



## Oregon Parks and Recreation Commission

September 17 & 18, 2019

SOCC Community Room

96082 Lone Ranch Parkway

Brookings, OR 97415

541-813-1671

### Draft Agenda

#### Tuesday, September 17, 2019

Location: SOCC – Community Room

#### TOUR:

8:00am Depart from Beachfront Inn

- TBD

11:45am Return to SOCC

#### WORK-SESSION / TRAINING: 2:00pm – 4:00pm

- Main Street
- Rulemaking
- Best Practices for Field

#### Wednesday, September 18<sup>th</sup>

Location: SOCC- Community Room

#### Executive Session: 8:00am

*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: 10:15am

#### 1. Commission Business

- a) Welcome and Introductions (Information)
- b) Approval of June 2019 Minutes (**Action**)
- c) Approval of September 2019 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.***

- State Park Camping Extra Vehicle Charges

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

- a) Office of Outdoor Recreation Update (Information)
- b) Legislative Update, End of Session Report (Information)
- c) Director's update info: Holman (Information)

#### **4. Budget**

- a) 2019-21 Budget Update (Information)

#### **5. Property**

- a) Floras Lake-Curry County Property Exchange (**Action**)
- b) Banks Vernonia State Trail- Access Easement to four neighbors (**Action**)
- c) Port Orford Heads-Request for Easement Termination (**Action**)
- d) Sisters/Tumalo lands exchange between ODOT/OPRD (**Action**)
- e) OCT Beach Access-Acquisition of Access Easement (Information)
- f) Fort Stevens-Sale of land for Ft Stevens Army Post Cemetery (Information)

#### **6. Community Engagement**

- a) LGGP Grant Recommendation (**Action**)
  - i. Large Grants
  - ii. Small Grants
  - iii. Planning Grants

#### **7. Park Development Division**

- a) Courtney Creek State Natural Area Designation Petition (**Action**)
- b) Glass Hill State Natural Area Designation Petition (**Action**)
- c) Construct Canyon Creek Bridge at Ecola State Park (**Action**)
- d) Drain field Replacement at Tumalo State Park (**Action**)

#### **8. Heritage**

- a) Heritage Division Updates (Information)

#### **9. Rulemaking**

- a) Request to adopt rulemaking- Rescinding Oregon State Fair rules (OAR 736-201-0000 to 736-201-0180) (**Action**)
- b) Request to open rulemaking- Bicycle/Pedestrian Grant rules (OAR 736-006-0110, 736-006-0115, 736-009-0006, 736-009-0020, 736-009-0022) (**Action**)
- c) Request to open rulemaking- Nehalem Scenic waterway rules (OAR 736-040-0120) (**Action**)
- d) Request to open rulemaking- ATV Class IV definition (OAR 736-004-0015) (**Action**)
- e) Request to open rulemaking- Heritage commemorations (OAR 736-053-0300 to 736-053-0315) (**Action**)
- f) Request to open rulemaking-New Heritage Grant rules (OAR 736-056-) (**Action**)

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

- a) Actions Taken Under Delegated Authority (Information)
  - i. Contract and Procurement Report
  - ii. Scenic Waterway Program Notification Actions
  - iii. Ocean Shores Permits Issued
  - iv. Timber Harvest Revenue

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

- a) 2019 Commission Planning Calendar (Information)
- b) 2020 Commission Planning Calendar (Action)

*The services, programs and activities of the Oregon Parks and Recreation Department are covered by the Americans with Disabilities Act (ADA).*

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item:	3a	Information
Topic:	Governor's Task Force on the Outdoors	
Presented by:	Cailin O'Brien-Feeny	

---

Staff will provide an update on the progress of the Governor's Task Force on the Outdoors. Two meetings have been held thus far, May 22<sup>nd</sup> at Silver Falls State Park and July 11<sup>th</sup> at The Nature Conservancy in Portland. At the time this brief is being written, a third meeting is planned for August 27 in Baker City.

Meetings to date have provided an overview of the state of outdoor recreation in Oregon and begun exploring strategies to increase outdoor participation. The August meeting will focus on opportunities to strengthen Oregon's economy through outdoor recreation. The group will reconvene in October to focus on balancing recreational demand with resource protection, after which point subsequent meetings through the fall and early winter will focus on prioritization of ideas, as well as considering the potential structure – including staffing as well as advisory roles – and funding to implement the group's recommendations.

The group's directive, as outlined by Governor Brown is to “recommend policies, legislation and initiatives to support economic development in both rural and urban areas, balance improved outdoor recreation access with resource protection, and increase outdoor recreation participation, especially among youth and traditionally underserved communities.” Draft recommendations will be brought to the Commission for review in February before being finalized for Governor Brown on or before April 17<sup>th</sup>, 2020 at which point the Task Force will disband.

**Attachment:** None.

**Action Requested:** None.

**Prior Action by Commission:** Appointment of membership.

**Prepared by:** Cailin O'Brien-Feeny

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 3b Information  
Topic: 2019 Legislative Session Final Report  
Presented by: Katie Gauthier, Legislative & Policy Coordinator

---

### **Background:**

The 80<sup>th</sup> Oregon Legislative Assembly adjourned sine die on June 30, 2019. While it was a tumultuous session for many, OPRD continued our positive relationship with legislators from all sides. Our budget passed early in the process with little controversy. The legislatively-adopted budget includes policy option packages to prepare the agency for the Centennial in 2022 by increasing investment in state park maintenance and by reaching out to Oregonians who may be new to outdoor recreation.

