

Oregon Parks and Recreation Commission

November 7, 2012

Agenda Item: 6a Action

Topic: Request to Adopt OAR 736-015 – Tribal/Foster Fee Waiver

Presented by: Richard Walkoski

Background:

At the June 20, 2012 commission meeting a temporary rule was adopted to include Oregon Youth Authority (OYA) and tribal foster families in the OPRD Foster fee waiver program. The commission also granted approval to begin rulemaking to include those groups in the permanent rules and to clean up some other language in division 15 regarding no shows under the reservation system preregistration program. This rulemaking was announced through press releases, posting on the OPRD website and e-mail to interested parties. Comments were accepted through September 28, 2012. That temporary rule was filed on June 25, 2012 and since that time nine OYA and four tribal foster families have received passes under the temporary rule. The temporary rule will expire on December 20, 2012.

Comments received are included in attachment A. Two comments were received regarding the extension of foster waivers to tribal and OYA families. Those comments were not directly about the proposed rule to grant waivers to tribal and OYA foster families, but instead brought up an issue related to DHS foster families. Some families in both the OYA and DHS programs require specialized care for their foster children. In those cases the foster parents associate themselves with a third party provider that can give the counseling or other specialized care needed. In the case of OYA, the families are directly certified both by the third party and OYA. However, DHS only certifies the third party providers, relying on them to then certify the families to the DHS standards. Because DHS is not **directly** certifying the families, they **don't** qualify for the waiver under the rule as it is currently written. OYA families who use the same kind of third party service **would** qualify for the waiver.

DHS has 377 families certified by third party providers as of September 2012. Staff recommends that these individual families also be included in the revised waiver program. Given the low participation rate among existing foster families, the financial impact should be minimal and it will eliminate an inequity caused by the differences in the way DHS and OYA do their certifications.

Prior Action by Commission: A temporary rule to include tribal and Oregon Youth Authority homes in the Foster Fee waiver program was approved at the June 20, 2012 commission meeting. Permission to begin permanent rulemaking was also granted at that meeting.

Action Requested:

Staff requests the commission adopt revisions to OAR chapter 736 division 15 included in attachment B and C, which will add families in homes certified by tribal governments and the Oregon Youth Authority to the list of those eligible for the foster fee waiver and add requirements that campers using preregistration check in or notify park staff prior to 1:00 p.m. of the second day of the reservation. In addition, staff recommends that the foster waiver also be extended to individual foster families providing care through third party providers when those providers are certified by DHS.

Prepared by: Richard Walkoski

Item 6a – Attachment A – Public Comment Summary

Comments Received – Foster Waivers for Tribal and OYA Families

Notification: A media release was sent out to both statewide and local media outlets. The OPRD web page had a posting of the draft rules. In addition an e-mail was sent to the interested parties and legislative list. Comments were accepted through September 28, 2012.

>>> Kapi Ranua <kapi14joel@yahoo.com> 7/15/2012 2:58 PM >>>

I was just denied a free Oregon State Park Pass for foster families, because they said they do NOT offer the pass to certain foster families, but are only permitted to award the pass to homes directly certified by the Oregon Department of Human Services. Please tell me there is a another they are mistaken.

How can we have DHS foster kids, but our DHS kids don't get the same benefits as other DHS kids because they aren't in a "DHS Certified Home", but still in DHS care? They are in an Albertina Kerr Certified home, but ARE DHS foster kids, I'm totally confused how they can be denied what other DHS kids get? Would you be able to help our foster children also get a pass?

Thank you for your time & consideration.

May God bless you,

In the same way, their wives are to be women worthy of respect, not malicious talkers but temperate and trustworthy in everything. ~1 Timothy 3:11

Mrs. Kapi Ranua
1091 Vista Lane
Sweet Home, OR 97386 (C) (808)960-2128
FACEBOOK: Kapi Ranua

Item 6a – Attachment A – Public Comment Summary

August 13, 2012

Oregon Parks and Recreation Department
ATTN: Foster Pass Program
2501 SW 1st Avenue, Suite 100
Portland, OR 97201-4751

Re: State Foster ID #18804

To Whom It May Concern:

I have been participating in your program for the past 4 years and we go to Detroit Lake State Park frequently with our therapeutic foster teen girls. It is amazing how many wonderful things are offered to these girls at this park, besides the safety and security of the park. Some of our girls have participated in the Jr. Ranger Program and loved it.

