

**Oregon State Parks Commission Meeting**

**June 12 & 12, 2018**

**Burns, Oregon**

# Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item: 1b

Action

Topic: Reappointment of OPRD Director

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## Background:

Oregon Revised Statute 390.127 and 390.131 prescribe the Commission's responsibilities for appointment of the State Parks and Recreation Director and the responsibilities of the Director.

390.127 State Parks and Recreation Director; appointment; compensation. (1) The State Parks and Recreation Commission shall appoint as State Parks and Recreation Director an individual well qualified by training and experience to serve for a term of four years unless sooner removed by the commission.

(2) The director shall receive such salary as may be prescribed by law. In addition to salary, subject to applicable law regulating travel and expenses of state officers, the director shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties. [1989 c.904 §7]

390.131 Duties of director. The State Parks and Recreation Director is the executive head of the State Parks and Recreation Department and shall:

(1) Be responsible to the State Parks and Recreation Commission for administration and enforcement of the duties, functions and powers imposed by law upon the commission and the department.

(2) Appoint, supervise and control all commission employees and, under policy direction of the commission, be responsible for all of the commission's functions and activities.

(3) Establish such administrative divisions as are necessary to carry out properly the commission's functions and activities.

(4) Contract with the Department of Transportation for the performance of such administrative services as the director considers appropriate. [1989 c.904 §8]

Director Sumption joined the department in 2007 as Assistant Director for Administration. She was appointed to the position of Director in February 2014.

**Prior Action by Commission:** Appointment of Lisa Sumption to four-year term as Oregon Parks and Recreation Department director, Agenda Item 5, February 20, 2014.

**Action Requested:** Re-appointment of Director Lisa Sumption as State Parks and Recreation Director to a four-year term from February 2018-February 2022.

**Attachments:** None

**Prepared by:** Chris Havel, Associate Director



## Oregon Parks and Recreation Commission

April 17 & 18, 2018  
Surftides Lincoln City  
2945 Northwest Jetty Avenue  
Lincoln City, OR 97367

### MINUTES

#### Tuesday, April 17, 2018

*Location: Cape Kiawanda Community Center*

##### **TOUR: 8:00am**

- Sitka Sedge sign unveiling
- Cape Kiwanda

##### **WORK-SESSION / TRAINING: 1:00pm**

- Grants Training
- 2019-21 Budget (preliminary revenues, expenditures, cash flow, policy packages, etc.)
- Overview Acquisition Strategy

#### Wednesday April 18, 2018

*Location: Surftides Lincoln City, OR 97367*

##### **EXECUTIVE SESSION: 8:15am**

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

##### **BUSINESS MEETING: 9:15am**

• Cal Mukumoto, Commission Chair	• Kammie Bunes, OPRD
• Jennifer H. Allen, Commission Vice-Chair	• Trevor Taylor, OPRD
• Lisa Dawson, Commissioner	• Scott Nebeker, OPRD
• Jonathan Blasher, Commissioner	• Tanya Crane, OPRD
• Doug Deur – Commissioner	• Tracy Loudon, OPRD
• Lisa Sumption, OPRD Director	
• MG Devereux, OPRD Deputy Director	
• Denise Warburton, OPRD	
• Chris Havel, OPRD	

#### **1. Commission Business:**

- a) Welcome and introductions (Information)

- b) Approval of February 2018 Minutes (**Action**)

**ACTION:** Commissioner requested we add the ending time. Commissioner Blasher moved to approve the February 2018 minutes with the addition of the ending time. Commissioner Allen seconded the motion. The motion passed, 7-0. (Topic starts at 00:04:10 and ends at 00:05:36)

- c) Approval of April 2018 Agenda (**Action**)

**Action:** Director Sumption explained the agenda changes will allow staff to present their agenda items back to back. Agenda items 8a and 8b will move up under 6e, 9 Rulemaking will be immediately after that, and 5c will be up under 5a. Commissioner Allen moved to approve the reorganization of the agenda Commissioner Berger seconded. The motion passed, 7-0. (Topic starts 00:05:39 and ends at 00:07:04).

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

*If you wish to make public comment on an item on the agenda you can choose to make your comment either when the item is heard, or during this allotted time. Although written testimony is not required, it is suggested that 15 copies be provided to the Commission Assistant prior to the meeting. **Speaking time is limited to 3 minutes.***

**3. Director's Update**

- a) Office of Outdoor Recreation (Information)
- b) Legislative Update (Information)
- c) Approval of Legislative Concepts (**Action**)

**Action:** Commissioner Berger moved to adopt the seven Legislative Concepts as recommended. Commissioner Dawson seconded. The motion passed, 7-0 (Topic starts 00:24:15 and ends at 00:31:10).

- d) OPRD Events Schedule Summer of 2018 (Information)

**4. Budget**

- a) 2017-19 Budget Update (Information)
- b) 2019-21 Budget Update (Information)
- c) 2019 -21 Key Performance Measures approval (**Action**)

**Action:** Commissioner Berger moved to submit Key Performance Measures with the amendment of a spelling correction as recommended. Commissioner Grasty seconded. The motion passed, 7-0. (Topic starts 00:39:01 and ends at 00:46:36).

**5. Property**

- a) D River Property Transfer to Lincoln City (Information)
- b) Deschutes River Trail Easement to OPRD (**Action**)

**Action:** Commissioner Dawson moved to accept the transfer of easement rights to the Deschutes River Trail as recommended. Commissioner Deur seconded. The motion passed, 7-0. (Topic starts 00:54:16 and ends at 00:59:27).

- c) Driftwood Beach – OSU Easement (Information)
- d) Bates State Park, Water Rights Division (Information)



## **6. Community Engagement**

- a) Scenic Water Ways Candidate Study (Information)
- b) LWCF Grant Approval (**Action**)

**Action: Commissioner Grasty moved to approve the LWCF Grants as recommended. Commissioner Blasher seconded. The motion passed, 7-0. (Topic starts 02:27:42 and ends at 02:38:16).**

## **7. Park Development Division** (Moved up on agenda)

- a) Brian Booth Update (Information)

## **6. Community Engagement** (Continued)

- c) ATV Highway Access Route SB344 (Information)
- d) ATV Advisory New Member (**Action**)

**Action: Commissioner Deur moved to approve new ATV Advisory member as recommended. Commissioner Blasher seconded. The motion passed, 6-0 (Commissioner Allen had to leave the meeting). (Topic starts 03:52:01 and ends at 03:54:10).**

- e) ORTAC Member Appointment (**Action**)

**Action: Commissioner Berger moved to approve new ORTEC Member as recommended. Commissioner Grasty seconded. The motion passed, 6-0. (Topic starts 03:55:12 and ends at 03:56:53).**

## **7. Park Development Division** (Continued)

- b) Oregon Coast Trail

## **8. Heritage**

- a) Heritage Division updates (Information)

## **9. Rulemaking**

- a) Request to go adopt- adding Tribes to ATV Grant Program (736-004-0015, 736-004-0020, 736-004-0085) (**Action**)

**Action: Commissioner Grasty moved to adopt rule as recommended. Commissioner Deur seconded. The motion passed, 6-0. (Topic starts 04:16:02 and ends at 04:19:25).**

- b) Request to adopt - correcting monetary amounts to match statutory requirements in Lost and Found rules (736-010-0040, 736-021-0150) (**Action**)

**Action: Commissioner Berger moved to adopt rule as recommended. Commissioner Blasher seconded. The motion passed, 6-0. (Topic starts 04:20:00 and ends at 04:22:45).**

- c) Request to adopt- abandoned cemetery program (736-054-0040-0110) (**Action**)

**Action: Commissioner Grasty moved to adopt rule as recommended. Commissioner Deur seconded. The motion passed, 6-0. (Topic starts 04:22:56 and ends at 04:28:54).**

## **10. Reports** (Information)

- a) Contracts and Procurement Report (Information)

**11. Commission Planning Calendar** (Information)

- a) Possible November 14, 2018 Commission phone meeting. An email will go out if the meeting is necessary.

**Meeting adjourned at 2:15pm**

**Action: Commissioner Grasty moved to adjourn. Commissioner Blasher seconded. The motion passed, 6-0. (Topic starts 04:32:00 and ends at 04:33:00).**

DRAFT



## Oregon Parks and Recreation Commission

June 12 & 13, 2018  
Chamber of Commerce  
484 N Broadway Ave  
Burns, OR 97720

### Draft Agenda

#### Tuesday, June 12, 2018

*Location: Frenchglen Hotel*

#### **WORK-SESSION: 7:30am – 8:30am**

Budget preliminary revenues, expenditures, cash flow, and policy package

#### **TOUR:**

**8:30am** Steens Mountain – BLM Campgrounds – Peter French Round Barn

**Boxed lunch provided**

#### **WORK-SESSION / TRAINING:** (Potential items if time allows) **2:00pm – 3:00pm**

*Location: Frenchglen Gymnasium*

- ERA
- Harney County Slide Presentation

#### **COMMUNITY OPEN HOUSE: 3:00pm – 5:00pm**

#### Wednesday, June 13, 2018

*Location: Chamber of Commerce Burns, Oregon*

#### **Executive Session: 8:15 a.m.**

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

#### **Business Meeting: 9:30 a.m.**

#### **1. Commission Business**

- a) Welcome and Introductions (Information)
- b) Director Appointment (**Action**)
- c) April 2018 Minutes (**Action**)
- d) June 2018 Agenda (**Action**)

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

*If you wish to make public comment on an item on the agenda you can choose to make your comment either when the item is heard, or during this allotted time. Although written testimony is not required, it is suggested that 15 copies be provided to the Commission Assistant prior to the meeting. **Speaking time is limited to 3 minutes.***

### **3. Director's Update**

- a) Office of Outdoor Recreation (Information)
- b) Legislative Update (Information)

### **4. Budget**

- a) 2017-19 Budget update (Information)
- b) 2019-21 Budget Approval (**Action**)

### **5. Property**

- a) Silver Falls – Quitclaim Deed (**Action**)
- b) Port Orford Cedar – Deed Releasing Use Covenant (**Action**)
- c) Carl G Washburne – Exchange (Information)
- d) Milo McIver –Accept Easement (**Action**)

### **6. Community Engagement**

- a) Nehalem Scenic Waterway (Information)
- b) Mitchell Point trail design endorsement (**Action**)

### **7. Heritage**

- a) Heritage Division Updates (Information)
- b) Veteran's and Memorial Grant Program (**Approval**)

### **8. Park Development Division**

- a) Silver Falls Conference Center Bridge Replacement (**Action**)

### **9. Rulemaking**

- a) Request to Adopt Rulemaking- Electric bicycles (736-010-0015, 736-010-0026, 736-021-0030, 736-021-0065) (**Action**)
- b) Request to Promulgate Rule (Information)
- c) Request to go to Rulemaking- Removing rates for ranches (736-015-0015, 736-015-0040) (**Action**)

### **10. Reports**

- a) Scenic Waterway Program Notification Actions and Ocean Shore Permits Issued (Information)
- b) Contract and Procurement Report (Information)

### **11. Commission Planning Calendar** (Information)

*The services, programs and activities of the Oregon Parks and Recreation Department are covered by the Americans with Disabilities Act (ADA). If you need special accommodations to participate in this meeting, please contact the commission assistant Denise Warburton at (503) 986-0719 or [Denise.warburton@oregon.gov](mailto:Denise.warburton@oregon.gov) at least 72 hours prior to the start of the meeting.*

## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item: 3a

Information

Topic: Office of Outdoor Recreation update

Presented by: Chris Havel

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Staff will provide an update on the hiring process for an Associate Director to head the Office of Outdoor Recreation within the Oregon Parks and Recreation Department, and an outline for a commission-appointed policy advisory group that will be the subject of future rulemaking.

As of the time this brief is being written, new candidates for the position had met with Oregon Parks and Recreation Department Lisa Sumption, but a hiring decision had not been made. Establishing a work group to create an advisory group is among the first projects lined up for the Office's director. Agency staff have met with relevant private and public organizations to prepare for this step, and while preliminary, the advisory group will ideally be composed of these representatives:

- Outdoor recreation-related advocacy nonprofits.
- Resource advocacy nonprofits.
- Businesses reliant on outdoor recreation.
- State and federal management agencies.
- Local government support organizations.
- State legislators.
- Organizations focusing on underserved populations.

Details will emerge through future rulemaking, but the basic functions of the advisory group could encompass:

- Proposing legislation and policy initiatives.
- Establishing and recommending general strategic priorities for outdoor recreation for inclusion in government and nongovernment budgets and strategic plans.
- Providing guidance to Office of Outdoor Recreation director.
- Directing research priorities, and reporting on the State of Oregon Outdoor Recreation.
- Supporting action teams convened through Travel Oregon's Outdoor Rec initiative.

**Prior Action by Commission:** None.

**Action Requested:** None.

**Attachments:** None.

**Prepared by:** Chris Havel

## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item:	3b	Information
Topic:	Legislative Update	
Presented by:	Katie Gauthier, Legislative & Policy Coordinator	

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### 2018 Special Session

A special session called by the Governor to address a small business tax change is scheduled for May 21. The special session occurs during the regularly scheduled legislative days, but legislative rules preclude the Emergency Board from meeting during a special session. Therefore, the Emergency Board is now not scheduled to meet until September. During Committee meetings, OPRD staff are scheduled to present an update on the Oregon Coast Trail development.

### 2019 Session Planning

As an agency we have submitted seven legislative concepts approved by the Commission in April.

One of the place holder concepts submitted, to create a low-income revolving loan program for historic preservation, needed further development and inter-agency collaboration so we withdrew the concept for the 2019 session. We will work with stakeholders to further develop the concept for a later session.

The remaining six concepts are moving forward. Initial conversations with the Governor's staff were favorable, but we do not have any final determination about which concepts will move forward.

### Next Steps:

During the interim, we will continue to refine our legislative concepts and work with stakeholder groups and legislators on further development of the concepts.

**Prior Action by Commission:** Commission approved moving forward with legislative concept submissions in April.

**Action Requested:** Information only

**Prepared by:** Katie Gauthier

**Attachments:** None

## Oregon Parks and Recreation Commission

June 13, 2018

Agenda Item: 4a

Information

Topic: Budget Update

Presented by: Tanya Crane, Budget Manager

The May 2018 Lottery forecast was released May 23, 2018. It reflects an increase in Lottery Fund revenue for the Department of \$671,772. Since the close of session (June 2017), the Lottery Fund revenue forecast has increased by \$11,250,500. The Department's budget was built on a Lottery Fund revenue forecast of \$93.5 million and the June 2018 forecast is \$104.7 million. The table below reflects the change in the Lottery revenue forecast for the 2017-19 biennium and beyond.

Lottery Forecast History (2017-23 Biennium): OPRD's Share of PNRF						
	2017-19		2019-21		2021-23	
Forecast Date	Forecast	Change from Prior Forecast	Forecast	Change from Prior Forecast	Forecast	Change from Prior Forecast
May 2017 Forecast (released 5-16-17)	\$93,463,000		\$101,234,604		\$109,725,747	
September 2017 Forecast (released 8-23-2017)	\$101,034,075	\$7,571,075	\$104,590,505	\$3,355,901	\$113,468,086	\$3,742,339
November 2017 Forecast (released 11-29-2017)	\$101,845,425	\$811,350	\$104,933,825	\$343,320	\$113,983,224	\$515,138
March 2018 Forecast (released 2-16-2018)	\$104,041,728	\$2,196,303	\$105,850,913	\$917,088	\$114,597,003	\$613,779
June 2018 Forecast (released 5-23-18)	\$104,713,500	\$671,772	\$105,748,500	(\$102,413)	\$114,077,000	(\$520,003)
Total Cumulative Change		\$11,250,500		\$4,513,896		\$4,351,253

As mentioned at the April 2018 meeting, the Department submitted four letters for the scheduled May 2018 Emergency Board. The letters requested the following:

- Request increased limitation to spend a donation from the Oregon State Parks Foundation for expansion of Cottonwood Canyon State Park. \$455,448 Other Funds
- Request increased limitation for several Facilities Investment Program projects to be completed in the 2017-19 biennium. \$2,630,000 Lottery Funds
- Request increased limitation for a number of maintenance projects across the park system. \$2,000,000 Total Funds (\$975,600 Lottery Funds, \$1,024,400 Other Funds)
- Request increased limitation for potential property acquisition. \$1,500,000 Lottery Funds

The Governor has called a special session for May 21<sup>st</sup> which has caused the Emergency Board to be cancelled. All items submitted for May have been postponed until September 2018. The Department will need to determine if the requests are still needed or should be removed from the September agenda.

**Prior Action by Commission:** The Legislatively Adopted Budget was presented at the September 2017 meeting. An update was presented at the November 2017, February 2018 and April 2018 meetings.

**Action Requested:** None.

**Attachments:** None.

**Prepared by:** Tanya Crane



## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item: 4b

Action

Topic: 2019-21 Agency Request Budget

Presented by: Tanya Crane

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In order to meet budget development deadlines, the 2019-21 Agency Request Budget needs to be approved at this meeting. All position actions must be in the Position Inventory Control System (PICS) by June 30, 2018. All policy packages must be in the Oregon Budget Tracking Information System (ORBITS) by July 31, 2018. The agency's budget narrative must be completed, combined with audited ORBITS and PICS reports, signed by the Commission Chair and submitted to DAS by August 31, 2018.

Information on revenues, expenditures, policy packages and reduction options are being finalized. A final recommendation will be reviewed in work session with approval during the business meeting.

Handouts for the work session and meeting will include the following information:

- A. Revenues
  - a. Lottery Fund
  - b. Other Fund
  - c. Federal Fund
- B. Expenditures
  - a. Base Budget
  - b. Personal Services
  - c. Phase In and Out
  - d. Standard Inflation, Exceptions
  - e. Current Service Level
  - f. Reductions to available funding
  - g. Policy Packages
- C. Ending Balance
  - a. Appropriate Reserves (Cash Flow, Salary/Benefits)
  - b. Unobligated Balances
- D. Next Steps
  - a. Input to Budget System
  - b. Reduction Options (10% by fund type required by law)

**Prior Action by Commission:** A budget workshop on the process was provided at the September 2017 meeting. A budget workshop on revenues was provided in February 2018 as was a timeline and action steps for budget development. A budget workshop on preliminary revenues and expenditures was provided at the April 2018 meeting. Key Performance Measures were approved at the April 2018 meeting.

**Action Requested:** Approve the 2019-21 Agency Request Budget.

**Attachments:** None.

**Prepared by:** Tanya Crane

## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item: 5a

**Action**

Topic: Silver Falls State Park – Accept Quitclaim Deed

Presented by: Kammie Bunes, Right of Way Agent

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In 1935, the State Highway Commission acquired a 20-acre parcel of neighboring land just west of Highway 214 as an addition to Silver Falls State Park. Five years later, in 1941, State Highway Commission entered into a property exchange with the same neighbor whereby the State received another 10-acre parcel and transferred back the southerly ten acres of the 1935 parcel.

The Oregon Transportation Commission, successor to the State Highway Commission, governs the Oregon Department of Transportation, established in 1969. State Parks was a division of ODOT until the Oregon Parks and Recreation Department (OPRD) was created in 1990. This required subsequent deeding of park lands from ODOT to OPRD. Occasionally, staff find discrepancies in legal descriptions that require transfer of lands from one department to the other. In a recent review of land records for Silver Falls State Park, staff discovered that although the 1941 twenty-acre parcel is identified, the remaining ten-acre parcel of the original 1935 transaction was not captured in the deed from ODOT to OPRD.

This ten-acre parcel has been reflected on maps of Silver Falls State Park since 1935, and is also identified as being within the park boundary for the purpose of OPRD's LWCF obligations.

ODOT staff have confirmed OPRD's findings. With the Commissions' approval to accept, ODOT will provide a Quit Claim Deed to OPRD for the transfer of these lands.

**Prior Action by Commission:** None

**Action Requested:** Staff requests Commission approval to accept the conveyance of this ten-acre parcel of land at Silver Falls State Park.

**Attachment 1:** Map

**Prepared by:** Alice Beals, Right of Way Agent



# Silver Falls State Park

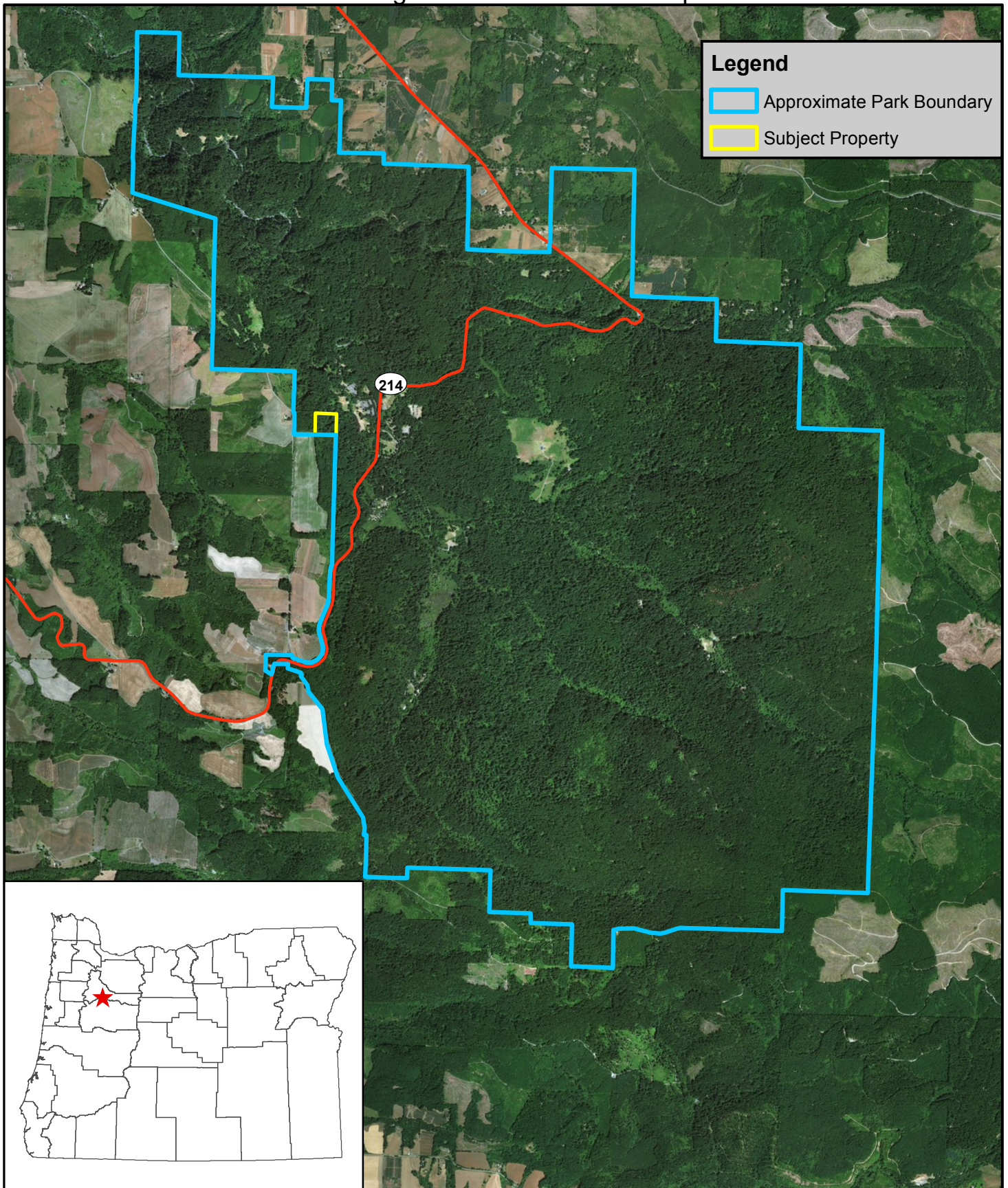
Oregon Parks and Recreation Dept.  
725 Summer St. NE, Suite C  
Salem OR, 97301



June 13, 2018

Agenda Item 5a

Map 1



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0 385,000 770,000 Feet

NAD 1983 2011 Oregon Statewide Lambert Ft Intl



NMOB-03089 5/8/2018

E:5/8/2018

P:never

amb 5/8/2018



# Silver Falls State Park

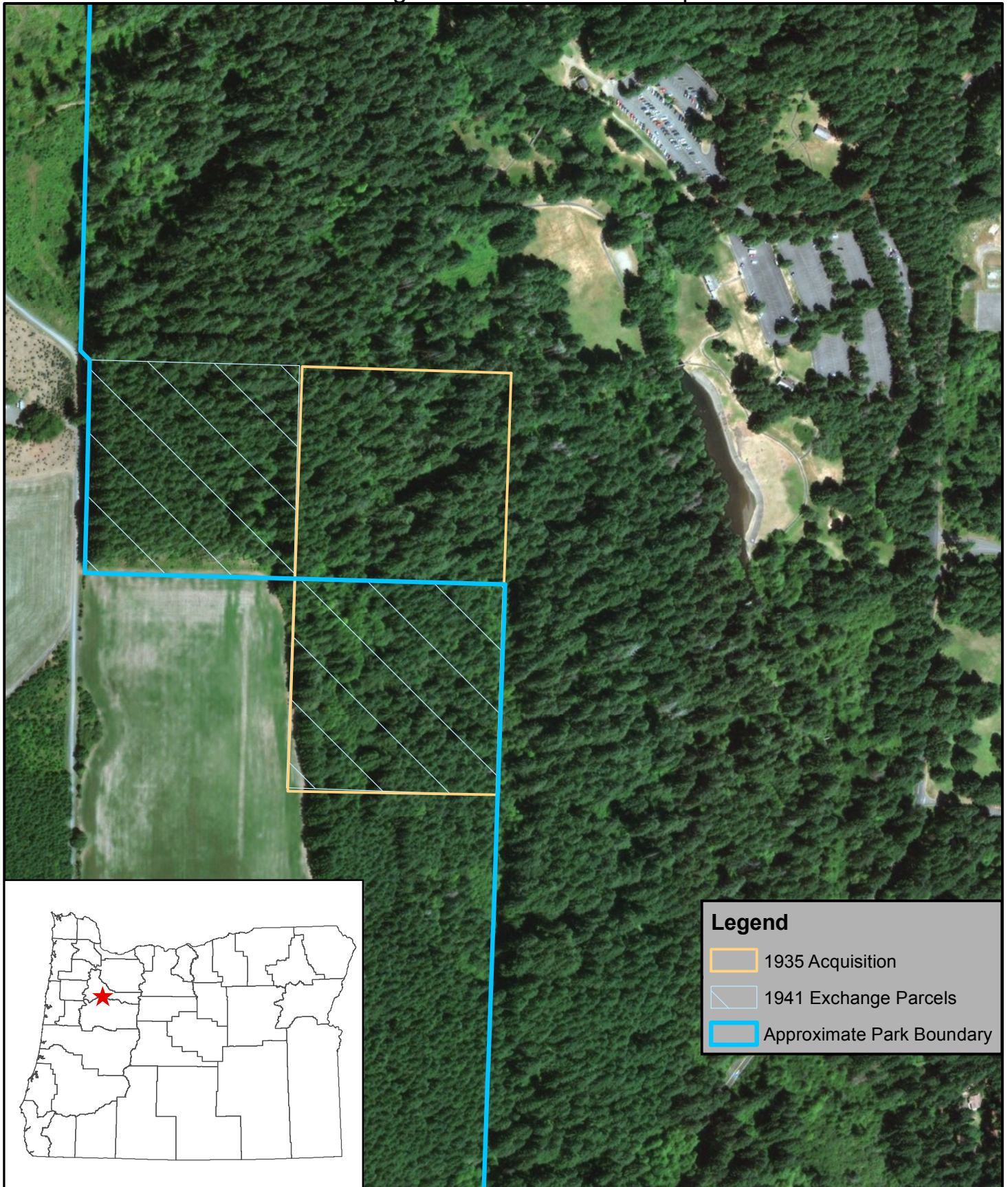
Oregon Parks and Recreation Dept.  
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June 13, 2018

Agenda Item 5a

Map 2



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0 215 430 Feet

NAD 1983 2011 Oregon Statewide Lambert Ft Intl



NMOB-03089 5/8/2018

E:5/8/2018

P:never

amb 5/8/2018

## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item: 5b

**Action**

Topic: Port Orford Cedar – Deed Releasing Use Covenant

Presented by: Kammie Bunes, Right of Way Agent

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Moore Mill Lumber Company (Company) donated approximately 34 acres to the State of Oregon in 1933. The property is approximately 32 acres, located at the west intersection of Highway 101 and Airport Road, in northern Curry County. The deed conveys use "...for the sole purpose of development and use as a public park and playground." The property was mostly cleared of trees prior to transfer and now contains a stand of second growth cedar, shore pine and alder, with a few other scattered native species. There are some wetlands on site, and Airport Road bisects the property.

OPRD's 2004 Management Plan for State Parks in Curry County (Plan) indicates a simple wayside park was developed on the site sometime in the past; however, it was vandalized and eventually closed prior to 2004. The designation category officially changed from "Wayside" to "State Scenic Corridor," meaning the primary park purpose is to protect the natural setting along the state highway. The site currently has no improvements or development.

The Company is still in business, although they no longer operate a mill and are known as Moore Lumber Company. OPRD staff approached them with a request to issue OPRD a quitclaim deed to remove the use restriction of "development and use as a public park and playground." This action would allow OPRD flexibility in future management of the land.

Company leadership has indicated support for this action. As consideration for the quitclaim deed, OPRD would issue an easement to allow use of an existing road at the north end of Humbug Mountain State Park for a distance of approximately 500 feet. This easement would provide the Company access to Highway 101 for the purpose of timber management and log hauling.

**Prior Action by Commission:** None

**Action Requested:** Staff requests Commission approval to accept a quitclaim deed from Moore Mill Lumber Company and to grant the Company an easement for use of an existing road at Humbug Mountain State Park.

**Attachment A:** Map of Port Orford Cedar State Scenic Corridor

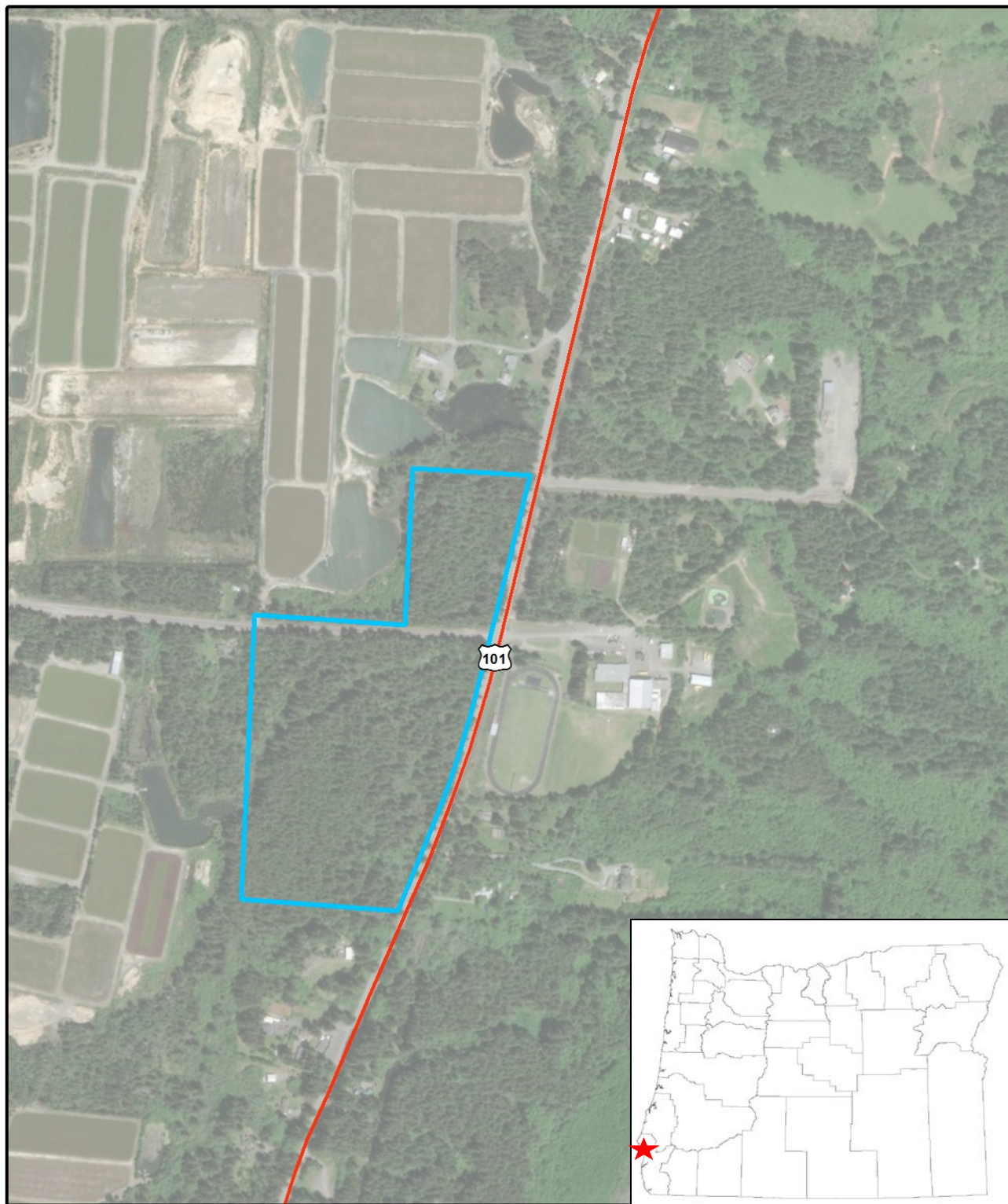
**Attachment B:** Map of Road Easement at Humbug Mountain State Park

**Prepared by:** Kammie Bunes, Right of Way Agent



Port Orford Cedar - Release of Use Restriction  
OPRC Meeting June 13, 2018  
Agenda Item 5b, Attachment A

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



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0 300 600 Feet

NAD 1983 2011 Oregon Statewide Lambert Ft Intl



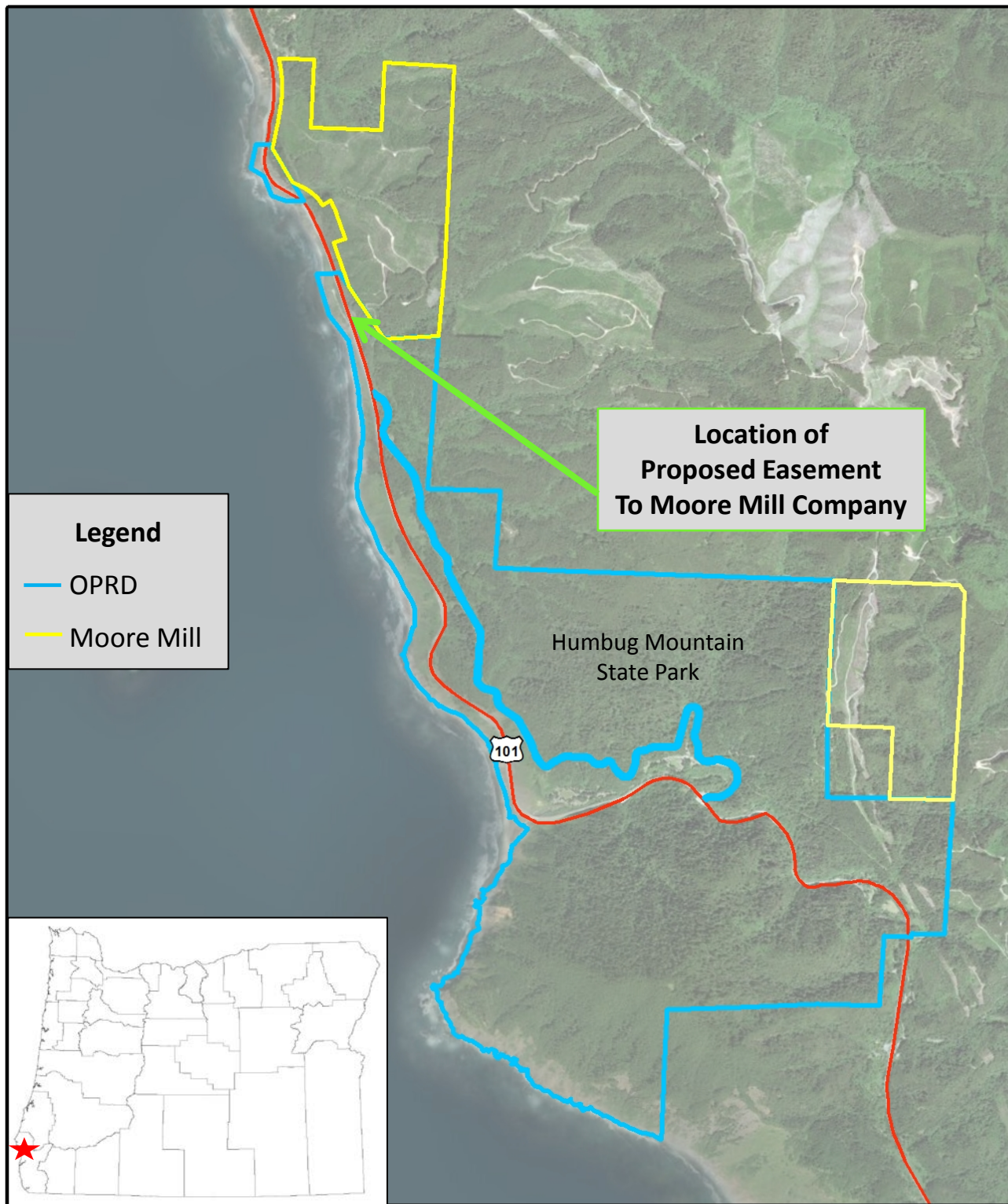
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E:5/11/2018  
P:never  
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# Port Orford Cedar - Release of Use Restriction

OPRC Meeting June 13, 2018

Agenda Item 5b, Attachment B

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



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0 1,200 2,400 Feet

NAD 1983 2011 Oregon Statewide Lambert Ft Intl



NMOB-02965 never  
E:5/11/2018  
P:never  
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## **Oregon Parks and Recreation Commission**

**June 13, 2018**

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Agenda Item: 5c

**Informational**

Topic: Carl G. Washburne – Exchange with ODOT

Presented by: Kammie Bunes, Right of Way Agent

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In 2012, the Oregon Parks and Recreation Department (OPRD) took ownership of a 193 acre property abutting the north boundary of Carl G. Washburne State Park that is commonly referred to as the “Big Creek” property. The Big Creek property is located on the east side of Highway 101 and is bisected by Big Creek Road, a dedicated public right of way. Portions of the property south of this road consist of a low-lying valley surrounding Big Creek, which flows through these lands.

OPRD’s acquisition and protection of these lands were the result of a cooperative effort of OPRD, The Nature Conservancy (TNC), U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (USFWS), as well as others. The parties continue to collaborate and work together to see these lands managed in a manner that protects and sustains the priority native habitats and species found on the property that are consistent with the conservation objectives of the surrounding watershed and landscape, most of which is in public ownership by U.S. Forest Service and Oregon Parks and Recreation Department.

These lands are also subject to a Conservation Easement in favor of the Oregon Watershed Enhancement Board (OWEB) and federal grant obligations associated with acquisition funding provided by National Oceanic and Atmospheric Administration’s (NOAA) Coastal and Estuarine Land Conservation Program (CELCP). OPRD staff have worked with a network of partnerships toward restoration of the native habitat in the Big Creek vicinity and has also received USFWS grant funding for restoring habitat for Oregon Silverspot Butterfly on these Big Creek lands.