OPRD began the session with six proactive pieces of legislation developed based on recommendations from staff throughout the agency. By the end of session, five of the six bills passed in some form. In many cases the bill numbers were changed, but the language from our bill was included as part of another bill.

During the interim, the agency will staff work groups on ATV policy issues and Special Assessment for Historic Properties based on agreements made during the session. The goal of both workgroups will be to develop consensus on legislative proposals for the 2021 session.

Overall, 2,768 bills, memorials and resolutions were introduced during the 2019 session and the Legislature passed 779 of them. OPRD tracked 257 bills over the six months of session, below are a few of the highlights.

### **Oregon Parks and Recreation Department 2019 Final Legislative Report**

*The legislation included has, or would have had, a significant impact on OPRD. The list does not include bills that impact all state agencies, unless they have a particular, unique impact on OPRD.*

### **Heritage**

---

- ✓ **Recognizing Anniversary Commemorations** **Status:** Enacted
  - **HB 2081** changes Oregon Heritage Commission responsibility for coordinating statewide anniversary celebrations to commemorations to be more inclusive and

reflective of all of the types of events that Oregonians may want to recognize.  
Effective: 1/1/2020.

- ✓ **Special Assessment on Historic Properties** **Status:** Enacted
  - The special assessment for historic preservation tax program was extended for two years so that local governments and preservation advocates can develop changes to the program, as OPRD originally requested in SB 48. **HB 2164** included a section that allows for a 2 year extension of the sunset of the program. The Heritage Division will work with local government and preservation stakeholders during the interim to update the program. Effective: 9/29/2019.
  
- ✓ **Main Street Revitalization Grants** **Status:** Enacted
  - **HB 5050** provides funding for an additional round of grants for the Main Street Revitalization program. Five million in lottery backed bonds will allow the Heritage Division to continue promoting revitalization of downtown buildings around Oregon with another grant solicitation in 2021. Effective: 8/9/2019.
  
- ✓ **Energy Facility Siting review changes** **Status:** Enacted
  - **HB 2329** changes the jurisdiction of the Energy Facility Siting Council (EFSC) by excluding transmission lines from regulatory consideration and significantly increasing the overall size of projects not subject to review and creates a local government permitting process for “renewable energy facilities.” The bill tasks SHPO with working directly with Oregon’s thirty-six Counties to carry out the provisions of the legislation relating to renewable energy facilities. By devolving the review process to counties, the energy facility siting process will likely vary by jurisdiction creating a more costly and administratively burdensome process for SHPO to manage. Effective: 1/1/2020.
  
- **Historic Registry Land Use Changes** **Status:** Died in Committee
  - **SB 927** would have repealed the requirement for local jurisdictions to obtain owner consent for local designation of historic resources and addressed the connection between the National Register of Historic Places and Statewide Planning Goal 5. The primary intent was to remove the requirement for local jurisdictions to automatically apply protections to properties listed in the National Register (without a public process).

### Agencywide

- 
- ✓ **Waterway Access** **Status:** Enacted
    - **HB 2835** is intended to protect and increase public access to waterways for recreation. It will require increased cooperation between state agencies involved in waterway issues to protect current public access and look for opportunities to improve public access in the future. State agencies will be required to notify the public if access to a waterway is closed longer than 30 days. Agencies also have to report to the legislature annually on any public access sites closed, restricted or opened during the year. Effective: 9/29/2019.
  
  - ✓ **Oregon Conservation and Recreation Fund** **Status:** Enacted
    - **HB 2829** establishes the Oregon Conservation and Recreation Fund within ODFW for carrying out activities that serve to protect, maintain, or enhance fish and wildlife resources in Oregon. Activities include: implementing conservation programs and strategies; improving engagement of public in hunting, fishing, and

other outdoor recreation opportunities; improving educational outreach and engagement of public, including diverse and underserved communities; joint projects with OPRD or other state agencies as recommended by the Oregon Conservation and Recreation Advisory Committee; other conservation, management, research, habitat improvement, enforcement, outdoor recreation, or education activities. The bill establishes a \$1 million General Fund for the 2019-21 biennium and can be released to ODFW if \$1 million of private funds can be raised as match. Effective: 7/15/2019.

- **Leaburg Hatchery State Park** **Status:** Died in Committee
  - **HB 3451** would have transferred Leaburg Fish Hatchery from ODFW to OPRD. This late session bill did not get a hearing. The fish hatchery was slated to close, but received funding in an end of session bill and will remain open under ODFW management.
- **Outdoor Recreation Passes** **Status:** Died in Committee
  - **SB 448** would have created a voluntary outdoor recreation search and rescue card program within the Office of Emergency Management. OPRD and other agencies would have been involved in sale of a voluntary card with funding directed toward county search and rescue programs. Died in Ways & Means Committee.
- **Outdoor Therapy Grants** **Status:** Died in Committee
  - **SB 588** would have created a grant program within OPRD to award grants for natural resource-based therapy programs. Died in Ways & Means Committee.