We have moved to another organization, Maple Star of Oregon, who contracts DHS kids, who need a more intense program and home care, and whose certification requirements are more stringent than just for DHS. We have heard rumor that you would not accept our certification, because we are with a private organization and wanted to explain the organization itself. Like I said, Maple Star's certification is way more rigid, since we are dealing with girls who need 24/7 supervision and care, and have had traumatic experiences in the past. It is mandatory that we have a degree in the social sciences and our homes are recertified every year and checked bi-annually. As a foster parent, we still work entirely with the DHS workers and their children, and can provide certification from Maple Star, as well as authorization for care for each DHS girl in our care.

It is now time for us to renew our Special Access Pass and would ask for your review and consideration of this program. If need be, I can provide you proof that we continue to work entirely with DHS children. The only difference is that our qualifications and expectations are much higher because of the needs of the kids we foster from DHS. It would be a disservice to the kids, if this excellent program wasn't accepted anymore and these kids couldn't have the benefits of the

Item 6a – Attachment A – Public Comment Summary

State's beautiful parks and recreation facilities. After all, these are children who have had trauma in their past lives and have more needs than your regular foster kid. Not only have they lost their biological families, they have also lost day to day contact with siblings also. We have found that these kids thrive camping in the outdoors and just being able to get away and forget their problems for a few days.

Thanking you in advance, for your consideration.

Linda Cole
#18804
Home Number - (503)632-6888
Cell - (971)235-1864

DIVISION 15

RATES

736-015-0006

Definitions

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

(1) "Adoptive Foster Families" means one or more persons who have adopted one or more foster children pursuant to ORS 418.285. At least one of the children must currently be under 18 years of age and living with the Adoptive Foster Family.

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

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

(4) "Director" means the director of the department.

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

(6) "Foster Families" means persons ~~certified to maintain~~ with their foster children, who currently maintain:

(a) ~~a~~-A Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 ~~and or~~ ORS 443.830, ~~with their foster children;~~

(b) A Foster Home certified by the Oregon youth Authority under OAR chapter 416, division 530;

(c) A Foster Home certified by any of the nine federally-recognized tribal governments as listed in ORS 172.110; or

(d) A therapeutic Foster Home for Children with Developmental Disabilities provided through a third party provider that has been certified by the Department of Human Services.

(7) "In Kind Services" means a group or person who provides, at the direction of park staff, materials or services whose value to the park area equals or is greater than the normal fees.

(8) "Marketing and Promotion" generally are agency-sponsored events that are of regional or statewide significance promoting tourism or partnerships with local communities, other agencies or economic development.

(9) "Motor Vehicle" as defined in ORS 801.360 means a vehicle that is self-propelled or designed for self-propulsion. ORS 801.590 further defines "vehicle" as "any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means."

(10) "Non-Profit Entity" means a group having a 501c(3) exempt status filed with the US Department of Internal Revenue Service.

(11) "Park Area" means any state park, wayside, corridor, monument, historic, or recreation area, except portions of ocean shore recreation areas not abutting a state park or wayside, under the jurisdiction of the department.

(12) "Park Employee" means an employee of the department.

(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, camper wagons, meeting halls, lodges, pavilions, and other amenities of the department.

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

(15) "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.

(16) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(17) "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

(18) "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

(19) "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

(20) "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

(21) "Split Reservation" means a stay at a park area for one person for one continuous date range that requires a mid-stay move from one site to another.

(22) "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

Stat. Auth.: ORS 390.124

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

Hist.: PRD 4-2005, f. & cert. ef. 5-5-05; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 5-2010, f. & cert. ef. 3-24-10; PRD 5-2011, f. & cert. ef. 8-1-11

736-015-0015

Reservations

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program known as Reservations Northwest to increase use of park areas and facilities. The director may designate specific park facilities to offer for reservation through a centralized call center and through the Internet.

(2) General Regulations:

(a) Reservations will be accepted and processed for designated park facilities through Reservations Northwest.

(b) A person may make a reservation a minimum of two days and a maximum of nine months prior to the arrival date.

(c) A person must be 18 years of age or older to make a reservation.

(d) A person who qualifies under the Americans with Disabilities Act (ADA) may reserve accessible campsites.