Approximately a quarter of a mile east of the highway along Big Creek Road is a .92 acre parcel of land, an in-holding, owned by Oregon Department of Transportation (ODOT). The parcel is located on the south side of Big Creek Road and is bounded by the road and the creek. This parcel is used regularly by ODOT for stockpiling material needed for road maintenance. OPRD and ODOT staff support transferring this parcel to OPRD and have identified a potential exchange property within Carl G. Washburne State Park that is believed to meet ODOT’s needs and have the least negative impact on the visual and recreational values of the Park.

**Prior Action by Commission:** None

**Action Requested:** None.

**Attachment 1:** Map

**Prepared by:** Alice Beals, Right of Way Agent



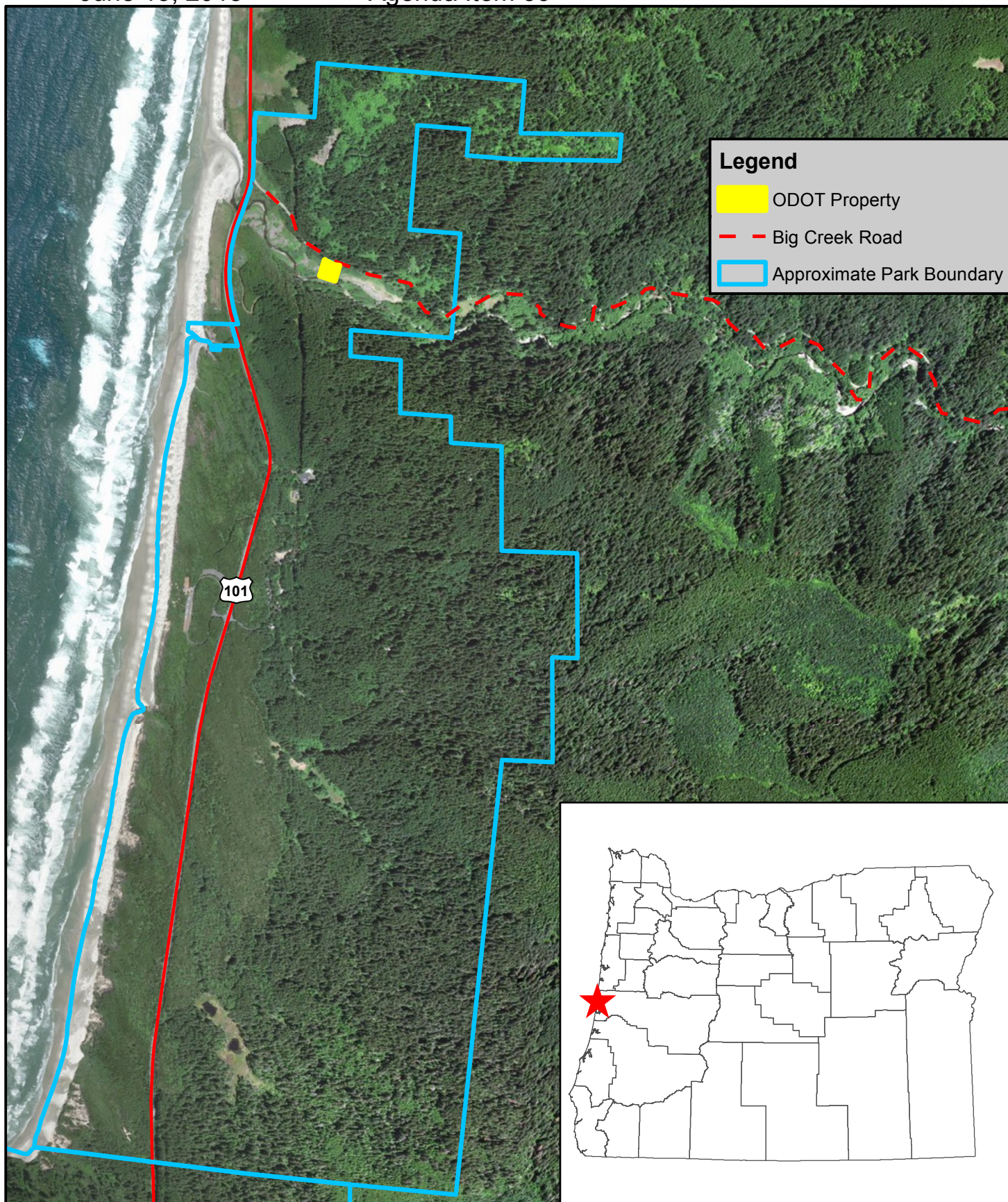
# Carl G. Washburne State Park

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



June 13, 2018

Agenda Item 5c



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0 800 1,600 Feet

NAD 1983 2011 Oregon Statewide Lambert Ft Intl



NMOB-03089 5/11/2018

E:5/11/2018

P:never

amb 5/11/2018



## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item: 5d

**Action**

Topic: Milo McIver – Accept Easement from PGE

Presented by: Kammie Bunes, Right of Way Agent

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Within the recognized boundaries of Milo McIver State Park (Milo) are lands owned by Oregon Parks and Recreation (OPRD), Oregon Department of Fish and Wildlife (ODFW) and Portland General Electric (PGE).

Since 1977, ODFW has leased and managed OPRD lands at Milo associated with the operations of the Clackamas Hatchery. In exchange, ODFW leases lands along the river to OPRD.

In 2007, OPRD and PGE entered into a Cooperative Management Agreement pursuant to the Settlement Agreement required by the Federal Energy Regulatory Committee relicensing of the Clackamas River Hydroelectric Project. PGE constructed a boat launch, parking lot and associated structures on their property along with access to the launch facility over OPRD lands.

In 2015, ODFW requested OPRD approve a revision to the location of the water supply line to their hatchery. OPRD staff supports the relocation of the proposed 36-inch pipe and have worked collaboratively with ODFW to facilitate their request. The pipe originates, and runs approximately 425 feet on PGE property before transitioning to OPRD-owned and ODFW managed land. An easement is needed from PGE to finalize the underground waterline that will serve the hatchery.

The easement would be granted to OPRD as the fee-ownership estate and to ODFW as to their lease-hold estate.

**Prior Action by Commission:** None

**Action Requested:** Staff requests Commission approval to accept an easement from Portland General Electric to facilitate improvements needed to an underground waterline serving the Clackamas Hatchery.

**Attachment 1:** Map

**Prepared by:** Alice Beals, Right of Way Agent

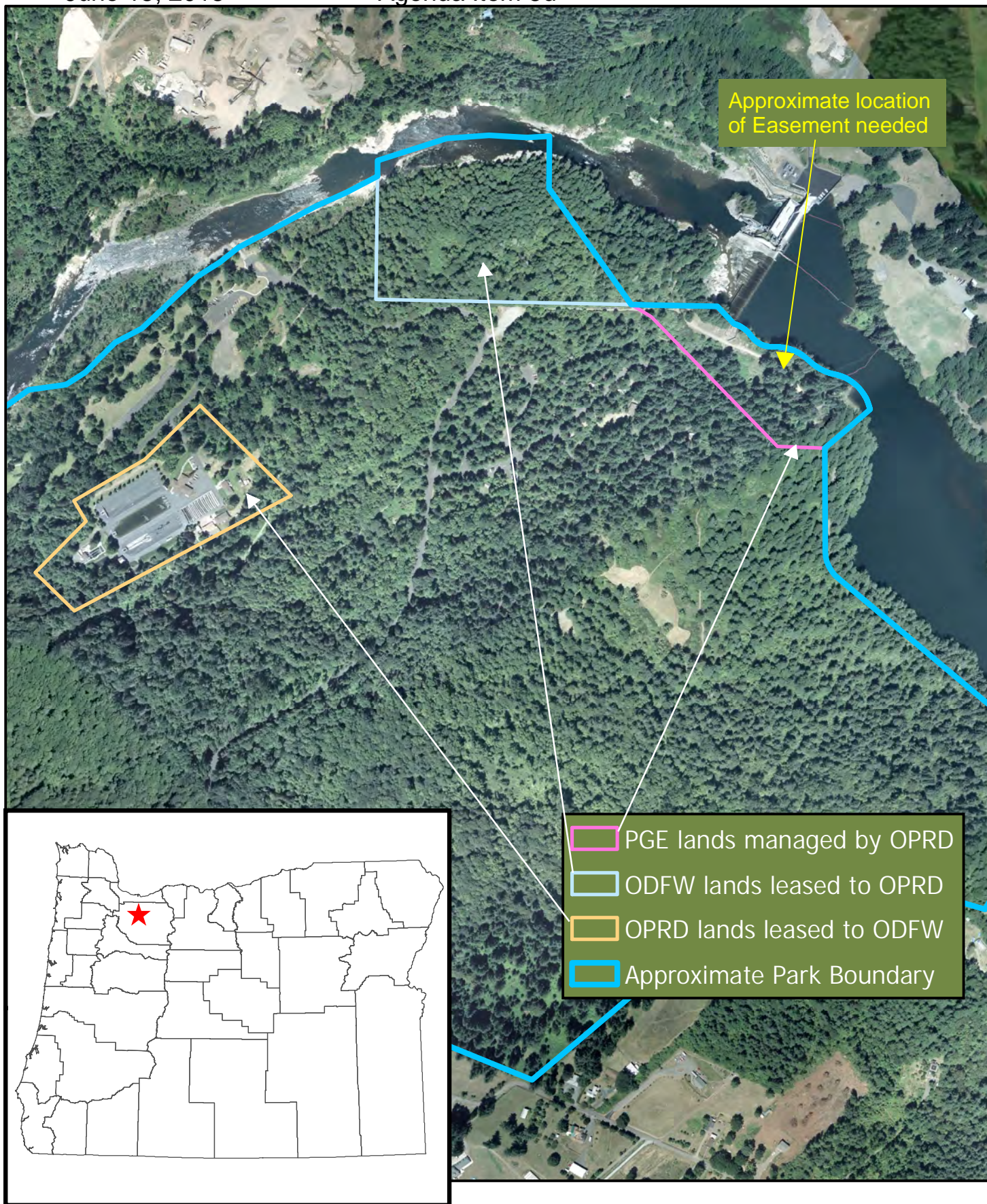
# Milo McIver State Park

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



June 13, 2018

Agenda Item 5d



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## **Oregon Parks and Recreation Commission**

**June 13, 2018**

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Agenda Item:	6a	<b>Action Item</b>
Topic:	Nehalem Scenic Waterway Study Report	
Presented by:	Tracy Louden	

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**BACKGROUND:** The Oregon Parks and Recreation Department (OPRD) is responsible for administering the State Scenic Waterways Program. OPRD is directed by statute (ORS 390.855) to periodically study new waterways for potential inclusion in the program.

Staff has completed the Nehalem River Study Report which contains:

- Overview of the study segment characteristics and history
- Field rating data
- Staff conclusion that the waterway segment does meet the statutorily defined criteria
- Summary of the analysis of the public comment received
- Staff suggestion on the management category if the waterway is to be designated.

Management categories are defined in OAR 736-040-0040

### **SCENIC WATERWAY STUDY CONCLUSIONS**

The field criteria evaluation shows that this waterway is a strong candidate for designation.

The majority of public comments show support for designation; of the 82 unique comments 72 were in support of the designation with ten opposed. There is some opposition. One of the two counties where the study area is located is in opposition and two of the three landowners who submitted comments are in opposition to designation.

The information collected during the field rating suggests that management category of “Recreational River Area” may be suitable all of the 17.5 mile study area. The suggestion for classification is a starting point for the advisory committee discussion and is not the final decision.

### **NEXT STEPS**

Staff is convening an advisory committee to develop a draft management plan. The public will have opportunities to comment on the plan once the draft is developed.

The draft management plan and public comment on the plan is scheduled to be presented to the OPRD Commission at their November meeting for a vote to forward the recommendation to the governor's office.

**Prior Action by Commission:** none

**Action Requested:** Accept report findings

**Attachments:** Nehalem River Scenic Waterway Report

**Prepared by:** Alexandra Phillips

# Nehalem River

## Oregon Scenic Waterway Study

May 2018





## **Executive Summary**

The Oregon Parks and Recreation Department (OPRD) is responsible for administering the State Scenic Waterways Program, which is designed to protect the existing scenic, natural and recreation values of the 22 designated waterways throughout the state. OPRD is directed by statute (ORS 390.855) to periodically study new waterways for potential inclusion in the program.

This Oregon Scenic Waterway study, conducted by OPRD, serves as the statutorily required first step in the process to possibly designate a new Oregon Scenic Waterway. That process, established by ORS 390.855, allows for the governor to designate new state scenic waterways following a study and a positive recommendation of the Oregon Parks and Recreation Commission and the Oregon Water Resources Commission. This study, covering approximately 17.5 miles of the Nehalem River, was done to accomplish three objectives:

- 1) Determine if the river segment meets the qualification criteria for designation as an Oregon Scenic Waterway (ORS 390.855).
- 2) If the qualification criteria are met, outline, in general what type of management designation would be appropriate for the waterway.
- 3) Summarize the public comments received.

### **Waterway Qualification Criteria Findings**

In May of 2017, OPRD evaluated 17.5 miles of the Nehalem River during a field visit using qualification criteria established by State Statute (ORS 390.855). Representatives from OPRD, Oregon's Department of Forestry and Water Resources Department were in attendance. Based on the field visit and public input, the entire study area met the criteria qualifications for an Oregon Scenic Waterway.

- The study area is completely free-flowing as determined by Water Resources Department.
- The scenic quality of the study area meets or exceeds the standard of "pleasing" with areas where the scenery is outstanding in nature. The study area is a rural landscape with a variety of geologic, plant and wildlife features visible from the river. There are cultural modifications such as a few homes, the road, two bridges, a small rail line and evidence of logging. The cultural modifications are localized and do not detract noticeably from the pleasing scenic views of the area. Most of the visual signs of logging are beyond the ¼ mile study corridor.
- It appears that current recreation use is such that the river and its setting are able to maintain existing natural and recreational values without undue impairment and able to sustain substantial recreation use.

### **Public Input Findings**

The public was notified of the study and the opportunity to comment in a variety of ways. Letters were sent to all landowners listed on tax lot data. Emails were sent to a list of approximately 160 interested parties and a media release announcing the study and the September 2017 public meeting was picked up by several local newspapers including the Daily Astorian, the Tillamook County Pioneer and the Cannon Beach Gazette, which all published the release in its entirety. Approximately 40 people



attended a September 12<sup>th</sup> evening public meeting in Nehalem. The OPRD Scenic waterway webpage was updated to provide information on the study and to solicit feedback from the public.

The following findings summarize public input received thus far in the process:

- Public comment received at the public meeting and through written comments indicates there is strong support for designating the study area.
- The Clatsop County Board of Commissioners supports a designation. Tillamook County Commissioners oppose the designation.
- A total of 1409 comments were received. Ten were in opposition. 1,327 form emails were received generated from approximately three conservation groups sending email alerts to their membership.
- Some comments indicated that the program did not offer enough protection.
- Three commenters indicated that they are landowners within the study area; two are opposed and one is in support. The stated opposition was over concern for more government regulation and that designation would prevent property owners to make improvements to their property.
- There was general agreement that the study area meets the criteria (i.e., free-flowing, scenic views from the river, outstanding recreational and natural values). Most also indicated that the study area could sustain substantial recreation use without undue impairment, though a few commenters stated the study area could not sustain more recreation use. A few commenters indicated that the scene was not primitive or rural pastoral due to logging.
- There seemed to be confusion about what the program does, and does not do. There is also confusion between the waterway program and adjudicated navigable rivers, promotional “water trail” programs and federally designated wild and scenic rivers. Some of the comments seemed to indicate that the program would address water quality issues. Other comments indicated an assumption that the designation would either stop timber harvest or greatly curtail it and would not allow any future development.

### **Waterway Study Conclusions**

The Nehalem River study area is a strong candidate for the State Scenic Waterway program. The vast majority of comments received support the designation, including support from the Clatsop County Commission. There is some opposition from landowners and others including the Tillamook County Commission.

### **Next Steps**

OPRD is working closely with an advisory committee to develop a draft management plan prior to the OPRD Commission voting on the recommendation for designation. This report and the draft management plan will allow the OPRD Commission and interested parties the ability to fully consider the merits of the proposed designation before the commission votes on the recommendation. This approach is consistent with the process during the Chetco and Molalla scenic waterway studies. The management plan will be developed according to ORS chapter 183 and includes public meetings and hearings. OPRD is also required to consult with the State Board of Forestry, the State Department of Agriculture and the affected counties.

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## **ACKNOWLEDGMENTS**

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Trevor Taylor, Stewardship Section Manager

## SCENIC WATERWAY PROGRAM BACKGROUND

The Oregon Scenic Waterway Program is administered under the authority of the State Parks Commission through the State Parks and Recreation Department (ORS 390.805 to ORS 390.925). The statute also directs the Water Resources Commission to consider the quantities of water necessary for recreation, fish, and wildlife uses within or above a designated State Scenic Waterway before granting new water rights (ORS 390.835). The scenic waterway program seeks to balance protection of scenic values possessed by each individual scenic waterway and future development. The state program currently includes approximately 1,178 miles on 22 waterways (Figure 1).

The Scenic Waterway Program was created in 1970 by a vote of the public which passed by a two to one margin. The original ballot initiative designated 496 miles of the Deschutes, Illinois, John Day, Owyhee, Rogue and Minam rivers. Between 1972 and 1987 additional river segments were added to the program, some by the Oregon legislature. The Sandy River was designated by the governor as a result of a study conducted when Oregon Parks and Recreation Department (OPRD) was a division under the Oregon Department of Transportation (ODOT). In 1989 another ballot initiative was passed doubling the size of the program.

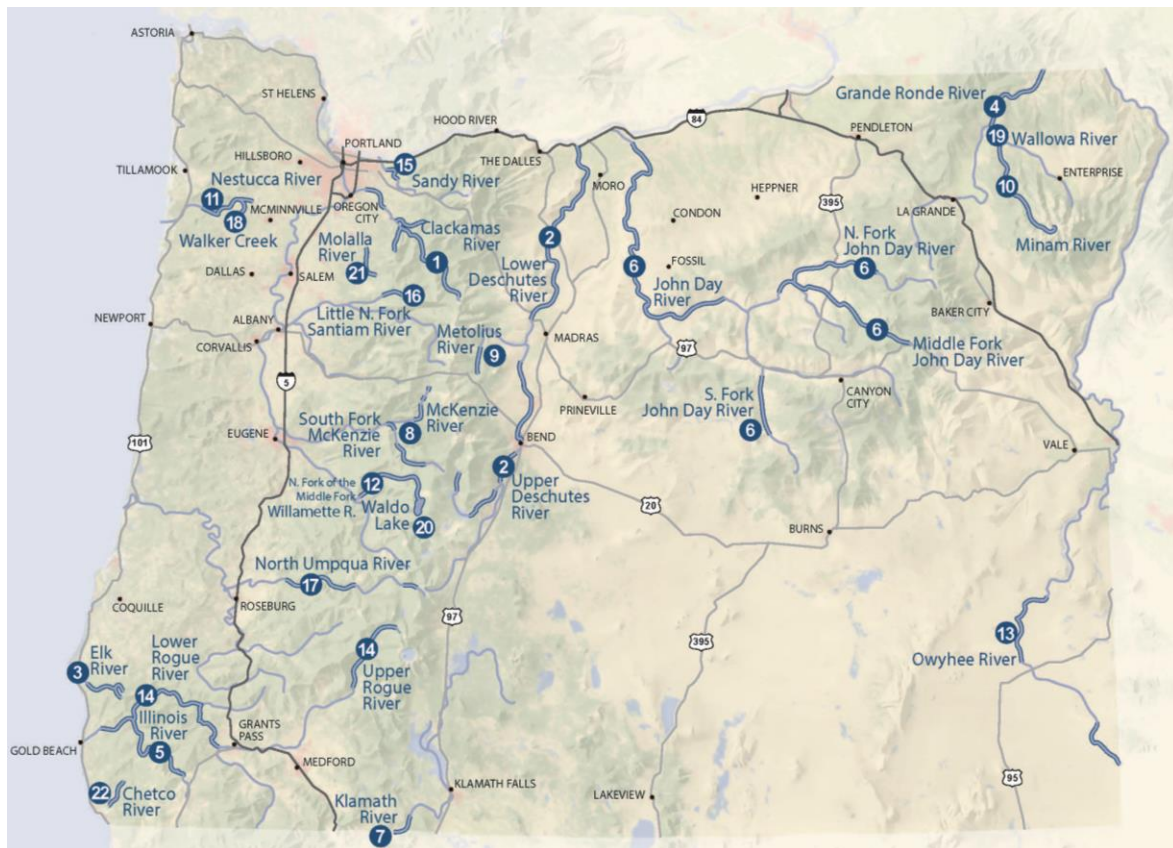


Figure 1. Oregon's Designated State Scenic Waterways

There have been several studies conducted since the establishment of the program with the Sandy, Chetco and Molalla studies leading to designation by the governor. Some OPRD-led studies were at the direction of the legislature and the legislature decided on the designation, such as in the case of the Upper Deschutes River. Some studies, such as the 1987 study of Opal Creek and Opal Lake found they did not meet the criteria because of a lack of recreation opportunities and outstanding scenic attraction as other rivers in the area, such as the Little North Santiam, offer equal or greater recreation and scenic opportunities.

In 2014, following OPRD-led studies of the Molalla and Chetco rivers which found the segments studied met the criteria; they were designated by the governor in 2016. A study of the upper Grande Ronde River during the same time period found the study segment did not to meet the criteria due to lack of recreation opportunities.

## **Administration of the Oregon Scenic Waterway Program**

The Oregon Administrative Rules (OAR) outlines the manner in which the statute is to be carried out. The OAR generally requires that any proposed changes of land use within ¼ of both river banks be evaluated for potential to impair the scenic views. Property owners must notify the OPRD Commission with proposed new development including houses, roads, timber cutting or similar activities up to one year in advance. The OAR allows the OPRD Commission to delegate the notification process to the OPRD Director and the Department. The Department negotiates with the landowner to find ways to complete the landowner's changes without impairing the scenic views. The OPRD Commission relies on its rules for each designated scenic waterway to make the determination. Other local and state agencies must comply with the State Scenic Waterway program's rules.

## **Impact of Setting Scenic Waterway Flows**

In order to protect the existing scenic nature of a waterbody, scenic waterway flows are established by the State Water Resources Department for each new scenic waterway. It is important to note that new state scenic waterway designations have no impact on existing water rights within, above or below the designated reach. Similarly, future uses of surface water downstream will not be limited because of the upstream scenic waterway flows. However, the availability of water for future surface water uses within or above a designated scenic waterway will be subject to scenic waterway flow levels adopted by the Water Resources Commission. In addition, these flows may be used as a permit condition attached to new water rights granted within or above the designated state scenic waterway.

## **Designation Process for New Scenic Waterways**

Oregon Revised Statute (ORS 390.855 to 390.865) establishes procedures by which new scenic waterways may be designated (Figure 2). The Department is directed by the statute to periodically study rivers or segments of rivers and their related adjacent land to evaluate if they meet the scenic waterway criteria. Concurrence of the State Water Resources Commission is required before bringing a

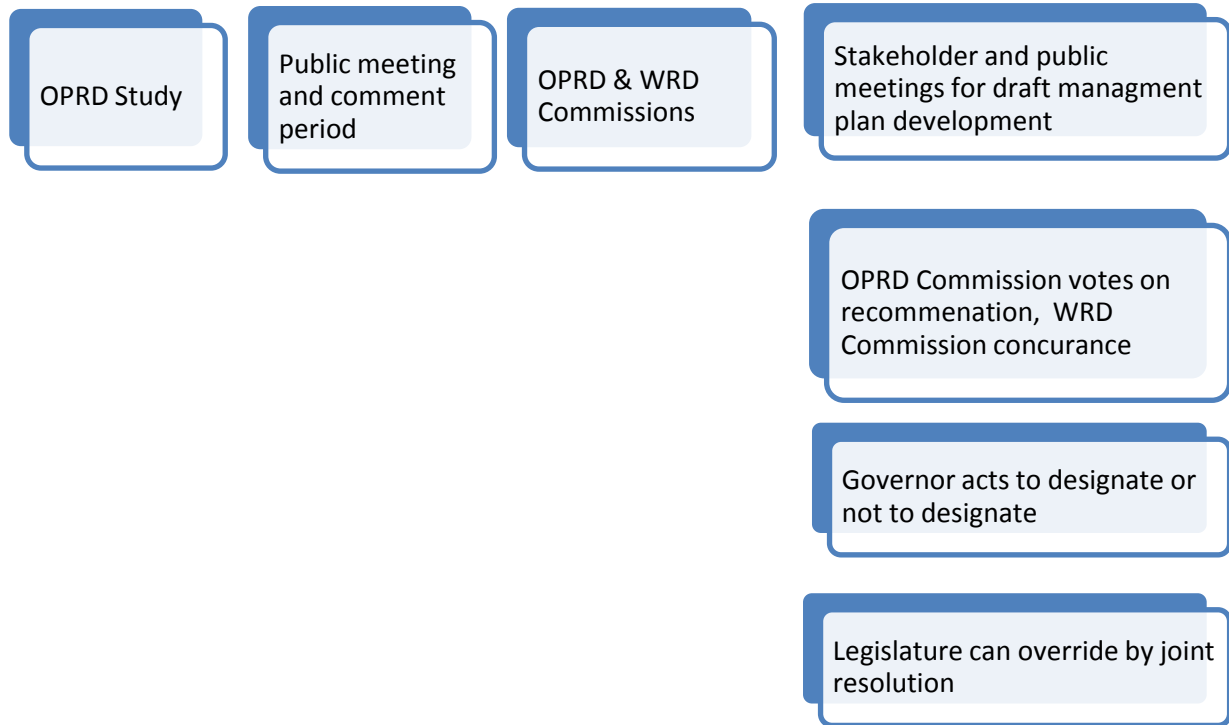
recommendation to the governor for designation. The governor may designate any river or segment of river if it meets the [statutorily defined criteria](#). The legislature can, by joint resolution, disapprove of the entirety or part of the designation, in which case the designation would not become effective.

Initial high level screening of Oregon's waterways indicated that this section of the Nehalem River may meet the criteria necessary to be considered as a state scenic waterway. The Nehalem River has been listed by the National Park Service in the National River Inventory, a "listing of free-flowing river segments...that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance" since 1982 (National Park Service, 2017). The entire river is listed as having outstanding recreation and fish resources (National Park Service, 2017). The outstandingly remarkable values identified by the National Park Service are consistent with the qualities of Oregon's State Scenic Waterway system.

The river was also listed in a 1987 study of recreational use of Oregon Waterways (Oregon Department of Transportation, 1987) in which it was found to have "outstanding recreational resources" and has been on various lists, including those developed as part of Statewide Comprehensive Outdoor Recreation Planning (SCORP) as a potential study waterway (Oregon Department of Transportation, 1975; Oregon Department of Transportation, 1988).

OPRD considered rivers rated to be most free flowing by the Oregon Water Resources Department (WRD) and also considered rivers suggested by the public via the State Trails Plan surveys and other rivers suggested by the public.

OPRD held meetings in November 2016 and January 2017 in order to announce the beginning of another scenic waterway study and to gather input on which river segment(s) to study in this biennium. Five river segments were identified as top candidates, including a 17.5 miles segment of the Nehalem River. There were a number of considerations in the final selection of the Nehalem River including the unique nature of the river, adding to the geographic diversity of the program, and the potential for support from adjacent land owners, nearby communities, and water enthusiasts.



**Figure 2. State Scenic Waterway Designation Process**



# NEHALEM RIVER STUDY

## Study Purpose

The purpose of this study is to evaluate a segment of the Nehalem River in Clatsop and Tillamook Counties, Oregon to determine if it qualifies under the criteria in ORS 390.855 for possible designation as an Oregon State Scenic Waterway. Additionally, the study includes information that can help inform the management plan if the segment or a section of the segment is recommended for designation.

## Study Location and Area

The Nehalem River has its headwaters on the east side of the northern Oregon Coast Range, in the Tillamook State Forest and flows through Washington, Columbia, Clatsop and Tillamook Counties before draining first into Nehalem Bay and then the Pacific Ocean. The total length of the river is approximately 119 miles. OPRD is studying the approximately 17.5 mile section beginning at the Oregon Department of Forestry (ODF) owned and managed Henry Rierson Spruce Run Campground and ending at the confluence of Cook Creek and the Nehalem River, near Cougar Valley State Park. The elevation at water level at the top of the study area is 315 feet. The elevation at the downstream end of the study area is 40 feet. Other major rivers in the vicinity are the Miami and Wilson rivers. The closest state scenic waterway is the Nestucca River, approximately 30 miles to the south.

The Nehalem River Study Area referred to in this report is defined as follows: The Nehalem River and all lands within ¼ mile of each bank, beginning at Henry Rierson Spruce Run Campground downstream approximately 17.5 miles to the confluence with Cook Creek, near Cougar Valley State Park (Figure 3).

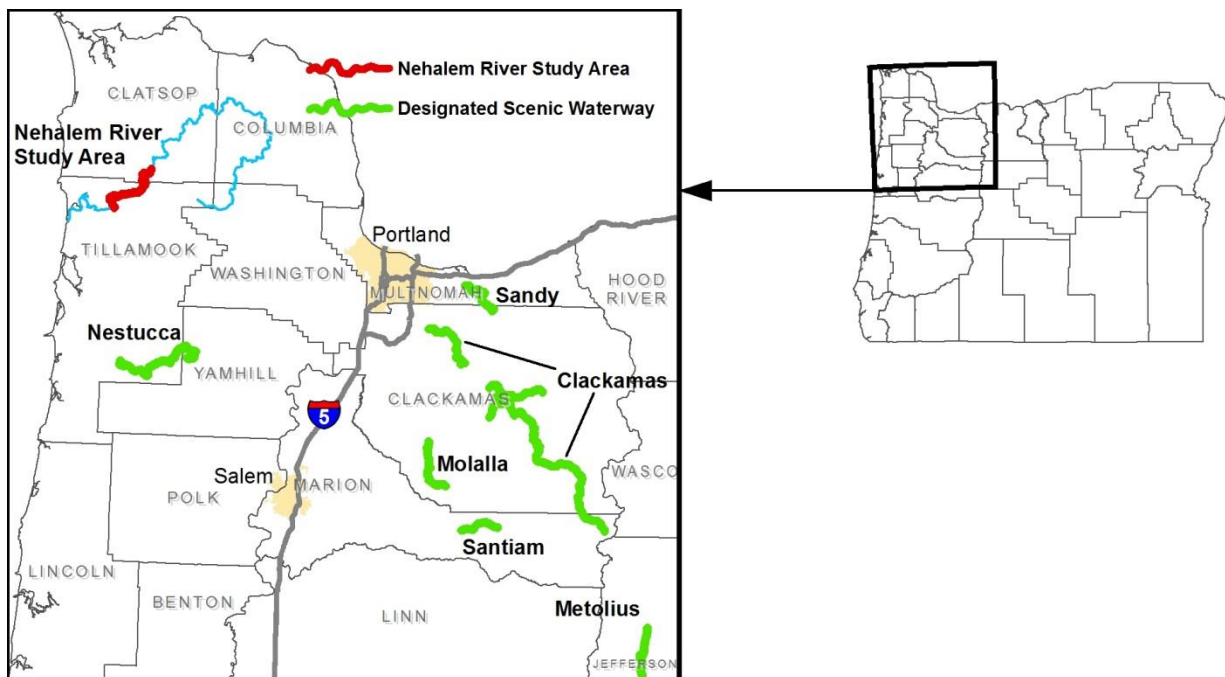


Figure 3. Location of Study Area in Clatsop and Tillamook Counties in Northwest Oregon

In May of 2017, a 17.5 mile segment of the Nehalem River was evaluated during a field visit using qualification criteria established by State Statute (ORS 390.855). Staff from the Oregon Department of Forestry (ODF) and the Oregon Water Resources Department (WRD) were in attendance on the first day for the float trip, which started at the day use area adjacent to the Henry Rierson Spruce Run Campground and floated to just above Nehalem Falls Campground. The group chose five locations to rate using criteria developed to help document scenic quality. The methodology is based on those used by federal land management agencies (e.g., Bureau of Land Management, Forest Service) to conduct scenic resource inventories and includes a description of various landscape elements, including landform, vegetation, water, color, adjacent scenery, scarcity and cultural modifications. The region of comparison for determining scarcity is the state of Oregon.

Due to safety reasons, Nehalem Falls was not rafted. The falls and the remaining study area ending at the confluence of Cook Creek was rated on the second day by OPRD and WRD staff by accessing the river on foot. Two more ratings were performed, for a total of seven locations, each picked as a representative sample of the river.

## Management Setting

### *Land Ownership*

The majority of the study area (~80%) is owned and managed by the Oregon Department of Forestry (ODF) and includes lands within the State Forestry Department's Astoria and Tillamook districts. Management includes four campgrounds with day use areas. Cougar Valley State Park, an undeveloped walk-in park is on the southern end of the study area. The Bureau of Land Management (BLM) owns a few small parcels in the study area (Figure 4). Private lands make up approximately 19% of the study area, including private forest lands, which are largely owned by Weyerhaeuser Company. A few residential structures are partially visible from the river; however the majority of the study area is managed forestlands. Table 1 shows a break-down between public and private landownership, as does Figure 4, below.

**Table 1. Land Ownership by Percent and Acreage**

Land ownership within study area	Acres	Percent
Private	1040	18.9%
Federal (BLM)	42	.8%
State (ODF)	4431	80.3%
Total acres within study area	5513	100%





## Waterway Characteristics

### *Coast Range Ecoregion*

The Oregon Conservation Strategy describes the Coast Range ecoregion as characterized by steep mountain slopes and ridges. Elevation varies from sea level to 4,100 feet at the top of Marys Peak. Most of the ridges and summits average approximately 1,400-2,500 feet in elevation. The climate in the Coast Range is influenced by cool, moist air from the ocean, and is the wettest area in the state. The ecoregion's mild, moist climate creates conditions for highly productive temperate rainforests, which are important ecologically and for local economies (e.g., timber production). Most of the ecoregion is dominated by coniferous forests. Large forest fires are very infrequent, but are high-severity stand-replacing fires when they do occur. The Coast Range includes the highest density of streams found in the state. Along the coastal strip, habitats are influenced by the marine environment and include beaches, estuaries, and headlands.

The Nehalem River Watershed is further described by the Nehalem Watershed Assessment (Johnson, 1999):

*The Nehalem River Watershed is located on the Oregon Coast. It lies completely within the temperate coniferous rain forest belt. Historically, the basin was dominated by old-growth coniferous ecosystems with marshlands in the lower gradient areas and estuaries (Kostow, 1995). It is 855 square miles and includes portions of Washington, Columbia, Clatsop, and Tillamook Counties. The Nehalem River is 118.5 miles long and originates on the east side of the Coast Range and circles around the northern tip of the mountains before draining into Nehalem Bay and then the Pacific Ocean. There are many large and small tributaries totaling over 935 miles in length. The watershed is divided into six subwatersheds which are used in much of this assessment to summarize findings at a smaller scale.*

*Watershed elevations range from sea level at the mouth of the Nehalem River to nearly 3,200 feet in the Coast Range near the Salmonberry River. Other distinguishing features include the towns of Nehalem, Mohler and Wheeler concentrated around Nehalem Bay and other small communities scattered through the watershed including Vernonia, Jewell, Birkenfeld, Timber, Mist, and Pittsburg. State Highway 26 runs east and west through the middle of the watershed connecting the watershed communities with Portland.*

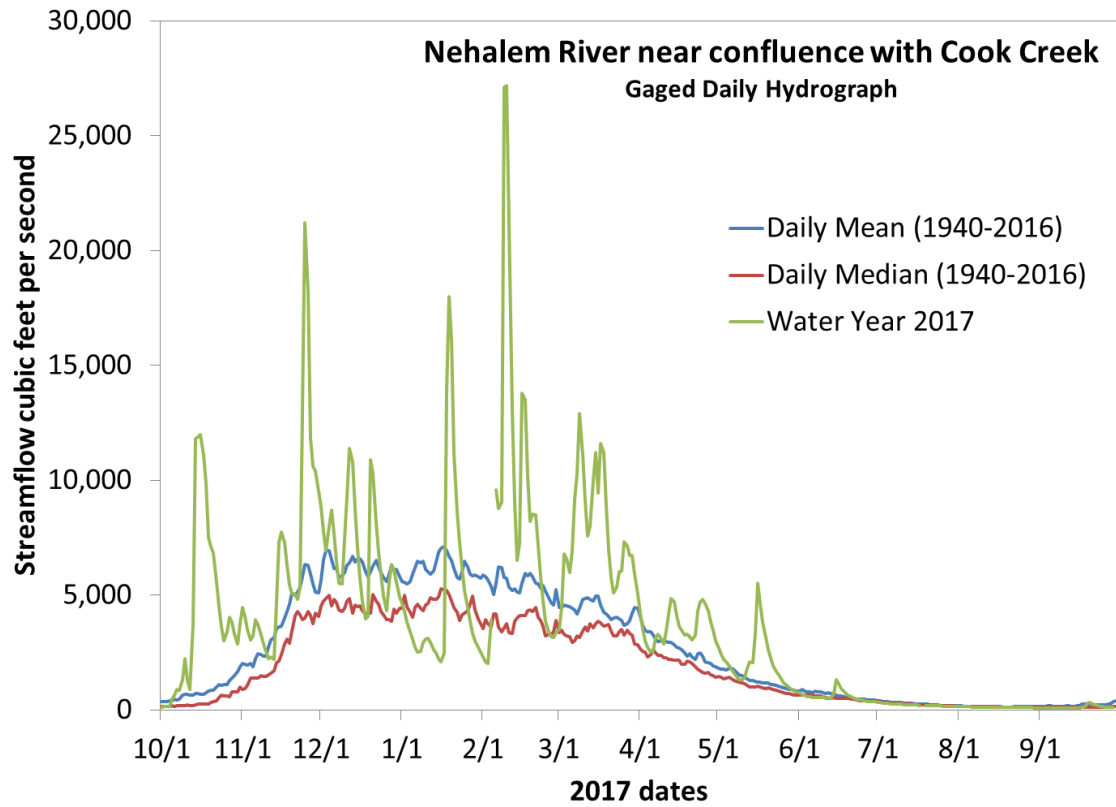
*Historically, prior to European settlement, vast old-growth Douglas-fir forests dominated the Nehalem watershed. Logging operations started in the 1870's until the last old-growth trees were harvested in 1945. Log drives were done extensively throughout the watershed and a splash dam operated on the North Fork Nehalem. These practices scoured river beds and damaged riverbanks. The Salmonberry River, Cook Creek, Humbug Creek, and Rock Creek drainages were extensively burned by the "Tillamook Burn" in 1933. The "Salmonberry Fire" burned the Salmonberry River and Cook Creek drainages again in 1945. There was an intensive re-planting effort that lasted until 1973. There are numerous accounts of abundant fish populations in harvest and cannery records in the watershed through the 1940's. Commercial gill netting was stopped in 1956.*

### *Hydrology of the Study Area*

The Nehalem River originates in the highlands of the Tillamook State Forest in the Northern Oregon Coast Range, and is one of the longest rivers in the Coast Range. Above the study area the river flows northward through a long narrow valley of small mountain communities before turning westward into the more rugged and unpopulated lower reaches where the study area is located. The Nehalem River is free-flowing and provides the water supply for the town of Vernonia and other small communities, and is also diverted for irrigation. The river supports a large run of wild steelhead, along with other salmon and trout populations.