### Central Business Services

- ✓ **Bicycle and Pedestrian Funding** **Status:** Enacted
  - **HB 2592** included a number of technical adjustments to the transportation package from 2017 including a change in the requirement for OPRD to reimburse ODOT \$4 million for bicycle/pedestrian grants. Now OPRD and ODOT will work together to allocate up to \$4 million in bicycle/pedestrian grant funding with half going toward local government grants and half toward signature, scenic or recreational trails. The legislation also included a sunset of this provision on January 2, 2025. Effective: 9/29/2019.
- **ATV Safety Education Cards** **Status:** Died in Committee
  - **HB 2082** would have required ATV safety education cards for riders of all classes of ATVs on public lands. Currently, cards are required for some classes and some ages. This bill aimed to bring consistency and increase safety, particularly in growing ATV classes. A number of questions about ATV statutes were raised during session. The department agreed to work with stakeholders and ODOT on an interim workgroup to this and other issues for future sessions.
- ✓ **Scenic Bikeways** **Status:** Enacted
  - **SCR 30** declared May 12-18 Oregon Scenic Bikeways Week. In commemoration of the 10<sup>th</sup> anniversary of the Oregon Scenic Bikeways program, this resolution was introduced by Senator Prozanski. The Scenic Bikeways Committee held a 10<sup>th</sup> anniversary celebration event at the Capitol in May with partners including Cycle Oregon and Travel Oregon.

- **ATV Registration** **Status:** Died in Committee
  - **HB 2566** would have required all ATVs to be registered. Proposed amendments had registration and titling of ATVs going through the Marine Board. Representative Witt's bill has had a hearing in the Joint Transportation Committee. This concept could be part of an interagency workgroup during the interim on ATV operations and statutes.

## Operations

- ✓ **Forestry policy consistency** **Status:** Enacted
  - OPRD's two forestry bills, SB 49 and 50 were amended into one bill, **SB 50A**. This bill aligns our forest contracting requirements with those of the department of Forestry and increases the threshold for competitive bids from an appraised value of \$15,000 to \$25,000. Effective: 9/29/2019.
- ✓ **Willamette Greenway Regulations** **Status:** Enacted
  - **HB 2351** authorizes the Oregon State Marine Board (OSMB) to adopt special regulations for boat operation on the Willamette River within the Willamette River Greenway, including establishment of designated speed and other methods for the protection of shoreline, public and private property, fish and wildlife habitat, and vegetation. Requires OSMB, when adopting special regulations, to consider Department of Land Conservation and Development Commission statewide land use planning goals and guidelines to protect, conserve, and maintain: natural, scenic, historical, agricultural, economic, and recreational qualities of land along Willamette River Greenway. Exempts tugboats, towboats, barges, launch vessels, and other commercial vessels from special regulations on Willamette River mile 0 to 26. Effective: 1/1/2020.
- **Vietnam Veterans Memorial** **Status:** Died in Committee
  - **HB 2195** would have located a Vietnam Veterans Memorial on the Capitol grounds, near the WWII Memorial. The bill created a task force to approve the design of the memorial and allowed the task force to apply for OPRD's grant program. Representative Evan's bill has passed out of the House Veterans Committee and died in the Ways & Means Committee.
- **Special Access Pass for Veterans** **Status:** Died in Committee
  - **SB 308** would have required OPRD to develop an advisory committee to review access for service connected disabled Veterans through our Veterans Special Access Program. The advisory committee could recommend changes to reservation processes, a pilot program or legislation. Senator Hansell's bill passed out of the Senate Veterans and Emergency Preparedness Committee and died in the Ways & Means Committee.
- **Warning signs on Beach** **Status:** Died in Committee
  - **HB 2376** would have required OPRD to develop and post educational signs that warn the public about the natural dangers of ocean beaches at key public beach access sites. Conversations about current signage and discussions about future collaborative opportunities led to bill not moving forward.

**Prior Action by Commission:** Update at the June Commission Meeting

**Action Requested:** Information only

**Prepared by:** Katie Gauthier

**Attachments:** None

# Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 3c

Information

Topic: Holman Wayside status

Presented by: Chris Havel

---

In 2007, the Oregon Parks and Recreation Department closed parking at Holman Wayside, a small rest area park west of Salem on Highway 22 at the intersection with Doaks Ferry Road.. Decades-long problems with crime and vandalism came to a head with a police operation that year that resulted in the arrest of several people on charges of indecent behavior (<https://tinyurl.com/y4mw93mt>). The parking lot was closed to motor vehicles, and the restroom—already past its service life—was demolished.

A bicycle/pedestrian path passes through the park. The eastern end of the path is Salem, 4 miles away. Traveling on a combination of shoulders and off-road paths, the route continues 12 miles west and south to Monmouth. While parking has remained closed since 2007, the small section of trail has remained open and continues to be used. There is no trash collection or drinking water service at the park. County maps identify the steep terrain that covers most the park as a high landslide risk.

A recent newspaper story updated readers about the status of the park, which is often included in draft lists containing properties that are candidates for sale or transfer. There are no immediate plans to start the wheels turning on disposal of the property, but the mandated process involves offering it to other public jurisdictions first before considering sale to a private party. With the steep terrain, limited access, and position sandwiched between two major roads, the property is probably not a good candidate for sale. While all options will be considered, a public agency like the Oregon Department of Transportation remains the most likely partner for a transfer. No matter where the property lands, OPRD will protect access to the bicycle-pedestrian path.