(e) A person may not make reservations for multiple park areas for the same date range.

(f) A person reserving a boat slip (where available) must also reserve another facility at the same park area.

(g) Reservations and registrations for horse camping sites shall be made only for people camping with their horses or similar large animals unless otherwise specified by the park manager.

(h) Split reservations are allowed to accommodate persons. Only one split reservation shall be allowed per reservation.

(i) Only the person whose name appears on the original reservation or their designee (as documented in the original reservation) may change or cancel an existing reservation or access information associated with a reservation.

(j) Customer information may be made available upon written request in compliance with ORS chapter 192 and department policy.

(k) Specific information regarding a confirmed reservation will not be released to the public as provided in ORS 192.501 and 192.502.

(3) Transaction Fees and Deposits:

(a) The department will charge a \$8 non-refundable transaction fee for each reservation made through the centralized call center or the Internet.

(b) Reservations require a facility deposit equal to the full amount charged for use of the facility during the reservation period.

(c) All fees are due at the time the person makes the reservation.

(4) Payment Methods:

(a) A person may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo.

(b) A person may pay by personal check, money order, certified check, or travelers check (in U.S. funds).

(c) The department must receive payment within five calendar days of the date the person makes the reservation. If payment is not received within this time frame, the department will cancel the reservation. The person remains responsible for the \$8 transaction fee for each reservation request.

(d) If a banking institution returns a check to the department for any reason or if a credit or debit card is declined, the department will attempt to contact the person. Inability to resolve the payment dispute will result in a reservation cancellation. The person will remain responsible for the \$8 transaction fee for each reservation.

(e) Government agencies and non-profit entities may request to be invoiced for services. Reservations should be made at least 30 days prior to arrival. The department must receive payment within 25 days of the date the reservation is made. If payment is not received the department will cancel the reservation. The department will bill for the \$8 transaction fee for each reservation.

(f) A person must pay all outstanding account balances prior to making future reservations.

(5) Reservation Cancellations:

(a) A person may cancel a reservation three calendar days or more prior to their arrival date by calling Reservations Northwest. An automated reservation cancellation voice mail system is available seven days a week, 24 hours a day.

(b) A person may also cancel a reservation three calendar days or more prior to their arrival date through E-mail by accessing the department's web site and following the posted cancellation procedures. The web site is available seven days a week, 24 hours a day.

(c) A person must contact the specific park to cancel reservations with an arrival date that is two calendar days or less from the current date.

(d) The park area may only cancel reservations with an arrival date that is two days or less from the current date.

(e) In order to receive a refund of the facility deposit, a person must cancel the reservation for individual campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more calendar days prior to arrival. If the cancellation is not received three or more days in advance of the arrival date, an amount of the facility deposit fee equal to one night rental for the facility will be forfeited.

(f) In order to receive a refund of the facility deposit for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas and other special facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation is not received one month or more in advance of the arrival date, an amount of facility deposit fee equal to one night rental for the facility will be forfeited.

(6) Reservation Changes:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation change.

(b) A person may request to change a confirmed reservation by calling Reservations Northwest during normal business hours Monday through Friday.

(c) A person may also request to change a reservation through Email by accessing the department's web site and following the posted reservation change procedures. The web site is available seven days a week, 24 hours a day.

(d) A person may not make any changes to reservations more than eight months in advance of the arrival date.

(e) The park area may only cancel reservations with an arrival date that is two days or less from the current date.

(f) The department will assess a fee equal to the nightly rental fees for all nights cancelled for any reservation change resulting in a reduction in length of stay for reservation bookings greater than five nights.

(g) A person must request a reservation change for campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more days in advance of the arrival date. The department will treat reservation change requests with an arrival date of three days or less from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(h) A person requesting a reservation change for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas, and other special facilities as designated by the department must request the change at least one month prior to arrival date. The department will treat reservation change requests with an arrival date of less than one month from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(7) Claiming Reservations

(a) Customers with confirmed reservations must arrive before 1:00 p.m. the day following the first scheduled day of their reservation.

(b) The reserved site must remain occupied each night during the entire length of stay.

(c) In emergency situations, customers may request Park Manager approval for late arrivals not to exceed 6:00 p.m. of the second day of the reservation. Site fees for the first night will be charged regardless of the arrival time.