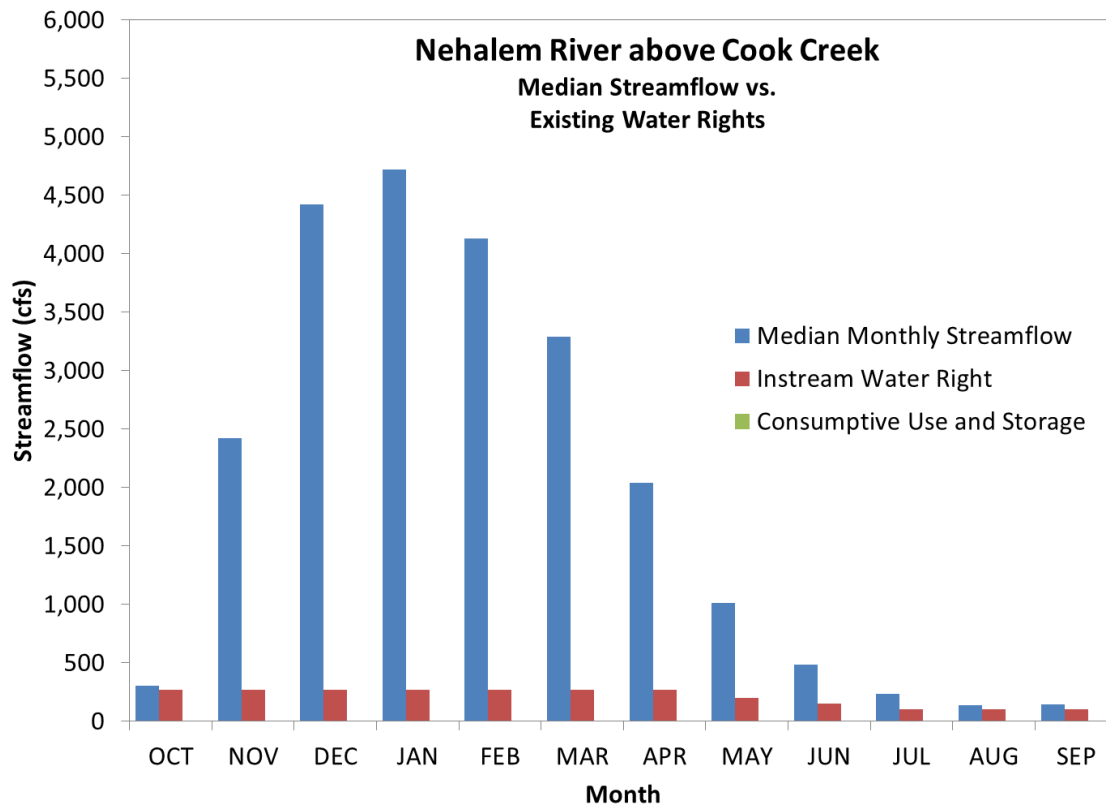
The streamflow in the Nehalem River varies drastically from season to season. Streamflow is highest during the winter months (January through March) and lowest during the late summer months (August through October). Gaged streamflow available from the Nehalem River near Foss stream gage, located at end of study reach and operated by the U.S. Geological Survey, indicates the difference between winter streamflow and summer streamflow can be orders of magnitude (Figure 5). The streamflow is rain-dominated and very responsive to precipitation, reaching very high flows after rainstorms. During the late summer months, when the watershed receives very little precipitation, groundwater contributes to the base flow in streams. Because the watershed is runoff-driven with limited water-bearing aquifers, the base flows are generally very low.

WRD utilized the Water Availability Reporting System (WARS) database to determine natural streamflow, existing instream water rights, out-of-stream consumptive uses (e.g., irrigation, municipal, industrial), and water storage from reservoirs within and upstream of the study reach (Figure 6). Existing instream water rights (ISWRs) on the lower Nehalem River during the summer months (June-Oct) are very similar to the natural monthly median streamflow, whereas during the winter high flow months the ISWR is much less than the streamflow. The consumptive use and storage upstream of the study reach accounts for less than 1% (0.2%) of the annual natural streamflow volume. For this analysis we assumed that watersheds with values less than 5% are considered “relatively free flowing”. Because of the negligible consumptive uses and comparatively small ISWRs during the high flow months (Nov-May), there is a large amount of surface water currently available for allocation (primarily storage).



**Figure 5. Gauged Hydrograph at the USGS Stream Gage Nehalem River Near Foss**

Courtesy of Water Resources Dept.



**Figure 6. Monthly Stream Flow for the Nehalem River Basin**

(Above Cook Creek from the Water Availability Reporting System, courtesy of Water Resources Dept.)

### *River Description*

The landscape in the study area is generally steep and erosional, which leads to dense drainage networks with numerous tributaries. Significant tributaries include Spruce Run Creek, Cronin Creek, Salmonberry Creek, Lost Creek, and Cook Creek.

The geologic setting helps to explain the stream morphology and channel characteristics of the study reaches. The upper section from the put-in at Henry Rierson Spruce Run Campground and day use area to the beginning of the canyon area near Morrison Eddy Campground is largely Oligocene-Eocene age marine sedimentary rock and relatively straight and gently sloping. The reach contains primarily smooth water with small riffles. The stream channel is primarily bedrock with some fine sediment deposits. The banks are gently sloping with grass and trees, and sandy gravelly shoreline. There are some exposed clear cuts in the viewshed.

The middle section, where more dramatic rocks and cliffs are seen, begins at approximately Morrison Eddy to Nehalem Falls. Eocene age volcanic rocks composed of basaltic flows and sills with basaltic tuff, pillow lavas and invasive lava are found here. This section has a slightly higher gradient and higher flow, picking up streamflow from several tributaries. The channel is confined and there are more extensive

boulder fields, cliffs and gravel bars, and class 2+/3 rapids, especially below the major tributary confluences. The river flows through a scenic narrow canyon with basalt cliffs and moss. Approximately one mile below Morrison Eddy, the Tillamook Bay Railroad runs along the bank, but is only partially visible from the river and does not dominate the view.



**Photo 1: Nehalem Falls and Fish Ladder Looking Upstream. May 2017.**

Nehalem Falls, classified as a class 3-4 rapid, is formed where the river cuts through a thick basalt sheet and then is further pinched by a concrete fish ladder, offering a dramatic whitewater feature in the reach (Figure 7). The lower stretch from Nehalem Falls to Cook Creek is a prime example of large coastal river. The river valley has more gentle surrounding topography and sinuous nature. The river channel is wide and shallow with an alluvial gravel and cobble bottom.

### ***Navigability***

The Oregon Department of State Lands (DSL) has not conducted an official navigability study pursuant to ORS 274.400-274.412, though DSL does have the “Farnell” Reports” which includes historical information relevant to the potential navigability of the Nehalem River (Department of State Lands). The Nehalem river *may* be navigable (although not officially) from its mouth to river mile 85 near Vernonia (Farnell, 1981).

### ***Vegetation***

The steep forested hillslopes and river terraces of the Nehalem River support riparian and upland vegetation types that are characteristic of large river systems in the Oregon Coast Range Ecoregion. Riparian vegetation on gravel bars and wet toe-slopes are dominated by Japanese knotweed, an invasive nonnative species, with an overstory of red alder, bigleaf maple, western hemlock, Sitka spruce, and



western red cedar. Other riparian invasive nonnative species found along the river bank are reed canarygrass and Robert's geranium. Native forbs and shrubs include small patches of Scouler's corydalis, broadleaf bluebells, red columbine, several species of ferns and saxifrages, stink currant, salmonberry, red osier dogwood, willow, vine maple, and beaked hazelnut where Japanese knotweed is absent. Plant assemblages associated with wet cliff walls include abundant mats of bryophytes, Wallace's spikemoss, lichens, ferns, and forbs, including Cascade desert parsley, leathery grapefern, Mertens' saxifrage, stonecrops, asters, and rose species. Upland vegetation is primarily mesic coniferous forest dominated by Sitka spruce, western red cedar, western hemlock, and Douglas-fir. Pockets of hardwood forest are also present due to recent disturbance (e.g., landslides). These areas are dominated red alder with lesser amounts of bigleaf maple. Much of the forest on hillsides visible from the river has been logged in the past, but some remnant late-seral Douglas-fir forest fragments are also present. Several large, relic black cottonwood trees grow in at least two places in the study area. The middle reach of the study area between the confluence of the Salmonberry River and Nehalem Falls is in better condition with more native vegetation than the upper and lower reaches.

### *At-Risk Plant Species*

The stretch of river being reviewed for scenic water designation potentially supports habitat for at least two rare species: tundra shootingstar (*Dodecatheon austrofrigidum*) and queen-of-the-forest (*Filipendula occidentalis*). Neither species was observed during the May 2017 site visits.

Tundra shootingstar has been found in widely scattered and typically small populations in southwest Washington and northwest Oregon. The majority of the documented occurrences are in Clatsop and Tillamook Counties (e.g., along the Trask River) in Oregon, with seven total known populations. Populations are found on grassy sod over a rocky substrate or on basalt cliffs near streams or waterfalls at higher elevations, or in rock crevices below the high water line along major rivers at lower elevations. In Oregon its conservation status is Global Rank G2 and State status S2. Queen-of-the-forest (*Filipendula occidentalis*) is a species endemic to the Coast Range of southwest Washington and northwest Oregon. Habitat includes bedrock crevices that have water seeping over the rock surface throughout much of the year. Occurrences are usually located near the high water mark of rivers or their tributaries. In Oregon, its conservation status is Global Rank G2 and State status S2. The primary threats to both species in Oregon include flooding, damming, erosion due to timber harvest, and exposure to herbicides.

The habitats present in the study area also support a number of listed wildlife species, described below in the fish and wildlife section.

### *Fish and Wildlife*

The study area provides a diversity of upland and aquatic habitats for a wide range of wildlife species. Mammals of note include elk, black-tailed deer, river otter, and beaver. Notable breeding birds include northern spotted owl, osprey, golden eagles, harlequin ducks, and many Neotropical migrants. Aquatic species include wild and hatchery coho, chinook, and steelhead, along with many native fishes and amphibians.

### *At-Risk Fish and Wildlife Species*

At-risk wildlife species are those experiencing population declines or are otherwise at risk. They include federal endangered, threatened, candidate species and species of concern; state endangered, threatened, and candidate species; state critical and vulnerable species, and species with a state Heritage rank of S1 (critically imperiled), S2 (imperiled due to rarity or vulnerability), and S3 (rare, uncommon, or threatened). This list was determined by compiling documented species occurrences in databases maintained by Oregon Biodiversity Information Center (ORBIC), USFS, eBird.org, ODF, and ODFW, as well as potential habitat within the study area buffer determined from the Oregon GAPS vegetation project. Three species listed under the Federal and/or state Endangered Species Acts, and 38 federal and/or state sensitive species have the potential to occur or do occur in the study area (Table 2).

The Nehalem River is designated Essential Salmon Habitat (DSL 2001) as well as federal critical habitat for Coho salmon. Three anadromous salmonids - Oregon Coastal Evolutionary Significant Unit (ESU) coho, the Oregon Coastal ESU, winter run steelhead, and North Coast Species Management Unit (SMU) chinook – are all found and fished in the Nehalem River at varying times of the year, although no wild stock may be retained to preserve population viability. The scenic waterway study area includes habitat that could support all freshwater life stages of coho, steelhead, and chinook, and tributaries off the main river channel would provide spawning and rearing habitat. The Oregon Coast Coho Assessment determined that the Nehalem River population did not meet population viability criteria (State of Oregon 2005) at the time of assessment in 2005. ODFW determined that the primary limiting factor for coho in the Nehalem River was water quality (ODFW 2007), and specified sedimentation and low water flow as limiting factors for chinook and steelhead (ODFW 2014). Designating portions of Nehalem River as a scenic waterway will not detract from water quality improvements, and due to development chances along the river that tend to accompany scenic waterway status, may enhance water quality. Restoration actions that would benefit all anadromous salmonids species include reducing fine sediments, increasing physical habitat structure, especially via large wood presence, improved access to wadeable streams, improving water quality through vegetative shading and reducing agricultural runoff, and restoring suitable spawning areas.

Nehalem Falls is a partial barrier to salmonids moving to spawning grounds further upstream. Additionally, culverts impact fish movement out of the Nehalem River into tributaries: three culverts block salmonid movement and another three culverts partially block salmonid movement (ODFW 2015).

Upland habitats adjacent to the scenic waterway support marbled murrelet and northern spotted owl, and portions of the study area fall within USFWS designated critical habitat.

**Table 2. List of Animals in Study area and their Listing**

Scientific Name	Common Name	Occurrence	Federal Listing	State Listing	Conservation Strategy	State Rank
<i>Anaxyrus boreas</i>	Western toad	Potential		SV	CS	S4
<i>Batrachoseps attenuatus</i>	California slender salamander	Potential				S3
<i>Dicamptodon copei</i>	Cope's giant salamander	Potential		SV	CS	S2
<i>Rana boylei</i>	Foothill yellow-legged frog	Unlikely	SOC	SC/SV	CS	S2S3
<i>Rhyacotriton kezeri</i>	Columbia torrent salamander	Potential		SV	CS	S3
<i>Rhyacotriton variegatus</i>	Southern torrent salamander	Potential	SOC	SV	CS	S3
<i>Accipiter gentilis</i>	Northern goshawk	Potential	SOC	SV		S3S4
<i>Brachyramphus marmoratus</i>	Marbled murrelet	Vicinity	FT	ST		S2
<i>Bucephala albeola</i>	Bufflehead	Potential				S2B,S5N
<i>Chordeiles minor</i>	Common nighthawk	Potential		SC		S5B
<i>Contopus cooperi</i>	Olive-sided flycatcher	Vicinity	SOC	SV	CS	S2S3B
<i>Dryocopus pileatus</i>	Pileated woodpecker	Present		SV		S4
<i>Elanus leucurus</i>	White-tailed kite					S2B,S3N
<i>Haliaeetus leucocephalus</i>	Bald eagle	Vicinity		SV	CS	S4B,S4N
<i>Histrionicus histrionicus</i>	Harlequin duck	Potential	SOC			S2B,S3N
<i>Icteria virens</i>	Yellow-breasted chat		SOC	SC		S4B
<i>Melanerpes lewis</i>	Lewis's woodpecker	Unlikely	SOC	SC		S2B,S2?N
<i>Oreortyx pictus</i>	Mountain quail	Unlikely	SOC	SV		S3S4
<i>Patagioenas fasciata</i>	Band-tailed pigeon	Present	SOC		CS	S3B
<i>Progne subis</i>	Purple martin	Potential	SOC	SC		S2B
<i>Regulus satrapa</i>	Golden-crowned Kinglet	Present				S3
<i>Strix occidentalis caurina</i>	Northern spotted owl	Vicinity	FT	ST		S3
<i>Oncorhynchus kisutch pop. 3</i>	Coho salmon (Oregon Coast ESU)	Present	FT	SV		S2
<i>Oncorhynchus mykiss pop. 31</i>	Steelhead (Oregon Coast ESU, winter run)	Present	SOC	SV		S2S3
<i>Oncorhynchus tshawytscha</i>	Chinook (Oregon Coast SMU)	Present				
<i>Antrozous pallidus</i>	Pallid bat	Potential	SOC	SV		S2

Scientific Name	Common Name	Occurrence	Federal Listing	State Listing	Conservation Strategy	State Rank
<i>Arborimus albipes</i>	White-footed vole	Potential	SOC			S3S4
<i>Arborimus longicaudus</i>	Red tree vole	Potential	PS:FC	SV	CS	S3
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	Potential	SOC	SC	CS	S2
<i>Lasionycteris noctivagans</i>	Silver-haired bat	Potential	SOC	SV	CS	S3S4
<i>Lasiurus cinereus</i>	Hoary bat	Potential		SV	CS	S3
<i>Myotis californicus</i>	California myotis	Potential		SV	CS	S3
<i>Myotis evotis</i>	Long-eared myotis	Potential	SOC			S4
<i>Myotis thysanodes</i>	Fringed myotis	Potential	SOC	SV	CS	S2
<i>Myotis volans</i>	Long-legged myotis	Potential	SOC	SV	CS	S3
<i>Myotis yumanensis</i>	Yuma myotis	Potential	SOC			S3
<i>Odocoileus virginianus leucurus</i>	Columbian white-tailed deer	Unlikely	PS:FE	SV	CS	S2
<i>Pekania pennanti</i>	Fisher	Unlikely	PS:FC	SC		S2
<i>Actinemys marmorata marmorata</i>	Western Pond Turtle	Potential	SOC	SC	CS	
<i>Chrysemys picta</i>	Painted turtle	Potential		SC		S2
<i>Lampropeltis zonata</i>	California mountain kingsnake	Potential	SOC	SV		S3S4

FE: Federally endangered

FT: Federally threatened

FC: Federal candidate for listing

SOC: Federal Species of Concern

ST: State threatened

SC: State critical

SV: State vulnerable

CS: Conservation Strategy

S1: Critically imperiled in the state

S2: Imperiled in the state

S3: Rare, uncommon, or threatened in the state

S4: Apparently secure

S5: Widespread

B: Breeding

H: Historical occurrence

N: Non-breeding

## *Recreation*

The Nehalem was listed in a 1987 study of recreational use of Oregon Waterways in which it was noted as having outstanding recreational resources, particularly for salmon/steelhead fishing and drift boating and substantial to moderate rankings for canoe/kayaking, rafting, trout fishing and “other recreation” which included hiking, swimming, camping and nature viewing (ODOT, 1987). The Nehalem River has been listed by the National Park Service (NPS) in the National River Inventory (NRI), a “listing of free-flowing river segments...that are believed to possess one or more ‘outstandingly remarkable’ natural or cultural values judged to be of more than local or regional significance” since 1982 (National Park Service, 2017). The Nehalem is listed in the inventory as having outstanding recreation and fisheries (NPS, 2017).

Annually, thousands visit the Nehalem River for year-round recreation including fishing, hiking, kayaking and white water rafting, biking, camping, picnicking, nature watching, or to simply enjoy the river. There is a ½ mile developed loop trail at Nehalem Falls. There are few official surveys or counts of floating on the river. A volunteer park host at Henry Rierson Spruce Run Campground communicated that many day use visitors and campers float a short section using inner tubes and small rafts from the just above the campground to below the day use area (personal communication, 2018).

The Nehalem is listed as one of the longest free flowing rivers in the state, providing one of the longest potential river trips in Oregon with minimal portages and few large rapids (Palmer, 2014). Non-motorized boaters can float for much of the year on a variety of craft, including kayaks and rafts, depending on skill level. The river is listed amongst the best rivers in Oregon for cutthroat trout and Coho fishing (Palmer, 2014).

Flows of around 4000 cfs are noted to be ideal for floating the river, however a range (as measured at the gauge near confluence of Cook Creek) of between 2000- 8000 cfs is provided to paddling enthusiasts (Keller, 1998; WKCC, 2016). During the study visit, the river was running around 1610 cfs, as measured at the gauge. For the purpose of the study, running the “Nehalem Falls” was not deemed safe.

The number of total campers over a several year period was supplied by ODF for Henry Rierson Spruce Run Campground, and Beaver Eddy Campground. In 2016, a total of 12,026 individual overnight visitors camped at HRSR Campground and total of 1,758 individual overnight visitors camped at Beaver Eddy Campground (Figure 7-8). Nehalem Falls Campground had 2,880 campers in 2016. Henry Rierson Spruce Run Campground is a fee area, twelve sites are open year round with the remainder of the sites closed starting September 11<sup>th</sup> of each year and reopening May 15<sup>th</sup> of each year. There is potable water and has 32 drive-in camp sites and five walk-in sites.

Beaver Eddy Campground is a fee area with eight primitive walk-in tent sites and is open May 15-September 15<sup>th</sup>. Morrison Eddy Campground is open year round for walk in campsites.

The Tillamook Bay railroad tracks parallel the river from Hatchery Creek to the lower end of the study area, approximately seven miles. The proposed Salmonberry Trail could possibly use the Tillamook Bay

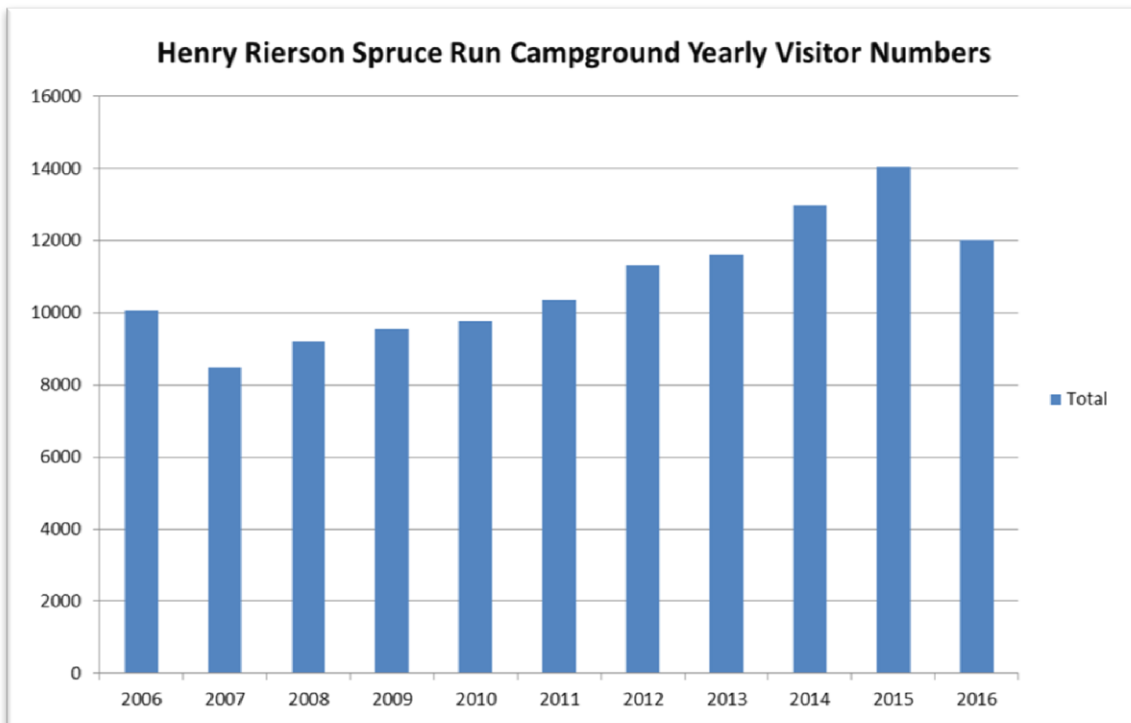


Figure 7. Henry Rierson Spruce Run Campground Total Visitor Numbers (2006-2016)

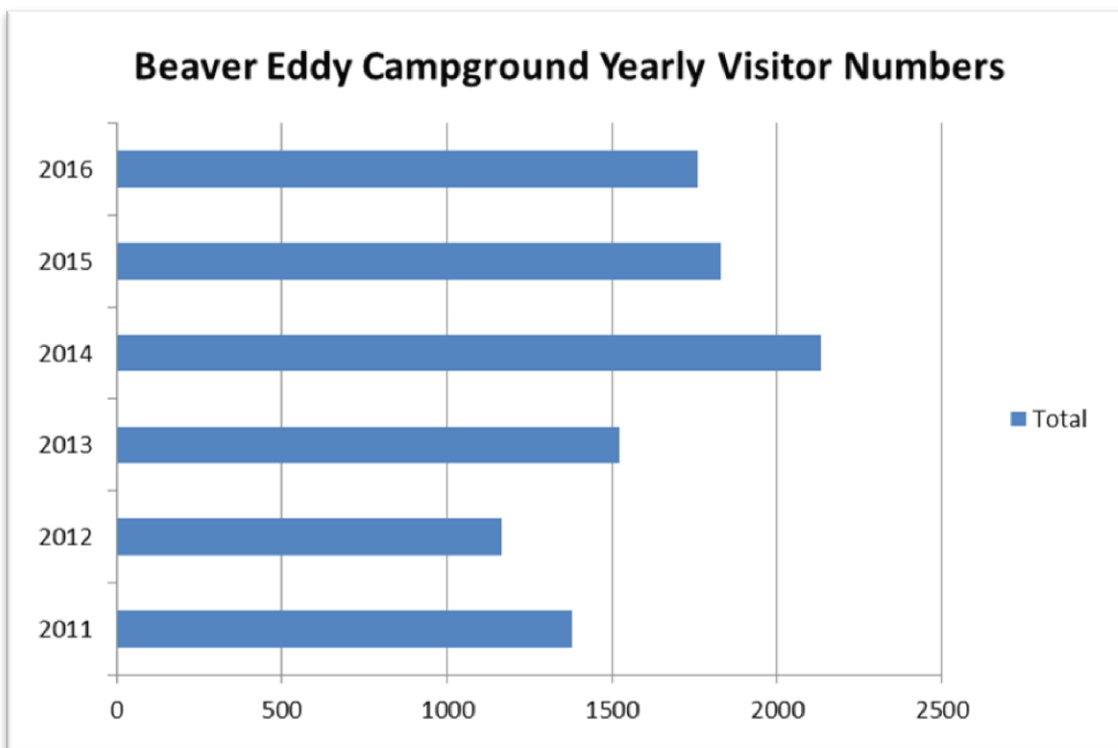


Figure 8. Beaver Eddy Campground Total Visitor Numbers (2011-2016)

Railroad right-of-way sometime in the future. Currently, walking on or next to the tracks is not legal, if the Salmonberry trail is built sometime in the future this area could have substantially more recreation.

### *Scenic Railroad, Proposed Salmonberry Trail*

A proposed 84 mile multi-use trail is being planned along the Port of Tillamook Bay (POTB) rail right of way (ROW) connecting Banks, Oregon in the upper Tualatin Valley in rural Washington County to the City of Tillamook on the Oregon Coast. The Trail proposal breaks the route into four trail segments: the Valley, Canyon, River and Coast segment. The River segment begins at the confluence of the Nehalem and Salmonberry River and follows the ROW adjacent to the Nehalem River for 17 miles to the City of Wheeler on the Nehalem Bay.

While the concept plans for the Valley and Canyon trail segments call for a rail to trail development, the River and Coast segment is identified as a rail with trail opportunity. The Oregon Coast Scenic Railroad (OCSR) has a use agreement with the Port of Tillamook Bay to operate a tourist train along the Coast and River rail corridor.

Recently the POTB entered into a railbanking and 99 year lease agreement with the Salmonberry Trail Intergovernmental Agency (STIA) authorizing STIA to develop and manage the proposed Salmonberry Trail. POTB will continue to own the ROW.

POTB will also enter into a 20 year use agreement with OCSR in the near future once OCSR comes into compliance with the United States Army Corp of Engineers (USACOE) and the Environmental Protection Agency(EPA) for a clean Water Act Violation that occurred from unauthorized fill being placed in the Salmonberry River in 2014. The use agreement authorizes the OCSR to maintain and operate a tourist railroad from Tillamook to Enright in the Salmonberry Canyon.

Detailed planning for a rail with trail has not been completed for the River segment. It is hoped funding can be found to complete planning work some time in 2018-2020. Plans have been completed for the Coast segment and the Valley segment is currently under study with plans being completed in 2018.

The 84 mile Salmonberry Trail is a very large and complex endeavor. STIA recognizes the need to look at this project as a multi-generational project that will not be completed in one major construction effort but a series of smaller trail segments built out over many years eventually connecting the Valley to the Coast. It could be more than a decade for trail development along the Nehalem river segment.

### *Access*

There are several main access points to the study area. The northern access (Henry Rierson Spruce Run Campground) is reached from State highway 26 and then turning on Lower Nehalem Road and traveling another nine miles (approximately 39 miles from Portland). There is an access point at Beaver Eddy and at Nehalem Falls and many undeveloped access points which also provide access to river vistas and some directly to the river. OPRD staff used an undeveloped access point upstream of Nehalem Falls as a take-out during the May rating float. Using the undeveloped access point as a take-out allowed the group to float much of the study, yet avoid having to raft through Nehalem Falls.





**Photo 2: Undeveloped Take-Out Point**

The southern access (Cougar Valley State Park) is reached from Highway 101 near Wheeler, Oregon. From Highway 101 turn on State Highway 53 and then turn again onto Miami Foley Road and then finally onto Foss Road. The confluence of Cook Creek and Cougar Valley State Park, which are located at the southern end of the study area, are approximately eight miles from Wheeler, Oregon.

## **Cultural Resources**

### ***Ethnographic Overview***

In pre-contact times, the indigenous population of the Nehalem River was considered a group of Tillamook people. The traditional Tillamook territory is from Cape Foulweather to Tillamook Head along the coast and extending to the summit of the Coast Range (Robert Kentta, personal communication 2017). Some anthropologists have referred to the people as Nehalem, who were one of many Salishan-speaking groups known collectively as Tillamook and who represented the southern-most Salishan speakers. The territory of the Tillamook was located on the bays of the Siletz, Netarts, Tillamook and Nehalem, and Sand Lake. Their territory was also inland in the river valleys of the Siletz, Salmon, Nestucca and Nehalem Rivers to the coast range (Wilkinson 2010). Each river valley was relatively politically autonomous (Seaburg and Miller 1990).

The winter villages of the Nehalem were located at the mouth of the river along the shores of the estuaries and their dwellings were large rectangular wood plank houses made of cedar with a central fire pit and raised sleeping platforms along the sides (Seaburg and Miller 1990). The wood plank house floors were covered with mats and food was hung from the house rafters for drying or stored in baskets under the platforms. The villages included the wood plank multi-family houses as well as sweathouses, work and women's huts and cemeteries with raised canoe burials (Seaburg and Miller 1990; Jacobs 2003; Kentta 2017). Wilkinson (2010) notes that through an elaborate system of laws, each village exercised its own sovereignty for relationships with other villages. The winter villages were the center of social, political and economic life for the Nehalem.



During the spring, summer and fall, the Nehalem people dispersed into the river valley for fishing, hunting and plant gathering. The seasonally visited sites along the Nehalem River were associated with resource procurement and processing, and likely had hearths, ovens, drying racks for processing fish, camas, huckleberries, salal berries, salmon berries, thimble berries, and roots including, fern, lily and wild carrot (Jacobs 2003). The Nehalem also hunted sea mammals, bear, beaver, deer and elk, and collected shell fish. Fish weirs and traps were utilized for spring and fall salmon runs (Sauter and Johnson 1974). There were trails that connected the different villages in the region, but canoes were also utilized for transportation.

It is understood that the larger Tillamook group participated in a wide ranging trade network, exchanging dentalium shells, dried salmon, baskets, canoes, wapato and beaver pelts for buffalo hides (Seaburg and Miller 1990). In addition, there were alliances and marriage arrangements with the Clatsop, Lower Chinookan groups and the Tualatin Kalapuya. The social organization of the Tillamook group was divided into classes, which also included slaves. Their wealth was created through the accumulation of dance regalia, fishing spots, canoes, and the number of wives and slaves (Wilkinson 2010).

The period of European contact with the Nehalem people is not fully understood. However, this area of the coast has more evidence of early contact with Native Americans and Europeans than other areas of Oregon. Near the Nehalem Spit, ceramic sherds and numerous pieces of beeswax have been documented, which may be associated with a wreck of a Spanish galleon. The two unaccounted for galleons are the *Santo Christo de Burgos* lost in A.D. 1693 and the *San Francisco Xavier*, lost in A.D. 1705, both trading goods from the Philippines to Mexico (Levesque 2002; Lally 2008). This archaeological evidence is also known as the Beeswax Wreck and it represents the earliest contact between Europeans and Native Americans on the northern Oregon coast (Peterson et al. 2011). Additional ethnographic evidence was noted by Clara Pearson, a Nehalem speaker, who was interviewed by Melville and Elizabeth Jacobs in 1934, in which one of the precontact stories Ms. Pearson told included a light-skinned, red haired individual, which may indicate contact with other Europeans (Jacobs & Jacobs 1959).

Due to contact with Europeans, infectious diseases which Native Americans had no resistance spread among the Nehalem and to other groups along the coast, the Willamette Valley and the Columbia River valley. All indigenous groups lost at least a third of their people to an epidemic of small pox in 1775 (Boyd 1990). In 1801, there was a second epidemic and between the 1820's and the 1860's, there were other epidemics of infectious diseases. An estimated 4,320 Tillamook population in the early 1800's was reduced to 193 in 1854 (Boyd 1990).

The federal government negotiated a treaty with the people who lived on the Nehalem River and headmen signed the 1855 Treaty with the Coastal Tribes of Oregon in good faith to establish the Coast Reservation which ceded the homelands of the Nehalem and was then established by an Executive Order signed by President Franklin Peirce on November 9, 1855 (Kentta 2017). However, the United States did not hold up its part of the treaty given that the Senate failed to ratify the 1855 Coast Treaty.

Today, the Confederate Tribes of Siletz Indians and the Confederated Tribes of the Grand Ronde Community of Oregon claim cultural affiliation to this area of the Oregon.

## *History*

The post-European contact history of the region is described in the *Nehalem River Watershed Assessment* (Upper and Lower Nehalem River Watershed Councils) by Joseph Maser and Jill Johnson, December 1999:

Hans Anderson was the first pioneer to settle in the Nehalem Valley in 1866. He resided near Elsie close to River Mile 40. His main means of travel was canoe. Many more pioneers settled the upper and lower watershed during the following decade. The trees were so abundant that in order to build a cabin or clear land for farming, the pioneers had to cut any trees in their way as they moved westward. This process was called “cut, burn, and move on syndrome”. Thousands of trees were cut and either burned or left to decay. Pioneers generally followed narrow Indian trails from the Willamette and Columbia River Basins to the Nehalem Valley...

A survey done in 1893 described vast forests in the region averaging 250 feet in height and four to six feet in diameter, with trees frequently 350 feet in height and 10 feet in diameter. Species included Douglas fir, cedar, spruce, oak, maple and alder. Logging began early and gained momentum as the area became more populated. Early settlers took advantage of the relatively smooth flowing river as a highway in which to transport lumber. In addition to the Wheeler sawmill, mills were eventually built at Pittsburg and Vernonia. Log drives down the Nehalem River started in 1901 and lasted until 1926... Logging and farming were booming by the end of the 19th century...

Farmers from dairy farms made their way to town by wagon or boat and built two cheese factories.

The Tillamook burn in 1933 destroyed much of the timber value of these lands and many of the landowners in the area could not pay their taxes, resulting in foreclosure and transfer of ownership to the counties. Most of these lands were then transferred to the State Board of Forestry to be managed.

Fish were historically abundant in the region. One early visitor to the Nehalem River remembers salmon actually jumping into her parents boat around the year 1918. Fishing remained excellent between 1920 and 1940 despite the severely damaged watershed. Angling was good in the 1940's but declined in the 1950's. Some improvement was noted after commercial gill net fishing ended in 1956. In order to sustain fisheries, a hatchery on Foley Creek began operations in 1926 to

supplement wild populations of cutthroat trout and winter steelhead trout. The hatchery was closed in 1966 and replaced by the North Nehalem Hatchery.

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**Table 3. Nehalem River Historic Timeline**

(Modified from Maser and Johnson 1999)

<b>Nehalem River Historic Timeline</b>	
<b>~12,000 BC</b>	Catastrophic floods shaped much of the region and deposited thick soil Nehalem Indians inhabited area around Nehalem Bay
<b>1770 - 1780s</b>	European settlers arrive on Oregon Coast for exploration and trading
<b>1782 – 83</b>	Epidemics wiped out 75 to 90% of the Indian population
<b>1841</b>	Missionary Reverend John Frost arrives in the region
<b>1866</b>	Hans Anderson is the first settler in the Nehalem Valley
<b>1868</b>	Pioneers settle the towns of Nehalem and Wheeler
<b>1870</b>	Mail route established in Tillamook County
<b>1873</b>	Pioneers come to Nehalem Valley to settle and clear land for farming
<b>1877-78</b>	Pittsburg sawmill built
<b>1901-1926</b>	Log drives occur on the Nehalem River
<b>1902-1930</b>	Wheeler sawmill in operation
<b>1909</b>	Port of Nehalem is formed
<b>1911</b>	Railroad connecting Portland with Tillamook County is completed
<b>1920s</b>	Logging activities increase substantially
<b>1922</b>	Railroad to Vernonia built
<b>1926</b>	Hatchery operations at Foley Creek began
<b>1933</b>	“Tillamook Burn” Fire
<b>1935</b>	Commercial fishing on the Nehalem River
<b>1945</b>	Old growth timber gone
<b>1956</b>	Commercial gill net fishing ended in estuary
<b>1957</b>	Vernonia sawmill closed
<b>1966</b>	Nehalem Hatchery begins operations on the North Fork Nehalem

## Scenic Resource Inventory

The view from the river and adjacent lands ranges from pleasing to outstanding along the entire study reach. Due to the geology and dense vegetation along the river, in many places the view as seen from the river is limited to a few hundred feet. However, in some areas hillsides and more distant landscapes (e.g. mountains) are visible. In some sections, namely through one main gorge area, sections of basalt exist as the river narrows as it crosses through rock outcrops with interesting rock formations. The river is completely free-flowing within natural banks, with the exception of minor cultural modifications made for the bridges, railroad, road and a few homes. The few developments that do exist are quite localized so their visibility does not detract noticeably from the general natural setting of the area.

Two bridges cross the river; one bridge is the county road and crosses the river just south of Nehalem Falls. The second is a railroad bridge that crosses the river at the confluence of the Salmonberry River.



Other developments along the river include some visible impacts from timber harvest and a few residential homes on private lands, although most of them are at least partially screened as viewed from the river. The rural feeling of the area combined with views of forested slopes combine to provide outstanding to generally pleasing views of the river and its surrounding scenery.



**Photo 3: Tillamook Railroad Bridge and Foss Road Bridge at confluence of Salmonberry Creek**

It is possible to obtain views *from* the river itself throughout the whole study area by floating the river, when water levels allow. Roads follow the river in most parts; however, some of it cannot be viewed from a vehicle or from the side of the road, but there are frequently trails down to the river on public lands. The evaluation of scenic resources was performed over a two day period in May 2017. Evaluations at sites 1 through 5 were completed on May 8<sup>th</sup>, 2017 and were accessed by rafting the river and stopping at five locations that the evaluation team felt was representative of that particular stretch of river. Sites 6 and 7 were completed on May 9<sup>th</sup>, and were accessed via the road and by walking along the bank of the river in developed recreation areas. The daily mean discharge for May 8<sup>th</sup>, 2017 at the Nehalem River near Foss, OR gage (ID 14301000) was 1,610 cfs, which closely matched the long term average for that date of 1,620 cfs.