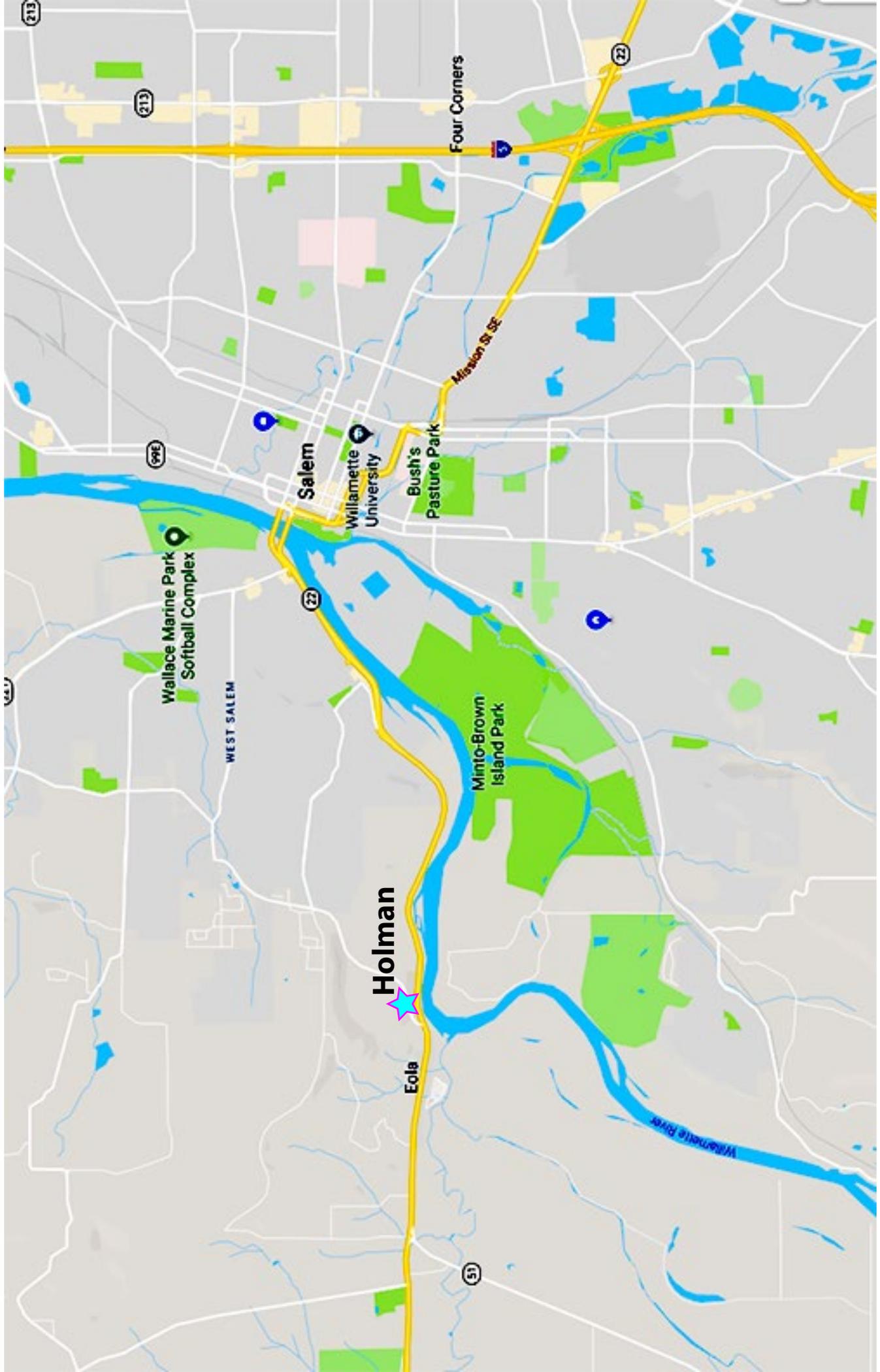
Thanks to the public coverage, there is renewed interest in voluntarism to improve this and other nearby state parks.

