational, liability and/or direct funding interest in the development of the rails and trails project. In the course of these interviews, over 30 additional stakeholders were suggested for including in the interviews, particularly in relation to discussing the governance structure. Unfortunately we weren’t able to interview all of them within the short time that we had to complete this task.

The questions asked in the interviews can be grouped into three themes:

- Reality check on the rails and trails efforts to date including the final draft [Salmonberry Corridor Concept Plan](#) prepared by Walker Macy in November 2014;
- Discussion of the proposed trail governance structure (Governing Council and Local Governance Boards) circulated following

the trail leadership group meeting on November 13, 2014, and identification of possible alternatives. This was done recognizing the leadership group quickly needs to arrive at a transparent, nimble and effective decision making process with high enough authority to “get it done”; and

- Naming and branding for the trail.

## A REALITY CHECK

The Phase I report provided a general summary of the answers and opinions offered to the questions. For the most part, interviewees were optimistic, but also realistic, about the plan. We found little to no pessimism about the project’s chances of eventually being successful, at least at some level of eventual connectivity. A few did suggest more discussion is needed about the pragmatism of the plan. There is shared desire that the next steps with the draft Concept Plan are transparent and clearly communicated, including identification of contact points for existing and new Coalition stakeholders. A commonly shared theme further suggests OPRD and ODF are two of the most capable organizations in state government and that their combined resources should be able to get this project off the ground.

The final draft Concept Plan leaves open the possibility of a win-win for most all of the anticipated recreational user groups. Many recognize this trail can be an enormous regional amenity with international appeal though also a balancing act with those Oregonians who inevitably will resist real or perceived impacts to their specific interests and past uses of the rail and trail Right Of Way and surrounding territory. Mentioned were the need for more focused diplomacy including more frequent and transparent two-way communication to build and maintain trust, along with “the patience of a saint” that will be required for project management and effective implementation. In this regard, some also raised a concern that there may be a need to “curb some of the enthusiasm” at least initially rather than risk

burning some stakeholders out early on with process-related activities rather than project-related activities that will come later.

Additional key takeaways from the interviews include:

### **Reality Check - Involvement & Perceptions**

- Almost uniformly, those interviewed were familiar with the draft Concept Plan, were enthusiastic, had participated in the public forums and understood both the opportunities and challenges.
- Continued involvement and interest stems from the desire to see their vision of the project realized within a reasonable timeframe (usually expressed as 15-30 years or “in their lifetime”). A number of people commented that the common response they get from conversations with other interested parties is “how do I get more information” and “how can we get involved?”
- A large number of interviewees are particularly motivated by the vision for this project to potentially connect between Highway 101 and other trail systems, including to existing systems such as the Banks to Vernonia Trail and various trails now in the planning stage, especially a number of planned trail systems in Washington County and throughout the Portland metropolitan area.
- There is not a universally shared vision for the trail. Individual stakeholder visions’ for the trail vary, as do the “best outcome” for their specific organization. There is broad agreement that the full benefits of the trail cannot be realized until all of the connections are made resulting in what many describe as a “world-class” trail system that will have great appeal and significant economic and recreational benefits across the region. Participants seem to agree that those benefits become exponentially higher after marketing can

take place for the entire route from the Metro region to Tillamook.

- There is broad based support for a natural surface trail from the Salmonberry/Nehalem River confluence east to the vicinity of Stub Stewart State Park.
- There are widespread concerns about the viability of the rails with trails opportunities in the coastal section. These concerns include the practicality of constructing a multi-use trail along an operating rail line especially where construction would be required in estuaries and other sensitive locations, and doubts about the long-term economic viability of any active rail use due to deferred capital maintenance needs and other financial concerns.
- Funding and ultimate trail ownership are obvious concerns. A number of organizations have made financial commitments and helped secure grants thus far including Cycle Oregon, Tillamook Forest Heritage Trust, Tillamook and Washington Counties, Department of Environmental Quality. Likely additional key partners for both these concerns include Oregon Department of Transportation, Metro.
- The North Coast Regional Solutions Team and related State agencies expressed a high level of willingness to participate in active partnerships with other entities to achieve the vision over a longer period of time.