**Site One: Scenic resource inventory of the view from the ODF Spruce Run Day Use Area, adjacent to the campground**

**The view as seen from the riverbank is of moderate scenic quality. It is a generally pleasing river view. The visible modifications are amenities for visitors in the day-use area and campground. The setting is forested. The lightly traveled road is visible in the adjacent scenery.**



<b>Landform</b>	A flat river bottom with steep side hill on river right and a moderately steep hill on river left.
<b>Vegetation</b>	Red alder dominates the hillslope, while conifers dominate the riparian zone. Large patches of Japanese knotweed cover the riverbank. Riparian trees include bigleaf maple, red alder, Sitka spruce, and western red cedar.
<b>Water</b>	Stream reach contains smooth flat water with small riffle downstream and a bedrock channel. Banks are gently sloping with grass and trees, and sandy gravelly shoreline.
<b>Color</b>	Green. Green moss, small white aster like flowers, river is green and clear, though not crystal clear.
<b>Adjacent scenery</b>	Typical coast range forest
<b>Scarcity</b>	Common. Forested slope, day use area, road, steep ridges
<b>Cultural modification</b>	Day-use facilities including concrete style vault toilet, picnic table, fire ring, road

**Site Two: Scenic resource inventory of the view at Beaver Eddy**

**The view as seen from the riverbank is of high scenic quality. It is a pleasing river view with steep forested slopes.**



<b>Landform</b>	Small rock cliff, steep vegetated slopes, very steep on river right, less steep on river left, small tributary creek. Flat river bottom, not incised.
<b>Vegetation</b>	Hillslope supports a mix of hardwood and conifer forests. Large patches of Japanese knotweed are growing along the riverbank. Riparian plants include both coastal and valley species. Spruce and red alder branches are covered with thick moss.
<b>Water</b>	Stream reach primarily a large pool with smooth unbroken flow, calm water. There is a gravel bar from a small stream tributary
<b>Color</b>	Lots of variety: green trees, lighter conifer greens, yellow vine maples, white water, blue sky, white clouds, mud
<b>Adjacent scenery</b>	Road not visible, road sign slightly visible, day use/campground area, hardwood, scattered conifers on mixed slopes
<b>Scarcity</b>	Common
<b>Cultural modification</b>	Trampling of riparian vegetation from recreation use, small river access trail



**Site Three: Scenic resource inventory of the view below Morrison Eddy, near mile post 14 on Foss Road**

**The view as seen from the riverbank is of very high scenic quality. The view of the basalt cliffs of the inner gorge is unique to this river.**



<b>Landform</b>	Weeping springs, inner gorge with basalt cliffs. Moss, boulders. River is narrowed confined channel, woody debris and bedrock visible. Turbulent eddys.
<b>Vegetation</b>	Large conifer and bigleaf maple trees draped with moss. Forested slopes are similar to other areas of the river with a mix of hardwood and conifer species. Cascade Desert Parsley rock garden plant community found growing on the wet cliff face. Desert Parsley ( <i>Lomatium martendalei</i> ) was sited in this area along with a patch of Scouler's fumewort ( <i>Corydalis scouleri</i> ) at Salmonberry confluence.
<b>Water</b>	Stream reach in canyon is confined with narrow width and deep water. Large pools with turbulent eddys and large, partially submerged boulders.
<b>Color</b>	Black from basalt cliffs, green and yellow from moss, green from trees
<b>Adjacent scenery</b>	Steep rocky cliffs, increase in snags over previous sites, visible basalt rock and vegetation
<b>Scarcity</b>	Canyon unique for this river
<b>Cultural modification</b>	Nothing evident



#### Site Four: Scenic resource inventory of the view at the confluence of Snark Creek

The view as seen from the riverbank is of moderate scenic quality; it is generally pleasing of the river with views of steep forested ridges. The Salmonberry railroad is visible through the trees and the road is quite evident.



<b>Landform</b>	Opened up from upstream canyon, steep high ridges, intervening finger ridges
<b>Vegetation</b>	The riparian zone is dominated by Japanese knotweed. There are also some patches of red osier dogwood. Forested slopes are a mix of red alder and conifer species.
<b>Water</b>	Stream reach located downstream of long riffle. Run has a wide, shallow channel with medium sized boulders, and small grass islands. Bedrock and gravel along stream edge with pools.
<b>Color</b>	Dark and bright green, grey and brown rocks, blossoming dogwood
<b>Adjacent scenery</b>	Steep forested ridges, low trestle, railroad
<b>Scarcity</b>	Other than the Salmonberry railroad there was nothing of note
<b>Cultural modification</b>	Railroad, low trestle, road partially visible, traffic visible

**Site Five: Scenic resource inventory of the view at Helloff Creek confluence**

**The view as seen from the riverbank is of moderate scenic quality and is generally pleasing. The Salmonberry railroad is more noticeable in this stretch than the previous upstream stretch.**



<b>Landform</b>	Large open drainage giving a more open feeling than previous sites. River rock islands, large island mid channel cobble bar, Ridges rounded and less steep than in previous sites, railroad track visible, a few large boulders partially submerged in river
<b>Vegetation</b>	Hillslopes support a mix of hardwood and conifer forests. The riparian zone is dominated by Japanese knotweed and reed canarygrass.
<b>Water</b>	Stream reach is wide and contains a diversity of shallow and deep areas with isolated riffles and some standing waves. At the Helloff creek confluence there is a large amount of gravel deposited at mouth of creek.
<b>Color</b>	White from riffles, bright and dark green, browns, greys, mossy yellow, rusty dark from railroad
<b>Adjacent scenery</b>	Sharp, noticeable line of railroad, conifers and hardwood forest, less steep than previous stretches, forest management activity visible.
<b>Scarcity</b>	Nothing of note
<b>Cultural modification</b>	Railroad more visible in this stretch than other stretches.



#### Site Six: scenic resource inventory of Nehalem Falls

The view as seen from the riverbank is of very high scenic quality and is quite pleasing. Steep, forested slope comes all the way to river edge; the cascading falls through bedrock are unique to this river. The falls creates an extended line of white water.



<b>Landform</b>	Steep, forested hill slopes all the way to river edge. Large expanses of exposed bedrock, large boulders, and the falls are a pinch point in the river channel
<b>Vegetation</b>	Hillslopes support a mix of hardwood and conifer forests. The riparian zone is dominated by Japanese knotweed, reed canarygrass, and other invasive plants.
<b>Water</b>	Nehalem Falls (class 3-4) is formed by a pinch between basalt wall and boulders, and further confined by the concrete fish ladder on one side. Fast flowing white water, large drops with roiling water drop into a hole. Extended runout of turbulent whitewater extending below the falls.
<b>Color</b>	White from the water, brownish foam, grey, basalt, dark and bright green vegetation, spots of white and pink from flowers, grey cement of fish ladder with dark moss
<b>Adjacent scenery</b>	Prominent snags on slopes, trail to campground, conifer and mix of hardwoods, ferns, a mesic area
<b>Scarcity</b>	The falls, large bedrock bench, fish ladder, mini canyon view from river created by bedrock above water line.
<b>Cultural modification</b>	Railroad , cement fish ladder, a trail, sharp cement lines of fish ladder



**Site Seven: Scenic Resource Inventory of confluence of Cook Creek and Nehalem River**

The view as seen from the riverbank is of moderate scenic quality and is quite pleasing, a large bend in the river and large cobble and gravel bars on both sides of river with clear water in the creek



<b>Landform</b>	Large bend in river, lower elevation hills, surrounding river, large gravel/cobble bars on both sides of river, valley bottom, large boulders
<b>Vegetation</b>	Riverbanks include both hardwood and conifer species. A large Sitka spruce tree is leaning over the river. Legacy black cottonwood trees present in this stretch. Only observed one other black cottonwood tree upstream of this location. Riparian zone/floodplain is wide and supports both willow and Japanese knotweed.
<b>Water</b>	Stream reach located on a large bend in the river, channel is wide and shallow run with a gravel and cobble bottom channel. Crooked Creek has riffles. Active USGS stream gaging station 14301000 located ~1/4 mile upstream.
<b>Color</b>	Water color is blue with green- aqua color, cobble is made up of a variety of colors of red, tan, grey and sand. Diversity of greens from trees, gravel bar appears white in sunshine.
<b>Adjacent scenery</b>	Rolling forested hills, more open than other rating sites
<b>Scarcity</b>	Nothing of note, but compared to other sites this one is wider and more open
<b>Cultural modification</b>	Old bridge abutment , existing bridge, road adjacent, yet not very visible, can barely see wire from gauging station just upstream of rating site

## Field Rating Conclusions

Based on OPRD's field visit and public input, the entire 17.5 mile study area on the Nehalem River meets the criteria established to qualify as a potential Oregon Scenic Waterway.

- The study area is completely free-flowing. WRD determined this before the float trip by using the Water Availability Reporting System database to determine out-of-stream consumptive uses. This analysis resulted in a 0.2% ratio of consumptive over natural stream flow for the Nehalem River. Anything below five percent is considered relatively free-flowing for the purposes of this study.
- The study area offers pleasing views of a rural landscape and with a variety of geologic, plant and wildlife features visible from the river and present in the ¼ mile study corridor. The scenic quality of the study area meets or exceeds the standard of "pleasing" with areas where the scenery is outstanding in nature. There are cultural modifications (e.g., a few homes, the road, a bridge, a small rail line and evidence of logging). The cultural modifications that do exist are localized in nature such that their visibility does not detract noticeably from the pleasing scenic views of the area. Most of the visual signs of logging are beyond the ¼ mile study corridor.
- The study area offers several ODF-managed camping and day-use areas, views of the waterfall and other river viewing opportunities and a small hiking trail by the falls. Cougar Valley State Park, an undeveloped park with walk in access is at the southern end of the study area. Recreational fishing can be found along most of the study area. Paddling opportunities exist for boaters of a variety of skill levels depending on flow, with the most likely floatable time periods and flow levels occurring in the spring and late fall (flows in summer months are typically very low).
- It appears that current recreation use is such that the river and its setting are able to maintain existing natural and recreational values. Recreation use numbers are available from the ODF-managed campgrounds. In 2016, there were a total of 12,026 overnight campers at Henry Rierson Spruce Run campground, and a total of 1,758 overnight campers at the ODF Beaver Eddy Campground. For overnight camper numbers in previous years refer to figures six and seven.

## PUBLIC COMMENT

The public was notified of the study and the opportunity to comment in a variety of ways. Letters were sent to all landowners listed on tax lot data. Emails were sent to a list of approximately 160 interested parties and a media release announcing the study and the September 2017 public meeting was picked up by several local newspapers including the Daily Astorian, the Tillamook County Pioneer and the Cannon Beach Gazette, which all published the release in its entirety. Approximately 40 people attended a September 12<sup>th</sup> evening public meeting in Nehalem. The OPRD Scenic waterway webpage was updated to provide information on the study and to solicit feedback from the public.

OPRD staff presented information about the study and the Scenic Waterway Program to the Clatsop County Board of Commissioners on October 25<sup>th</sup>. The commission chose to support designation of the



study area as a State Scenic Waterway. Tillamook County commissioners declined the presentation offer and chose to oppose the designation. The following findings summarize public input received thus far in the process:

The public comment period was originally set for approximately 45 days, but was extended to include the date of the presentation to Clatsop County. A total of 1,409 comments were received during the entire public comment period, August 16th– Nov. 1<sup>st</sup>, 2017.

- Form letters made up 1,327 of the comments, with 1,048 from Oregon. The rest were from other states and countries
- 82 comments were unique letters
- 12 comments were from organizations
- 27 comments were received from Clatsop County residents, 25 form comments and 2 unique comments; all in support of the designation
- 39 comments were received from Tillamook County residents, nine form comments, 30 unique comments; three were in opposition to the designation
- 10 comments in opposition were received in total, most were against more regulation, thinking the designation would not allow landowners to make any improvements or would decrease timber harvest. One was opposed due to concern that OPRD would not have the capacity to administer designation because other OPRD projects in this NW Coastal region have not been addressed and OPRD resources are going to the Oregon Coast Trail and the Salmonberry Trail project
- Many of the form letters and some of the unique letters requested that the South Umpqua and North Santiam rivers also be designated. One commenter requested that Woahink Lake be designated because it is beautiful and unique being the deepest lake near the ocean and has owls and osprey
- There seemed to be confusion about what the program does, and does not do and there was confusion between the waterway program and adjudicated navigable rivers, promotional “water trail” programs and federally designated wild and scenic rivers. Some of the comments seemed to indicate that the program would address water quality issues. Other comments indicated an assumption that the designation would either stop timber harvest or greatly curtail it and would not allow any future development.

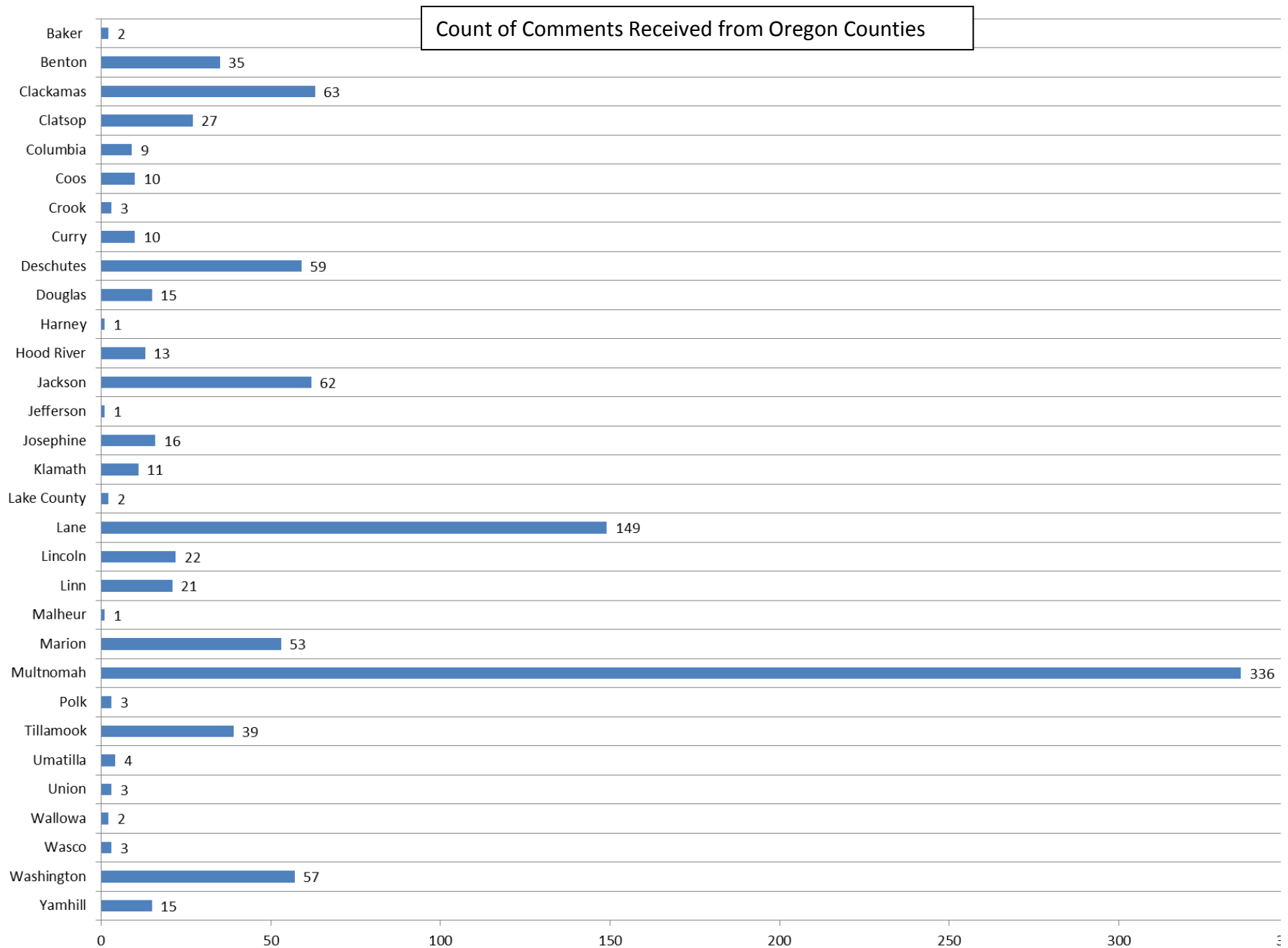


Figure 9. Comments received by Oregon County

**Table 4. Comments Received From Other Countries**

<b>Country</b>	<b>Received</b>
<b>Australia</b>	3
<b>Austria</b>	4
<b>Belgium</b>	3
<b>Canada</b>	11
<b>Chile</b>	1
<b>Denmark</b>	2
<b>Finland</b>	1
<b>France</b>	9
<b>Germany</b>	10
<b>Greece</b>	1
<b>Hungary</b>	1
<b>Israel</b>	2
<b>Italy</b>	1
<b>London</b>	1
<b>Mexico</b>	1
<b>N/A</b>	26
<b>Netherlands</b>	1
<b>New Zealand</b>	1
<b>Nicaragua</b>	1
<b>Philippines</b>	1
<b>Poland</b>	1
<b>Portugal</b>	1
<b>Spain</b>	2
<b>Sweden</b>	1
<b>Great Britain</b>	6
<b>Russia</b>	1
<b>Total</b>	<b>93</b>

**Table 5 Comments Received From Other States**

<b>Other States</b>	<b>Received</b>	<b>Other States Continued</b>	<b>Received</b>
Wyoming	1	Montana	3
Wisconsin	3	Missouri	4
West Virginia	2	Minnesota	4
Washington	34	Michigan	7
Virginia	10	Massachusetts	6
Vermont	1	Maryland	5
Utah	3	Louisiana	1
Texas	9	Kentucky	3
Tennessee	2	Iowa	6
South Dakota	1	Illinois	8
Pennsylvania	9	Idaho	1
Oklahoma	2	Georgia	2
Ohio	6	Florida	16
North Dakota	2	Delaware	1
North Carolina	5	Connecticut	1
New York	20	Colorado	12
New Mexico	1	California	43
New Jersey	5	California	1
New Hampshire	3	Arkansas	2
Nevada	6	Arizona	6
Nebraska	3	Alabama	1
		<b>Grand Total</b>	<b>261</b>

**Table 6. Reasons For Opposition From Comments**

Commenter	Location	Reason for opposition	Land owner
Tillamook County Commission	Tillamook County	Letter notes that some features of the designation are “laudable” the restrictions imposed on the land are unacceptable. Restrictions pertaining to timber harvest violate fiduciary duties from the state to the county.	no
Oregon Coast Scenic railroad	Tillamook, OR	Concern designation may impede remediation and lead to inability of retaining liability coverage. The additional burdensome regulations will hinder generation of tourism revenue, damage our ability to grow as a local business and fulfill both our lease requirements and support the Salmonberry Trail.	lessee
Farm Bureau	Salem, OR	Oppose designations that will negatively impact the ability of landowners to maintain their current operations and implement plans for future harvest or growth. Concerns about the impacts of the designation on the Agricultural Water Quality Management Act or Forest Practices Act. They are the sole programs governing nonpoint source water quality for agriculture and forestry, and the state cannot impose additional requirements on landowners through a scenic waterway designation. The river segment does not meet the qualifications for designation, nor is there a compelling reason to increase protection of the river, particularly given the cost of the designation to private landowners.	Did not say
Weyerhaeuser	Seattle, WA	Agrees that river is free flowing and pleasing, but is not primitive or pastoral and has history of intensive forest management. Upon clear cutting the forest, the harvested area is typically treated with forest chemicals to control competing vegetation. The seedlings planted are sourced from genetically improved stock. Request OPRD clarify in its report to the Governor that the Oregon Forest Practices Act and associated rules will continue to be the controlling regulatory authority relative to harvest, management, and transportation of timber and other forest products.	yes
Individual	Cornelius, OR	My 4 other relatives and I vote no on our property on the Nehalem	yes
Individual	Tillamook, OR	Fearful of OPRD’s capacity to administer designation. OPRD has many large projects in NW Coastal region that have not been addressed. New designation adds one more layer to workplan that is already over extended. Trails on OPRD property in great neglect. Funding arrived twice to address the Falcon Cove region, only to see it disappear to higher priorities. Oregon Coast Trail is mandated for OPRD to participate in. Have not seen the capacity from OPRD to address this project and the ongoing Salmonberry Trail project.	no
Individual	Did not say	Property owner concerned that the program would not let her make improvements to keep flooding from damaging her home as necessary. She would like to be able to work on her home without having to wait one year for approval to improve her home on the river.	yes
Individual	Nehalem, OR	Fine with how the state has been managing its forestry lands. Have hunted, fished, and camped along the Nehalem River. Believes that Cougar Valley Park should be put into state forestry land.	no
Individual	Hillsboro, OR	Concerned about restrictions placed on home owners. Can't build a cabin, but companies can log above his property. Concerned about hunting restrictions. Worried won't be able to harvest firewood.	yes
Individual	Nehalem, OR	OPRD has enough properties to care for. Does not want more taxpayer money spent. Area without special state control and has not changed in 80 years and will remain much the same in future. Remoteness and lack of access to railroad side makes this classification ridiculous.	No



## **WATERWAY CRITERIA EVALUATION FINDINGS**

The entire 17.5 mile study area meets or exceeds the criteria for a state scenic waterway.

- 1) The river or segment of river is relatively free-flowing and the scene as viewed from the river and related adjacent land is pleasing, whether primitive or rural-pastoral, or these conditions are restorable. (ORS 390.855)
- 2) The river or segment of river and its setting possess natural and recreation values of outstanding quality.
- 3) The river or segment of river and its setting are large enough to sustain substantial recreation use and to accommodate existing uses without undue impairment of the natural values of the resource or quality of the recreation experience.

The river was rafted from a primitive put-in on Oregon Department of Forestry (ODF) day use area located just downstream of the Henry Rierson Spruce Run Campground. In addition to OPRD's on-river evaluation, other agencies, organizations and members of the public also provided feedback on whether the waterway met the criteria. Public input was provided through submitted written comments, discussions with agencies, including several meetings with Oregon Department of Forestry, discussions with organizations and community members.

## **SCENIC WATERWAY STUDY CONCLUSIONS**

The field criteria evaluation indicates that this waterway is a strong candidate for designation. Inclusion of the Nehalem River would bring more geographic diversity to the program, as there is only one other designated waterway on the northern Oregon coast. The vast majority of public comments show strong support for designation, though there is some opposition. One of the two counties where the study area is located is in opposition and two of the three landowners who submitted comments are in opposition to designation.

## **ESTABLISHING SCENIC WATERWAY MANAGEMENT PLAN**

If the Nehalem river segment is designated as a State Scenic Waterway, statute requires OPRD to manage the waterway in order to protect and enhance the values which caused the waterway to be included in the system.

Management is based on the special attributes of each area with primary emphasis on protecting the scenic beauty, fish and wildlife, scientific and recreation features. The aim of the program is to maintain the scenic beauty and require that improvements do not obtrude on the view of the river. OPRD will classify the study area into to one or more of the six possible categories according to the level of existing development.

During the Molalla and Chetco River study process, the OPRD Commission decided that it was best to determine the classifications and management plan before a recommendation is forwarded to the governor because so much of the management is prescribed based on the classification categories. The management plan including the river classification category will be developed by an advisory committee convened by OPRD and made up of landowners, public land managers and other interested parties.

The rules established for all river categories allow continuation of existing uses and structures. Some improvements may require notification to OPRD, and some do not require notification, such as new fences, maintenance of farm buildings, laying of irrigation lines, crop rotation, removal of danger trees, construction of grain storage, construction of garages adjacent to existing houses and firewood cutting for personal use.

Mining, road-building, construction of some new structures, new placement of mobile homes, land clearing and timber harvest are examples of activities potentially requiring notification to OPRD. OAR 736-040-0040 describes the river classifications as largely determining the varying intensities of protections or development based on special attributes of each area within a scenic waterway. The classification must be known before answering many of questions public and private landowners may ask.

The information collected during the field rating suggests that “Recreational River Area” management classification may be suitable all of the 17.5 mile study area. The suggestion for classification is a starting point for the stakeholder group’s discussion and is not the final decision.

According to OAR 736-040-0040 the “Recreational River Area” category is administered to allow continued existing uses and allows for a wide range of compatible river-oriented public outdoor recreation opportunities. The Landowner’s Guide, developed by OPRD, describes a Recreational River Area “to often be rural in character and easily accessible from local roads with mixed agriculture, residential and commercial development along the shore and adjacent lands”.

The six possible categories and their general management direction listed in the [OAR](#) are as follows:

**Natural River Area:** Generally inaccessible except by trail or the river, with related adjacent lands and shorelines essentially primitive. These represent vestiges of primitive America. The goal of this classification is the preservation of primitive character.

**Scenic River Areas:** Still largely primitive and largely undeveloped, except for agriculture and grazing, but accessible in places by roads. May be accessible by road but may not include long stretches of conspicuous or well-traveled roads paralleling the river in close proximity, but may include extensive areas in agricultural use. The goal of this classification is to maintain or enhance their high scenic quality, recreational value, fishery and wildlife habitat, while preserving their largely undeveloped character and allowing continuing agricultural uses.

**Recreational River Areas:** readily accessible by road or railroad, that may have some development along their shorelines and related adjacent lands, and that may have undergone some impoundment or diversion in the past. The goal of this classification is to allow a wide range of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not impair substantially the natural beauty of the scenic waterway or diminish its esthetic, fish and wildlife, scientific and recreational values.

**Natural Scenic View Areas:** One bank has qualities of a Natural or Scenic River Area and the other bank is more developed. The goal of this classification is to preserve or enhance their essentially primitive scenic character, while allowing compatible public outdoor recreational use.

**Accessible Natural River Area:** readily accessible by road or railroad but otherwise possess the qualities of a Natural or Scenic River Area. The goal of this classification is to protect or enhance the primitive scenic character, while allowing compatible public outdoor recreation use.

**River Community Area:** Has an existing density of structures or other developments. The goal of this classification is for new development to blend in with natural character of the surrounding landscape.

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## APPENDICES

### Form Letters

**Table 7. Summary of Each of the Three Types of Form Letters Received**

1)	<p>The Nehalem River is a critical and iconic artery on the north coast. It contains habitat for numerous native fish species and supports amazing recreation opportunities including hiking, fishing, kayaking, rafting, and camping.</p> <p>I urge you to designate the 17 mile section between Henry Rierson Spruce Run Park and Cook Creek as a State Scenic Waterway in order to protect all of the important social and environmental values that this river provides</p>
2)	<p>I would like to express my strong support for protecting the Nehalem, South Umpqua, and North Santiam Rivers as State Scenic Waterways.</p> <p>State Scenic Waterway designations are one of the most important designations that Oregon can bestow on our river corridors. Such designations are helpful in minimizing or preventing destructive riparian activities, dams, suction dredge mining, and other inappropriate development while at the same time preserving the public's right to enjoy them through activities like hiking, fishing, kayaking, rafting, and camping.</p> <p>The Nehalem offers spectacular fishing and rapids with lush forests and popular campgrounds that deserve lasting protections. The Nehalem River provides numerous ecological and recreational benefits, including old-growth forests, salmon runs, stunning trails, scenic waterfalls, and economic opportunities through outdoor recreation. Whereas the South Umpqua is known for its Chinook and steelhead runs and the North Santiam provides clean drinking water to Salem.</p> <p>State Scenic Water designations are increasingly important to Oregon's economy. Over the last decade our state has become a national center for the outdoor recreation industry, attracting all types of adventures from hikers to paddlers. Our natural treasures fuel Oregon's tourism economy, attracting tens of thousands of visitors to our state each year and are an essential part of Oregon's quality of life. Designating these iconic rivers will preserve the stunning vistas, clean water, and recreation opportunities not only for Oregonians, but also for future visitors.</p> <p>Thank you for your commitment to protecting the spectacular waterways that make Oregon such a special place. I strongly encourage the Department to uphold its commitment to study and recommend the South Umpqua, Nehalem, and North Santiam Rivers as State Scenic Waterways.</p>
3)	<p>I am writing to express my support for designating the Nehalem, South Umpqua and North Fork Santiam Rivers as State Scenic Waterways.</p> <p>Whitewater enthusiasts throughout Oregon enjoy each of these rivers. The Nehalem River provides a Class II-III whitewater run through old-growth forests and scenic waterfalls, as well as habitat that supports salmon runs. The South Umpqua provides a Class II - V whitewater experience in a remote setting and also has habitat that supports Chinook and steelhead runs. The reach under consideration for the North Fork Santiam provides clean drinking water to Salem, and is immediately upstream of a Class III-IV run from Bruno Mountain Road to Detroit Reservoir. Protecting the upstream reach will enhance the downstream reach.</p> <p>Each of these rivers and the outstanding values they provide deserve lasting protection for future generations. A State Scenic Waterway designation recognizes the scenic, fish,</p>

	<p>wildlife, geological, botanical, historic, archaeologic, and outdoor recreation values these rivers may provide, and minimizes or prevents activities in the riparian zone that might degrade them, such as dams, suction dredge mining or other development. It preserves the public's right to enjoy these rivers through hiking, fishing, boating and camping.</p> <p>The Nehalem, South Fork Umpqua and North Fork Santiam rivers attract visitors from across the state and the country and are a crucial aspect of the state's recreation economy. These treasures are an essential part of Oregon's way of life. I support OPRD's efforts to study the Nehalem for inclusion in the State Scenic Waterway Program, and encourage you to move forward with evaluating the South Fork Umpqua and North Fork Santiam.</p>
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## County Commission Letters

## Tillamook County



*Land of Cheese, Trees and Ocean Breeze*

Board of Commissioners  
Bill Baertlein, Tim Josi, David Yamamoto  
201 Laurel Avenue  
Tillamook, Oregon 97141  
Phone 503-842-3403  
Fax 503-842-1384  
TTY Oregon Relay Service

October 25, 2017

Oregon Parks and Recreation Department  
Scenic Waterway Study  
725 Summer Street NE, Suite C  
Salem, OR 97301

Re: Designating Nehalem River as a Scenic Waterway

Tillamook County opposes designation of a portion of the Nehalem River as a Scenic Waterway. While certain features of the proposed designation are laudable, the restrictions imposed on "related adjacent land" are unacceptable. Moreover, the imposition of the restrictions pertaining to timber harvest within the proposed Scenic Waterway violate the fiduciary duties which the State owes to our county.

Pursuant to the relevant statutes and administrative rules, if the Nehalem River is designated as a Scenic Waterway, timber harvest will effectively be eliminated, constrained or reduced within a quarter mile of the high water mark of the riverbank. Notification of any planned timber harvest within the waterway must be given to OPRD. The Department is given one year to comment and determine "whether in its judgement the proposed use will impair substantially the natural beauty of the Scenic Waterway." We expect that the Department, particularly in the case of proposed clearcutting, would determine that the harvest will "impair" the natural beauty of the Waterway. In that instance, the harvest cannot be undertaken for at least another year, during which time the landowner can attempt to negotiate an alternative plan and if that doesn't alleviate OPRD's concerns, the Department "may" purchase the property.

In Tillamook County v State of Oregon, 302 OR 404 (1986) ("Tillamook I") the Oregon Supreme Court was presented with a controversy with facts remarkably similar to those at issue here. In Tillamook I the counties who had transferred tax-foreclosed properties to the State asked the Court to declare that a contractual or trust relationship arose when those lands were deeded to the State. The Court held that the conveyance of the tax-foreclosed lands created a contractual or trust relationship between the State and the transferring counties and the State could not abrogate that relationship by conveying the foreclosed properties to a third party.

The Supreme Court noted the statutory scheme set forth in ORS Chapter 530 "created a relationship" between the counties and the State that entitled the counties to revenue "as set forth in the statutory distribution formula...." The Court also ruled that "[t]he statutory plan contemplates consensual dealings between the counties and the state (through the Board of Forestry), dealings that would create enforceable rights insofar as the state's management of formerly county owned forest lands is concerned."

Subsequently in Tillamook County v. State of Oregon, Tillamook Co. Case No. 042118 ("Tillamook II"), Judge Richard L. Barron affirmed the importance of the relationship between the counties and the State and went a step further than Tillamook I in holding that "the State is contractually bound not only because of what comes from the statutory scheme, which has been a consensual arrangement for more than 70 years, but also from the deeds entered into by the Counties pursuant to the statutory scheme and which the State 'sought and bargained for' and gave "assurances that the lands would be used to produce revenue'... no other conclusion can be reached that the arrangement binds the State."

"As the state conceded at oral argument and Tillamook County v. State, 302 Or 404 (1986) recognized, all actions taken by the state have been with the consent of the counties. **There have been no exceptions.**" Letter Opinion, July 5, 2005. (Emphasis added)

In effect, the designation of the Nehalem River as a Scenic Waterway will result in a situation which the Courts found impermissible in Tillamook I and II. By eliminating or severely curtailing forest practices within the Waterway, the State is side-stepping the fiduciary duties it owes to Tillamook County with respect to tax-foreclosed properties located within the quarter mile corridor.

Although we support public uses on the Nehalem River, as evidenced by our support for the Rails and Trails project, we cannot support the proposed designation as it fails to take into account the primacy of timber production on properties which the County deeded to the State decades ago. We take no offense in OPRD's obligation to carry out its assigned duties with this study. We support Scenic Waterways where appropriate. Unfortunately, the constraints imposed on logging in the State Forests within the proposed Scenic Waterway would violate settled law if imposed. If that occurs, Tillamook County will have no recourse other than to seek an appropriate legal remedy as established under Tillamook I.

Sincerely,

BOARD OF COMMISSIONERS FOR TILLAMOOK COUNTY, OREGON



Bill Baertlein, Chair



Tim Josi, Vice Chair



David Yamamoto, Commissioner





**Clatsop County**  
Board of Commissioners

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October 27, 2017

Alexandra Phillips  
Bikeways and Waterways Coordinator  
Oregon Parks and Recreation Department  
725 Summer St. NE, Suite C  
Salem, Oregon 97301

Dear Alexandra,

On behalf of the Clatsop County Board of County Commissioners I would like to thank you for attending our October 25, 2017 meeting. The presentation that you gave regarding the Oregon Scenic Waterways Program and the current study about a portion of the Nehalem River in this program was very informative.

The citizens of Clatsop County have deep respect for the natural resources which make our county special. This is reflected by the many efforts to preserve and expand protections for the unique environment that exists in our coastal county. Inclusion of the Nehalem River in the Oregon Scenic Waterways Program is consistent with the values of our citizens and the ongoing efforts to ensure that future generations will have the opportunity to enjoy that same natural beauty and experiences enjoyed by past and current generations.

Following your presentation on October 25 the Board of Clatsop County Commissioners agreed to support inclusion of the Nehalem River in the Oregon Scenic Waterways Program. We look forward to the added protections that this designation will provide to a valuable County resource.

Sincerely,

Scott Lee  
Chair



## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item: 6b

Action

Topic: Endorsement of Mitchell Point Crossing trail design

Presented by: Chris Havel

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This Historic Columbia River Highway was originally built between 1913 and 1922. Construction of Interstate 84 in the 1950s and 60s obliterated or bypassed much of the route, but inaccessible portions began to return to service starting in the 1980s as a premier pedestrian and bicycling route. Sixty-five of the original 73 miles of the road are now accessible either as a trail, most of which is managed by state park staff, or by car. The last major connections to complete the route are between I-84 mileposts 51 and 62.

Within that chunk, construction is underway on a portion from Wyeth to Lindsey Creek, and funding is in hand for the challenging Mitchell Point piece. Mitchell Point was site of an iconic tunnel with its five arched windows overlooking the Columbia River. Constructed in 1915, the tunnel was closed in 1953 because it could no longer accommodate high traffic volumes and car sizes. It was destroyed in 1966 to widen the freeway.

Mitchell Point itself is a formidable mountain that requires a new bridge or tunnel to connect the western and eastern segments of state trail. The Oregon Department of Transportation received funds for design and construction of a new Mitchell Point Crossing, and consulted with the public, OPRD, and other stakeholders to select a final proposed design, leading to construction estimated to start in 2020. The preferred design alternative involves a 570' tunnel. Design and construction is funded by a \$20 million grant from the Federal Lands Access Program. The design option was put forward as the preferred alternative by the Historic Columbia River Highway Advisory Committee at their May 22, 2018 meeting. The purpose of this agenda item is to obtain a formal endorsement for the design from the Commission.

**Prior Action by Commission:** None.

**Action Requested:** Endorsement of the Mitchell Point trail design proposal subject to permit conditions and requirements of the National Scenic Area Act.

**Attachments:** 1) Mitchell Point Crossing design alternatives presented during an open house, 2) ODOT project report and options summary.

**Prepared by:** Chris Havel, Associate Director

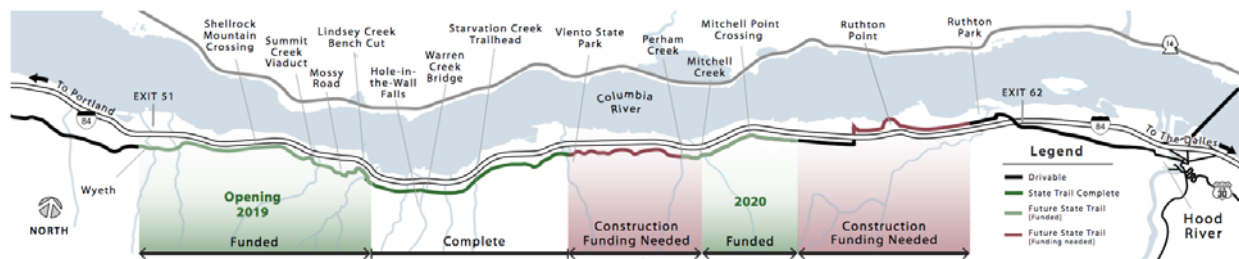
# Oregon Parks and Recreation Commission

June 13, 2018

Agenda Item: 6b attachment ODOT report

Topic: Endorsement of Mitchell Point Crossing design

The Oregon Department of Transportation (ODOT) is leading an effort to reconnect abandoned and destroyed segments of the Historic Columbia River Highway (Historic Highway) as a State Trail from Troutdale to The Dalles – 73 miles. The ongoing design and construction activities along the Historic Highway have substantially reduced the length of Historic Highway remaining to be reconnected. Funding has been obtained for the design and construction of all but approximately 4 miles of the remaining future alignment. Mitchell Point is located in the Columbia River Gorge, about 3 miles west of Hood River, and is accessible from I-84 (WB) exit number 58, within the Wygant State Natural Area.



In 2015, ODOT conducted a [Mitchell Point Feasibility and Cost Study](#) to quantify potential trail alignments, their associated risks and order-of-magnitude costs to determine the preferred approach. Table 1, lists the seven alignments included in the Study.

**Table 1 – Options Summary**

Option	Approximate Length (feet)	Notes
Alignment 1 – Tunnel	2,000	Tunnel Length – 1,225 feet
Alignment 2A – Shelf & Bridge	2,100	Shelf Length – 950 feet Bridge Length – 300 feet
Alignment 2B – Shelf & Short Tunnel	2,200	Shelf Length – 950 feet Tunnel Length – 380 feet
Alignment 2C – Shelf & Intermediate Tunnel	2,100	Shelf Length – 470 feet Tunnel Length – 825 feet
Alignment 3A – Overland	9,100	~
Alignment 3B – Overland w/Rock Cut	7,500	Rock Cut Length – 300 feet
Alignment 4 – I-84 Adjacent	4,300	~

*Lengths of each alignment presented to the public changed after the 2015 Feasibility and Cost Study was completed. See below.*

After the Study was completed, ODOT staff and the Historic Highway Advisory Committee members scored the alignments based on user experience, constructability, cost and other factors to determine the top three alignments for further investigation when funding became available. They were 2A, 2B & 2C.

In 2017, ODOT received a Federal Lands Access Program (FLAP) Grant to design and construct the Mitchell Point Crossing and hired WSP to begin design work in Fall 2017. In the past several months, WSP has completed geological investigations including 150 ft long core samples of Mitchell Point and found the rock at Mitchell Point is suitable for tunneling. Additional work to date includes:

- Rockfall impact analysis and rockfall mitigation options
- Preliminary designs for alignments 1, 2A, 2B & 2C (*the lengths of each alignment have changed since the 2015 Feasibility and Cost Study*)
- ODOT, OPRD and project partners removed alignment 2B for further study
- ODOT, OPRD and project partners scored alignments 1, 2A & 2C based on decision making criteria
- Public Open House to share alignments 1, 2A, & 2C
- Historic Highway Advisory Committee recommendation for a preferred alignment – 2C

**At this time, we are requesting that the Oregon Parks and Recreation Commission endorse the 570 ft Tunnel (2C or Intermediate Tunnel) option as the preferred alternative for the Mitchell Point Crossing.**

Once we receive this endorsement, WSP the engineering consultant will proceed with further design and engineering to develop the Design Acceptance Package (DAP) or 30% designs. The DAP will then be submitted as part of the Columbia River Gorge National Scenic Area (NSA) construction permit in late Fall 2018. Project design will continue through the end of 2019 and construction will begin in 2020.