**Prior Action by Commission:** None

**Action Requested:** None

**Attachment:** Maps

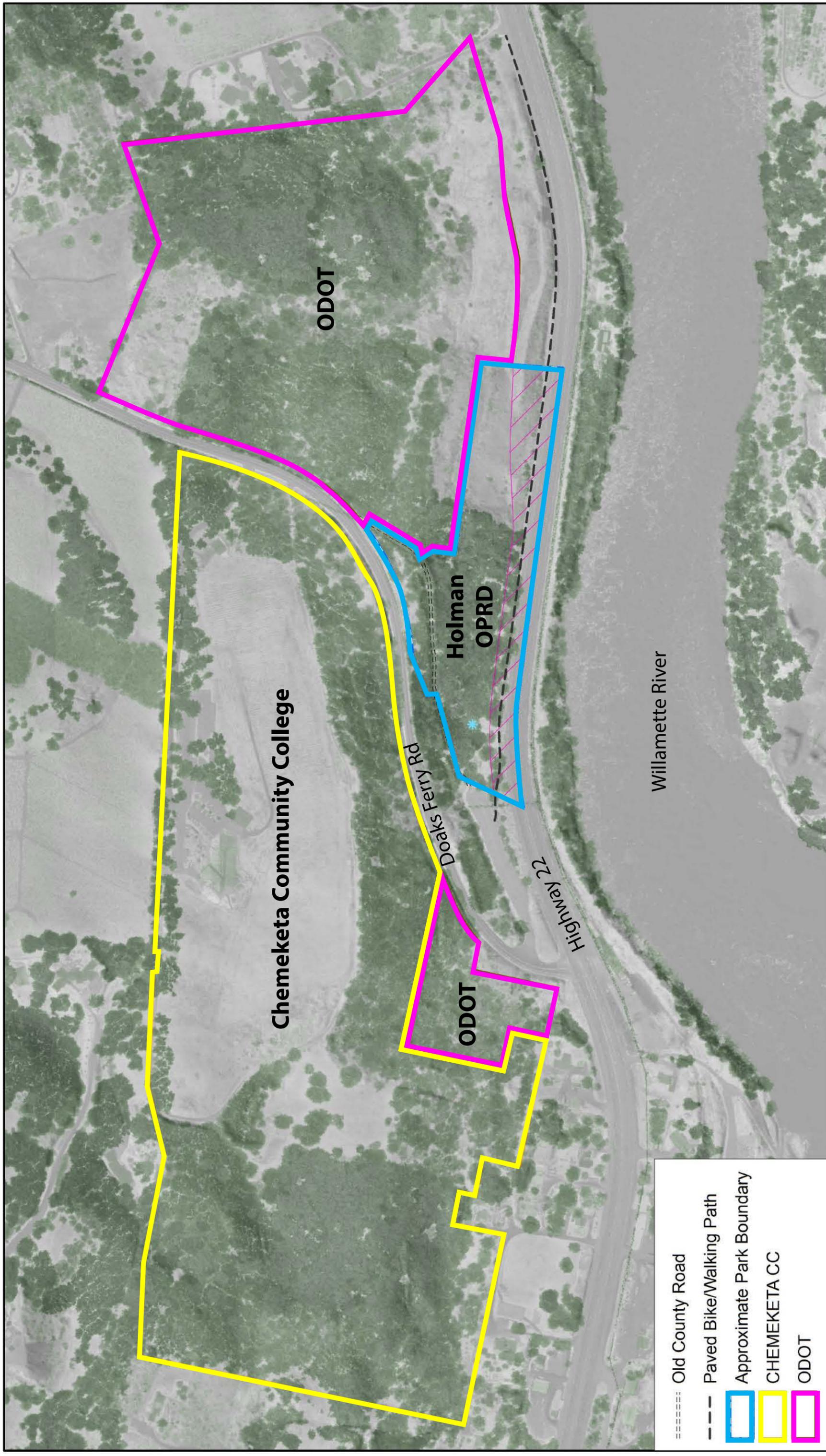
**Prepared by:** Chris Havel



# Holman State Wayside - Context

OPRC September 18, 2019; Agenda Item 3c Attachment

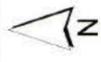
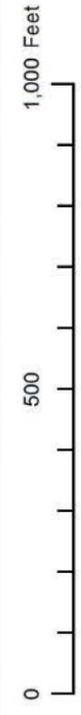
Oregon Parks and Recreation Dept.  
725 Summer St. NE, Suite C  
Salem, OR, 97301



=====	Old County Road
----	Paved Bike/Walking Path
<span style="border: 2px solid blue; display: inline-block; width: 20px; height: 10px;"></span>	Approximate Park Boundary
<span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px;"></span>	CHEMEKETA CC
<span style="border: 2px solid magenta; display: inline-block; width: 20px; height: 10px;"></span>	ODOT

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

NAD 1983 2011 Oregon Statewide Lambert F1 Intl



NMOB-NB-03319 7/24/2019  
E:7/24/2019  
P:never  
E:\2019\PROJECTS\Holman\_Wayside\_RossK\HsHolman and Vicinity.mxd

# Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 4a

Information

Topic: 2019-21 Budget Update

Presented by: Tanya Crane, Budget Manager

---

The September 2019 Lottery forecast will be released August 28, 2019 and will be provided at the Business meeting.

Governor Brown has signed bills from the 2019 Legislative session and the Oregon Parks and Recreation Department's (OPRD) budget was impacted by SB 5527 (the agency's budget bill) and HB 5029 (close of session bill). Below is a summary of the Department's Legislatively Adopted Budget (LAB) by Summary Cross Reference (SCR):

<b>Budgets by SCR (including packages):</b>	
Director's Office	3,136,712
Central Services	36,584,064
Park Development	43,344,032
Direct Services	123,859,881
Community Support/Grants	57,202,031
Total	264,126,720
Acquisitions*	4,614,609
Facilities Construct/Maintain*	19,372,141
Local Government Grants	13,138,597
Total	37,125,347
*Lottery Fund only	

The budget has been entered into the statewide budget system and has passed the required audits. High level budget allocations have been finalized by the Executive Team; allocation is now going on at the various management levels of the organization. The charts below show the Department's beginning and ending projected cash flow balances, projected revenues and policy packages.

<b>Beginning Balances:</b>		<b>Revenues:</b>	
Local Govt Grants	6,757,561	Non Business License/Fees	2,129,287
RV County Grants	1,177,366	Park User Fees	56,286,736
OR Prop Mgmt Acct	87,098	Interest Income	2,332,185
Main Street	5,183,505	Sales Income	4,097,658
ATV Funds	2,651,275	Other Revenues	9,399,274
Trust/Dedicated Funds	8,332,793	Bond Proceeds	5,106,587
Cash Flow*	19,631,000	Federal Funds	16,685,823
Non Dedicated	36,150,381	General Fund	0
	Total	From DAS - M76	109,488,309
		From DAS - non M76	2,292,182
*Cash flow breakdown:		From DAS - SCSP	400,000
OR Prop Mgmt Acct	150,000	From Business Oregon	260,000
ATV Funds	5,223,000	From Marine Board	400,000
Trust/Dedicated Funds	968,000	From ODOT	50,529,933
General Operations	13,290,000	Transfer to Counties	(14,252,405)
	Total	Transfer to State Police	(690,898)
		Transfer to Forestry	(1,591,857)
		Transfer to ODOT	(580,308)
		Total	242,292,506
<b>Policy Packages:</b>		<b>Ending Balances:</b>	
101 Operational Needs	5,795,344	Local Govt Grants	6,757,561
102 Grant Carryover	12,700,552	RV County Grants	626,865
103 SCSP Assessment	400,000	OR Prop Mgmt Acct	21,084
104 Facil Enhance/Develop	3,100,000	ATV Funds	14,517
105 Improve Experience	4,200,000	Trust/Dedicated Funds	8,410,273
106 Long View	7,490,000	Cash Flow*	20,950,169
107 Trails	2,250,000	Reserve - Salary/Wages	9,254,721
108 Information Technology	1,712,876	Reserve - ODOT Issue	2,600,000
109 Acquisition	3,000,000	Reserve - IT	4,480,000
110 Salmonberry	500,000	Non Dedicated	5,021,575
111 People	247,923	Total	58,136,765
801 LFO Analyst Adjustments	0		
802 LFO Agency Adjust	0	*Cash flow breakdown:	
810 Statewide Adjustments	(1,840,191)	OR Prop Mgmt Acct	125,000
811 Close of Session	5,588,379	ATV Funds	5,107,000
	Total	Trust/Dedicated Funds	1,118,169
		General Operations	14,600,000
		Total	20,950,169