### **Governance Structure**

- There is a continuum of ideas about the possible governance structure, ranging from a highly centralized state agency model (most often mentioned as a linear state park) to a more de-centralized model similar to that represented in the draft governance structure (Governing Council and Local Boards) but with even more governing authority vested in the three regional entities.

- Almost uniformly, the local government representatives (as well as some of the state agency representatives) expressed a strong desire to have State Parks take the lead role in governance of entire trail. While highly supportive of the trail concept, local governments also consistently cite their lack of financial resources to participate in any meaningful way, especially in coming up with capital costs for trail development. They also face critical staff capacity constraints to participate fully in governance structures that might be ideal from a collaboration standpoint but which end up being highly process-oriented.
- State agency representatives prefer the Governing Council and Local Boards model represented by the diagram. They would prefer to work in relatively equal partnerships with local entities and other stakeholder groups to achieve implementation of the Concept Plan. State agency representatives indicated that they would not be able to manage the trail system without strong local advocates including those who can make significant ongoing commitments.
- Most of the private sector participants expressed a strong desire to have a centralized authority with strong political connections and leadership as the governing entity. This was expressed as a smaller, more nimble, and results-oriented governance entity that might exist within the structure of OPRD under the direction and encouragement of the State Parks Commission.
- Many pointed to the need to create a robust non-profit organization to work with a lead public agency or multiple public agencies. A non-profit could raise funds not normally available to governmental entities, recruit and train a cadre of dedicated volunteers, and serve as a good steward for the objectives of the corridor. One point

made for consideration is the potential conflict that may arise in state vs. private funding opportunities for the trail if foundations and other potential donors see the trail as a state responsibility.

- The role for the political champions (for example, Sen. Johnson, Rep. Boone, the Governor’s Office, and the Chairs of the Board of Forestry and State Parks Board) to elevate the Salmonberry profile and discussion is critical.
- Some suggested that the ultimate governance structure may need to evolve over time, perhaps starting off as segmented governance structures with some sort of coordinating body and then evolving into a more highly structured single entity.
- A number of interviewees also saw the logic in creating something more along the lines of the Coalition model represented by the governance diagram. The implied lead agencies for governance of the three sections were seen as Coastal Segment – POTB; Canyon Segment – ODF; and Foothills Segment – OPRD.
- Nearly all of the organizations we interviewed express some level of willingness to participate in at least an advisory capacity to a governance entity or entities. The greatest reservations about participation came from the coastal communities due to funding and capacity constraints.
- There were a variety of responses regarding how best the governance structure can accommodate the wide array of interested parties who would like some level of involvement in the project but who are not jurisdictional partners or otherwise financially committed to the project. Some felt that the governance structure should be kept very small (7-9 “movers and shakers”) to those who would prefer to see a much more inclusive and collaborative structure made up of nearly any organization that

demonstrates a strong interest in the project, including some who might otherwise attempt to subvert the objectives of the plan. A significant number of interviewees, however, suggested that participation in the governance structure should be limited to those who are willing to put significant “skin in the game” in the way of both direct and/or in-kind support.

- The use of advisory groups and other customary public processes were mentioned as ways to keep interested parties informed and engaged. The notion of a “Friends” group was mentioned several times, with some interested in hearing more about how this approach might work.