(d) Customers, [including those that have pre-registered](#), who do not check in [at the park](#) or notify park staff [that they will be delayed](#) prior to 1:00 p.m. of the second day of the reservation will be considered a “no show” and the entire reservation will be cancelled. The first night fee and any transaction fees previously collected for the reservation will be retained. Any remaining nightly fees paid to confirm the reservation will be refunded.

(8) Reservations to Accommodate Organized Groups:

(a) General: To promote the use of facilities by groups and to bring efficiencies to the group reservation process, the director may offer group camping to persons reserving multiple tent, electrical or full hook-up campsites.

(b) The department will charge only one transaction fee for the group when the sites are reserved together. The department will require a facility deposit fee equal to the full amount of the site fee for each campsite at the time the reservation is made.

(c) A person must reserve a minimum of five individual campsites during Discovery Season (October 1 to April 30) or ten individual campsites during the Prime Season (May 1 to September 30) to qualify for group camping benefits.

(d) The department will charge a transaction fee of \$8 for each site cancellation or change made to the group reservation.

(e) Reservations made on the Internet for a group of sites are not eligible.

(f) A person may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The person may reserve the meeting hall for additional days at the normal rental rate.

(g) Special facilities such as deluxe cabins and yurts, rustic cabins and yurts, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, and other special facilities as designated by the department are not included in the group camping program.

(h) A person must make reservations at least 10 days prior to arrival date to qualify for group camping benefits.

(9) When only a portion of a specific type of facility in a park is designated as ADA compliant, the department will hold the facility designated as ADA compliant for use by individuals with disabilities until all other facilities of that type have been reserved and the accessible facility is the only remaining facility of that type available in the park.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

DIVISION 15

RATES

736-015-0006

Definitions

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

- (1) "Adoptive Foster Families" means one or more persons who have adopted one or more foster children pursuant to ORS 418.285. At least one of the children must currently be under 18 years of age and living with the Adoptive Foster Family.
- (2) "Commission" means the Oregon State Parks and Recreation Commission.
- (3) "Department" means the Oregon State Parks and Recreation Department.
- (4) "Director" means the director of the department.
- (5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.
- (6) "Foster Families" means persons with their foster children, who currently maintain:
 - (a) A Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 or ORS 443.830;
 - (b) A Foster Home certified by the Oregon youth Authority under OAR chapter 416, division 530;
 - (c) A Foster Home certified by any of the nine federally-recognized tribal governments as listed in ORS 172.110; or
 - (d) A therapeutic Foster Home for Children with Developmental Disabilities provided through a third party provider that has been certified by the Department of Human Services.
- (7) "In Kind Services" means a group or person who provides, at the direction of park staff, materials or services whose value to the park area equals or is greater than the normal fees.
- (8) "Marketing and Promotion" generally are agency-sponsored events that are of regional or statewide significance promoting tourism or partnerships with local communities, other agencies or economic development.

(9) "Motor Vehicle" as defined in ORS 801.360 means a vehicle that is self-propelled or designed for self-propulsion. ORS 801.590 further defines "vehicle" as "any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means."

(10) "Non-Profit Entity" means a group having a 501c(3) exempt status filed with the US Department of Internal Revenue Service.

(11) "Park Area" means any state park, wayside, corridor, monument, historic, or recreation area, except portions of ocean shore recreation areas not abutting a state park or wayside, under the jurisdiction of the department.

(12) "Park Employee" means an employee of the department.

(13) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, camper wagons, meeting halls, lodges, pavilions, and other amenities of the department.

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

(15) "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.

(16) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(17) "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

(18) "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

(19) "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

(20) "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

(21) "Split Reservation" means a stay at a park area for one person for one continuous date range that requires a mid-stay move from one site to another.

(22) "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

Stat. Auth.: ORS 390.124

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

Hist.: PRD 4-2005, f. & cert. ef. 5-5-05; PRD 15-2009, f. & cert. ef. 9-29-09; PRD 5-2010, f. & cert. ef. 3-24-10; PRD 5-2011, f. & cert. ef. 8-1-11

736-015-0015

Reservations

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program known as Reservations Northwest to increase use of park areas and facilities. The director may designate specific park facilities to offer for reservation through a centralized call center and through the Internet.