Listed below is a summary of the adjustments made to the budget during the Legislative phase:

1. Funding for the Office of Outdoor Recreation was changed from 100% General Fund to 100% Lottery Funds (Measure 76). *\$273,580*
2. In Pkg 105, eliminated the funding for a Concession Strategy with a limited duration position to do the work. *\$98,548 LF, \$103,478 OF 1 position and 0.88 FTE*  
Pkg 105 also includes funding for ADA projects and restroom replacements. OPRD had requested that these funds be ongoing; the approved budget makes the funding one time only for the 2019-21 biennium. *\$500K LF for ADA, \$1.0M LF for restrooms*
3. Removed adjustments done during the Governor's Budget development to adjust OPRD's budget for DAS Assessment charges and Attorney General charges. *\$473,637 LF, \$497,330 OF for DAS and \$4,670 LF, \$4,904 OF for AG*  
This adjustment was replaced with adjustments for changes in DAS Assessments, DAS Service Charges, AG rate changes, and changes to the charges from the Secretary of State. *\$658,066 LF, \$690,903 OF for DAS, \$3,171 LF, \$3,330 OF for AG, \$6,430 LF, \$6,752 OF for Secretary of State.*  
Additionally, the employer rate for the Public Employees Retirement System (PERS) was reduced. *\$197,700 LF, \$192,582 OF, \$4,620 FF*
4. Removed the adjustment done during the Governor's Budget development for the Local Government Grant program (LGGP) to match 12% of the Lottery forecast. The adjustment accounted for the change between the June 2018 forecast in the Agency Request Budget and the December 2018 forecast used in the Governor's Budget. *\$197,777 LF*  
This adjustment was replaced with an increase for the LGGP of \$448,769 based on the June 2019 forecast.
5. Pkg 109 requested ongoing additional funding for property acquisition; the approved budget makes the increase one time only for the 2019-21 biennium. *\$3.0M LF*
6. A "Budget Note" was added to the budget report for OPRD's budget bill that requires the Department to report to the 2021 Joint Committee on Ways and Means, during the agency's budget presentation hearings, on the properties purchased or anticipated to be purchased during the 2019-21 biennium.
7. The Department requested, and LFO included in the approved budget, technical adjustments to move a number of positions across Summary Cross References (SCR) to better reflect position reporting relationships. The net impact these adjustments to the Department is zero.
8. The Department was granted limitation for the Main Street Program. An additional \$5M in bonds will be sold for the program to award out in grants. The bond sale is scheduled for spring of 2021.

*Impact on Ending Cash Balance:* Traditionally OPRD does not carry a substantial "unobligated" ending cash balance. At the Agency Request Budget, it was \$71,931 Total Funds. The LAB is \$5,021,575 Total Funds. The increase was mostly caused by the reduction in the Information Technology package related to infrastructure (\$4,480,000). It is anticipated that OPRD will appear at an Emergency Board to request these funds when further information is known about the reservation system replacement.

To close the budget cycle loop, below are tables that show OPRD's budget at each approval point in the budget building process.

	2019-21 Agency Request Budget						
	General	Lottery	Other	Federal	Total	Position	FTE
Director's Office	273,580	1,216,572	1,259,852		2,750,004	5	5.00
Central Services		22,679,682	20,671,510		43,351,192	82	80.57
Park Development		23,993,420	17,548,816	1,810,132	43,352,368	9	9.00
Direct Services		53,687,145	68,646,924	2,333,020	124,667,089	746	479.86
Community Support/Grants		17,765,880	21,591,397	12,547,291	51,904,568	29	29.00
	273,580	119,342,699	129,718,499	16,690,443	266,025,221	871	603.43
	2019-21 Governor's Budget						
	General	Lottery	Other	Federal	Total	Position	FTE
Director's Office	273,580	1,211,902	1,254,948		2,740,430	5	5.00
Central Services		22,679,682	20,671,510		43,351,192	82	80.57
Park Development		23,993,420	17,548,816	1,810,132	43,352,368	9	9.00
Direct Services		53,640,498	67,743,280	2,333,020	123,716,798	746	479.86
Community Support/Grants		17,963,657	21,591,397	12,547,291	52,102,345	29	29.00
	273,580	119,489,159	128,809,951	16,690,443	265,263,133	871	603.43
	2019-21 Legislatively Adopted Budget						
	General	Lottery	Other	Federal	Total	Position	FTE
Director's Office	0	1,678,745	1,457,967		3,136,712	6	6.00
Central Services		19,322,180	17,261,884		36,584,064	79	77.57
Park Development		23,986,750	17,547,150	1,810,132	43,344,032	9	9.00
Direct Services		53,597,672	67,929,772	2,332,437	123,859,881	748	481.98
Community Support/Grants		18,200,227	26,458,550	12,543,254	57,202,031	28	28.00
	0	116,785,574	130,655,323	16,685,823	264,126,720	870	602.55

*Emergency Board Meetings:* Since Oregon voters approved annual legislative sessions, the Oregon Legislature will return to session in February 2019. Between now and then, only meetings of the Interim Joint Committee on Ways and Means have been scheduled for September 2019, November 2019 and January 2020. This body will hear issues and make recommendations to the full body for action in the February 2020 session.