### **Naming and Branding**

- While a formal name for the trail has not yet been selected, as discussion continues to establish an overall identity for the project most are moving away from inclusion of the word “corridor” in the name.
- Numerous other names were put forward in the interviews. There seems to be an emerging consensus around a name that includes “Salmonberry” and “Trail”. Many feel “Salmonberry” should be included in the name because it conveys Oregon and the Pacific Northwest, is unique, will prove intriguing to many and will be excellent for creating distinction for the trail, furthering branding and marketing of responsible tourism in the region. Some hold to including “coast” and “Portland” in the name. Still others felt that it would be important to select a name that reflects the historic use of the route as an active railway.
- The Salmonberry River drainage comprises only 1/3 of the trail. Use of “Salmonberry” will put a spotlight on this section that is the most remote, difficult part of the trail.
- The decision on the name is a governing decision and the governing group needs to

identify a process to finalize the name prior to a public roll-out strategy and funding campaign for the trail.

## **NEXT STEPS**

Following discussion of the Phase I report with the leadership group, OS staff will use the interview information and direction from the group to inform the next phases of work. Materials for the Governor’s designation of the Salmonberry trail project as an OS project have been prepared and are under consideration. OS will work to identify governance models used across the country for similar rails and trails projects, present a limited number of potential governance models to the leadership group for consideration, assist the leadership group and broader Coalition members in reaching consensus on a governance structure that seems most appropriate to successfully advancing the project at this time, and prepare a “Declaration of Cooperation” to document the governance agreement and identify specific stakeholder commitments for moving the chosen governance model and trail project forward.



March 4, 2015

KATE BROWN  
Governor

Doug Decker  
State Forester, Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310

Lisa VanLaanen  
Director, Oregon Parks & Recreation Dept.  
725 Summer St. N.E. Suite C  
Salem, OR 97301

Dear Director Decker and Director VanLaanen:

I am informed that your agencies have been making great strides toward achieving the planning objectives for the Salmonberry Trail as outlined in Senate Bill 1516. The efforts that your core group of stakeholders have made toward adopting a Concept Plan within the 86-mile rail corridor between the city of Banks and the Tillamook Air Museum have been well spent, and I believe the neutral forum of Oregon Solutions is ideal for helping to establish the governance structure for the Salmonberry Coalition moving forward. Therefore, I am pleased to designate this short-term governance determination process as an Oregon Solutions Project and I am designating both of you in your roles as key agency directors to lead this effort as co-conveners.

The agreement on the governance structure will provide the Coalition with a template for advancing the implementation of the concept plan including how to reach collaborative agreements on overall project priorities and management functions. The governance plan should also identify the means to perpetually engage a broad group of key stakeholders from the public, private, and non-profit sectors in the ongoing efforts to achieve implementation of the plan in an orderly and timely manner. Lastly, this effort should identify fiscal responsibilities and opportunities for management, capital construction, and maintenance of the corridor. This appears to be an excellent intergovernmental Oregon Solutions project.

Please keep my office updated on this effort and thank you for the identification of this important collaboration. This project addresses important priorities in the state for tourism, recreation, and environmental education.

Sincerely,

Governor Kate Brown

cc: Betsy Johnson, State Senator  
Mark Ellsworth, North Coast Regional Solutions Coordinator  
Lauren Beeney, Oregon Solutions

JAK:gw/lrh



## **AGREEMENT ESTABLISHING THE SALMONBERRY TRAIL INTERGOVERNMENTAL AGENCY<sup>1</sup>**

**THIS INTERGOVERNMENTAL AGREEMENT** (hereinafter “Agreement”) is made by and between the Oregon Department of Forestry (ODF), the Oregon Parks and Recreation Department (OPRD), Tillamook County, Washington County, and the Port of Tillamook Bay (POTB), hereinafter referred to collectively as “Directors” or “Parties” and individually as “Director” or “Party.”