(2) General Regulations:

(a) Reservations will be accepted and processed for designated park facilities through Reservations Northwest.

(b) A person may make a reservation a minimum of two days and a maximum of nine months prior to the arrival date.

(c) A person must be 18 years of age or older to make a reservation.

(d) A person who qualifies under the Americans with Disabilities Act (ADA) may reserve accessible campsites.

(e) A person may not make reservations for multiple park areas for the same date range.

(f) A person reserving a boat slip (where available) must also reserve another facility at the same park area.

(g) Reservations and registrations for horse camping sites shall be made only for people camping with their horses or similar large animals unless otherwise specified by the park manager.

(h) Split reservations are allowed to accommodate persons. Only one split reservation shall be allowed per reservation.

(i) Only the person whose name appears on the original reservation or their designee (as documented in the original reservation) may change or cancel an existing reservation or access information associated with a reservation.

(j) Customer information may be made available upon written request in compliance with ORS chapter 192 and department policy.

(k) Specific information regarding a confirmed reservation will not be released to the public as provided in ORS 192.501 and 192.502.

(3) Transaction Fees and Deposits:

(a) The department will charge a \$8 non-refundable transaction fee for each reservation made through the centralized call center or the Internet.

(b) Reservations require a facility deposit equal to the full amount charged for use of the facility during the reservation period.

(c) All fees are due at the time the person makes the reservation.

(4) Payment Methods:

(a) A person may use a valid credit card (VISA or MasterCard) or bank debit card with a VISA or MasterCard logo.

(b) A person may pay by personal check, money order, certified check, or travelers check (in U.S. funds).

(c) The department must receive payment within five calendar days of the date the person makes the reservation. If payment is not received within this time frame, the department will cancel the reservation. The person remains responsible for the \$8 transaction fee for each reservation request.

(d) If a banking institution returns a check to the department for any reason or if a credit or debit card is declined, the department will attempt to contact the person. Inability to resolve the payment dispute will result in a reservation cancellation. The person will remain responsible for the \$8 transaction fee for each reservation.

(e) Government agencies and non-profit entities may request to be invoiced for services. Reservations should be made at least 30 days prior to arrival. The department must receive payment within 25 days of the date the reservation is made. If payment is not received the department will cancel the reservation. The department will bill for the \$8 transaction fee for each reservation.

(f) A person must pay all outstanding account balances prior to making future reservations.

(5) Reservation Cancellations:

(a) A person may cancel a reservation three calendar days or more prior to their arrival date by calling Reservations Northwest. An automated reservation cancellation voice mail system is available seven days a week, 24 hours a day.

(b) A person may also cancel a reservation three calendar days or more prior to their arrival date through E-mail by accessing the department's web site and following the posted cancellation procedures. The web site is available seven days a week, 24 hours a day.

(c) A person must contact the specific park to cancel reservations with an arrival date that is two calendar days or less from the current date.

(d) The park area may only cancel reservations with an arrival date that is two days or less from the current date.

(e) In order to receive a refund of the facility deposit, a person must cancel the reservation for individual campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more calendar days prior to arrival. If the cancellation is not received three or more days in advance of the arrival date, an amount of the facility deposit fee equal to one night rental for the facility will be forfeited.

(f) In order to receive a refund of the facility deposit for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas and other special facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation is not received one month or more in advance of the arrival date, an amount of facility deposit fee equal to one night rental for the facility will be forfeited.

(6) Reservation Changes:

(a) The department will charge an \$8 non-refundable transaction fee for each reservation change.

(b) A person may request to change a confirmed reservation by calling Reservations Northwest during normal business hours Monday through Friday.

(c) A person may also request to change a reservation through Email by accessing the department's web site and following the posted reservation change procedures. The web site is available seven days a week, 24 hours a day.

(d) A person may not make any changes to reservations more than eight months in advance of the arrival date.

(e) The park area may only cancel reservations with an arrival date that is two days or less from the current date.

(f) The department will assess a fee equal to the nightly rental fees for all nights cancelled for any reservation change resulting in a reduction in length of stay for reservation bookings greater than five nights.

(g) A person must request a reservation change for campsites, rustic cabins and yurts, tepees, camper wagons, and boat moorages three or more days in advance of the arrival date. The department will treat reservation change requests with an arrival date of three days or less from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(h) A person requesting a reservation change for deluxe cabins and yurts, group camps, day use areas, meeting halls, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas, and other special facilities as designated by the department must request the change at least one month prior to arrival date. The department will treat reservation change requests with an arrival date of less than one month from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.