**Prior Action by Commission:** The 2019-21 Agency Request Budget was approved at the June 2018 meeting. A brief update was provided in November 2018. The Governor's Budget was presented at the February 2019 meeting; an update on the budget was provided in June 2019.

**Action Requested:** None.

**Attachments:** None.

**Prepared by:** Tanya Crane

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 5a

Action

Topic: Port Orford Cedar Wayside - Floras Lake Curry County Property exchange

Presented by: Chris Havel

---

In 2016, the Curry County Board of Commissioners (BOC) established a task force to examine a large number of county owned properties and develop recommendations for use or disposal. The BOC considered these recommendations in a series of public hearings and reached decisions for nearly all the properties; however, there was no decision on approximately 500 acres of forestland adjacent to the Floras Lake State Natural Area (SNA). This county property is south of Boice Cope County Park and includes approximately one mile of lake frontage.

The task force recommended the County work with the State or others to retain the property in public ownership for passive recreational use and natural resource conservation. The BOC directed additional community engagement; over 150 participants attended an April 2017 workshop, near the property in Langlois, to consider a variety of uses and management strategies. Each of twelve groups overwhelmingly reached consensus supporting the task force recommendation.

The county nominated this land for inclusion in the State Park system, and OPRD staff reviewed property information. The Department concluded acquiring the entire 500+ acres was infeasible due to a lack of financial resources and staffing capacity. However, there is support for adding the western 90 acres to our existing 1,500-acre SNA. The 90 acres abuts the SNA along two boundary lines. The Oregon Coast Trail (OCT) is located very near one of those boundaries; acquisition of this would **provide a useful buffer** for the OCT and remainder of the SNA. This acreage includes an “arm” of the lake, allowing boaters to slip into the “arm” to take a rest from the wind or watch for wildlife; however, the banks are too steep to develop boater access to the SNA. OPRD would manage the land for its **scenic qualities** enjoyed by local residents and park visitors. OPRD staff made a site visit in July 2018 and confirmed the property would be a good addition. In lieu of monetary compensation, OPRD suggested an exchange of properties and received support from the Commission to offer the undeveloped 32-acre Port Orford Cedar Forest State Scenic Corridor property as trade for the county’s 90 acres. Based on recent appraisals, the property values are closely matched.

The exchange agreement calls for OPRD to engage in joint trails planning between county- and state-managed properties and to start a county-wide comprehensive state park planning project to consider other exchange opportunities.

**Prior Action by Commission:** None

**Action Requested:** Approve exchange agreement to accept 90 acres incoming from Curry County in trade for outgoing 32 acres of undeveloped state park property.