### **RECITALS**

**WHEREAS**, ORS 190.010 and ORS 190.110 provide that units of local and state government may enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and,

**WHEREAS**, the Port of Tillamook Bay (POTB) railroad once connected the Willamette Valley to the Oregon Coast on an 86-mile rail corridor formerly owned by Southern Pacific, running from Banks to the Port of Tillamook Bay Industrial Park through the canyon of the Salmonberry River and the Tillamook State Forest; and,

**WHEREAS**, this unique passage, which is referred to as the Salmonberry Corridor, has a rich history, an outstanding scenic context and has the potential to connect urban and rural Oregon by constructing a multi-use trail within the corridor, connecting to a wide network of existing recreation trails and parks, educational opportunities, and heritage sites; and,

**WHEREAS**, a new multi-use trail will create strong economic opportunities for Northwest Oregon and will help revitalize communities along the rail corridor, including Banks, Timber and the small towns and cities along the coast from Wheeler to Tillamook; and,

**WHEREAS**, SB 1516 was passed by the 2014 Legislature and required OPRD and ODF, in cooperation with other interested state agencies, local governments, nonprofit organizations and other stakeholders, to develop a plan to construct a trail along or adjacent to the portion of the former railroad line between Banks and Tillamook; and,

**WHEREAS**, the public agency members joined with other stakeholders, and, after extensive public involvement and engagement, completed the Salmonberry Corridor Concept Plan which is intended to be the foundation for future development of this important landmark and a guide for developing more specific plans and designs for individual segments of the Corridor; and, .

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<sup>1</sup> The name of the trail and the name of the governing body may change as this draft becomes final, although by ORS 190.010 the word Board of Directors or Board has to be used within the name of the governing body.

**WHEREAS**, the Concept Plan has four major goals:

- 1. Support Local Economies.** Encourage new economic opportunities for Corridor communities.
- 2. Preserve the Investment.** Stabilize existing right of way and limit future damage. Ensure a financially-viable and sustainable future for the project.
- 3. Provide Access for Multiple Users.** Improve and increase access to public lands for a wide range of uses (and ages) including walking, biking, hunting, fishing and equestrian.
- 4. Maintain and Improve the Environment.** Maintain and improve sensitive river and coastal environments; and,

**WHEREAS**, in March, 2015, Governor Kate Brown designated the effort to establish a governance structure for the Salmonberry Trail as an Oregon Solutions Project and named the Directors of the Oregon Department of Forestry and Oregon Parks and Recreation Department as Co-conveners; and,

**WHEREAS**, the Oregon Solutions project resulted in a collaborative agreement and a “Declaration of Cooperation” between the parties to enter into this intergovernmental agreement; and,

**WHEREAS**, the Parties agree that a governing body is needed to promote and facilitate coordinated direction and guidance in the planning, development, and maintenance of a multi-use trail within the Salmonberry Corridor that can fully achieve the four goals outlined within the plan; and,

**WHEREAS**, the construction and management of a multi-use trail envisioned by the Concept Plan is a complex undertaking that no single jurisdiction or entity can accomplish on their own; rather, a collaboration of many government agencies, nonprofit organizations, and the private sector is necessary to advance this project;

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

## **AGREEMENTS**

**1. Establishment of the Salmonberry Trail Intergovernmental Agency and Board of Directors.** There is hereby established an ORS Chapter 190.010 (5) intergovernmental entity to be known as the “Salmonberry Trail Intergovernmental Agency”, hereinafter referred to as “Agency”, a multi-jurisdictional, collaboration of the public agencies which are Parties to this Agreement. The Agency shall be governed by a board of directors named the Salmonberry Trail Board of Directors, hereinafter referred to as the “Board” or “STB”.

**2. Membership on the STB.** The Parties to this Agreement shall each designate one official to be a Member of the STB and to accomplish the purposes set forth in paragraph 8. The officials to be designated shall be elected officials or Chief Administrative Officers of the respective agencies. Directors shall also designate an alternate Director who can attend meetings and act on behalf of the primary Director.