# Welcome

## To our open house for the Mitchell Point Crossing



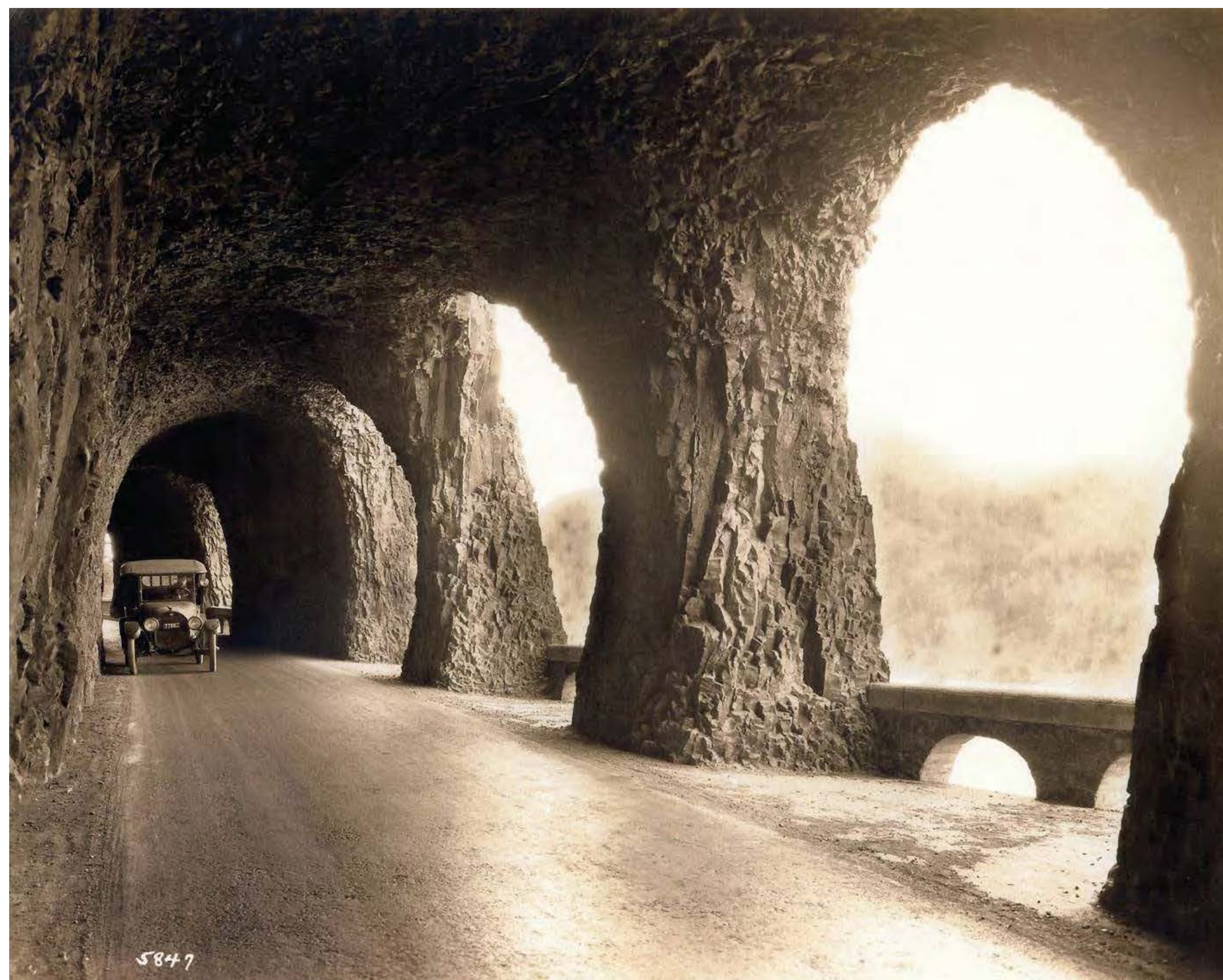


# History



Mitchell Point was the site of an iconic tunnel with its five arched windows overlooking the Columbia River. Constructed in 1915, the tunnel was closed in 1953 because it could no longer accommodate high traffic volumes and car sizes. It was destroyed in 1966 to widen the water-level highway, now Interstate 84.

Mitchell Point is a formidable mountain that requires a new bridge or tunnel to connect the western segments of State Trail to Hood River and The Dalles. ODOT received funds for design and construction of a new Mitchell Point Crossing.





# Decision making criteria



In 2015, ODOT began evaluating seven design alternatives for a crossing at Mitchell Point. These alternatives included tunnels, a viaduct, a bridge and a trail alongside I-84.

ODOT narrowed the alternatives to several options. Below are the criteria for selecting the preferred alternative.

<div>Trail users’ experience</div> <div>Users on State Trail should be able to experience the trail comfortably and safely and enjoy the scenic views.</div>	<div>Resiliency</div> <div>How will rockfall, fires, weather or vandalism impact this trail segment over time?</div>
<div>Historic compatibility</div> <div>Our mission: Remember, Restore and Reconnect the Historic Highway. The State Trail should follow the original alignment of the highway when possible, use the high-design standards and craftsmanship of the past, and highlight the beauty of the Columbia Gorge for users to experience.</div>	<div>Columbia River Gorge National Scenic Area compliance</div> <div>The National Scenic Area sets specific provisions for scenic, cultural, natural and recreation resources. Consistent with the original intent of the highway, the State Trail should “lie lightly on the land” and carefully consider impacts to resources.</div>
<div>Constructibility</div> <div>This criteria examines risks in design, including rock excavation, rockfall hazards, impacts to I-84 during construction and overall construction complexity.</div>	<div>Maintenance</div> <div>The effort and cost of long-term maintenance is a factor that needs to be considered.</div>



# Geological Findings



## Rock conditions

To study the rock, we drilled up to 150 feet into the slopes and took samples. We found that the rock conditions are suitable to construct a tunnel.

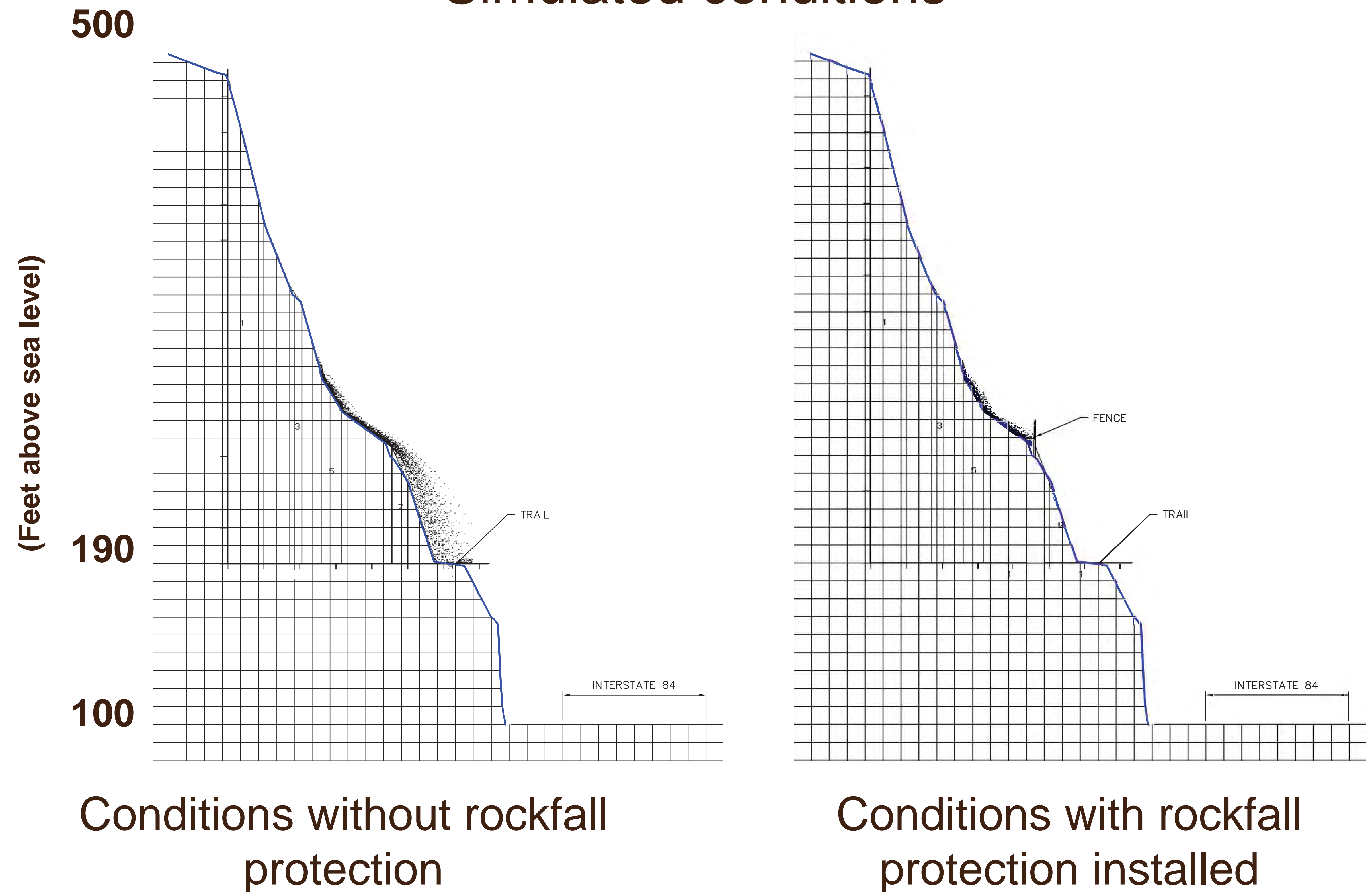
## Rockfall hazards

We conducted rockfall simulations from the slopes above the trail to examine how much rock would fall directly onto the trail and how much rock would roll onto the trail.

The existing conditions are considered hazardous without rockfall protection.

These results guide the type and amount of rockfall protection measures needed to design a safe trail.

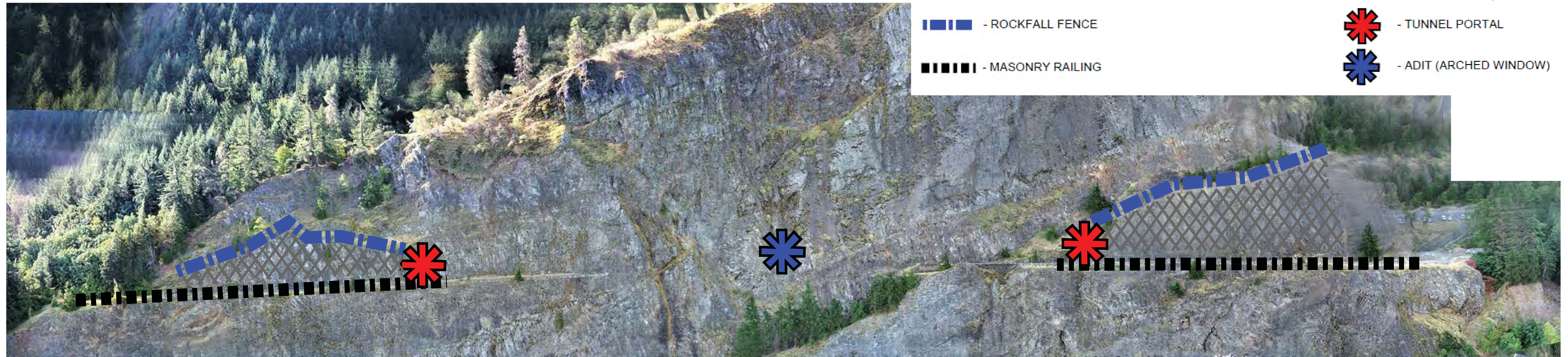
## Simulated conditions



The dots show anticipated rockfall. A high concentration of dots means a significant amount of rock is expected to land in that area.



# 570-foot tunnel & trail



## Benefits

### Experience:

- The shorter tunnel at 570 feet provides a more open-air experience and wider views of the Gorge.
- Less of a perceived and/or real safety concern with a shorter tunnel.

### Historic compatibility:

- A tunnel with “windows” is historically consistent. The trail would follow about 50 percent of the original highway alignment.

## Challenges

### National Scenic Area:

- Rockfall protection, likely mesh, is needed at each end of the tunnel. Mesh could impact vegetation on the slope.

### Maintenance:

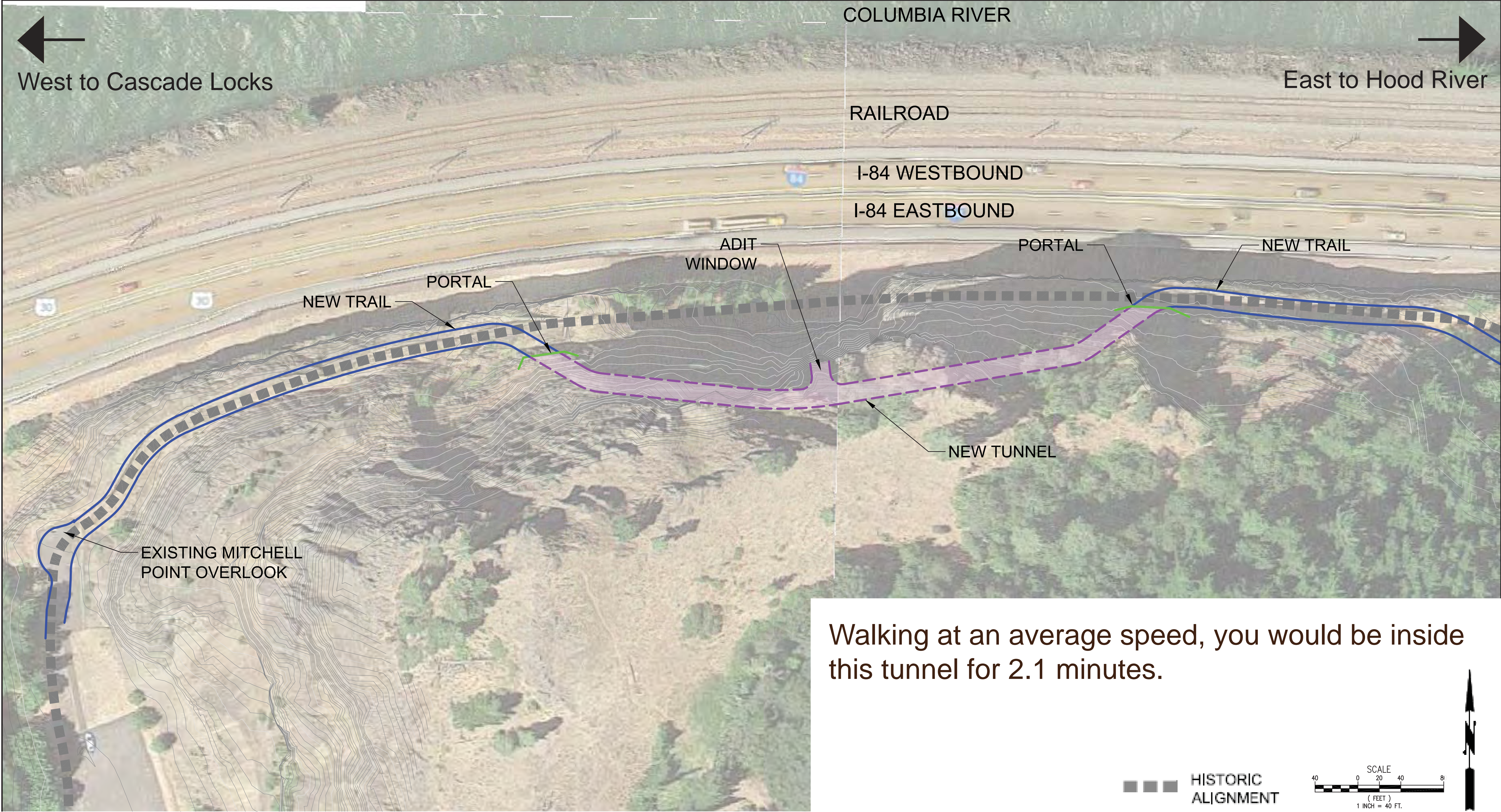
- Rockfall mesh adds maintenance time and cost to clear accumulated rock.

### Constructibility:

- The tunnel is set back significantly from the wall face.
- The tunnel may need electrical work.



# 570-foot tunnel & trail



Walking at an average speed, you would be inside this tunnel for 2.1 minutes.



# 1,335-foot tunnel



## Benefits

### National Scenic Area:

- Rockfall protection, likely mesh, would be minimal, which lowers the visual impact for Gorge users.
- Less impact to plants populations on the rock wall.

### Maintenance:

- Less rockfall related maintenance.

## Challenges

### Experience:

- At 1,335 feet (1/4 mile) this tunnel is more than twice the length of the 570-foot tunnel.
- Perceived and/or real safety concerns from a long, dark tunnel.

### Constructibility:

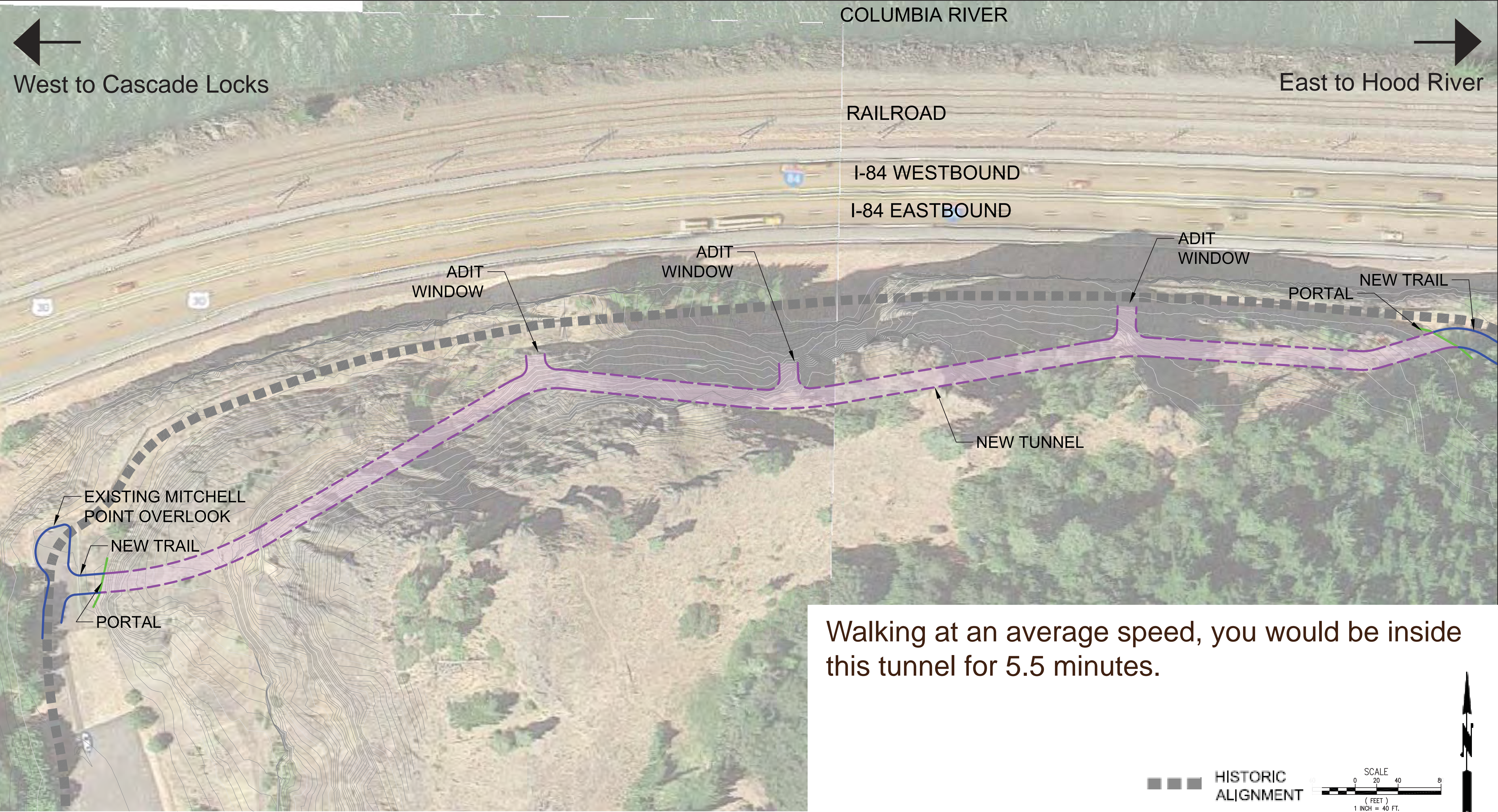
- The long tunnel costs more to construct than the 570-foot tunnel.
- The tunnel is set back from the wall face. Placing “windows” to add adequate light is challenging. Electrical work could be significant.
- The west end of the tunnel has less favorable rock conditions, which could increase tunneling challenges.

### Historic compatibility:

- The trail would not follow the historic alignment.



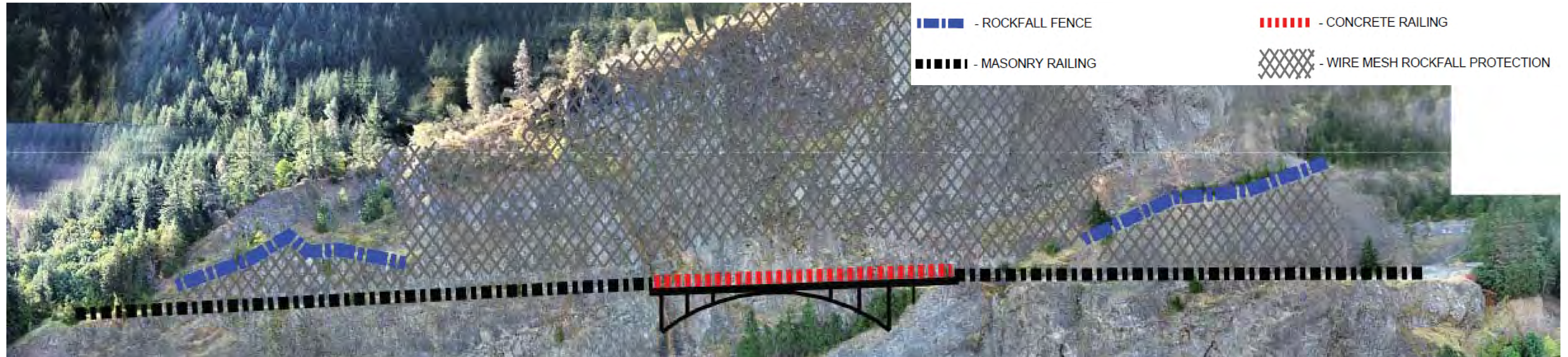
# 1,335-foot tunnel



Walking at an average speed, you would be inside this tunnel for 5.5 minutes.



# Bridge & trail



## Benefits

### Experience:

- The bridge offers an open-air experience with an unobstructed view.

### Constructibility:

- No significant electrical work is needed.
- Limited rock excavation is needed. Because no tunneling is included, there is less rock stability risk.

### Historic comparability:

- This alternative uses a historic “shelf” from the highway and is the most compatible with the historic alignment.

## Challenges

### National Scenic Area:

- This structure, although mirroring historic designs, would be visible from key viewing areas.
- A large amount of rockfall mesh, covering a significant part of the slope, is required. Mesh could impact vegetation on the slope.

### Maintainability:

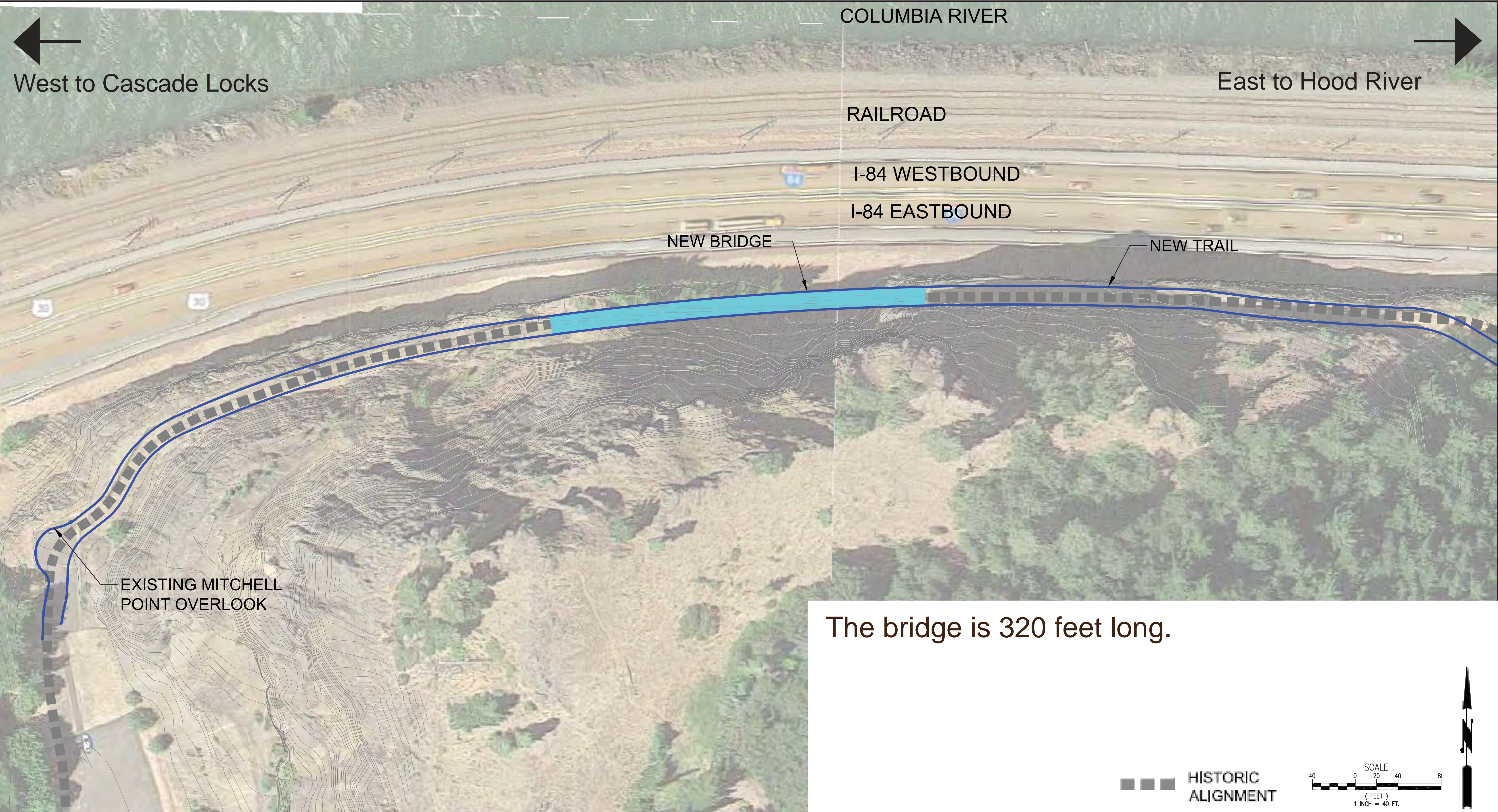
- The cost to maintain the amount of rockfall mesh needed may be substantial.

### Constructibility:

- The amount of mesh would likely require a helicopter and significant effort to install.



# Bridge & trail



The bridge is 320 feet long.



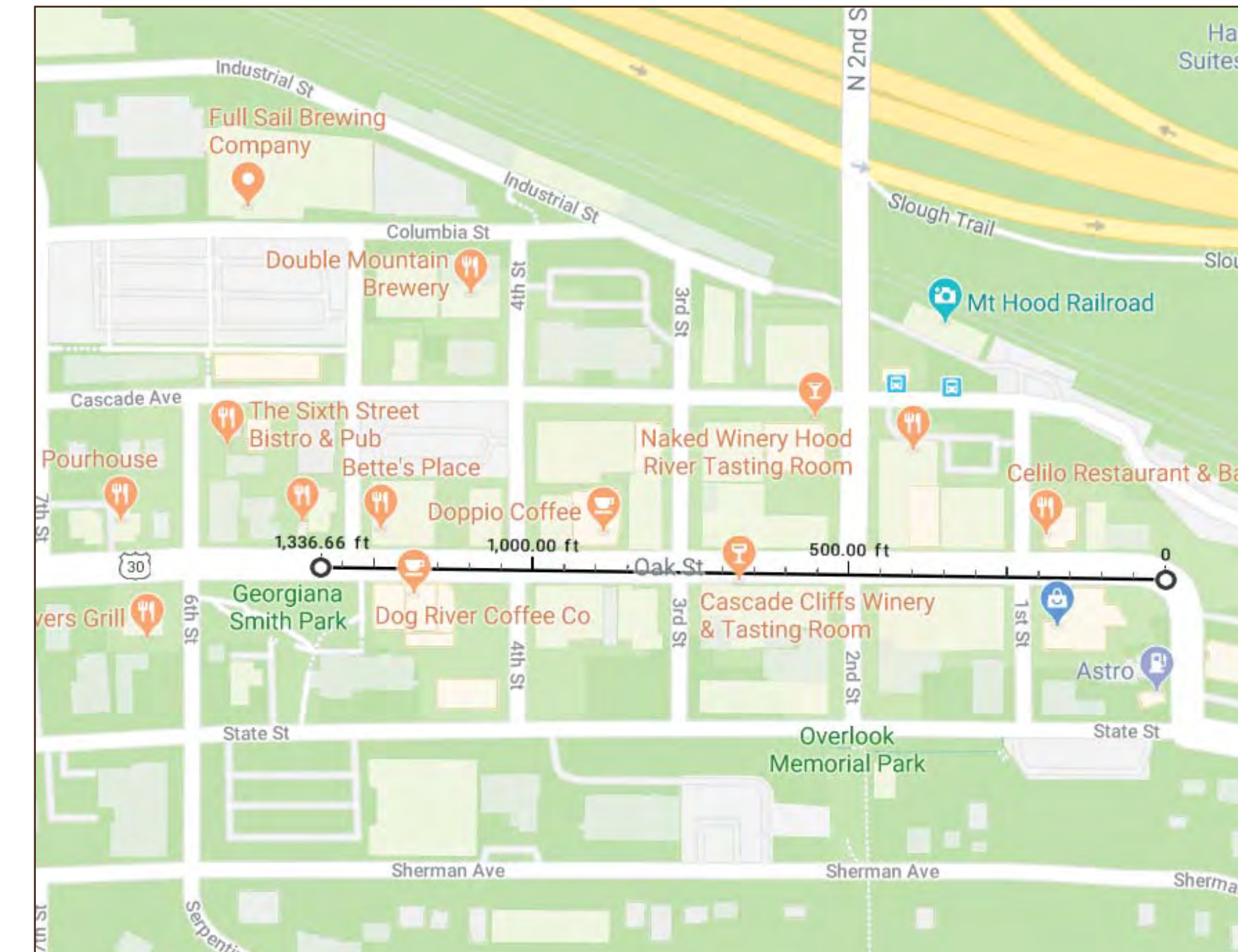
# Tunnel “windows” and portal



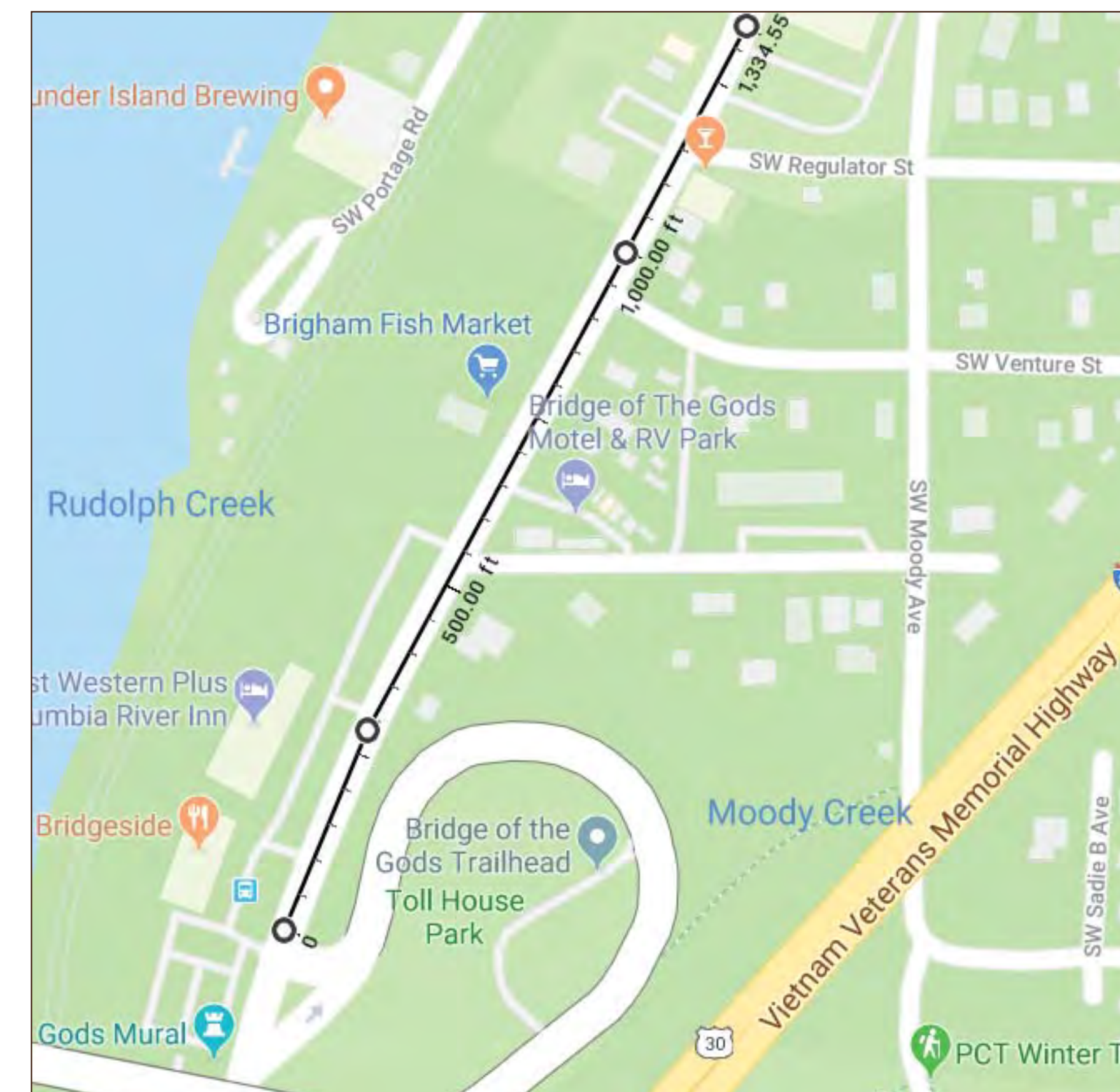
In Progress



## How long is 1,300 feet?



The length of the long tunnel is approximately, 1,300 feet (a 1/4-mile), equals one lap around a track.



A football field is 360 feet long. The longer tunnel is the length of 3.6 football fields.

That is the same distance as from Bridgeside to the Columbia Market in Cascade Locks or from Front Street to 5th Street in Hood River.

*Photo simulations are for informational purposes only*



# Next Steps

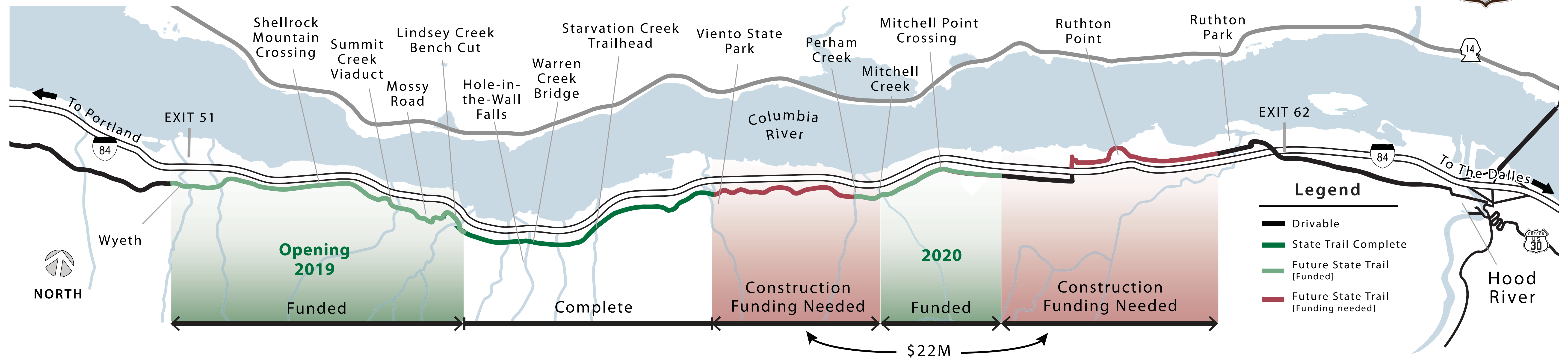


- **At the May 21 meeting**, the Historic Highway Advisory Committee is expected to recommend a design alternative to ODOT and Oregon Parks and Recreation for the Mitchell Point Crossing. We will share your comments with the Advisory Committee to help inform their recommendation.
- This summer, the Oregon Parks and Recreation Commission and the Oregon Transportation Commission will have the opportunity to endorse the Advisory Committee's recommendation.
- Design will continue on the preferred alternative, and ODOT is targeting Spring 2020 to begin construction.



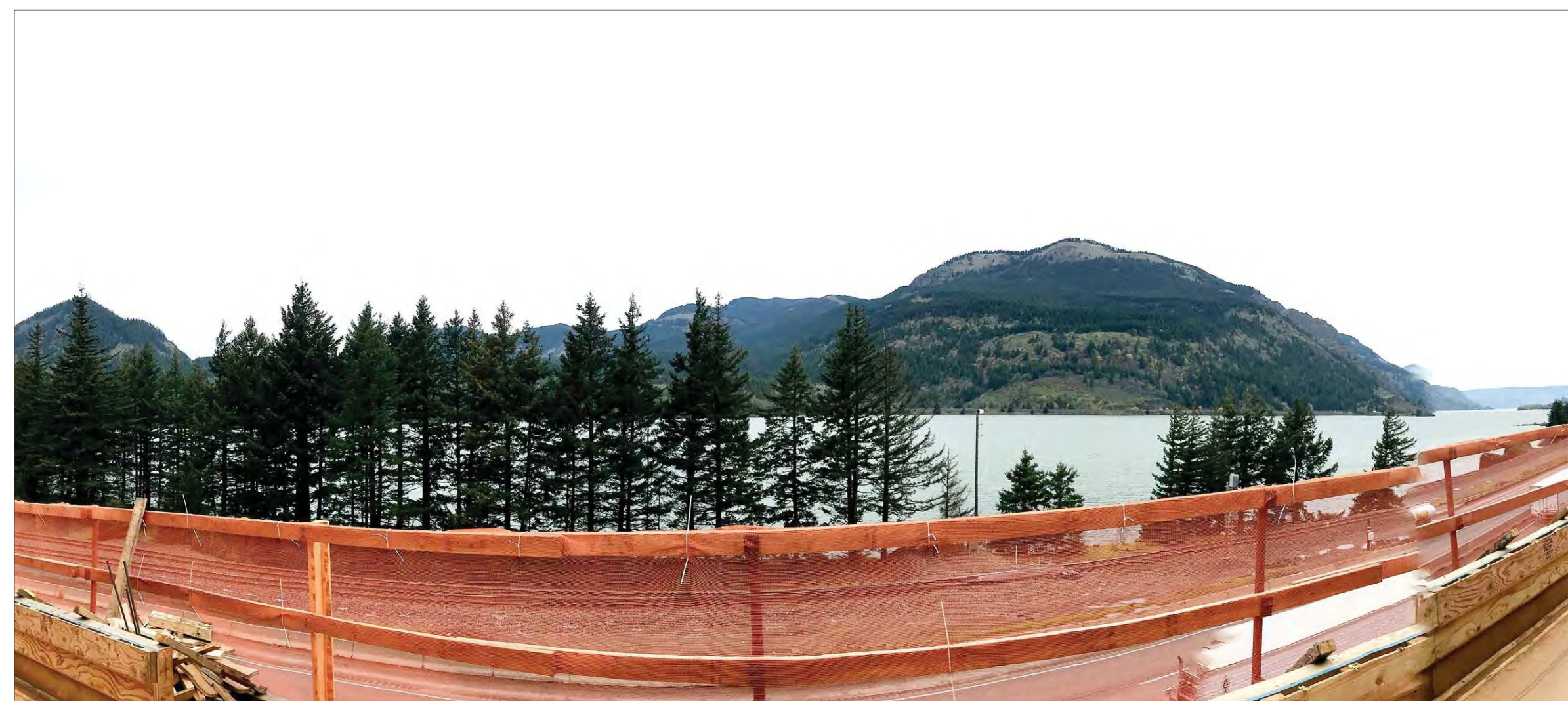


# The Final 5 Miles



## Construction

- A three-mile segment of the Historic Highway State Trail is under construction from Wyeth to Lindsey Creek.