(7) Claiming Reservations

(a) Customers with confirmed reservations must arrive before 1:00 p.m. the day following the first scheduled day of their reservation.

(b) The reserved site must remain occupied each night during the entire length of stay.

(c) In emergency situations, customers may request Park Manager approval for late arrivals not to exceed 6:00 p.m. of the second day of the reservation. Site fees for the first night will be charged regardless of the arrival time.

(d) Customers, including those that have pre-registered, who do not check in at the park or notify park staff that they will be delayed prior to 1:00 p.m. of the second day of the reservation will be considered a “no show” and the entire reservation will be cancelled. The first night fee and any transaction fees previously collected for the reservation will be retained. Any remaining nightly fees paid to confirm the reservation will be refunded.

(8) Reservations to Accommodate Organized Groups:

(a) General: To promote the use of facilities by groups and to bring efficiencies to the group reservation process, the director may offer group camping to persons reserving multiple tent, electrical or full hook-up campsites.

(b) The department will charge only one transaction fee for the group when the sites are reserved together. The department will require a facility deposit fee equal to the full amount of the site fee for each campsite at the time the reservation is made.

(c) A person must reserve a minimum of five individual campsites during Discovery Season (October 1 to April 30) or ten individual campsites during the Prime Season (May 1 to September 30) to qualify for group camping benefits.

(d) The department will charge a transaction fee of \$8 for each site cancellation or change made to the group reservation.

(e) Reservations made on the Internet for a group of sites are not eligible.

(f) A person may reserve a meeting hall (where available) for one day's free use when the minimum number of sites are reserved and used. The person may reserve the meeting hall for additional days at the normal rental rate.

(g) Special facilities such as deluxe cabins and yurts, rustic cabins and yurts, horse camps, lodges, Silver Falls Youth Camp, Silver Falls Ranch House, and other special facilities as designated by the department are not included in the group camping program.

(h) A person must make reservations at least 10 days prior to arrival date to qualify for group camping benefits.

(9) When only a portion of a specific type of facility in a park is designated as ADA compliant, the department will hold the facility designated as ADA compliant for use by individuals with disabilities until all other facilities of that type have been reserved and the accessible facility is the only remaining facility of that type available in the park.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Oregon Parks and Recreation Commission

November 7, 2012

Agenda Item:	6b	Action
Topic:	Request to Adopt OAR 736-010 – General Park Rules	
Presented by:	Richard Walkoski	

Background:

Since Iwetemlaykin State Heritage Site opened alcohol has been banned through a temporary action taken by the park manager. The ban was put in place because of tribal concerns which were raised during the planning process for the park. The site is a very special place and as such it was determined that it should be one of the few state park properties where alcohol is prohibited. During discussions with the tribal representatives OPRD made a commitment to make the ban permanent through the rulemaking process.

The OPRD commission granted approval to begin rulemaking to make the ban permanent at their June 20, 2012 meeting. The department announced the rulemaking through press releases, posting on the OPRD website and e-mail to interested parties. Two comments in support were received but OPRD discovered that the local paper had not run the story announcing the rulemaking. It was decided to extend the comment period for another month and this time the Chieftan newspaper did run the story. Three additional comments in support of the proposed rule were received. All comments are included in attachment A.

This rule change has been reviewed and approved by Assistant Attorney General Steve Shipsey.

Prior Action by Commission: Authorized rulemaking at the June 20, 2012 meeting.

Action Requested:

Staff requests the commission adopt the revision to OAR 736-010-0060 banning alcohol at Iwetemlaykin State Heritage Site as listed in attachment B (markup version) and attachment C (clean version).

Prepared by: Richard Walkoski

Item 6b – Attachment A – Public Comment Summary

August 2012 Comment Period

Notification: A media release was sent out to both statewide and local media outlets. The OPRD web page had a posting of the draft rules. In addition an e-mail was sent to the interested parties and legislative list.

Comments Received:

>>> michael rosenbaum <cheefmeek59@gmail.com> 8/8/2012 4:55 PM >>>
To Whom it May Concern:

I most strongly support a permanent ban on alcohol in Iwetemlaykin. The physical & spiritual qualities of the park need no enhancement.