**3. Ex-officio Members of the Board of Directors.** Ex-officio membership on the STB is intended to be limited to those individuals and organizations that have or potentially have significant in-kind or other resources to contribute to the implementation of the concept plan. Ex-officio Members are non-voting members, but can fully participate in discussions and deliberations of the STB. By and through this Agreement, the following groups shall have Ex-officio membership on the STB: Cycle Oregon; the Tillamook Forest Heritage Trust (TFHT); the Washington County Visitors Association; the Oregon State Senator from District 16; the Oregon State Representative from District 32; and the Governor's Regional Solutions Team North Coast Coordinator. Cycle Oregon, the TFHT, and the Washington County Visitors Association shall each designate one person to be an Ex-officio Member of the Board of Directors and to help the Board of Directors accomplish the purposes set forth paragraph 8. Ex-officio Directors shall also designate an alternate who can attend meetings and speak on behalf of the primary Board member.

**4. Adding Directors or Ex-Officio Members.** The STB may add additional Member agencies through an amendment to this Agreement. Ex officio members may be added at any time by majority vote of the Board or as otherwise provided in the by-laws.

**5. Conveners.** The STB shall establish Conveners or Co-conveners whose role will be determined within the STB by-laws. For calendar years 2015 and 2016, the Co-Conveners shall be the Director of the ODF and the Director of OPRD. In January, 2017, a new Convener or Co-Conveners shall be appointed by the STB in accordance with the adopted bylaws.

**6. Advisory Committees and Board Subcommittees.** The STB may establish Advisory Committees and Board Subcommittees as they believe appropriate. Example subjects for which an Advisory Committee may be needed include: Technical Assistance, Natural Resources; Recreation; Tourism and Economic Development; Scenic Railroad Coordination, Adjacent Private Landowners; and Local Government Coordination.

**7. Salmonberry Coalition.** The STB shall identify Salmonberry corridor and trail stakeholders and invite each entity to designate an individual to be a member of the Salmonberry Coalition—a group similar to the stakeholders who provided input in the drafting of the Salmonberry Corridor Concept Plan. The Coalition shall meet at least once a year for the annual meeting of the STB. The purpose of the Coalition is to keep stakeholders informed, allow the STB to touch base with stakeholders, to present issues to stakeholders, provide status reports and generally to keep communication open with the large and varied group of stakeholders interested in the trail and the corridor. Regular communication to Coalition members shall occur.

**8. Purpose of Intergovernmental Agency.** The purpose of the Intergovernmental Agency is to plan, develop, and maintain a multi-use trail within the Salmonberry Corridor, consistent with the goals established within the Salmonberry Corridor Concept Plan and included in the Recitals above. The Salmonberry Corridor Concept Plan shall be the foundation for future development of the corridor and trail and a guide for developing more specific plans and designs for individual segments of the Trail.

**9. Duties and Responsibilities of Agency and the STB.** The duties and responsibilities of the Agency and the STB include, but are not limited to, those listed on Attachment A to this Agreement, enumerated as Ownership/Leadership Tasks. In addition, the intergovernmental entity shall have all the powers given to it under ORS 190. More specifically, this includes property negotiations, and to purchase, own, lease or transfer property for purposes of constructing, maintaining, or otherwise benefitting the Salmonberry Trail.

**10. Limitation of Powers.** The STB shall not have the power to bind or encumber the participating governmental units in any manner except as the member agencies agree through both the policy and administrative authority that they grant to their appointed Directors of the STB.

**11. Decision-Making.** The STB shall strive for consensus on all decisions. However, if consensus is not achievable within a reasonable period of time, decisions shall be made by majority vote of the Directors. No decisions, whether by consensus or by majority vote, can be made without a quorum. A quorum shall be defined as attendance by a majority of the Directors. This decision-making process shall be further documented in the adopted by-laws.

**12. Fundraising Partner of the Intergovernmental Agency.** The TFHT is hereby designated as the initial fundraising partner of the Intergovernmental Agency and, on behalf of the Agency, shall develop and implement a fundraising plan for the initial phases of development of the Salmonberry Trail. The TFHT may eventually choose to create a "spin-off" non-profit organization for this purpose or relinquish its fundraising role to another qualified non-profit organization designated by the STB.