- Construction began spring 2017 and is scheduled to be complete in summer 2019.
- Project elements include: a new trailhead at Wyeth, the Summit Creek Viaduct with stunning views of the Gorge, the Lindsey Creek Bench Cut and a trail around Shellrock Mountain.

## Design

- The Mitchell Point Crossing is one piece of the final five-mile gap to reconnect the Historic Highway. ODOT is also currently designing trails to connect to either side of Mitchell Point.
- Segments from Viento State Park to the west and Ruthton Park to the east are beginning design.
- These segments will improve the trailhead at Viento State Park, provide access to the Historic Wygant State Park nestled along Perham Creek and treat users to breathtaking views of orchards along the Columbia River from Ruthton Point.



## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item:	7a	Information
Topic:	Heritage Division Update	
Presented by:	Christine Curran, Heritage Division Director, Deputy SHPO	

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### UO Mother's Day Powwow Receives *Oregon Heritage Tradition* Designation

The University of Oregon Mother's Day Powwow, Native American Student Union event, marked its upcoming 50th year with an *Oregon Heritage Tradition* designation by the Oregon Heritage Commission.

The Mother's Day Powwow was begun in 1969 by the Native American Student Union (NASU) to help indigenous students strengthen cultural values while at the university and to support educational success of the Native American community. The University of Oregon Mother's Day Powwow holds the distinction of being the oldest off-reservation powwow in the state of Oregon. Over the years NASU members decided that the UO's powwow should honor the contributions of all mothers and set the annual date for Mother's Day weekend. Today the powwow brings dancers, singers and audiences together from across Oregon and the United States. It attracts more than ten drum groups and approximately 75 dancers from local and regional tribes each year. Over 8,000 participants attend the three day, family-friendly event, including Native American alumni who gather to honor the graduating students.

Heritage Division grants coordinator Kuri Gill and Deputy SHPO Chrissy Curran were on hand to present the designation to NASU during the Powwow's opening ceremonies on May 11<sup>th</sup> at UO's McArthur Court.

An *Oregon Heritage Tradition* must have been in continuous operation for more than 50 years, demonstrate a public profile and reputation that distinguishes it from more routine events, and add to the livability and identity of the state. Other Oregon Heritage Traditions are listed below, along with their founding dates.

Oregon State Fair, Salem (1858)  
Wasco County Fair and Rodeo, Tygh Valley (1885)  
Linn County Pioneer Picnic, Brownsville (1887)  
Astoria Regatta (1894)  
Clackamas County Fair, Canby (1907)  
Pendleton Round-Up (1910)  
Happy Canyon Pageant and Wild West Show (1916)  
Fourth of July Pet Parade, Bend (1932)  
Klamath Basin Potato Festival, Merrill (1937)

Portland Greek Festival (1952)  
Pear Blossom Festival, Medford (1954)  
Pacific City Dory Days (1959)  
Bohemia Mining Days, Cottage Grove (1959)  
Scandinavian Festival, Junction City (1961)  
Cannon Beach Sandcastle Contest (1964)  
Woodburn Fiesta Mexicana (1964)  
Astoria Scandinavian Midsummer Festival (1968)  
Portland Midsummer Festival (1928)  
Lebanon Strawberry Festival (1909)  
University of Oregon Mother's Day Powwow (1969)

### **Look Around, Look Around**

The Pete French Round Barn will be among the places you will visit on the commission tour on June 12<sup>th</sup>. Once you arrive, we encourage you to let your imagination take you back to the early 1880s, when Chester Arthur was president, Billy the Kid was shot and killed by Pat Garrett, and the Brooklyn Bridge was newly opened. Pete French built the round “barn” in 1883 on what was then his Barton Lake Ranch acreage. Historically known as the Barton Lake Barn, the round barn is not a barn at all, but an enclosed corral, which allowed the latino vaqueros French hired to exercise and train his horses during the cold winter months. The round barn is one of three French built during the 1880s on his vast land holdings in Harney County, but it is the only one that survives.

The Round Barn was privately owned and stewarded until 1969, when the Oregon Historical Society (OHS) purchased an easement that included the barn and 2.5 surrounding acres. In 1995, OHS conveyed the barn to Oregon Parks and Recreation Department, which conducted a major restoration that year through its partnership with the Pacific Northwest Preservation Field School. The Pete French Round Barn was among the very first buildings listed in the National Register of Historic Places in Oregon (1971), and has been joined over the years by five other historically significant properties in the area associated with Pete French and other Harney County cattle barons of the late nineteenth century: the Double ‘O’ Ranch Site Historic District, the ‘P’ Ranch, the Frenchglen Hotel, the Riddle Ranch, and the Sod House Ranch.

### **Verbal Updates:**

Preservation Fair, May 31  
Kam Wah Chung Anniversary Celebration, June 9  
Eastmoreland Historic District Outcome

**Prior Action by Commission:** none

**Action Requested:** none

**Attachments:** none

**Prepared by:** Christine Curran



## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item:	7b	Action
Topic:	Veteran's and Memorial Grant Program – Grant Requests	
Presented by:	Christine Curran, Heritage Division Director, Deputy SHPO	

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### Background

The Veterans and War Memorials Grant Committee met May 9, 2018 in Salem and recommended the projects in the funded category of the attached list of grants for commission approval.

The Veterans and War Memorials Grant Program was established after the passage of House Bill 2739 in 2005. State funding assistance is available to local governments that are working in partnership with Veterans' organizations for the construction and restoration of memorials honoring veterans and war memorials located on public property owned or controlled by a local government. Funding for the projects is to be derived from existing OPRD lottery funds.

Grant applications were solicited and OPRD received nine project applications. This is an increase compared to past years. The projects were evaluated based on established criteria and scores. After tabulation of scores and discussion of the grant criteria and purpose, the committee is recommending five of the projects for the Commission's consideration and approval. \$300,000 is allocated per biennium for this grant program. These recommendations include full funding for projects in Astoria, Bandon, Malin, and Veneta and partial funding for the Confederated Tribes of Warm Springs. These projects were particularly competitive due to community engagement in and financial support for the projects. Note that the Confederated Tribes of Warm Springs was able to apply this year due to the recent administrative rule changes.

**Prior Action by Commission:** Approval of previous grant requests.

**Action Requested:** Staff requests commission approval of the advisory committee's recommendations to fund the Veterans and War Memorial projects totaling \$150,006 per Attachment A.

**Attachments:** Attachment A - Veterans and War Memorials Grant Project Recommendations

**Prepared by:** Kuri Gill

## 2018 Veterans & War Memorials Grants

### Heritage Programs, Oregon Parks and Recreation Department

#### Funded

Applicant	Project Description	Grant Request	Grant Award	Match	Overmatch
Astoria	Document the terra cotta tile roof, remove and replace the tiles of the Doughboy Monument in Astoria.	\$17,190	\$17,190	\$6,021	\$0
Bandon	Add a new veterans memorial wall, recognizing from and living in Bandon, to the existing Coast Guard monument at the Bandon city park.	\$37,550	\$37,550	\$29,915	\$0
Confederated Tribes of Warm Springs	Construct a veterans and memorial to commemorate the military services of veterans in Warm Springs.	\$47,000	\$8,850	\$47,000	\$0
Malin	Develop a veterans memorial park in Malin.	\$48,000	\$48,000	\$12,000	\$0
Veneta	Construct a memorial to local veterans from World War I to the present in Veneta City Park.	\$38,416	\$38,416	\$31,796	\$0
<b>Funded Totals</b>		<b>Number of Applications: 5</b>	<b>\$188,156</b>	<b>\$150,006</b>	<b>\$126,732</b>
				<b>\$0</b>	

#### Not Funded

Applicant	Project Description	Grant Request	Grant Award	Match	Overmatch
Happy Valley	Construct a memorial, including a linear pathway, plaza, custom benches and branch flags for each service branch, and engraved retaining walls in Happy Valley.	\$74,500		\$76,780	\$0
Lake Oswego	Construct a veteran's and first responders memorial in Lake Oswego.	\$51,140		\$32,000	\$0
Ontario	Construct a veterans memorial, to six veterans, in Ontario.	\$150,000		\$57,500	\$0
Pendleton	Construct a veterans memorial to all veterans of all services in Pendleton.	\$112,400		\$37,056	\$0
<b>Not Funded Totals</b>		<b>Number of Applications: 4</b>	<b>\$388,040</b>	<b>\$203,336</b>	<b>\$0</b>

<b>Grand Totals</b> (all applications)		<b>Number of Applications: 9</b>	<b>\$576,196</b>	<b>\$150,006</b>	<b>\$330,068</b>
				<b>\$0</b>	



## Oregon Parks and Recreation Commission

June 21, 2018

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Agenda Item: 8a **Action**

Topic: Silver Falls Conference Center Bridges Replacement – Conditional Award

Presented by: Clifton J Serres. Engineering Manager

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**Title:** Silver Falls Conference Center Bridges Replacement Awarded Contract

**Location:** Silver Falls State Park

**Description:** The project will provide for the Replacement of two Bridges: 1) Howard Creek Bridge; 2) South Fork of Silver Creek Bridge; 3) Roadwork and Paving Construction; and 4) Utility Relocation.

*Project Manager:* Katrina Kam

*Project Number:* 033254

*Procurement Number:* TBD

*Project Budget:* \$920,000.00

*Procurement Budget:* \$785,000.00

*Schedule:*

Advertise	Bid Close	Contract Award	Contract Completion
06/12/18	07/03/18	07/17/18	10/15/18

**Action Requested:** Staff seeks Commission conditional approval of award to the apparent low bidder, in the event the apparent low bid is greater than \$500,000, which is expected. Approval would be conditioned on the following criteria:

1. Contractor meets all OPRD criteria for determining the lowest responsive, responsible bidder including but not limited to having capacity to perform the stated work, ability to meet all contract insurance and bonding requirements, and Contractor is in good standing with the Construction Contractors Board.
2. In the event of a bid protest, OPRD staff has worked with the Department of Justice (DOJ) to resolve the protest issue and can provide a recommendation for award.
3. Sufficient OPRD funds are available to complete the work. And the apparent low bid is within the Project Budget limits.

**Prior Action by Commission:** Approval of 17-19 FIP Project List

**Attachments:** None

**Prepared by:** Clifton J. Serres

## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item: 9a

Action

Topic: Request to adopt rulemaking- Electric bicycles (736-010-0015, 736-010-0026)

Presented by: Katie Gauthier

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### **Background:**

As electric bicycles become more prevalent, OPRD is facing increasing pressure to serve people who want to recreate with electric bicycle on bike paths and trails under OPRD jurisdiction. Existing administrative rules do not allow for use of electric bicycles, commonly called e-bikes, on our paths or trails.

Last September, the Commission approved opening rulemaking to consider allowing electric bicycles on trails managed by OPRD. A group of stakeholders that included e-bike riders, store owners, mountain bike riders, equestrian riders, agency partners and managers of parks with trails were recruited to discuss how the agency should move forward on the proposed rule change. The group came to a compromise recommendation of generally allowing electric bicycles on trails that are 8 feet and wider. We also discussed electric bicycle use along the ocean shore.

### **Public Comments**

In April, the agency opened public comment on a proposed rule amendment that would allow electric assisted bicycles, as defined in Oregon Law, on OPRD trails eight feet wide and over and along the ocean shore anywhere that bicycles are allowed.

Media outreach on the topic garnered stories in the Register Guard, Statesman Journal, OPB Radio and numerous other media outlets.

The agency held public hearings in Hood River, Redmond, Salem, Bandon, Newport and Warrenton to gather public comment. In total, sixty-six people attended the public hearings, many providing comments verbally. Audio of the public hearings is available at <http://www.oregon.gov/oprd/RULES/Pages/Rulemaking%20Notices.aspx>

In the six weeks that public comments were opened, we have received 332 comments. All the comments are available on our website at <http://www.oregon.gov/oprd/RULES/Pages/Rulemaking%20Notices.aspx>.

201 commenters were generally opposed to a rule change. Of those 75 specifically were opposed to increasing use of electric bicycles on the beach. 56 commenters identified as equestrians concerned about increased user conflict with additional bicycles on trails.

There were 127 comments in support of adding electric bicycles to trails and/or the ocean shore. Commenters often described how electric bicycle allow them to continue to enjoy riding bicycles after an injury or illness.



In general, those opposed to the rule change expressed concern over safety, user conflict and lack of enforcement. Those in support generally feel electric bicycles should be seen as any other bicycle and would like to see OPRD regulate behavior, not the type of bicycle a person chooses to ride.

Themes of the comments:

- Numerous equestrian riders expressed concern over safety on our trails. They described fear over the encounters with bicycles currently and did not want to see additional users on already crowded trails. Specifically, the often cited fears of a quiet e-bike coming up behind them at a fast rate of speed and spooking their horse.
- Many Oregonians were concerned with the peace and tranquility of the beach being disrupted by fast moving electric bicycles on the beach. They were concerned about the safety for kids and dogs if bicycles were riding fast. There were also a number of people concerned about the habitat impacts on the beach if more bicycles were riding faster and further. A number of people said they were comfortable with electric bicycles on motorized sections of the beach, but did not want to see that expanded to all sections of the beach.
- Many of the commenters in support of electric bicycles describe themselves as part of the baby boomer generation. They describe how as they have aged the move to an electric bicycle as allowed them to keep active. Some describe how the electric bicycle gives them the opportunity to keep up with younger family members or see new areas of the state.
- Commenters expressed concern over lack of enforcement. Commenters expressed concern over whether OPRD had the staffing to enforce types of equipment covered under the definition or limits on speed and other safety requirements included in the rules.
- We received many comments from the Hood River area where electric bicycle riders would like to ride along the Historic Columbia River Highway State Trail and enjoy the scenery.
- There were a number of comments expressing concern over whether a move toward acceptance of electric bicycles was a slippery slope toward allowing additional electric or gas powered devices on trails or the beach.

## **Recommendation**

Recognizing the overwhelming concern expressed by commenters on changes to the beach rules, staff recommends not moving forward with beach rule changes, at this time. This will keep beach access as it currently stands with electric bicycles allowed where motorized vehicles are allowed. As technology advances, public awareness changes and we have more experience with electric bicycles on trails, this may be something the Commission will want to reconsider in the future.

For the trails section of the rules, staff recommends modifying language in the proposed trail rule to read:

“A person may operate an electric assisted bicycle on roads and trails eight feet or wider unless otherwise posted. The director or designee may open or close additional roads and trails to the operation of electric assisted bicycles based on an evaluation of factors related to the use of these devices including, but not limited to the degree of conflict with other users, public safety, impact on wildlife, or damage park resources.”

Some commenters expressed concern over park staff allowing electric bicycles on narrower trails without an opportunity to engage with stakeholders. Requiring the Director’s office involvement, will help to ensure a more robust process is required before any trail narrower than 8 feet is considered. The intent would be to keep electric bicycles on wider trails, but this language would allow limited flexibility at the Director’s discretion.

Additionally, staff recommends working with existing user groups on trail etiquette education and conflict resolution as part of the implementation plan at the region level. We heard from a number of commenters

concerns about safety and user conflict with equestrians, mountain bicycles or other user groups. If the proposed rules are adopted, in each region, the Operation Support Managers would work with existing user groups such as equestrians, trail improvement partners and other stakeholders to discuss which trails should be signed as opened to electric bicycles and which areas should remain closed. This plan and the trail signage would be in place by October 1.

**Prior Action by Commission:** In September 2017, the Commission approved opening rulemaking.

**Action Requested:**

Staff recommends adopting 736-010-0026 and 736-021-0065 to include electric bicycles in the definition of bicycles allowed on trails and bike paths under OPRD jurisdiction. Electric bike riders would be required to conform to existing rules about safe use of bicycles.

A copy of the proposed rule is included in Attachment A. These revisions have been reviewed and approved by Assistant Attorney General Steve Shipsey.

**Prepared by:** Katie Gauthier

**Attachments:** Attachment A – proposed revisions marked copy  
Attachment B- proposed revisions clean copy



## **9a Attachment A: marked copy**

### **736-010-0015**

#### **Definitions**

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

- (1) "Day Use Area" is a park property or portion of a park property that the department has designated for day use only.
- (2) "District Manager" means the immediate supervisor of park managers within a specified geographic region of the state.
- (3) "Closed Area" means a park or portion of a park that the public is prohibited from entering. Closures will be identified by signs in the park and notices placed on the state park website.
- (4) "Commission" means the Oregon State Parks and Recreation Commission.
- (5) "Dawn" means 30 minutes prior to sunrise as calculated by the U.S. Naval Observatory.
- (6) "Department" means the Oregon State Parks and Recreation Department.
- (7) "Director" means the department director.
- (8) "Domestic Animals" are those animals whose food and shelter are provided by a human custodian.
- (9) "Dusk" means 30 minutes after sunset as calculated by the U.S. Naval Observatory.
- (10) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported state park rule violations and to issue oral or written warnings or citations to enforce state park rules.
- (11) "Handler" means any person who either brings a domestic animal into a park property or keeps a domestic animal at a park property.
- (12) "Motorized Vehicle" means any vehicle being powered by an engine or motor which is capable of transporting a person.
- (13) "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (26) below.
- (14) "Park Property" means any state park, natural area, wayside, corridor, scenic area, monument, historic structure or area, trail, or recreation area under the jurisdiction of the department.

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

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

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

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

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

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

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

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

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

(24) "Violate" includes failure to comply.

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

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

(27) "Electric assisted bicycle" means vehicles defined under ORS 801.258.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.050, 390.111 & 390.124

**736-010-0026**

Non-Motorized Operator-Propelled Vehicles, Cycles or Similar Devices



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A person may operate an electric assisted bicycle on roads and trails eight feet or wider unless otherwise posted. The director or designee may open or close additional roads and trails to the operation of electric assisted bicycles based on an evaluation of factors related to the use of these devices including, but not limited to the degree of conflict with other users, public safety, or damage to park resources."

~~(43)~~ The director or designee may open or close roads and trails to the operation of non-motorized cycles, electric assisted bicycles or similar devices, based on an evaluation of factors related to the use of

these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

| (54) A person may not operate non-motorized cycles, electric assisted bicycles, scooters, or similar devices in those portions of a park property listed below, except where authorized by the director and posted specifically or conditionally to allow such activities:

(a) Off roads or off trails;

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

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

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

| (56) Individuals with mobility disabilities can use wheelchairs and manually-powered mobility aids, designed for use by individuals with mobility disabilities, to access any areas open to pedestrian use.



## **9a Attachment B: Clean copy**

### **736-010-0015**

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- (13) "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (26) below.
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(27) "Electric assisted bicycle" means vehicles defined under ORS 801.258.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.050, 390.111 & 390.124

## **736-010-0026**

Operator-Propelled Vehicles, Cycles or Similar Devices



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

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

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

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

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

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

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

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

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(4) The director or designee may open or close roads and trails to the operation of non-motorized cycles, electric assisted bicycles or similar devices, based on an evaluation of factors related to the use of

these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

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

(a) Off roads or off trails;

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

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

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

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



9a. Attachment C. Summary of OPRD Electric Bicycle Proposed Rule Change Comments

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Business	email	Jason Franz	Fall Line Skat-bike Sno Shop, Silverton	general	support	bike store owner, doesn't sell many ebikes. Had a heart attack and now uses an ebike. Fan of anything that can get more people out exercising.
Business	email	6 Business owners	Hood River and The Dalles Bike store owners	HCRH Trail	support	90% of annual bike rental revenue comes from trips through twin tunnels on the Historic Columbia River Highway. Those customers spend money in local communities. Ebikes are fun and inclusive. In 2017, members of group were told that ebikes were allowed on twin tunnel trail and purchased additional bikes for 2018 summer.
Business	email	Megan Ramey	Bikabout.com	HCRH Trail	support	feels 8 ft limit is arbitrary, would like to see comprehensive bill similar to Washington class system. Until rule amended riding should not be limited on Historic Columbia River highway trail. Consider long-term infrastructure study to plan and design stat trails for safety and avoid user conflict.
government	email	Michael Scott	Manzanita City Council	beach	opposed	Concerned about safety of people walking and playing on beach, beach is more crowded and no money for additional enforcement.
government	email	Stephen Hatfield	Travel Oregon	general	support	Use of electric bikes have increased significantly. Ebikes have potential to increase participation in outdoor recreation. Believe rule change will provide greater access to Oregonians and visitors, be a car replacement or congestion mitigation, economic stimulus and potential benefit to public health.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Organization	email	Arthur Pope	Wilderness Report	beach	limit	Request caution in implementation of this rule and thoughtful deliberation. Concern about impact on the experience for other user groups. Do not believe e-bikes and bicycles are the same.
Organization	email	Peter J. Broderick	Northwest Environmental Defense Center	beach	limit	Concerned about impact to the pristine beach. Concerned that federal agencies consider e-bikes motorized. Concerned about safety, user conflict and enforcement issues.
Organization	written	Anne Wolff	Central Oregon-Oregon Equestrian Trails	equestrian	opposed	concern about impact of fast moving bicycles while riding horses, this will impact the serenity of trails. Would like to see separate paths or only allow e-bikes on paved paths. Concerned about increasing ratio of high-speed users.
Organization	email	Becky Wolf	Backcountry	equestrian	opposed	safety concerns. Believe e-bikes are motorized and cannot be allowed on non-motorized trails. They are also concerned park managers will determine which trails allow e-bikes without a public process. Feel there should be an education campaign about multi-use trail interactions.
Organization	email	Jeff Tryens	American Endurance Ride Conference	equestrian	opposed	concern about impact on equestrians. They already have concerns with bicycles, but e-bikes would be worse because they go faster and require less skill to go fast.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Organization	email	Kim McCarrel	Oregon Equestrian Trails	equestrian	opposed	Their members are concerned adding e-bikes will make trails even more hazardous for them. Many members no longer ride trails because mountain bikes have made them too dangerous. They are concerned that while the demographic buying e-bikes right now is older and not riding fast, in the future this could change. Include specific policy recommendations if rule is adopted including trail signing and education, designating slow trails and ensuring a public process if trails less than 8 feet are considered open to e-bikes.
Organization	email	Ruby Shea	Oregon Equestrian Trails	equestrian	opposed	equestrian groups have volunteered to build and maintain trails, do not feel ebikes are a compatible use. Believe e-bikes should only be on paved trails. Need more education about how to interact with horses on trails, in general.
Organization	email	Matthew Weintraub	Northwest Trail Alliance	general	concerned	Request a pause in the rulemaking because Rule Advisory Committee did not sufficiently include existing stakeholders. Believe definition of e-bikes should match industry standards. Believe rules should differentiate between hard and soft surface trails. Believe that a lack of process for determining which trails to exclude is a reason to pause consideration of the rule.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Organization	email	Beth Dayton	Salem Area Trails Alliance	general	opposed	Does not feel process was adequate. OPRD should have reached out to all Adopt-a-Park agreement partners and had community meetings with them. Believe OPRD will have to catalog all trails and there will be a greater resource impact than anticipated. Believes OPRD should work with other land managers on a policy with uniform definitions.
Organization	email	Morgan Lommele	PeopleforBikes and Bicycle Product Suppliers Assn	general	support	would like to see a pilot project in three parks used by mountain bikes and consider single track trails. Would like proactive management of ebikes.
Individual	email	Cyndi Karp	Waldport	ada	support	rule change important for elderly and handicap bike rides. Should be allowed on trails less than 8 ft. Important issue for community and visitors.
Individual	email	Kent Pressman		ada	support	rides regular bike with friend who has ebike because of medical condition. Sees no difference between the two, believes all trails should be open to ebikes.
Individual	email	Mary Boettcher		ADA	support	many disabled use ebikes for transportation, support as long as non used unsafe conditions
Individual	email	Speros Doulos		ada	support	has medical issues, bought an ebike and now can appreciate beauty of Gorge. Has reservations at state parks and wants to enjoy a somewhat normal life by riding ebike while camping.
Individual	email	Alan Bathke		age	support	disheartened not going further, shortsighted not to allow on all trails. Mountain bikes do more damage to trails



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Catherine Howell		age	support	54, hadn't been on bike in years. No physical disability, but out of shape. Pedal assist gives confidence to go further. Have August reservations at Bullards Beach and hoping to use ebikes instead of towing car behind motorhome. Shared article about demographics of ebike owners.
Individual	email	Chris B. Billman	Forest Grove	age	support	rode a tandem recumbent bike, but spine problems and hills almost caused need for surgery. E-motor allows he and wife to keep riding. They enjoy riding, shopping and touring on ebike. Have lost weight and don't need medication. OK with speed limits on trails.
Individual	email	Christine and Ken Hall	Bandon	age	support	In early 70s, ride daily in Bandon with no bike lanes, would love to have access to OPRD trails. Ebikes allow older or physically-challenged riders to enjoy biking
Individual	email	Colleen O'Brien		age	support	would like to be able to ride with non-ebike friends. No evidence of harm to trails or environment from ebikes.
Individual	email	Dave Hanson		age	support	would let more old guys get out more.
Individual	email	David Bohlmann	Hood River	age	support	78 year old, riding bikes as primary mode of transportation for 70 years, but no longer have stamina to ride some trails. Would be a significant change in recreational activities for him and many senior citizens.
Individual	email	David Bohlmann		age	support	78 year old lifelong bike rider, believes should be allowed anywhere a bike is allowed. Doesn't make sense they wouldn't be allowed on a designated bike path on the shoulder of a road.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	written	David Carrie	Warren	age	support	not sure how far he can get on a trail and would hate to get too far and not be able to get home. Thinks ebikes should be allowed anywhere a regular bike is allowed.
Individual	email	Debra Hooker		age	support	been riding state park trails for 40 yrs, now have ebike to continue, commend oprd for being proactive and providing enjoyable scenic locations to ride ebikes.
Individual	written	Diana Wood	Waldport	age	support	Allows people with minor disabilities and senior citizens explore trails and beaches. People can clean up areas by pulling a cart behind them, can boost small business bike economy.
Individual	email	Don Corson		age	support	electric motors provide additional energy for rider, important as people get older and people with disabilities. Ebikes quiet and no more intrusive than other bicycles.
Individual	email	Duane Wright		age	support	should ride where regular bikes allowed, use ebike because of diminished use of legs due to age, sees no harm in them.
Individual	email	Hal Kibby		age	support	in mid 70s, believe ebikes should be allowed where bikes allowed, speed limits ok
Individual	written	Jason Youmans	Bandon	age	support	older people cannot enjoy trails and beaches the same as younger or wealthier people with horses. Most people enjoy when done politely
Individual	email	Jim Fink & Judith McC	Springfield	age	support	courteous ebike riders will respect other users. 64 and 74 year old riders enjoy exercise and accessing scenic areas.
Individual	email	John Betterton	Bend	age	support	bought ebike after hip replacement, wouldn't have access to ride on trails without it. No more disruptive than other bikers.
Individual	email	Julie Byers	Hood River	age	support	fun for all ages, can be used safely on bike trails along with regular bikes and walkers.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Karen Heiser	Bend	age	support	No greater threat to pedestrians than regular bikes. Older ebike rider appreciates riding where cars aren't allowed. Believes we can share trails.
Individual	email	Larry Cagle		age	support	69 yr old lifetime recreational bike rider, now an ebike rider. Don't consider themselves disabled or seniors. Allow to get outside and get workout. Surprised by controversy. If asked to turn off motor bike would be too heavy to use, bike is expensive shouldn't be excluded from state parks. everyone has been inexperienced at some point. reckless behavior is an enforcement issue, not a reason to exclude ordinary law abiding citizens from public facilities.
Individual	email	Larry Gelb	Bend	age	support	knee and shoulder replacements, ebike allows to ride.
Individual	email	Linda Crouse	Bend	age	support	not motorcycles. Give added mobility to those over 65, especially on hilly terrain.
Individual	email	Linda Hurley		age	support	ebikes are quiet, pollution free, as a senior citizen would like access to more trails
Individual	email	Mac Douglas		age	support	riding ebike critical to access outdoor recreation, not much different than a pedal bike just helpful for old folks.
Individual	email	Maria Herbert		age	support	Petition from 46 class 2 ebike owners in support of ebikes. The petition says a majority of ebike owners are baby boomers who use ebikes to go longer distances, for physical and mental therapy and social gathering. They specifically would like access to coastal bike paths.
Individual	email	Mark Callaghan		age	support	older rider, ebike give boost to continue enjoying hobby and time outdoors.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	written	Mark wood	Waldport	age	support	rules in place easily transfer. An aging population will experience positive impacts, improved health and spend more vacation dollars.
Individual	email	Marlene Lomas		age	support	biking for a long time, bought ebikes. Allow them to spend more time on the bike getting exercise.
Individual	email	Mel Siegel		age	support	should be allowed anywhere human-powered bikes allowed, only difference is makes cycling accessible to older less physically capable riders.
Individual	email	Michael Kuhn		age	support	multi-decade bike commuter until knees gave out, misses easy freedom, hopes to buy an ebike and enjoy streets and trails
Individual	email	Michael Long		age	support	he and wife love riding bikes, but physical issues prevent. Not about speed, but endurance. Would love to have access to more trails
Individual	email	Michele Naumes		age	support	ebikes not invasive to environment and allow more access to beautiful areas by older people who love the outdoors, but are not the jocks they used to be
Individual	email	Mike Chesney		age	support	many individuals elderly and special needs could benefit from using electric bikes.
Individual	email	Mike Cibelli		age	support	sixty year old couple use ebikes daily to go further, never gone 20 mph, often passed by regular bikes, share the trails
Individual	email	Nonnie Wilson		age	support	Elderly lady with knee injury who uses ebike, believes elderly and handicapped should be able to use on trails



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Patrick Howard	Bend	age	support	ridden bikes for a long time, but arthritis limited ability. Ebike extends biking life. Dismayed hardcore bikers feel he is "cheating." went on single track trail (before knowing it was against rules) and went same speed as other bikers up hill and slower down hill. feels resistance to ebikes created by purists who don't want to share trails with lesser bikers. Maybe regulations should only allow pedal assist ebikes or have age or disability exemptions.
Individual	email	Richard Bliesner		age	support	78 and 81 yr old couple own ebikes and couldn't ride without them, courteous to walkers and riders. Would like to ride same places other bikers ride.
Individual	email	Richard Epplett		age	support	70 yr old disabled veteran, ebike allows him to enjoy outdoors, ebike is quiet and makes no more impact on trail than regular bike.
Individual	email	Rick Denton		age	support	riding ebike keeps outside and moving. Share Oregon's trails
Individual	email	Rob Dies		age	support	father-in-law rides ebike after cancer diagnosis. Ebikes allow people to get out, but not exert as much energy.
Individual	email	sa Jacobs		age	support	nearly 70, not significantly different than regular bikes. Should be allowed anywhere bike allowed.
Individual	email	Sheila Monroe		age	support	60 yr old ebike allows her to reach locations she could otherwise not go. Still pedaling and not going faster than regular bikes.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Steve Brown		age	support	68 year old couple, rode ebikes on trip in Netherlands, came home and bought set. Riding on trails and getting in better shape. Think its unfair to not be able to ride in state parks.
Individual	email	Steve Eldridge		age	support	69, hadn't ridden bike in 40 yrs. Bought and love ebike. Now get exercise. Its phenomena of future.
Individual	email	Susie Moon	Bend	age	support	63/64 with bad knees from skiing and running, got ebikes. Hope to ride at Ft Stevens with family. Use ebikes as cycling assistant, not motorized vehicle.
Individual	email	Thane Moon		age	support	guy in sixties finds ebike helpful and would like to see rules loosened.
Individual	email	Thomas Hooker		age	support	67 yr old riding bikes for 40 yrs at campgrounds, now needs ebikes. Rule change will allow to continue riding with family. Washington and California allow. This rule will add value to state parks and people who have supported system.
Individual	email	Thomas P. Schrader		age	support	please don't exclude 50+ year olds who love to ride, but need an ebike for assistance.
Individual	email	Tom Keilman		age	support	riding bikes for almost 60 years, worked in bike industry, now use e-bike. Not for lazy, still get a good workout. Common in Europe and Australia. Also ridden motorcycles and they are not the same.
Individual	email	Virginia Irving	Hood River	age	support	68 yr old biker, ebike allows her to continue riding. Likes to ride through Twin Tunnels and have lunch in Mosier will still getting a workout. Ebike has no more impact on other users than non-assisted bike. Add speed limits for all bikes.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual		Lynda Williams		beach	concern	initially didn't have a problem with one or two bikes, but concerned about it being a money making thing.
Individual	email	Bruce Fletcher		beach	concerned	if allowed then all electric vehicles and motorcycles should be allowed to avoid lawsuit.
Individual	email	Ben Fisher		beach	limit	opposed to use on beach except where motor vehicles are allowed. Would be OK on trails at 7 MPH. On ocean shore, should only be allowed where motor vehicles are allowed if there is a medical reason.
Individual	email	Christial Miller and William Horton		beach	limit	e-bikes not compatible use on beach. No way to enforce protection of snowy plover areas. OK with use in motorized vehicle areas
Individual	written	Dennis Higgins, PH. D.	Manzanita	beach	limit	walker, does not support more mechanization on beach. OK with exception for handicapped with valid vehicle tag.
Individual	email	Dick Noren		beach	limit	ok for disabled with permit, but beaches are already overcrowded could be dangerous.
Individual	email	Erskine Wood	Vancouver	beach	limit	concerned about the tranquility of the beach, OK with e-bikes on motorized sections.
Individual	email	Kathleen Roche		beach	limit	concern about impact on fishe and wildlife habitat and safety of small children and other user conflicts.
Individual	email	Mark McLaughlin	Nehalem	beach	limit	opposed to unfettered access to bicycles on ocean shore, believes e-bikes should be limited to areas were motorize vehicles are allowed.
Individual		Brenton Chose		beach	oppose	nuisance and safety hazard and can travel at much higher speeds than average bicycles.
Individual	email	Aletha Harlow	Waldport	beach	opposed	safety concerns, increase noise, people and traffic on quiet beaches
Individual	email	Aletha Harlow (2)	Waldport	beach	opposed	not enough rangers on beaches to enforce rules