Michael R. Rosenbaum

La Grande

>>> Albert Andrews <Albert.Andrews@colvilletribes.com> 8/23/2012 3:10 PM >>>

Personally, I am fully supportive of a permanent ban on alcohol and its use for the site. Not that I view the area as a “sacred” site, but that it is an area once traversed by my blood ancestry when they occupied the region. I would hope that such a ban would be unnecessary, but given the times, perhaps it is a wiser thing to do.

September 2012 Comment Period Extension

Notification: OPRD followed up with the local paper in Joseph and found that through an oversight on their part they had not run the announcement of the proposed rule. In order to make sure the local residents were notified and had a chance to comment on the rulemaking, the comment period was extended through September. A media release was once again sent out to both statewide and local media outlets. Three additional comments were received during September..

Comments Received:

>>> "Cathy Crandall" <cesc.outdoors@gmail.com> 9/5/2012 1:38 PM >>>

Dear Mr. Walkoski:

Make the ban permanent. The potential abuse and offense in a place that is felt to be sacred far outweighs any inconvenience to someone who can easily go outside this small area to imbibe.

Sincerely,
Cathy Crandall
Beaverton, Oregon

Item 6b – Attachment A – Public Comment Summary

>>> <AngR1398@aol.com> 9/13/2012 12:46 PM >>>

Dear Mr. Walkoski,

As a member of the Chickasaw Nation and a resident of Joseph, Oregon, I am in complete support of the proposed amendments that will make the ban on alcohol at Iwetemlaykin State Heritage Park permanent.

Thank you,
Angie Rubin
504 Mountain View Lane
Joseph, Oregon 97846
541-432-0342

>>> Ruth Wineteer <ruthwineteer@gmail.com> 9/20/2012 8:30 PM >>>

Richard,

This is to urge OPRD to make the ban regarding use of alcohol a permanent one. I feel it would be a real slap in the face to the Nez Perce Tribe as this park is a sacred place and the Tribe has, it seems to me, come a long way in discouraging the use of alcohol by tribal members.

I used to live at 10th and Main in Joseph. Main Street ends at the park and is the back way into the park, near the pond and where the river leaves the lake, over the dam. It is also a residential neighborhood.

I haven't been there in some time and hope something has been done to protect people (children and adults) from falling in the rushing waters. Anyone drinking would be in trouble, but my real concern is that this park be left natural and safe. There are plenty of places to drink. Please don't make this lovely place one of them.

Thank you for considering my opinion.

Ruth Wineteer
PO Box 486
Enterprise, OR 97828
541-426-4542
ruthwineteer@gmail.com

CHAPTER 736

DIVISION 10

GENERAL PARK AREA RULES

736-010-0060

Alcoholic Beverages

- (1) A person under 21 years of age may not possess or use alcoholic beverage(s) in any park area.
- (2) A person may not possess or use alcoholic beverages in the following areas except by permit from the park manager:
- (a) Bald Peak State Scenic Viewpoint;
 - (b) That portion of Dabney State Recreation Area downstream from the Stark Street bridge;
 - (c) 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;
 - (d) TouVelle State Recreation Site;
 - (e) Tumalo State Park day use area;
 - (f) Bonnie Lure State Recreation Area;
 - (g) Warm Springs boat launch access, Deschutes River, Jefferson County;
 - (h) [Iwetemlaykin State Heritage Site](#); and
 - (h~~i~~) Other park areas 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

CHAPTER 736

DIVISION 10

GENERAL PARK AREA RULES

736-010-0060

Alcoholic Beverages

- (1) A person under 21 years of age may not possess or use alcoholic beverage(s) in any park area.
- (2) A person may not possess or use alcoholic beverages in the following areas except by permit from the park manager:
 - (a) Bald Peak State Scenic Viewpoint;
 - (b) That portion of Dabney State Recreation Area downstream from the Stark Street bridge;
 - (c) 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;
 - (d) TouVelle State Recreation Site;
 - (e) Tumalo State Park day use area;
 - (f) Bonnie Lure State Recreation Area;
 - (g) Warm Springs boat launch access, Deschutes River, Jefferson County;
 - (h) Iwetemlaykin State Heritage Site; and
 - (i) Other park areas 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