**13. Evolution of Governance Structure.** The Parties recognize that the governance structure and the roles of non-profit partners are expected to evolve over time as the needs of the organization change from the present concept stage to the future more detailed planning, implementation, and operational stages. As the governance and non-profit structures evolve, the Parties will need to determine how to reach additional collaborative agreements on overall project priorities and management functions.

**14. Administrative Entity.** The Directors agree to share administrative duties of the Agency by rotating those duties among Directors for a one-year period or as otherwise agreed by the STB. Examples of administrative duties include, but not limited to: providing space and supervision of any employee(s) assigned to work with the Agency, giving notice of Agency meetings,

arranging meeting location, taking minutes at meetings, sending meeting minutes, completing follow-up tasks as needed, and so forth. The initial administrative entity shall be OPRD.

**15. Budget.** Initially, it is anticipated that the Agency will operate through in-kind contributions of the Directors. If at such time that the STB determines that a budget for the Agency is necessary and appropriate, such budget shall be prepared in accordance with the applicable public budgeting laws of the State of Oregon.

**16. By-Laws.** The STB shall adopt by-laws consistent with this Agreement necessary to conduct its affairs.

**17. Action.** Certain actions of the STB may need to be formally ratified by each Member's parent Board or Commission. Directors shall be responsible for determining whether an action contemplated by the STB requires ratification of the Member's Board or Commission.

**18. Meetings.** The STB shall meet as frequently as the Convener or Co-Conveners may determine, or as otherwise provided in the bylaws. All meetings shall comply with the Oregon Public Meetings statutes which begin at ORS 192.610.

**19. Duration and Termination.** This Agreement shall remain in force for a period of ten (10) years from the date last signed by a Director, unless specifically extended or otherwise modified by action of the Directors. At the end of the 10-year period, the Directors shall conduct a thorough review of their activities and make a decision on any needed changes to this Agreement, including its duration. A participating Member agency may withdraw from the Intergovernmental Agency upon 30-days written notice to the other Directors.

**20. Amendments.** Subsequent amendments to this Agreement shall be approved by the Member agencies.

**ADD BOILER PLATE LANGUAGE FOR INTERGOVERNMENTAL AGREEMENTS TO BE ADDED HERE—SUCH AS INDEMNIFICATION AND INSURANCE LANGUAGE. TO BE DISCUSSED BY LEGAL COUNSEL FOR EACH OF THE FIVE MEMBER AGENCIES.**

**ATTACHMENT A**  
**TRAIL RESPONSIBILITIES AND TASKS**

By paragraph 9 above – Duties and Responsibilities—the Board will conduct some or all of the tasks listed below as Ownership/Leadership Tasks.

At some point in the future, the Board will assign responsibilities for Management/Operational Tasks, Trail Support Tasks, or other tasks that may be identified by the Board.

**1. Ownership/Leadership Tasks.** The following Ownership/Leadership Tasks are the responsibility of the STB:

- A. Accept/adopt/approve plans that set the overall direction for developing the trail corridor.
- B. Ensure that the former railroad ROW is protected and reserved for the perpetual use of the public, including the use of “Railbanking” as a means to accomplish this goal when this technique is appropriate.
- C. Adopt a budget which sets priorities for spending on the project.
- D. Establish policies and procedures for trail users over the entire corridor that emphasize safety and enjoyment for users.
- E. As each Party may determine, provide general funds for trail planning and trail development either by ownership or for the entire corridor.
- F. Adopt a Named-Gift Policy that guides THFT as the Agency’s fundraising partner.
- G. As each Party may determine, provide financing for a project manager for an initial period of time.
- H. Provide, or cause to be provided, liability insurance for owners and support groups and their volunteers.
- I. Actively pursue grant funding sources that are unique to owners and key stakeholders to further trail development and management.
- J. Prioritize development projects and major maintenance activities within the trail corridor.