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Amy Bell		beach	opposed	concerned about safety, beaches are crowded during summer months, just because more people own ebikes is irrelevant.
Individual	email	Barbara Scott-Brier	Manzanita	beach	opposed	concerned about the safety for current users of the beach if e-bikes are allowed. Concerned about impact on tourism. Does not feel adequate notice, every beach town should have had months to consider proposed changes.
Individual	email	Ben Goodin		beach	opposed	opening can of worms- next it will be dirt bikes, motorcycles and ATVs.
Individual	email	Carol Alexander	Yachats	beach	opposed	concern about impact to nesting seabirds and other wildlife
Individual	written	Christine Wisniewski		beach	opposed	go to the beach to listen to the ocean, not a motor bike. Concerned about impact on nesting birds, children and dogs
Individual	email	Colleen Bowers		beach	opposed	safety concerns for children, adults and pets. Concerned about impact on wildlife.
Individual	written	Corinne beuchet	Manzanita	beach	opposed	walks on beach with dogs daily, concerned about impact to birds and dunes. Feels too many open spaces are invaded by motor sports.
Individual	email	Dave Alexander		beach	opposed	already too much impact on sensitive birds/wildlife
Individual	email	Debra Lee		beach	opposed	don't allow e-bikes, it is hard enough to navigate around all the dogs and dog poo.
Individual	email	Donna Degnan	Florence	beach	opposed	senior couple who walk on beach concerned about impact on noise, children, and wildlife
Individual	email	Donna Miller		beach	opposed	people go to beach for peaceful environment and don't want to worry about children, there are other places to ride motorized vehicles.
Individual	email	Dr. and Mrs. Young	Manzanita	beach	opposed	retirees who live near beach, feel e-bikes are inappropriate and detrimental to beaches, concerned about user conflict.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Elizabeth Fuller	Waldport	beach	opposed	would ruin mood of the beach, understand handicap access, but not at 20 mph
Individual	email	Gary Seelig	Manzanita	beach	opposed	Would like to see only human powered recreation on Oregon beaches.
Individual	email	George Stevens (2)		beach	opposed	not enough rangers to enforce rules, will ruin the peace of the beach.
Individual	email	gwendolyn Endicott		beach	opposed	lives near beach and thinks it should be for dogs and walkers, not motorized vehicles of any kind.
Individual	email	Ilka Dalton		beach	opposed	safety concerns, too many children and dogs on beach unaware of motorized vehicle.
Individual	email	Jack and Cindy Williams	Medford	beach	opposed	concerned about speed of e-bikes on the beach, enforcement of which e-bikes are legal and impacts on existing users.
Individual	email	James Coons	Eugene	beach	opposed	user conflict, disrupt peace and quiet of beach, not enough rangers on beach to enforce speed limits.
Individual	written	Jeremy Sappington	Manzanita	beach	opposed	retiree who lives at beach, concerned about impact of heavy ebikes on children on beach. Ebikes should stay on roads.
Individual	email	Jerome Garger		beach	opposed	concerned about safety for pedestrians on beach
Individual	email	John Spruance		beach	opposed	concern about disruption of peace and quiet on beach, user conflict concerns
Individual	email	Katie Duzik	Newport	beach	opposed	concerned about impact on shorebirds, concerned about adding another user group on already over crowded trails.
Individual	email	Kay Scott		beach	opposed	visitor to Manzanita, concerned about safety for dogs and kids if someone rides at 20 MPH. Also, an equestrian concerned about user conflict.
Individual	email	Kelly Loughary		beach	opposed	would take away peace and tranquility of beaches.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Kent Towleron	Bend	beach	opposed	Concerned e-bikes on beach will lead to more commercial development and large groups overcrowding the beach.
Individual	email	Kevin and Kathy Burke	near Cape Meares	beach	opposed	concerned about fat tire bicycles with motorized propulsion used on non-motorized beaches. They would like the beach near Cape Meares with Sand Dollar beds and bird habitat to remain free from zooming motorized vehicles.
Individual	email	Kip Wright		beach	opposed	go to beach to get away from mechanical things, e-bike riders won't stop at motorized beaches.
Individual	email	Linda and Joseph Shar	Seal Rock	beach	opposed	Walk on beach regularly, don't like drone sounds on beach and do not want to have peace disrupted by e-bikes. Concerned about electricky ATVs being next.
individual	email	Linda Christensen	Arch Cape	beach	opposed	concerned about impact on habitat for shorebirds
Individual	email	Lon Welsh		beach	opposed	Concerned about uninsured e-bike riders injuring people walking on the beach, concern about enforcement in existing motorized sections of the beach.
Individual	email	Lynne Murray		beach	opposed	water and electricity don't mix. E-bikes will be a hazard to walkers and birds.
Individual	email	Marcy Wood	Manzanita	beach	opposed	Concerned about liability on the beach if e-bikes wer added, too many people and dogs.
Individual	written	Martin Desmond	Newport	beach	opposed	Concerned about impact on shorebirds and lack of enforcement.
Individual	email	Mary Nuwer		beach	opposed	dreadful idea, people who love our beaches can walk or use muscle powered bikes.
Individual	email	Melinda Seelig		beach	opposed	concerned people riding e-bikes on beach will become stranded and increase costs for unnccessary emergency rescues.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Mike Arseneault		beach	opposed	doesn't want to see any electric or gas powered vehicles on the beach, except for emergencies.
Individual	written	Patty and Peter Benjamin	Seal Rock	beach	opposed	concerned about conflict with pedestrians and animals on beach. Concerned about safety and wildlife. Concerned ebikes would increase load on already strained volunteer emergency responders.
Individual	email	Pete and Ellen Steen	Cape Meares	beach	opposed	concerned about vehicle creep, if electric bicycles allowed, then other types of electric vehicles would be next. Concern about impact to habitat and traditional users.
Individual	email	Rex Fox	Eugene	beach	opposed	too fast and concerned about impacting peace of the beach.
Individual	email	Richard and Evelyn Anderson	Waldport	beach	opposed	no enforcement now, people coming to beach don't want to dodge bicycle going 20 mph, people won't learn rules, already don't follow snowy plover rules around dogs.
Individual	email	Richard Chandler	Yachats	beach	opposed	prefer no bikes in general, beaches should be for people on foot, e-bikes should be licensed like mopeds and motorcycles.
Individual	email	Richard Sunshine	Manzanita	beach	opposed	believes allowing electric bicycles on the beach would change all beaches to motorized vehicles.
Individual	email	Roberta Cade	Salem	beach	opposed	please don't allow them on all beaches
Individual	written	Sandra Heaman	Manzanita	beach	opposed	does not support proposal on beach, park is extremely popular, surprised idea even being considered. Hopes beaches removed from consideration
Individual	email	Sandy Wood		beach	opposed	people on regular bicycles are aggressive and don't walk them when in a crowd of people. Concerned about impact on dogs running on beach if ebikes allowed.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Scot Fife	Eugene	beach	opposed	concerned about harm to wildlife and disrupt solitude of beach. Sets bad precedence.
Individual	email	Sharla Smith		beach	opposed	go to nature to enjoy beauty and silence.
Individual	email	Shelley Reeder-Lueth		beach	opposed	concerned will impact wildlife and cause noise pollution
Individual	email	Shelly Young		beach	opposed	do not allow on beach, concern about hazard to kids, dogs and people lost in thought.
Individual	email	Sherry Vachio		beach	opposed	no motors on the beach, harmful to the wildlife. Beach is not a theme park.
Individual	email	Stephen S. Brier	Manzanita	beach	opposed	walk on the beach daily. Concerned about the safety of walkers, many senior citizens if 20 mph bikes allowed. Would ruin the tranquility of the beach.
Individual	email	Susan Glarum	Canon Beach	beach	opposed	please do not allow ebikes used anywhere on the beach
Individual	email	Thomas Campbell		beach	opposed	They are fast and quiet and the surf would drown out any sound, people will be caught unaware.
Individual	email	Thomas Graff	Eugene	beach	opposed	hit by a bicyclist twice, if they are on the beach should be licensed and insured for damage.
Individual	email	Tim Malone		beach	opposed	only benefits e-bike rental businesses, not enough enforcement of current rules, would detract from serenity and beauty of beach
Individual	email	Tom Bender	Manzanita	beach	opposed	concerned about speed and safety for people, kids and animals walking on beach
Individual	email	Vicki Wootten		beach	opposed	concerned about safety
Individual	email	Victoria Holt	Manzanita	beach	opposed	Concerned about a 16 year old riding 20 MPH on the beach while she is walking the dog with her helderly huspband. Concerned about safety for children and impact on tourism industry.
Individual	email	Virginia Cartwright	Eugene	beach	opposed	visited TelAviv where bicycles are allowed on sidewalks, concern about safety of children playing on beaches.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Wendy Dudelheim	Eugene	beach	opposed	concerned beaches will become littered with broken bicycle parts and that having more mechanical devices will deter from ability to get way.
Individual	email	Zane Butler		beach	opposed	moving to Waldport in June to be close to family doesn't want e-bike on beach.
Individual	email	Craig jacobs	Waldport	beach	support	68 year old still enjoy biking, but need electric assist and would be nice to have them allowed.
Individual	email	John Beaston		beach	support	ebikes that are pedal-assisted (no throttle) with speed limit of 20 mph should be allowed. Rules about audible signal important.
Individual	email	Kathy Ciari	Netarts	beach	support	purchased ebike after 30 year hiatus from cycling, godsend for those at retirement age and with physical limitations. Misconceptions about ebikes. Can't zoom without effort. Need education and reasonable rules, not outright ban.
individual	email	Mark Wood		beach	support	lives near beach and rehabbing old knees with an ebike to improve overall health. This is an important vote for individuals enjoying outdoor spaces and industry on the rise.
Individual	email	Samantha Willow		beach	support	use an e-trike because of medical condition, not everyone with disability uses a scooter, this can be an accessiblity issue. Not everyone can ride a fat tire bike on beach
Individual	email	Scott Galvin	Manzanita	beach	support	Member of the Manzanita City Council, opposed council vote to submit comments in opposition to the rule change.
Individual	email	Barbara Hicks		equestrian	limit	Ebikes should only be on paved trails over 8 feet wider. Trails are already overused increased speed will increase conflicts.
Individual	email	Jamie Dowdy		equestrian	limit	user conflict, limit to only hiker/biker trails, allowing on horse trails would be dangerous.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Midge McGinnis		equestrian	limit	concern about bike/horse conflict, would like seprate trails for bikes, OK with electric wheel chairs
Individual	email	Shelby Edwards		equestrian	limit	OK for accessibility, OK on paved trails 8 ft wide, concerned about park managers making exceptions, concern about conflict with horses
Individual	email	AD		equestrian	opposed	motorized bikes would put rider's, horses and people on bikes at risk
Individual	email	Anita Will		equestrian	opposed	not on equestrian trails, they are too quiet ant too fast
Individual	email	Anita Will (2)		equestrian	opposed	will cause user conflict and erosion. Need to stay on ATV and motorized trails.
Individual	email	Annette Parsons	Grants Pass	equestrian	opposed	trails disappearing for equestrians, e-bikes would increase dangerous user conflicts, would like to see separate trails
Individual	email	Annette Parsons and J	Grants Pass	equestrian	opposed	user conflict and safety concerns. Feel trails should have posted speed limit and e-bikes should not be allowed on multi-use trails. Concern about environmental damage of bicycles.
Individual	email	Becca Clark		equestrian	opposed	scared by bikes on trails where equestrians ride, would like to see 5 mph limit for all wheeled items.
Individual	email	Becky Osborne		equestrian	opposed	concern about conflict between horses and bicycles particularly on narrow trails, would rather see separate trails for bicycles. Concern horseback riders will lose access to trails
Individual	email	Berinda Van Cleave		equestrian	opposed	doesn't not want to hear motors, concerned about horse bein spooked and injury, would like e-bikes not to be places horses are allowed.
Individual	email	Bonni Reeves	Terrebonne	equestrian	opposed	silent e-bikes dangers to horses and riders and go too fast.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Chestine Anderson	California	equestrian	opposed	bikes and horses don't mix, bikes don't understand need to stop 25 feet and speak, then walk bike. Do not want to see e-bikes on equestrian trails.
Individual	email	Dale Draeger		equestrian	opposed	no ebikes on public lands
Individual	email	Darlene McGrady	Sisters	equestrian	opposed	user conflict and safety concerns with bicyclists and hikers and equestrians currently and would increase with e-bikes.
Individual	email	Deborah Pelham		equestrian	opposed	same safety concern as all bikes on mixed use trails for horses. Ebike noise would upset wildlife and cause erosion.
Individual	email	Diana Aldridge		equestrian	opposed	user conflict concerns, dangerous for horses and riders because e-bikes are quiet and move fast
Individual	email	Erica Steele		equestrian	opposed	e-bikes go against peace and quiet on trails and concerned about increasing user conflict on already busy trails. Concerned rented e-bikes will not have accountability.
Individual	email	Frances Hathaway		equestrian	opposed	equestrian for 30 years, too many dangerous interactions with nonmotorized bicycles. OK on non-equestrian trails.
Individual	email	Glenna Delp		equestrian	opposed	dangerous, friend doesn't hear well and horses spooked by such things.
Individual	email	Gwynn Daniels		equestrian	opposed	shouldn't be allowed on equestrian trails, dangerous for horses and riders, equestrians are losing available places to ride.
Individual	written	Jennifer Paulson	Albany	equestrian	opposed	Parks not enforcing biker behavior now, why add more bikes with no control. Concerned about safety

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	written	Jenny Webster		equestrian	opposed	as hiker and equestrian concern about loss of peace and tranquility. Spends hours volunteering on trails, but has become fearful due to interactions with bikes. Concerned opens door to ATVs and other motorized vehicles. Would like to see more trail etiquette signs.
Individual	email	Jenny Webster (2)	Coos Bay	equestrian	opposed	concerned about speed of e-bikes, increase use of fat tire bike use on beach further pushing out equestrian and hikers, lack of enforcement of existing rules, and
Individual	email	Julie Davie		equestrian	opposed	concerned about speed, increased cost for signage, lack of enforcement. Feels this is being driven by e-bike industry and their isn't support from individuals.
Individual	email	Julie Serres		equestrian	opposed	user conflict concerns, dangerous for equestrians and families, shouldn't be allowed on mixed use trails
Individual	email	Kathy Hunter	Wallowa	equestrian	opposed	public lands don't have budget to support patrol and enforcement, bicycles and horses don't mix well.
Individual	written	Kim McCarrel	Bend	equestrian	opposed	Every equestrian has had a negative experience with a mountain bike and are concerned ebikes will make trails more dangerous. Recommends installing signs about how to interact with horses, requiring public comment on any trails designated under 8 ft, and designating some single track trails as slow trails where bikes are prohibited.
Individual	email	Kimberli Maltman		equestrian	opposed	equine veterinarian concerned about safety, dangerous now with bikes, but e-bikes are too quiet and too close to motorcycles.
Individual	email	Kristi Winters		equestrian	opposed	too dangerous on trails shared with horses



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Lee Webster		equestrian	opposed	ebikes are motorized vehicles. Concern it will damage hikers, equestrians and disrupt peace and quiet.
Individual	email	Linda Corcoran		equestrian	opposed	equestrian and hiker, too many bikes on trails already. OK for handicapped, but would like to see speed limit for all bikes. Elderly equestrian rider concerned about all bikes.
Individual	written	Lindy Rutherford	Beavercreek	equestrian	opposed	ebikes are more like a motorbike. Avoids riding on trails with lots of bikes. Concerned as more younger and aggressive mountain bike riders ride ebikes it will be more of a problem. Concerned about rider conflict even on wide trails.
Individual	email	Lisa Heigh	Portland	equestrian	opposed	ebike rider, cyclist and equestrian, concerned about user conflict
Individual	email	Lyn Heaton		equestrian	opposed	horses have issues with bikes, safety concerns
Individual	email	Margaret A. Hansen		equestrian	opposed	speed, safety and user conflict concerns. Does not think we should add another user group when park budgets are strapped and fees are already increasing
Individual	email	Marilyn Lorange	Aumsville	equestrian	opposed	concern about impact as e-bike market grows and more user conflict, increased speed on trails, sound of ebikes impact on horses, displacing equestrians. Concern about rider education and signage.
Individual	email	Marlene Moss		equestrian	opposed	noise and user conflict concerns, pushing away existing users to make more money on new user groups, ok with motorized bikes on pavement.
Individual	email	Marlene Moss (2)		equestrian	opposed	user conflict with horses, bikers don't follow current rules. Concern about Maston near Tumalo

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Micheale Gordon		equestrian	opposed	OPRD can't enforce right of way rules currently or make current user groups follow the rules, so should not be considering adding additional users
Individual	email	Nancy Netwal	Salem	equestrian	opposed	Concerned about adding another user group to mixed use trails, enforcement of types of equipment and speed. Also concerned about individual park managers opening trails narrower than 8 feet without a public process. Concerned this will set precedence on federal land. Concerned about more user conflict and pushing equestrians out.
Individual	email	Neila Whitney	Molalla	equestrian	opposed	dangerous to hikers and equestrians, speed and silence a concern, equestrians losing trails
Individual	email	Rachell Tanner	Terrebonne	equestrian	opposed	concerned about noisy bikes on trails and danger to hikers or people on horseback. There have been problems with user conflict on trails used by equestrian endurance riders who have had trail marking ribbons removed.
Individual	email	Rebecca A. Karlson		equestrian	opposed	will increase user conflict on already overcrowded trails. Doesn't address who is going to pay for additional enforcement costs. Efforts being driven by bike rental companies.
Individual	email	Robert, Sharon and Jenny Andreasen		equestrian	opposed	horses are looking out for predators and fast moving bicycles are a concern. Wider trails can be worse because people think they have enough space to pass and don't slow down for the horse.
Individual	written	Sandy Badgwood	Coquille	equestrian	opposed	concerned that soon motorized vehicles will be allowed on all trails in the state.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Sandy McLarin		equestrian	opposed	speed and safety concerns, concern about increased users causing more conflict, trails are already overused and there isn't any money for enforcement.
Individual	email	Tracey Heil		equestrian	opposed	equestrians are losing trails, e-bikes are motorized, motor bike riders can injure equestrians
Individual	written	Valerie Lantz	Lakeside	equestrian	opposed	Slow and fast speeds are incompatible. Trail rules and etiquette are not being followed by current bicyclists. Speciality biking areas like the Columbia Gorge trail and a Coos County trail may be appropriate place, but not good on mixed use trails or non-motorized beaches.
Individual	email	Vikki Blanchard (2)		equestrian	opposed	weekend warrior bike riders out for speed think they own trails and use profanity, don't respect horses. Doesn't ride on Banks-Vernonia trail because of nearby bike rental shop.
Individual	email	Colleen McNally	Bend	equestrian	support	as equestrian on public lands feel responsible to train horse to be able to share with other users, happy to share trail with new user groups
Individual		Ines Kemper	The Dalles	general	concern	avid cyclist, increasing number of fast moving, ignorant ebike riders on trails. Ebike renters should be required to watch safety video, have speed control and enforcement on multi-use paths and a trial period for this rule change. Ebike riders should be required to register with the DMV and get a license.
Individual		Jeff Smith		general	concern	California classification of ebikes seems excellent and well thought out guide.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual		Leslee Viehoff	Portland	general	concern	Safety studies should be conducted before making a decision. There needs to be clear signs and enough rangers to properly enforce laws. Cycling community is known for making up stats and stories.
Individual	email	Jim Forsman		general	concerned	OK, if specified in a mechanized section and kept off hiker and horse trails, should not be considered similar to a sail board.
Individual	email	Erik Larsen		general	limit	unnecessary, people can pedal bikes, but OK for physically disabled.
Individual	email	Kristy Winters		general	limit	would be OK if speed limits for all bicycles were enforced. Most cyclists are courteous and share the trail, but dangerous encounters when people going fast.
Individual	email	Leigh Harrod	Silverton	general	limit	allowing e-bikes on dirt or mixed use trails only benefits e-bikes, they should only be allowed on paved surface trails.
Individual	email	Patrick Duhachek		general	limit	concern with a 16 year old on narrow multi-use paths at Ft. Stevens, may be OK with Banks Vernonia Trail.
Individual	email	Alexis Leatherwood		general	opposed	disturb wildlife, scare horses, mechanical sounds don't belong in nature.
Individual	email	Allegra Briggs		general	opposed	rode bike near ebikes, they are more like motorcycles.
Individual	email	anonymyous		general	opposed	No
Individual	email	anonymyous		general	opposed	Too fast
Individual	email	Betsy Nelson		general	opposed	hiker and equestrian, doesn't want to hear motors. Also concerned about spooking horses.
Individual	email	BJ McKillip		general	opposed	concerned about speed of ebikes and impact for walkers, children and horses. Motorized vehicles belong on motorized trails.
Individual	email	Bob Haberman		general	opposed	e-bikes will be destructive to trails and vegetation, noise concerns.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Catherine Thompson		general	opposed	considering greatest need identified in SCORP Statewide Trails plan, of more hiking and wildlife viewing trails, fast moving bikes will harm this and increase safety concerns. 85% of people want more hiking trails, more access for biking ranks relatively low.
Individual	email	Chris Rotvik		general	opposed	definition of ebikes not consistent with other states, people will blame mountain bikers for negative interaction with e-bike, concerned OPRD policy will be adopted by other land managers, concerned it will take more resources to introduce e-mountain bikes into park system without significant user conflicts.
Individual	email	Chris Uhtoff	Ashland	general	opposed	would like comments extended. Believes we should have another summer to determine how people feel about ebikes. Concerned about impact of solitude on trails if someone can reach it easily on an ebike, instead of working hardhiking or biking.
Individual	email	Christine Stockdale	Eugene	general	opposed	safety concerns, trails are designated for hikers, young children and dogs and shouldn't have to worry about colliding with bicycle going 20 MPH.
Individual	email	Cindy Bologna	Roseburg	general	opposed	concern over disruption of serenity at ocean or woods, harm to wildlife. Concerned electric bicycles on beaches will negatively impact tourism dollars.
Individual	email	Cynthia Eckersley		general	opposed	doesn't want to be run over by one.
Individual	email	Daphne James		general	opposed	hiker, trails give seniors place away from motor vehicles and doesn't want to lose that.
Individual	email	David Anthes	Bend	general	opposed	motorized vehicles don't belong on trails and paths.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	David Butler	Bend	general	opposed	e-bike rider who is concernd about safety of pedestrains due to speed of e-bikes.
Individual	email	Deanna Salisbury		general	opposed	please do not allow ebikes
Individual	written	Diana Wales	Roseburg	general	opposed	do not allow on beaches and trails
Individual	email	Dodie Kauffman	Junction City	general	opposed	no vehicles that travel faster than a quick walk on mixed use trails.
Individual	email	George Stevens		general	opposed	not safer than gas powered motorbikes, not enough park rangers to enforce safety rules
Individual	written	Guadalupe Preciado-McAlister	Roseburg	general	opposed	no electric bikes on beaches and trails.
Individual	email	Heather Toland		general	opposed	noise would scare wildlife, speed would impact hikers and horseback riders.
Individual	email	Jenny Webster		general	opposed	motorized vehicles shouldn't be allowed on non-motorized trails, next will be ATVs. Dangerous.
Individual	email	Joanne Dalsass	Bend	general	opposed	concern about additional use on trails and more cars at trailheads, quiet bikes sneaking up on kids at the beach.
Individual	email	Joe Chaves		general	opposed	motorized bicycle is a motorcycle. Wild landscapes maintained by keeping them free from motorized vehicles.
Individual	email	John Miller	Portland	general	opposed	E-bikes are motorized and shouldn't be allowed on trails with hikers or walkers.
Individual	email	John Wood	Hood River	general	opposed	Rides bicycles in Hood River, has been passed by e-bike riders who are difficult to hear coming and often not very experienced. Does not see why electric motors should be treated differently than gas motors.
Individual	email	Jolene Dodge		general	opposed	destroys peace and quiet, dangerous to pedestrians
Individual	email	Joyce Trawle		general	opposed	hazardous to walkers, children, unnecessary technology invading natural spaces



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Julie Hancock		general	opposed	Absolutley not. Too many dogs, childrend, and horses on trails and beaches. Not safe.
Individual	written	Karen Beesley	Roseburg	general	opposed	no ebikes, no gas or electric bikes/vehicles on beaches and trails
Individual	email	Kathleen Larson		general	opposed	too many people don't take care of parks and beaches, this will just give them more ways to abuse our home.
Individual	email	Kendra Hall		general	opposed	slippery slope to other motorized vehicles
Individual	email	Kevin Keillor	Bend	general	opposed	mountain biker, speed concerns, e-bikes same impact as ATVs, wildlife cocnerns, only benefit e-bike manufacturers.
Individual	email	Kim Zemek	Eugene	general	opposed	bike use has increased dramatically and caused more user conflicts, adding e-bikes will make it worse.
Individual	email	Leslie Rose		general	opposed	concern about speed, batteries causing fires, motor vehicles should not be allowed, slippery slope to ruination of natural areas.
Individual	email	Linda Fava		general	opposed	dangerous combination with small childern, hikers, concern about damage to trails and maintenance costs.
Individual	email	Linda Rock		general	opposed	e-bikes would be noisy and there isn't enough enforcement. ATVs area already not following rules. User conflict concerns with hikers.
Individual	email	Lisa Van Dell	Bend	general	opposed	OK as car alternative, but not good for pedestrian trails
Individual	email	Margaret Cross	McMinnville	general	opposed	e-bikes would impact ability to reconnect with nature on trails or the beach.
Individual	email	Margaret Sakoff		general	opposed	concerned about noise and safety for pedestrians

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Mark Davis		general	opposed	reduction in safety for pedestrians, OPRD not equipped to provide additional law enforcement for speed, fast moving motor vehicles don't belong on trail with small kids and dogs
Individual	email	Micky Dryden		general	opposed	distract from being away from city, disturb wildlife
Individual	email	Mike Vandeman		general	opposed	concerned about mountain biking impact to wildlife habitat.
Individual	email	Paul Lestock		general	opposed	opposed to use in Mosier twin tunnels due to lack of understanding of rules of the road and safety by e-bike riding renters.
Individual	email	Paul Majkut		general	opposed	would like beaches and trails identified, feels e-bikes are being mischaracterized as non-motorized, believes there will be greater risk of liability
Individual	email	Phillip Brozek P.E.		general	opposed	professional engineer concerned about public safety because of speed of ebikes.
Individual	email	Rachel Denny		general	opposed	OK for disabled, but concerned about adding more traffic on trails would lead to overcrowding and eroding and litter.
Individual	email	Rachel Powell		general	opposed	concerned about impact to ecosystem, noise pollution and safety. Feels this is driven by private rental companies for tourists.
Individual	email	Robert Rock		general	opposed	not enough rangers to enforce rules, non-motorized user conflict concerns, OK with disabled use by permit
Individual	email	Robert Willimas		general	opposed	ebikes soon capable of motorcycle speeds, almost like allowing motorcycles, how to enforce speed limits, lane control and stop signs?
Individual	email	Ruth Tilley	West Linn	general	opposed	unsafe and disruptive



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Sarah MacArthur	Eugene	general	opposed	plenty of places to play on motorized vehicles. We need to preserve quiet, peaceful access to nature. Concern about having to look over shoulder for a motorized vehicle when hiking
Individual	email	Sharon Jensen		general	opposed	would like beaches and trails preserved for walkers and hikers, there are plenty of places for bicyclists to go.
Individual	email	Shelley Reeder-Lueth		general	opposed	enough pollution already
Individual	email	Sherry Meier		general	opposed	opposed to use of e-bikes on State Park roads and trails, especially along the ocean front.
Individual	email	Steve Stenkamp		general	opposed	e-bike owner, travel faster than 20 mph, change definition, enforce speed limits
Individual	email	Sue Scott		general	opposed	would ruin tranquility of beaches or trails
Individual	email	Susan DeHart		general	opposed	user conflict concerns, environmental impacts
Individual	email	Tom Owen	Clatsop Co.	general	opposed	user conflict, enforcement of speed, concern with safety of older e-bike riders, noise issues, too many people on trails
Individual	email	Valerie Perrott		general	opposed	biker, e-bike rider, hiker. Concerned with sound of e-bikes disrupting beaches
Individual	email	Vikki Blanchard		general	opposed	no
Individual	email	Volker Block	Yamhill Co.	general	opposed	not part of the purpose of parks and not the direction we should go.
Individual	email	Wendy Zurcher	Gaston	general	opposed	don't allow e-bikes on multi use trails
Individual	email	Adam Carter		general	support	should be allowed where all bikes allowed
Individual	email	AJ Zelada, OD		general	support	National Institute for Transportation and Communities survey of ebike owners provides profile of current users.
Individual	email	Alan Acock	Corvallis	general	support	limit speed on shared paths, allow ebikes everywhere a regular bike is allowed.
Individual	email	Ann Becker		general	support	most ebikes go no faster than others, should be allowed where bikes allowed.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Ariel Mendez		general	support	Ebikes can share trails with pedestrians and excellent way for people to get outdoors. Ride 70 miles a week in Bend, including pick up and drop off of 3 kids from school. Have a perfect safety record.
Individual	email	Bob Poor	Portland	general	support	believes Oregon statute should be left as is. Has been involved with bike industry for 35 yrs. Every new form of bike met with suspicion, ebikes developing the same way. Ebikes really aren't different than other bikes and boost cycling experience without harming status quo
Individual	email	Bruce and Becky Wright		general	support	own ebikes and think acceptable to allow on trails and beach with limited speed of 8 MPH.
Individual	email	Bruce Kindler		general	support	mountain bikes have cared for and respected trails, why shouldn't ebikes be allowed. Ebike riders were once physically able to ride trails, but now have to use an ebike, many military veterans use ebikes. Many ebike riders are older, advertising is not targeted at millennials or kids. Should look at this as a decision of why they should not be allowed.
Individual	email	Christopher Brehm		general	support	focus more attention on behaviors. Set speed limits for congested areas that could be used by both ebikes and non-powered bikes. Ebikes decrease traffic congestion, enhance physical fitness and reduce emissions.
Individual	email	Dan Mullins		general	support	older cyclist with knee injury, ebike allows to enjoy trails rode when younger. You have to pedal to get any assistance. They are quiet. Have received contradictory advice about where I can ride.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Darrel Rast		general	support	ebikes used by people without muscle or aerobic fitness for hills. Proposed changes ends discrimination against those who are not fit.
Individual	email	David DeFauw		general	support	Should be allowed on all bicycle trails including mountain bike trails.
Individual	email	David Neil		general	support	no more intrusive than regular bikes, would open up parks for more citizens who pay taxes for these parks
Individual	email	Dennis Thomas		general	support	whatever gets more people riding and exercising is a positive thing
Individual	email	Elaine Smith		general	support	necessary step to keep up with technology, allows folks with limited strength who cannot operate regular bike
Individual	email	EluzabeEl Westlund		general	support	support use of ebikes
Individual	email	greg crafts		general	support	ebikes should be allowed anywhere normal bikes can go. They are as safe as other bikes and dependent on bike driver to be safe operating.
Individual	email	Gretchin Lair	Portland	general	support	ebikes got her into biking, speed can be a hazard, instead of limiting ebikes to certain width paths, should just limit speed.
Individual	email	J.C. Nore		general	support	would like to see more areas accessible to ebikes, has enjoyed seeing beautiful state on ebike.
Individual	email	James Kammeyer		general	support	great way to allow more people to see beauty of our parks, pedelec bikes are limited in speed and power. Throttle bikes that don't require pedal input are faster and could cause problems
Individual	email	James Quattlebaum		general	support	not motorized vehicles, pedal assisting only (no throttle) popularity is growing and should be allowed anywhere a standard bike allowed.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Jan Foltz		general	support	usually ride slower than regular bikes, comes down to being a courteous cyclist.
Individual	email	Jeff Beaman		general	support	in favor of allowing ebikes on all trails that have width and slope to accommodate bikes
Individual	email	Jeff Pokorny		general	support	allows more people to enjoy trails and raises more funds to support them.
Individual	email	Jeff Springer		general	support	wife not capable of riding standard bike for long time, pedal assist allows them to ride together. Friends can go faster than 20 mph on standard bikes. Ebikes should be on any trail regular bikes and all follow same rules.
Individual	email	Jeff Walton		general	support	Allow on Banks-Vernonia State Trail. Lots of misinformation about how ebikes function.
Individual	email	Jerry Solomon		general	support	should be allowed anywhere regular bike is allowed, with clear speed limits posted ebikes aren't travelling any faster than a regular bike. We can co-exist.
Individual	email	Jim Norman	Bend	general	support	ebikes should be allowed on all forest and park trails, they are quiet and do not damage trails any more than a mountain bike. They let older people get a work out and enjoy public lands.
Individual	email	John Becker	Hood River	general	support	rode on ebike tour in Gorge and felt comfortable and in control. Would love other people to be able to experience beauty he saw on the tour.
Individual	email	John Murphy		general	support	E-mountain bikes should go anywhere mountain bikes go
Individual	email	John-Paul Miller	Portland	general	support	safety concerns for ebikes are overblown. Trail design means people don't feel comfortable going 20 mph. Supports 3 class system
Individual	email	Jon Krutsch	Bend	general	support	ebike sales skyrocketing. Someone riding in reckless manner should be ticketed. Ebikes should be treated like regular bikes.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Kathryn Ritter		general	support	retired teacher, ebike rider. Don't go fast, enjoy nature. When stops pedaling, the bike stops. Would like citizens of her generation to keep benefiting from joys of exercise. Feels safe on state park trails.
Individual	email	Katie Reeves		general	support	will increase access and encourage more people to bike instead of drive.
Individual	email	Larry Cagle		general	support	Thank you for holding public meeting.He and wife have been riding ebikes for 5 years. Ebikes just the same as other bikes. Federal government requires ebikes adhere to normal bike regulations. No reason for trail width restrictions. Younger riders can go faster on a conventional bike.
Individual	email	Loren Smith	Bend	general	support	would like option to ride ebike on all bike trails. Ebike use is totally compatible with other bike use. Ebike means I drive less, reduce pollution and improve health.
Individual	email	Marc Igolen		general	support	in favor of it, get it done fast.
Individual	email	Mike Gresham		general	support	in favor of responsible biking and allowing ebikes in as many places as possible, extends the biking experience.
Individual	email	Monik Brink		general	support	ebikes are everywhere, not like motorbikes. Mother of child with heart condition who uses an ebike. Should allow ebikes everywhere regular bikes allowed.
Individual	email	Nada Lingel		general	support	long term bike riders who rode across the US when younger, now in 60s and knees don't handle hills. Ebike studies show benefit to health. Prefer to ride on trails for safety. Usually ride slower than regular bicycles and one study showed avg speed of ebike participant was 12 mph.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Patricia Chalstrom		general	support	ebikes are an integral part of transit and recreation in Oregon
Individual	email	Paul Freed		general	support	ebikes not motorcycles or mopeds, function just like a bike, but let someone ride further. Common sense to change with new technology, should be on same trails as mountain bikes.
Individual	email	Peter Seaman		general	support	ebikes an easier way to ride, not faster than regular bike. Allowing ebikes will provide less skilled cyclists a way to enjoy parks
Individual	email	Peter Wanless		general	support	ebikes are no different and should be allowed on any trail a bicycle is allowed on.
Individual	email	Phil Richman		general	support	Oregon needs ebike laws like California, Illinois, Colorado and Texas with 3 class system.
Individual	email	Rachel Freed		general	support	isn't much difference between ebikes and normal bikes. Allows people maybe not as physically fit to go further. Knowing she has assist if necessary for hills or distance encourages her to get outdoors with family.
Individual	email	Richard Miner		general	support	long time bicyclist, rode from home to LL Stub Stewart and back- didn't know it wasn't legal. Now that I know I will avoid visiting those areas. Regular bikes can go over 20 mph.
Individual	email	Sean Shriver		general	support	riding ebikes for 5 yrs. Valuable mode of transit and recreation.
Individual	email	Sterling McCord		general	support	8 years ago rode e-bike transporting kids to school on state park trails and didn't know it wasn't legal. Gave added safety and allowed to be car free.

Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Steve Gates	Hood River	general	support	68 yr old long time cyclist, diagnosed with stage 4 cancer 3 yrs ago. Ebike allows to continue to ride. Ebike riders are not trying to go fast, just want to get exercise, fresh air and great views. Road twin tunnel trail for years, been passed by courtesous cyclists and people going too fast. Its the user, not the vehicle that creates an unsafe situation.
Individual	email	Velma Budworth		general	support	ebikes should be allowed on any trail that allows bikes.
Individual	written	AJ Zelada, OD	Portland	HCRH Trail	support	Believes we should consider behavior not mode of trail use, reduces discrimination among modes, recognizes a change in users. Trail safety can be accomplished by defining speed for all users and trail education
Individual	written	Charles Crocker	Hood River	HCRH Trail	support	historic highway built with for freedom to explore. Don't be short sighted with use of ebikes they are part of future.
Individual	email	Elaine Powrie		HCRH Trail	support	recently bought ebike after retiring, best place to ride would be HCHT. Frequently walk it and cyclists and walkers co-exist on trail. Ebikes let older folks get back on bike, now she can ride with husband again.
Individual	email	Erin Gates		HCRH Trail	support	ebikes offer recreation and commuting oportunties for a variety of people. Specifically, important to allow on Mosider Twin Tunnel trail. Benefits outweigh any drawbacks.
Individual	email	Kim Hemingway	Rowena	HCRH Trail	support	Rode from home to Hood River for first time. Bad knees make traditional bike impossible. Don't ride as fast as serious bike riders and merge with pedestrians. Very much enjoy riding on public lands.



Entity	Type	Name	City/ organization	topic	Opinion	Summary of Comment
Individual	email	Robin Henson	97031	HCRH Trail	support	rides and walks HCRH Trail regularly and sees families enjoying it. Ebikes will help more people be out in nature and active. Speed limits or permits would be ok.
Individual	email	Warren Morgan	Hood River	HCRH Trail	support	73 year old rides HCRH often, following basic road rules and courtesy makes it safe and fun for everyone. Speed isn't why people ride ebikes.

## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item:	9b	<b>Information Item</b>
Topic:	Request to promulgate rule 736-050	
Presented by:	Chrissy Curran	

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On March 19, 2018, the Oregon Parks and Recreation Department (Department) received a petition to promulgate an administrative rule related to the State Historic Preservation Office's (SHPO) responsibilities for administering the federal National Register of Historic Places program. A key element of that program relates to determining ownership for properties nominated to the Register. The requested state administrative rule would retroactively put limits on the federal definition of “owner or owners” that are more restrictive than those found in current federal guidance for the program.

The SHPO, in undertaking its role to process nominations, operates under federal regulations for the essential elements of the program. As part of their administration of the federal program, states are instructed not to create additional onerous requirements that unduly interfere with public access to the program. The general approach to determine ownership is a federally-controlled feature of the program. While applying the federal definition of “owner or owners” details at the state level often require review and research, federal control over the foundational logic behind decisions is necessary to ensure national consistency.

For this reason, the Department has, in a timely fashion, denied this petition to promulgate new administrative rules retroactively changing the state's administration of the National Register program. The Department followed the state Administrative Procedures Act in denying the petition.

Current rules provide that the SHPO supports the State Advisory Committee on Historic Preservation in its role to review nominations to the program. The SHPO’s support role and committee’s review work are conducted largely by applying federal regulations and guidance provided by the National Park Service, the ultimate reviewer and decision-maker for nominations to the Register.

The State Historic Preservation Officer and deputy will work cooperatively with state legislators, community partners, the National Park Service, and other interested parties to introduce any necessary statutory and rule-based changes within the state's purview to improve on the success of the National Register of Historic Places in Oregon, SHPO will keep the commission apprised

of its progress, returning for permission to act on any relevant legislative concepts, budget changes, administrative rulemaking, or to engage in policy discussions.

Current Oregon Administrative Rules, and the requested rule language, are attached for the Commission's information.

**Prior Action by Commission:** none

**Action Requested:** none

**Attachments:** 1) Oregon Administrative Rules, and 2) the requested rule language.

**Prepared by:** Chris Havel, Associate Director



## **Oregon Parks and Recreation Commission, June 13, 2018, Agenda Item 9b Attachment A**

Parks and Recreation Department Chapter 736 Division 50  
HIST.: PRESERVATION OFFICER

736-050-0001

Procedural Rules: Authority, Purpose and Policy

(1) Authority: The authority for this rule is granted to the State Historic Preservation Officer in accordance with ORS 358.545.

(2) Purpose: These rules clarify the statutory requirement for participation in the Special Assessment of Historic Property program as provided in ORS 358.480 to 358.545.

(3) Policy: One of the goals of the State Historic Preservation Officer is to maintain, preserve and rehabilitate properties of Oregon historical significance through historic preservation incentive programs, thereby creating a positive partnership between the public good and private property that promotes economic development, tourism, energy and resource conservation, neighborhood, downtown, and rural revitalization, efficient use of public infrastructure, and civic pride in our shared historical and cultural foundations.

736-050-0200

State Advisory Committee on Historic Preservation: Purpose

These sections of Chapter 736, Oregon Administrative Rules establish:

(1) Organization and duties of the State Advisory Committee on Historic Preservation.

(2) State Historic Preservation Office staff responsibilities to the Committee and procedures for conducting the National Register of Historic Places program.

(3) Procedures for Committee review and approval of nominations to the National Register.

(4) Procedures relating to the Committee and conflict-of-interest.

736-050-0210

State Advisory Committee on Historic Preservation: Statutory Authority

ORS 358.617 requires the State Historic Preservation Officer to adopt rules to carry out the duties and functions of the officer, including rules governing cultural resource management programs.

736-050-0220

State Advisory Committee on Historic Preservation: Federal Requirements

The National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470 et seq.), specifies basic requirements for approval of state historic preservation programs. The requirements and responsibilities listed in the Act are incorporated into federal rule, 36 CFR Parts 60 (1994 edition), and 36 CFR Part 61 (1999 edition), which are hereby adopted by reference into this administrative rule.

736-050-0230

State Advisory Committee on Historic Preservation: Definitions

## **Oregon Parks and Recreation Commission, June 13, 2018, Agenda Item 9b Attachment A**

- (1) "Actual conflict of interest" (ORS 244.020(1)) — means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section.
- (2) "Certified Local Government (CLG)" — A city or county that has been certified by the National Park Service, Department of the Interior to carry out the purposes of the National Historic Preservation Act, as amended. The CLG program is administered by the SHPO.
- (3) "Committee" — The State Advisory Committee on Historic Preservation, a nine member body appointed by the Governor pursuant to ORS 358.622.
- (4) "Criteria for Evaluation" — The National Register Criteria for Evaluation are those published criteria by which every property that is proposed for nomination to the National Register is judged.
- (5) "Deputy SHPO" — The Deputy State Historic Preservation Officer, who serves as SHPO staff manager under the delegated authority of the State Historic Preservation Officer.
- (6) "Determination of Eligibility" — A decision by the U.S. Department of the Interior that a property meets the National Register criteria for evaluation although the property is not listed in the National Register. A determination of eligibility does not make the property eligible for grants or tax incentives for which listing in the National Register is a prerequisite.
- (7) "Handbook" — Compiled by SHPO staff, the guide is a publication on how to prepare nominations to the National Register based on National Register Bulletin 16.
- (8) "Historic District" — A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of historic sites, buildings, structures, or objects united by past events or visually by plan or physical development.
- (9) "Multiple Property Submission" — Includes all or a portion of the Register-eligible resources identified in a specific rural area, county, town, or section of a town or city, which are related to one another in a clearly distinguishable way. The resources may be of one building type or use, designed by a single architect, of a given archaeological period, or all those remaining which are related to a single historical event.
- (10) "National Park Service (NPS)" — The federal agency, housed in the U.S. Department of the Interior, which oversees historic preservation programs enabled by the National Historic Preservation Act of 1966, as amended.
- (11) "National Register of Historic Places" — The national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior. The Keeper of the National Register of Historic Places is an official of the National Park Service.
- (12) "Potential conflict of interest" (ORS 244.020(7)) — means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

## **Oregon Parks and Recreation Commission, June 13, 2018, Agenda Item 9b Attachment A**

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or person's relative is associated, is a member or is engaged. The committee may by rule limit the minimum size of or otherwise establish criteria for or identify the smaller classes that qualify under this exception.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under Section 501(c) of the Internal Revenue Code.