K. Ensure that the trail is developed and managed consistent with adopted land use plans in jurisdictions adjacent to the corridor.

L. Actively pursue and promote public/private partnerships and facilitate cooperation between governmental agencies in developing, constructing, and maintaining the trail system.

M. Study and adopt uniform standards for the design and construction of the trail system, including signage standards.

N. Develop, or cause to be developed, a set of comprehensive action plans, to include:

i. a fundraising plan that will identify and secure funding for staff, operations, programs, and projects, to include appropriate endowment funds;

ii. a public engagement plan to involve stakeholders and adjoining property owners in the development and operation of the trail corridor;

iii. a public relations/marketing information program to increase use of the trail corridor and maximize its economic development and recreational use

O. Create advisory committees as needed and consider all recommendations made by advisory committees.

P. Hold an annual meeting—a State of the Trail gathering—to keep all trail stakeholders informed about progress in fulfilling the vision for the trail.

Q. Consider options and then assign a responsible party for Management/Operational Tasks and for Trail Support Tasks, as indicated within this Attachment.

**2. Management/Operational Tasks.** These are tasks associated with the day-to-day operations of the trail and include everything from budget management to managing the staff delivering trail-related services, planning and implementing capital projects, doing trail maintenance, and addressing issues such as vegetation control, litter pick-up, trail patrols, etc. Examples of Management/Operational Tasks include:

A. Effectively manage an annual budget for the trail that includes operations and capital projects.

B. Hire or contract for staff support to effectively manage the trail .

C. Plan and undertake trail development capital projects and major maintenance projects to implement the Concept Plan.

- D. Manage conflicts between trail uses within the trail right-of-way
- E. Undertake technical studies as necessary to support project development and implementation.
- F. Establish policies and procedures that assure problem solving, communication, and coordination with governmental agencies and private property owners adjoining the trail corridor.
- G. Provide technical staff as appropriate to assist in the development and maintenance of the trail.
- H. Collaborate with governmental agencies, nonprofits, and private parties to implement the Concept Plan and manage the trail system.
- I. Review governmental agencies' ordinances, rules, standards, and regulations and recommend additions or changes in conformance with the adopted Concept Plans and any subsequent planning documents.
- J. Make recommendations to governing bodies and agencies relative to desirable federal, state, and local policies and funding concerning the trail corridor.
- K. Focus on the local community, identify trail interests and needs, and make suggestions for action to the STB.
- L. Monitor progress to fully implement the Concept Plan, discuss issues related to that progress, and advise the STB as appropriate.
- M. Facilitate the connection of the Salmonberry Trail to other area trails within the region.
- N. Prepare and submit an annual report which includes a review of the prior year's activities and a statement of goals and objectives for the coming year.

**3. Trail Support Tasks.** These tasks are ones that are often accomplished by a dedicated support group of volunteers—a Friends Group—such as fundraising, planning and conducting special events, working with and coordinating volunteers, performing light trail maintenance, promoting the trail as a benefit to local businesses, and so forth. The role of a support group can be relatively minor or it can be extensive.

- A. Coordinate volunteers who provide trail operations services such as light trail maintenance, fee collection services, litter pick-up, safety patrols, and help with special events.

B. Assist in the implementation of the corridor's public relations and marketing plan and the trail's public engagement plan.

C. Assist the trail's fundraising support group with their fundraising activities.

D. Plan and conduct special events on the trail system.

E. Look for opportunities to increase the economic development potential of the trail corridor to include support for businesses that benefit from the trail

F. Act as a community advocate for the trail.

G. Facilitate communications among all stakeholders and users through newsletters, social media, website development, meetings, and other techniques.

H. Provide advice on logistical issues including development of projects within the trail right-of-way, signage, trail-head development, parking, public safety issues, and the sharing of responsibilities associated with operations and maintenance.

DRAFT