(13) "SHPO" — The State Historic Preservation Officer appointed by the Governor pursuant to ORS 358.565 and 36 CFR 61.4(a). Also used to mean State Historic Preservation Office.

(14) "Special Assessment" — A state-sponsored financial incentive program (ORS 358.425 et seq.) which provides for a fifteen year "freeze" in the true cash value of National Register properties.

736-050-0240

State Advisory Committee on Historic Preservation: Organization and Duties

(1) Members of the Committee appointed to fill unexpired terms shall serve for the remainder of the term of the vacating member.

(2) Unless the policy is waived by the Governor under extenuating circumstances (e.g., lack of qualified professionals to represent a required discipline), a Committee member may serve no more than two consecutive terms of appointment in his or her own right. If the member's original appointment fulfilled the unexpired term of another, he or she may be considered for reappointment twice in succession thereafter.

(3) Each member shall sign an affidavit acknowledging that he or she has read applicable conflict-of-interest provisions in state and federal rules. Affidavits are maintained by the nominations coordinator.

(4) Pursuant to 36 CFR 61.4(f)(6) and ORS 358.622 the Committee shall:

(a) Review all proposed nominations to the National Register of Historic Places to determine whether or not the property meets the criteria for evaluation;

(b) Participate in the review of appeals to the Keeper of the National Register of nominations rejected by the SHPO, and provide written opinions on the significance of the properties;

(c) Periodically review and make recommendations to the SHPO on amendments to the Oregon State Historic Preservation Plan, and provide advice on comprehensive historic preservation planning process;

(d) Provide advice, guidance, and professional recommendations to the SHPO on matters relating to federal and state historic preservation programs, policies and budgets, including but not limited to grant applications, annual staff work programs, and matters relating to the special assessment of historic property under provisions of ORS 358.475 et seq.

736-050-0250

State Advisory Committee on Historic Preservation: Staff Activities Relating to the National Register Program



## **Oregon Parks and Recreation Commission, June 13, 2018, Agenda Item 9b Attachment A**

- (1) Pursuant to ORS 358.565, the SHPO appoints the National Register Nominations Coordinator as the staff professional who is qualified to coordinate the state's National Register nominations program, including serving as staff to the State Advisory Committee on Historic Preservation.
- (2) Notification letters must be issued to property owners and affected public officials not less than 30 days nor more than 75 days in advance of the nomination review date.
- (3) Individuals, local government officials, landmark commissions, or CLGs may provide comments on the proposed nomination to the SHPO, Deputy SHPO, or nominations coordinator in advance of the meeting. Written or oral comments must be received not later than the announced date of the Committee meeting. The period for public comment shall not be less than 30 days. For properties located in the jurisdiction of a CLG, and for properties in public ownership, the period for public comment shall not be less than 60 days. Objections to listing in the National Register by the owners of private property must be in the form of a notarized written statement certifying the correspondent's ownership interest and the basis for objection. The coordinator will acknowledge receipt of written comments by form letter. Statements of objection on the part of owners of public property which the Committee finds to meet criteria of the National Register will be forwarded for consideration by the Keeper of the National Register. However, under federal rule, a statement of objection will not automatically preclude listing in the National Register of a property that is in public ownership.
- (4) The coordinator shall conduct a substantive review of all proposed nominations and prepare written summary comments for presentation to the Committee. This review shall apply the National Register Criteria for Evaluation to the nomination, focusing on physical characteristics, integrity, the applicable criteria and context for evaluation. The coordinator shall make recommendations concerning the eligibility of properties proposed for nomination. These comments shall be retained in individual nomination files.
- (5) Notification letters to property owners/proponents shall be prepared to confirm the action taken by the Committee on the review date. Separate form letters for approval, deferral, or denial shall be used. Approval letters may be accompanied by a list of needed supplemental documentation. Deferral or denial letters shall be accompanied by an explanation of why the action was deferred or denied and what steps might be taken to make a valid re-submission of the nomination, if any.
- (6) Once forwarded to the Keeper of the National Register, nominations may be returned to the SHPO for additional information, or can be subject to a supplementary listing record that provides for minor technical corrections without return of the registration form.
- (7) Formal notification of listing is sent to the affected property owner, with copies to the appropriate public officials and landmarks commissions. Notices are mailed to each owner of property in historic districts or in multiple property submissions.

736-050-0260

State Advisory Committee on Historic Preservation: Committee Procedures for Review and Approval of Nominations to the National Register

- (1) The Committee shall review all National Register nominations meeting the documentation requirements of the National Park Service and shall recommend to the SHPO whether or not each nomination meets the National Register Criteria for Evaluation.
- (2) Due dates for receipt of nominations are not less than 80 days prior to a scheduled meeting and are published in the Handbook.

## **Oregon Parks and Recreation Commission, June 13, 2018, Agenda Item 9b Attachment A**

(3) Neither the SHPO nor the Committee chairman shall entertain a request to add a nomination proposal to a closed agenda unless both the property owner(s) and head of the affected local jurisdiction(s) waive the normal commenting period.

(4) During Committee meetings, the nominations coordinator or other SHPO staff shall present a summary statement to introduce the nomination proposal, using slides for illustration and noting any written comments received prior to the meeting. Staff shall recite the criteria under which the nomination proposal is appropriately evaluated and shall provide recommendations concerning eligibility of the nominated property.

(5) Members of the Committee shall disclose and act upon actual or potential conflicts of interest in accordance with state law, and shall avoid even the appearance of conflict of interest. Conflict of interest is described as any action taken by a Committee member in the course of Committee business that results in, or might result in a direct pecuniary benefit or detriment to the Committee member, to a member of the Committee member's household, or to the Committee member's business as defined by statute (ORS 244). As this relates to meetings of the Committee the following applies:

(a) A member shall publicly announce an actual or potential conflict-of-interest prior to any Committee action on the matter in conflict but need not disclose any monetary value involved. The member shall disclose the nature of the conflict. Each member is responsible for ascertaining and disclosing his or her respective actual or potential conflicts-of-interest, but not conflicts of other members;

(b) In order to avoid even the appearance of conflict-of-interest in the conduct of the Committee's affairs, each member shall publicly announce the existence of any circumstances that might appear to a reasonable person to pose an actual or potential conflict-of-interest as that term is defined in this rule. Upon such disclosure, the remaining members shall determine on a case-by-case basis by a majority vote whether the appearance of a conflict exists;

(c) A member having an actual or potential conflict of interest, as confirmed by vote of the Committee, may not vote concerning the matter in conflict and must absent himself or herself from the meeting during the discussion, review, scoring of, and voting on the matter in apparent conflict. If removal of a member(s) from discussion and voting would result in loss of a quorum, as defined by statute, the members(s) shall not withdraw and shall vote. If a quorum is present, a majority vote of the five-member quorum or a majority vote of the remaining members voting, whichever is greater, shall be required to approve an action;

(d) The nature of any actual, potential, or apparent conflict of interest disclosed by a committee member and the disposition of the matter in conflict by the committee shall be recorded in the meeting's minutes.

(6) In order to avoid even the appearance of conflict-of-interest in the conduct of the Committee's affairs, a member shall not:

(a) State or imply that he or she is able to influence any action by the Committee;

(b) Accept anything of value from any person when the member knows or should know, or that it may be perceived by the public, that it is for the purpose of influencing his or her action as a Committee member;

(7) Failure to observe conflict-of-interest provisions of this rule shall be considered due cause for the State Historic Preservation Officer to recommend the Governor's request for a member's resignation.

(8) In regard to historic district or multiple property submissions, the following applies:

## **Oregon Parks and Recreation Commission, June 13, 2018, Agenda Item 9b Attachment A**

- (a) The chairman may, at his or her option, assign a Committee member to monitor the progress of each historic district or multiple property nomination. Members responsibilities in this regard can include: Meeting with the proponents or consultants, inspecting properties (with owner consent) and proposed boundaries, or review of draft nomination documents;
- (b) The proponent shall present a draft of the nomination to the Committee at a regularly scheduled meeting of the Committee. At that time, the proponent shall provide the justification for and geographic scope of the proposed nomination and an overview of the contributing and non-contributing resources within the district or property group using slides for illustration. The proponent may report on such other aspects of the work in progress as may be appropriate or called for by the Committee;
- (c) The Committee may approve a district or multiple property nomination at its first reading, or choose to hold over the district or multiple property nomination to a subsequent meeting.
- (9) Once staff has presented a nomination, the chairman shall call for comments from the proponent, opponent or other interested parties present. The total time allowed for testimony shall be determined by the chair.
- (10) The SHPO and DSHPO may participate in discussion of a nomination, but shall not be voting members of the Committee.
- (11) Members of the Committee should not abstain from voting except on a matter involving conflict of interest, in which case the reason for abstention will have been disclosed.
- (12) A nomination for which approval has been denied may be reconsidered by the Committee at a later meeting if the proponent has resolved the objections or deficiencies in a revised nomination. The reason(s) for the Committee's vote to deny approval can be explained or reviewed for the proponent at the meeting, or relayed to the proponent in writing after the meeting.
- (13) Pursuant to 36 CFR 60.12, a proponent or local government may appeal directly to the Keeper of the National Register to evaluate a nomination for which a recommendation has been denied by vote of the Committee. An appeal to the Keeper also may be made, for any Committee-recommended property which the State Historic Preservation Officer has failed to nominate to the National Register.
- (14) If the Committee has recommended nomination of a property and the property owner (or majority of owners of property within a district or multiple property group) has objected to the nomination by notarized statement pursuant to 36 CFR 60.6(s), the registration form nonetheless should be forwarded to the Keeper of the National Register for a Determination of Eligibility. A property determined eligible is not listed in the National Register, and the property may not be listed until the Keeper receives a notarized statement from the property owner(s) that he or she (or they) no longer objects to listing.
- (15) Nominations of federally-owned property which are submitted to the State Historic Preservation Officer for a signature of concurrence in accordance with federal Executive Order 11593 may be reviewed by the Committee following normal procedures or may be deferred to the next regular meeting. In such cases, the Committee shall vote on whether or not the property meets the criteria of the National Register and the nomination should have the State Historic Preservation Officer's signature of concurrence.





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March 19, 2018

***VIA US MAIL AND EMAIL***

Lisa Sumption, Director  
Oregon Parks and Recreation Department  
725 Summer St. N.E. Suite C  
Salem, OR 97301  
*Email via Denise Warburton: [denise.warburton@oregon.gov](mailto:denise.warburton@oregon.gov)*

Christine Curran, SHPO  
Oregon Parks and Recreation Department  
725 Summer St. N.E. Suite C  
Salem, OR 97301  
*Email: [Chrissy.Curran@oregon.gov](mailto:Chrissy.Curran@oregon.gov)*

RE: Petition for Rulemaking Pursuant to ORS 183.390, OAR 137-001-0070, 137-001-0080

Dear Director Sumption and SHPO Curran:

This firm represents Manda and Derek Blum, residing at 7920 SE Reed College Place, Portland, Oregon 97202. This is a petition to promulgate rules pursuant to ORS 183.390, OAR 137-001-0070 and OAR 137-001-0080, directed to the Oregon Parks and Recreation Department and the Oregon SHPO. The purpose of this petition for rulemaking is to direct the Oregon State Historic Preservation Officer (“SHPO”) to count objections to the National Register of Historic Places (“NRHP”) in a manner that does not disenfranchise traditional ownership of properties within a proposed Historic District. The addresses of additional known parties interested in this proposed rule is presently unknown.

Recently, a trend has developed with in the nomination process of historic districts to the NRHP whereby opponents create trusts with the intent to increase the number of property owners eligible to object to the listing of the proposed historic district to the NRHP. Creating eligible objections to the listing in the NRHP is as simple as drafting a shell trust form, assigning it a number, and then conveying the property within the proposed historic district to the numbered trusts with a fractionated share of ownership. An example of such an instrument is attached as Exhibit 1.

This practice has the detrimental effect of subverting the process of determining objection to a proposed historic district. Left unchecked, any one person holding property in a proposed historic district could create enough eligible trusts to cancel out the entirety of the support for the proposed historic district; in essence, any infinite number of “objection trusts” could be generated out of thin air by one property holder and used as a basis to submit objections to listing in the NRHP. This practice is directly aimed at destroying the democratic



process in determining support for a proposed historic district. Allowing this process to continue will result in single persons controlling numerous trusts to unilaterally sink a historic district nomination, or cause the inflation of fractionated-ownership-interest-trusts to skyrocket in a trust creation battle between supporters and opponents of a historic district whereby the only determining factor is number of created trusts rather than organic support or opposition. This petition for rulemaking is aimed at restoring the fairness to determining who is eligible for submitting objections to listing a proposed historic district in the NRHP.

Additionally, because there is a present open period for objection to the NRHP for the Eastmoreland Historic District in Portland, Oregon, we request that the Oregon Parks and Recreation Department and SHPO initiate immediate temporary rulemaking in accordance with OAR 137-001-0080 to address this important issue before the SHPO counts objections from recently created “objection trusts.” The rule should also be retroactive to include any presently considered nominations to the National Register.

The rule is proposed to be added to Oregon Administrative Rules Chapter 736, Division 50. The text of the rule is proposed as follows:

#### “Definitions

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

- 1) “Consideration Period” means the period of time between the submission to the SHPO of a nomination to the National register of a historic property, proposed historic property, or proposed historic district, and the final decision of the National Park Service to list or not list the historic property in the National Register.
- 2) “Historic Property” is defined in ORS 358.480.
- 3) “Objection Trust” means one or more trusts created by one or more settlors during the consideration period of a historic property, proposed historic property, or proposed historic district nomination to the National Register claiming an ownership interest to a single property that subsequently submits an objection to listing in the National Register.

#### Objection Trust Limitation

- 1) Upon receipt of an objection to listing a historic property in the National Register from one or more objection trusts associated with a single property, the SHPO shall disregard any objections from the objection trust.”

#### Retroactivity

- 1) This rule is meant to be retroactive to November 1, 2016.



This rule is authorized by ORS 358.565(3), ORS 358.585, and ORS 358.617 which authorizes the SHPO to adopt rules and participate in the National Register Program as required in Chapter 36 of the Code of Federal Regulations (“CFR”), Part 60. Moreover, the SHPO is charged with determining whether a majority of private property owners object to a proposed National Register listing pursuant to 36 CFR § 60.6(g), explicitly authorized by ORS 358.565(3) and permits the SHPO to adopt rules regarding those functions pursuant to ORS 358.617.

The Oregon Parks and Recreation Department and SHPO should adopt this rule, or one substantially similar that ends the potential for abuse by “objection trusts.” This abuse systematically dilutes and disenfranchises the will of the property owners within a proposed historic district, and is contrary to the objective goal of determining support or opposition the nomination of a historic district to the NRHP. We appreciate your attention to this matter, and look forward to your response.

Sincerely,

Brian R. Sheets  
BRS Legal, LLC

cc: Clients





# Exhibit 1

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**\$35.00 \$11.00 \$20.00 \$6.00 \$20.00**

No Change

## Addendum A

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Exhibit 1, Page 2

PMC



## Addendum A

[illegible]

PMC

## Addendum A

[illegible]

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## Addendum A

[illegible]

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## Addendum A

[illegible]

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**Addendum A**

Trust Name	Trustee	Ownership %	Trust Name	Trustee	Ownership %
HDB Trust 928	Patrick Cummings	0.10%	HDB Trust 976	Patrick Cummings	0.10%
HDB Trust 929	Patrick Cummings	0.10%	HDB Trust 977	Patrick Cummings	0.10%
HDB Trust 930	Patrick Cummings	0.10%	HDB Trust 978	Patrick Cummings	0.10%
HDB Trust 931	Patrick Cummings	0.10%	HDB Trust 979	Patrick Cummings	0.10%
HDB Trust 932	Patrick Cummings	0.10%	HDB Trust 980	Patrick Cummings	0.10%
HDB Trust 933	Patrick Cummings	0.10%	HDB Trust 981	Patrick Cummings	0.10%
HDB Trust 934	Patrick Cummings	0.10%	HDB Trust 982	Patrick Cummings	0.10%
HDB Trust 935	Patrick Cummings	0.10%	HDB Trust 983	Patrick Cummings	0.10%
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HDB Trust 937	Patrick Cummings	0.10%	HDB Trust 985	Patrick Cummings	0.10%
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HDB Trust 941	Patrick Cummings	0.10%	HDB Trust 989	Patrick Cummings	0.10%
HDB Trust 942	Patrick Cummings	0.10%	HDB Trust 990	Patrick Cummings	0.10%
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HDB Trust 944	Patrick Cummings	0.10%	HDB Trust 992	Patrick Cummings	0.10%
HDB Trust 945	Patrick Cummings	0.10%	HDB Trust 993	Patrick Cummings	0.10%
HDB Trust 946	Patrick Cummings	0.10%	HDB Trust 994	Patrick Cummings	0.10%
HDB Trust 947	Patrick Cummings	0.10%	HDB Trust 995	Patrick Cummings	0.10%
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HDB Trust 949	Patrick Cummings	0.10%	HDB Trust 997	Patrick Cummings	0.10%
HDB Trust 950	Patrick Cummings	0.10%	HDB Trust 998	Patrick Cummings	0.10%
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HDB Trust 973	Patrick Cummings	0.10%			
HDB Trust 974	Patrick Cummings	0.10%			
HDB Trust 975	Patrick Cummings	0.10%			

*PMC*

## Oregon Parks and Recreation Commission

June 13, 2018

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Agenda Item: 9c

Action

Topic: Request to open Rulemaking – Removing ranch rates from rule and eliminate acceptance of checks for reservations (736-015-0015 and 736-015-0040)

Presented by: Katie Gauthier

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**Background:** Silver Falls State Park offers several unique group overnight facilities. The Old Ranch and New Ranch each accommodates up to 75 people in dormitory-style bunkhouses. Popular for family reunions and weddings, these facilities have a large commercial kitchen, a central fireplace within a great room, and bunk beds that line an open loft above. Attractive grassy areas with picnic tables add to the appeal of these venues. Our visitors have a deep, traditional connection to their experience at the Ranches. These venues will always be part of the park; OPRD has no intention of selling them. However, OPRD has an obligation to ensure that the growing and specialized demands of operating them can be sustained.

To that end, OPRD has been considering other options to provide management services at the Ranches. Chief among these is contracting with an external concessionaire. Our analysis has raised a question about reservation and rate requirements currently set in administrative rule. We request permission to open rulemaking remove the specific reference to the Ranches, which may facilitate a possible transition to contracted management services.

Additionally, in the same rule, we request removal of language allowing checks for reservations made through the call center. The current process requires visitors to send a check into the reservation center at least five days before their stay. Tracking and processing these payments is difficult for our reservation vendor and leads to increased administrative costs. The number of visitors who pay for reservations by check has dwindled to approximately 100 per year.

**Prior Action by Commission:** In September 2009, the Commission adopted rules that added a description of the ranches into rule and increased the rates.

**Action Requested:**

Staff requests approval to open rulemaking on 736-015-0015 and 736-015-0040 to remove references to ranches from rules and eliminate acceptance of checks for reservations made for camping through the call center. A copy of the proposed rule is included in Attachment A.

**Prepared by:** Katie Gauthier

**Attachments:**

Attachment A – proposed rule



9c. Attachment A: Marked Copy

736-015-0015

Reservations

(1) Purpose: Based on the department's goal to promote outdoor recreation in Oregon, the department established a reservation program 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 the Oregon State Parks Reservation Center and the Internet.

(b) A person may make a reservation a minimum of one day 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) Only the person whose name appears on the original reservation, their designee (as documented in the reservation records) or the primary occupant may change or cancel an existing reservation or access information associated with a reservation.

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

(j) 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 an \$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 for reservations made through the Oregon State Parks Reservation Center by ~~personal check, money order, certified check~~, department issued gift certificates ~~or travelers check (in U.S. funds)~~ if the person's arrival date is ten or more days from the time the reservation is made. ~~These~~ This forms of payment ~~are is~~ not accepted for reservations made on the Internet.

(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 within this time frame, the department will cancel the reservation. The government agency or non-profit entity remains responsible for the \$8 transaction fee for each reservation request.

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

(5) Reservation Cancellations:

(a) A person may cancel their reservation prior to the day of arrival by using the internet or by calling the Oregon State Parks Reservation Center.

(b) The department will post detailed instructions for cancelling a reservation on the department's web site which is available seven days a week, 24 hours a day.

(c) To cancel a reservation on the day of arrival a person may contact the specific park where their reservation is held.

(d) In order to receive a refund of all use fees, a person must cancel the reservation for individual campsites, deluxe and rustic cabins, deluxe and rustic yurts, horse camps, tepees, and boat moorages three or more days prior to the arrival date. If the cancellation is received less than three days in advance of the arrival date, a fee equal to one overnight rental fee for the facility will be forfeited.

(e) In order to receive a refund of all use fees for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, ~~Silver Falls Ranches~~, Shore Acres Garden House, Pavilions, RV Group Areas and

other facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation request is received less than 30 days in advance of the arrival date, a fee equal to one night's or one day's rental for the facility will be forfeited.

(f) A person may not cancel reservations more than eight months in advance of the arrival date.

#### (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 the Oregon State Parks Reservation Center.

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

(d) Reservations made for six or more consecutive nights that are later shortened will be charged the nightly rate for each night removed in addition to an \$8 transaction fee for the change. This rule applies to shortening nights at the beginning of a reservation, not at the end of a reservation.

(e) A person must request a reservation change for campsites, deluxe and rustic cabins, deluxe and rustic yurts, tepees, and boat moorages three or more days in advance of the arrival date. Changes are not permitted within three days of the arrival date.

(f) A person requesting a reservation change for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, ~~Silver Falls Ranches~~, Shore Acres Garden House, Pavilions, RV Group Areas, and other facilities as designated by the department must request the change at least 30 days prior to arrival date. Changes are not permitted within 30 days of the arrival date.

#### (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 accommodate group use when 20 or more sites are booked by the same group in campgrounds designed primarily for individual camping, the following rules apply.

(b) The department will require full payment for all sites at the time the reservation is made and charge a non-refundable reservation fee of \$8 for each site. An \$8 non-refundable transaction fee will be charged for any date or site change made to a reservation included in the group.

(c) A group is considered any reservation of at least 20 individual overnight campsites made in one person's name through the Oregon State Parks Reservation Center or on the Internet.

(d) Group reservations 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.

(e) Facilities such as lodges, Silver Falls Youth Camp, ~~Silver Falls Ranches~~, and other special facilities as designated by the department are not included in the group camping program benefit.

(f) To promote the safety and enjoyment of all park users, the department may contact the reservation holder of any group reservation and ask for individual camper information prior to arrival. In such cases, the department will provide ample notice and request that information be received no sooner than two months and no later than one week before the group's arrival.

(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.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.111, 390.121 & 390.124

## **Chapter 736**

### **Division 15**

#### **RATES**

736-015-0040

Miscellaneous Rentals and Products

(1) Firewood: Where conditions permit, firewood will be sold.

(2) Boat Moorage Facilities — \$10 per day per boat: Where boat moorage facilities are provided they may only be reserved with other campsite reservations.

(3) Showers — \$2 per person: Charged where showers are available to non-campers in a campground.

(4) Horse Camping Area:

(a) Type I non-hookup site: \$19 per night per camper unit;

(b) Type II non-hookup site: \$17 per night per camper unit;

(c) Type I hookup site: \$30 per night per camper unit;

(d) Type II hookup site: \$26 per night per camper unit;

(e) Type I group site (accommodates 3-5 units): \$57 per night;

(f) Type II group site (accommodates 3-5 units): \$51 per night;

(g) Type I double site: \$49 per night per two camper units;

(h) Type II double site: \$43 per night per two camper units;

(i) A camper unit consists of a motor home, trailer, tent or camper.

(5) Group Tent Camps: Small group tent areas available in some parks which are designed to accommodate approximately 25 people. Water and toilet facilities are provided nearby, but shower facilities may be some distance away.

(a) Base rate (0-25 people): \$70 per night;

(b) Charges for persons in excess of the 25 person base rate will be \$3 per person per night.

(6) Group RV Camp: Special camp area designed to accommodate RV's requiring hookups in a group setting. The camp has electrical hookups available, water, table, stove, and access to a restroom.

(a) Base rate (up to 10 units): \$100 per night;

(b) Charges for units in excess of the 10-unit base rate: \$10 per unit per night.

(7) Pets Staying Overnight in Facilities (Yurts, Cabins, Tepees): Not more than two pets (cat or dog only) staying overnight in facilities: \$10 per night.

~~(8) Ranch/Bunkhouse: Large communal type bunkhouse facility which includes kitchen and restroom facilities. Minimum fee of \$200 per night for up to 25 persons and \$8 per person per night thereafter up to the maximum occupancy.~~

(9) Youth Camp (Silver Falls): Large capacity group camp facility with cabins, commercial kitchen facilities, dining hall, showers, meeting halls and swimming facilities. Minimum fee of \$800 per night for up to 80 persons and \$10 per person per night thereafter up to a maximum occupancy of 250 persons.

(10) Lodge/Community Hall: Large meeting facility with kitchen and restroom facilities which may be reserved overnight: \$200 per night.

(11) Meeting Hall: Small meeting facility, generally associated with a campground, which may have limited kitchen facilities and restrooms: \$75 per day.

(12) Pavilion: A large, covered day-use facility for group use: Minimum fee of \$100 per event for up to 50 people, and \$1 per person thereafter up to the maximum occupancy of the facility.

(13) Shore Acres Garden: All facility prices, no matter which facility or combination of facilities are booked, start with a minimum of 50 persons per event. Additional people beyond the minimum of 50 are \$1 per person up to a maximum of 100 people per event.

(a) Event Site: A lawn area outside the formal garden or a section of the formal garden (NOTE: sites in the garden must be booked in conjunction with another facility): \$100 per event.

(b) Pavilion (inside the formal garden and must be booked with an event site or the garden house): \$100 per event.

(c) Garden House (inside the formal garden and must be booked with the Pavilion): \$200 per event.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.111, 390.121 & 390.124



**Oregon Parks and Recreation Commission**  
**June 12, 2018**

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Agenda Item:	10a	Informational
Topic:	Report of Scenic Waterway Program Notification Actions and Ocean Shore Permits Issued from March 6, 2018 through May 10, 2018.	
Presented by:	Trevor Taylor, Stewardship Manager	

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

**SCENIC WATERWAYS NOTIFICATIONS**

May 7, 2018 a Notification of Intent 2B-1017-18 was approved retroactively to Peter and Michele Foran on the Upper Deschutes Scenic Waterway for the installation of an outdoor shed. The proposal met all Oregon State Scenic Waterway regulations; it is 158 feet from the river bank, finished in muted tones and does not exceed height conditions. Furthermore, additional vegetation screening will be planted to better conceal the existing structure.

May 4, 2018 approved Notification of Intent 2B-1016-18 to Timothy Parelius on the Upper Deschutes Scenic Waterway to install a well, pump house, septic system and to remove a few trees adjacent to the construction site. The proposal met all Oregon State Scenic Waterway regulations; it will be constructed approximately 155 feet from the river, not exceed height restrictions and be finished in a muted earth tone.

April 16, 2018 approved Notification of Intent 2B-1015-18 to Arthur Scotten for the river bank stabilization project proposed on the Upper Deschutes Waterway. The proposal met all State Scenic Waterway requirements as no grading or removal of trees or vegetation is involved, and instead the eroded landscape will be enhanced with plantings of native willows, rushes, sedges and seeded with native grasses.

April 9, 2018 approved Notification of Intent 14-26-18 from the U.S. Forest Service for a flood plain and river enhancement project on the South Fork McKenzie State Scenic Waterway. The proposed project includes removal of artificial levees, fill, and riprap; redistribution of sediment within the floodplain; placement of large woody material; tree tipping/removal for source material for project; pond habitat creation; culvert replacement; road decommissioning; and replanting of native vegetation. The proposed project met all State Scenic Waterway and Federal Wild and Scenic River rule requirements with an extensive Federal Wild and Scenic River Section 7 Analysis included with the notification.

April 2, 2018 approved Notification of Intent 16-89-18 from Todd Anderson to construct a cabin within the Nestucca River Scenic Waterway. The area cleared for development is 36 feet by 24 feet and is set back from the river 55 feet from the ordinary high water mark. The proposal meets the Nesctucca Scenic Waterway rule requirements including setback distances from the river, height, screening, and color rules.

March 15, 2018 approved Notification of Intent 2-211-18 to Troy Jones and M. Warner of Urban Station LLC on the Lower Deschutes Scenic Waterway to replace an existing outbuilding. The proposal met all Oregon State Scenic Waterway rule requirements including exceeding the setback distances from the river, height, screening, and color rules.

March 12, 2018 approved Notification of Intent 22-4-18 from South Coast Lumber Company to perform a salvage timber harvest of 32 acres within the Chetco River State Scenic Waterway. The proposal met all Oregon Forest Practices Act and Oregon State Scenic Waterway requirements. Timber harvest location is over 500 feet from bank of Chetco River with Oregon Forest Practices Act requirements to protect fish and domestic water tributaries to the scenic river.

March 9, 2018 approved Notification of Intent 2A-230-18 from Ted and Marcie Worster to complete an exterior remodel of their home on the Middle Deschutes Scenic Waterway. The proposal met all the State Scenic Waterways rule requirements including exceeding set back distances from the river, the appropriate height, vegetation screening and color rules.

March 7, 2018 approved Notification of Intent 2B-1013-18 from Martin and Linda Jensen to construct a single family residence and detached shop adjacent to the Upper Deschutes River State Scenic Waterway. The proposal met all State Scenic Waterway rule requirements including exceeding the setback distances from the river, height, screening, and color rules.

March 7, 2018 approved Notification of Intent 2B-1014-18 from Robert and Wendy Dixon to complete an exterior remodel of their home on the Upper Deschutes Scenic Waterway. The proposal met all the State Scenic Waterways rule requirements including setback distances from the river, height, and color rules.

## **OCEAN SHORES ALTERATION DECISIONS**

On April 26, 2018 Ocean Shore Permit #2888-18 was approved for the Association of Nedonna Beachfront Property Owners for sand alteration involving the grading and relocation of approximately 1,800 cubic yards of sand along approximately 3,900 feet of shoreline, to conduct foredune maintenance in accordance with the Nedonna Beach Foredune Grading Plan. Crest areas of the dune above 26 feet in elevation will be graded by moving sand from the high areas to the lower areas within the dune crest and then seaward of the Statutory Vegetation Line. Excess sand will be pushed onto the foredune and shaped to a 4:1 slope in in conformance with the recommendations in the approved foredune grading plan. The subject property is located on the ocean shore fronting all oceanfront lots at Nedonna Beach, between Manhattan Beach State Wayside and Section Line Street, within the Urban Growth Boundary of the City of Rockaway Beach in Tillamook County. The project includes all beachfront lots and street ends identified on Tillamook County Assessor's maps 2N-10-20BA, 2N-10-20BD, and 2N-10-20CA.

On April 30, 2018 Ocean Shore Permit #2889-18 was approved for the City of Cannon Beach, for construction of a new stairway for public beach access at Brallier Street. The new stairway will consist of upper and lower concrete landings secured in place with earth anchors. Stair treads will be made of 38-inch wide formed diamond tread steel, bolted to 12-inch C-channel beams. The hand railing and lower rails will consist of cedar wood, mounted on 4" x 4" pressure treated posts. Two 4" x 4" steel bollards at the bottom of the stairway will protect the stairs and railings from damage and provide a mounting location for tsunami evacuation and street name signs. The project is located at the west terminus of the Brallier Street right-of-way, Cannon Beach, OR 97110, identified on Clatsop County Assessor's Map # T4N, R10W, Section 6BC.

On April 30, 2018 Ocean Shore Permit #2890-18 was approved for the City of Cannon Beach, for construction of a new stairway for public beach access at Chisana Street. The new stairway will consist of upper and lower concrete landings secured in place with earth anchors. Stair treads will be made of 38-inch wide formed diamond tread steel, bolted to 12-inch C-channel beams. The hand railing and lower rails will consist of cedar wood, mounted on 4" x 4" pressure treated posts. Two 4" x 4" steel bollards at the bottom of the stairway will protect the stairs and railings from damage and provide a mounting location for tsunami evacuation and street name signs. The project is located at the west terminus of the Chisana Street right-of-way, Cannon Beach, OR 97110, identified on Clatsop County Assessor's Map # T5N, R10W, Section 31AD.

**Prior Action by the Commission:** None  
**Action Requested:** None  
**Attachments:** None  
**Prepared by:** Stewardship Section Staff



## **Oregon Parks and Recreation Commission**

**June 12, 2018**

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Agenda Item: 10b

Information

Topic: Procurement Report

Presented by: Tracy Loudon, Administrator Business and Technology Solutions

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The attached report includes:

- 2 New agreements for a total of \$133,096
- 20 New contracts for total of \$1,475,163
- 9 Amendments for a total of \$194,097

**Action Requested:** None.

**Attachments:** Procurement Report

**Prepared by:** Sarah Santos

# OREGON PARKS AND RECREATION DEPARTMENT

## Procurement Report March - April 2018

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
<b>GOODS AND/OR SERVICES CONTRACTS</b>									
03/05/18	Arete' Construction, LLC.	Rooster Rock State Park in Multnomah County and Sunset Bay State Park in Coos County	Eight pedestrian bridges	X	\$249,560			\$249,560	New Contract
03/09/18	Slice Recovery, Inc.	Jessie M. Honeyman Memorial State Park in Lane County	Firewood delivery		\$91,500			\$91,500	New Price Agreement
04/02/18	Steven E. Brandel	Milo McIver State Park in Clackamas County	Firewood delivery		\$20,000			\$20,000	New Price Agreement
04/08/18	Rue Forest Contracting, Inc.	Ainsworth State Park in Multnomah County, Viento State Park in Hood River County and Memaloose State Park in Wasco County	Firewood delivery		\$66,000			\$66,000	New Price Agreement
04/11/18	Wallowa Lake Marina, Inc.	Wallowa Lake State Park in Wallowa County	Marina concession services		\$175,000			\$175,000	New Contract (revenue)
04/12/18	Patrol Services Inc. dba Bend Patrol Services	Pilot Butte State Scenic Viewpoint in Deschutes County	Unarmed security service		\$32,635			\$32,635	New Contract
04/19/18	Mt. Adams Institute	Harris Beach State Park and Oregon Coast Trail in Curry County	Coastal resources intern (AmeriCorps)		\$10,695			\$10,695	New Contract
04/23/18	Frontier Unlimited, LLC.	Devil's Lake State Recreation Area in Lincoln County	Firewood delivery		\$35,000			\$35,000	New Price Agreement
04/23/18	Frontier Unlimited, LLC.	Beverly Beach State Park in Lincoln County	Firewood delivery		\$80,000			\$80,000	New Price Agreement
04/26/18	Slice Recovery, Inc.	Umpqua Lighthouse State Park in Douglas County and William M. Tugman State Park in Coos County	Firewood delivery		\$35,000			\$35,000	New Price Agreement
04/30/18	Frontier Unlimited, LLC.	Champoeg State Heritage Area in Marion County	Firewood delivery		\$25,000			\$25,000	New Price Agreement
03/09/18	Center for Diversity & the Environment	OPRD Headquarters in Marion County	Focus Groups		\$10,000			\$10,000	New Contract
04/23/18	Northside Ford Truck Sales Inc	Valleys Region Management Unit in Marion County	Ford F550		\$200,000			\$200,000	New Contract
03/20/18	FARO Technologies, Inc.	OPRD Headquarters in Marion County	Laser Scanner Maintenance		\$5,820			\$5,820	New Contract
<b>ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS</b>									
03/06/18	Anderson Shirley Architects, Inc.	Tryon Creek State Natural Areas in Clackamas and Multnomah Counties	Schematic Architectural Plans	X	\$12,000			\$12,000	New Contract
03/12/18	Miller Consulting Engineers, Inc	Smith Rock State Park in Deschutes County	Pedestrian bridge evaluation and design	X	\$12,200	\$0	(\$200)	\$12,000	Amendment 002 expiration extended to allow continuation of services.

# OREGON PARKS AND RECREATION DEPARTMENT

Procurement Report  
March - April 2018

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
<b>ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS ( Continued)</b>									
04/03/17	Project Delivery Group, Inc.	Sitka Sedge State Natural Area in Tillamook County	Parking lot design	X	\$14,490	\$13,697	\$0	\$28,187	Amendment 001 for additional work and costs also for reinstating the contract
04/24/18	Anderson Shirley Architects, Inc.	Silver Falls State Park in Marion County	North Falls office complex design	X	\$30,000	\$10,905	\$40,500	\$81,405	Amendment 003 for design changes requested by OPRD
04/24/18	Miller Consulting Engineers, Inc	Banks Vernonia State Trail in Columbia and Washington Counties	Buxton trestle repair design	X	\$38,200	\$0	\$0	\$38,200	Amendment 001 for additional time to complete the work, new termination date of June 29,2019
04/24/18	Landis Consulting	Milo McIver State Park in Clackamas County	Well and Chlorinator engineering	X	\$18,915			\$18,915	New Contract
<b>PUBLIC IMPROVEMENTS CONTRACTS</b>									
03/14/18	Banzer Construction Co.	Sitka Sedge State Natural Area in Tillamook County	Initial Development	X	\$298,238			\$298,238	New Contract
03/21/18	Stettler Supply Co.	Fall Creek State Recreation Area in Lane County	New water pump and controls	X	\$24,725	\$577		\$25,302	Change order 001 for removal and replacement of obsolete valves and additional time to complete the work
04/11/18	US West Corporation	Harris Beach State Park in Curry County	Water and Electrical Utility Upgrades	X	\$1,471,154	\$56,873	\$91,291	\$1,619,318	Change order 004 for additional electric service to Kiosk and Yurt, below grade electrical conduit to Day Use and loop B, revision at booth lighting and wood bin and hydrant water supply
04/16/18	Jessie Rodriguez Construction	Unity Lake State Recreation Site in Baker County	Water system improvements	X	\$128,770	\$2,495	\$22,256	\$153,521	Change order 002 addition remobilization costs due to winter shut down.
4817/18	Phillip Sitz Construction, LLC	Lake Owyhee State Park in Malheur County	Rustic cabin site improvements	X	\$53,300			\$53,300	New Contract
<b>RELATED SERVICES CONTRACTS</b>									
03/06/18	Signal Architecture + Research	Cottonwood Canyon State Park in Gillam and Sherman Counties	Construction Administration and landscape	X	\$50,000			\$50,000	New Contract
3/14//18	Anderson Perry & Associates, Inc.	Wallowa Lake State Park in Wallowa County	Cabin evaluation		\$6,500			\$6,500	New Contract
04/10/18	Parametrix, Inc.	Salmonberry Trail in Tillamook County	Salmonberry valley segment supplemental planning		\$114,718	\$5,250	\$35,250	\$149,968	Amendment 002 to revise task 4 and increase budget
<b>INTERGOVERNMENTAL AGREEMENTS</b>									
03/27/18	University of Oregon	Statewide	Bikeway maps		\$5,000	\$5,000	\$5,000	\$10,000	Amendment 001 to extend term and increase funding
04/23/18	Oregon Department Of Forestry	OPRD Headquarters in Marion County	Reservation Services		\$33,096			\$33,096	New Agreement (Revenue)
04/01/18	Oregon Geospatial Enterprise Office, DAS	OPRD Headquarters in Marion County	Photogrammetric mapping, Land Surveying and Related Services		\$100,000			\$100,000	