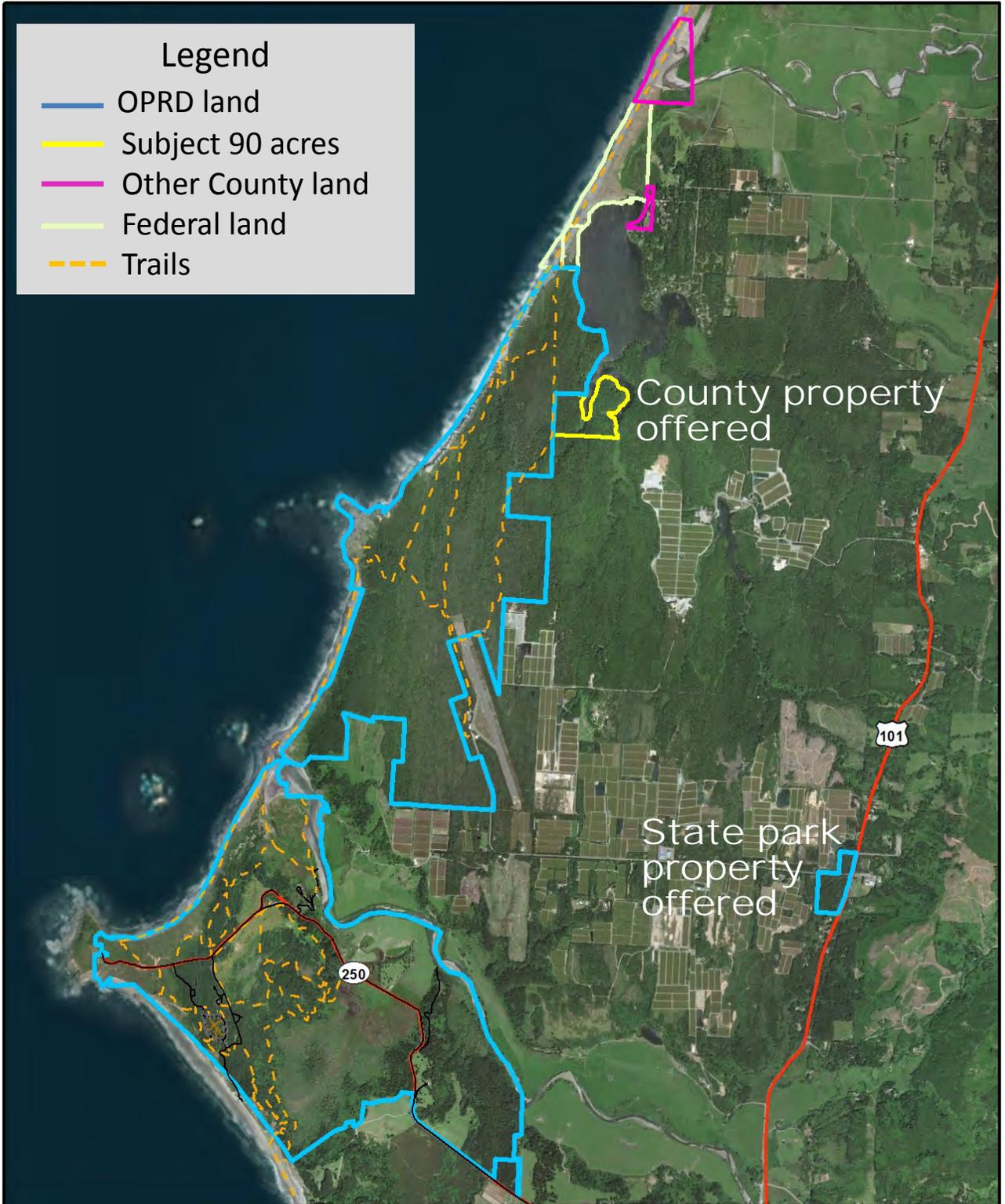
**Attachment:** Maps

**Prepared by:** Chris Havel

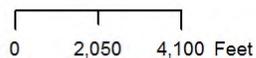
# Floras Lake SNA

## Vicinity Map

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



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



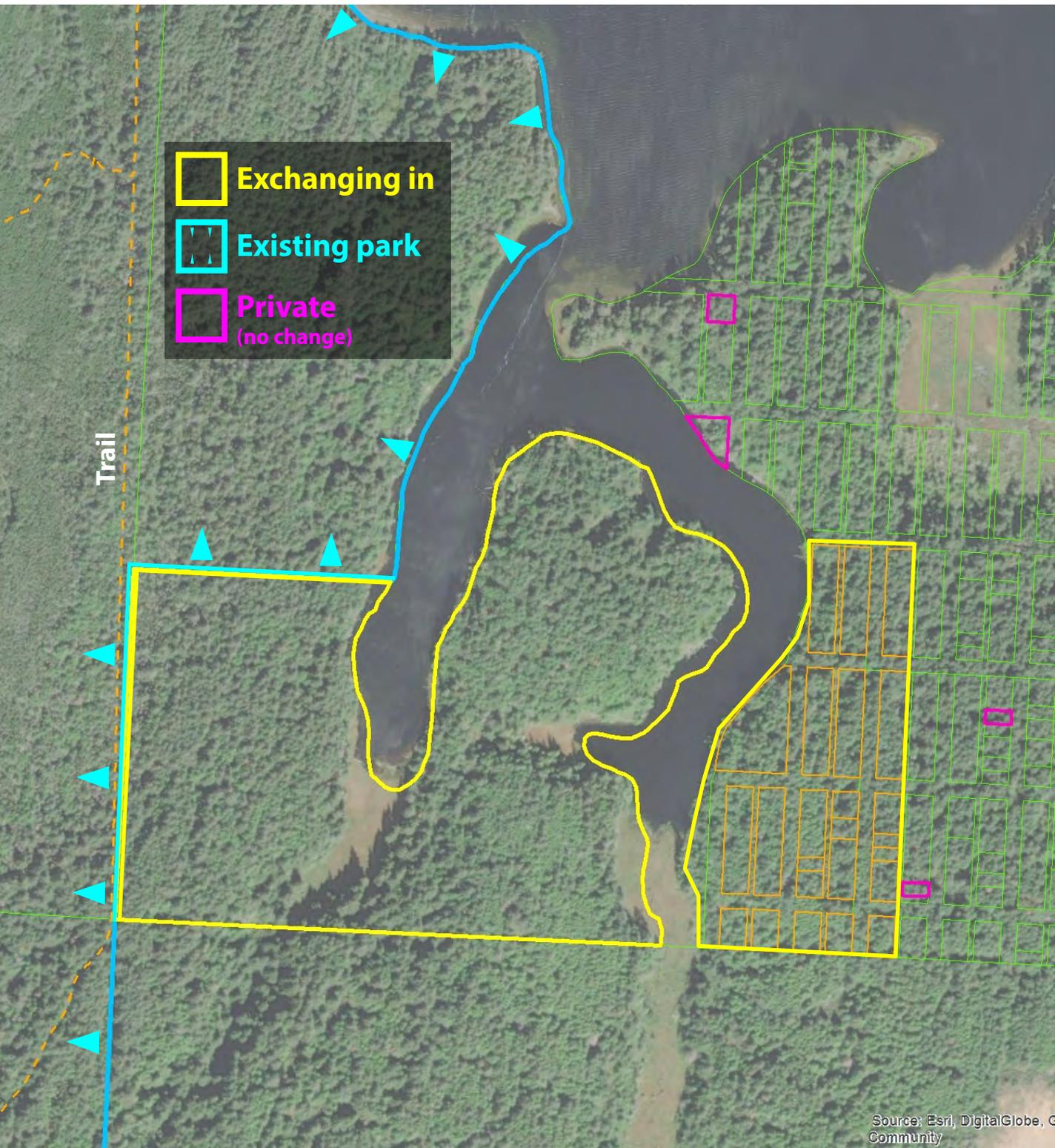
NAD 1983 2011 Oregon Statewide Lambert Ft Intl



NMOB-02965 never  
E:8/4/2018  
P:never  
Document not saved

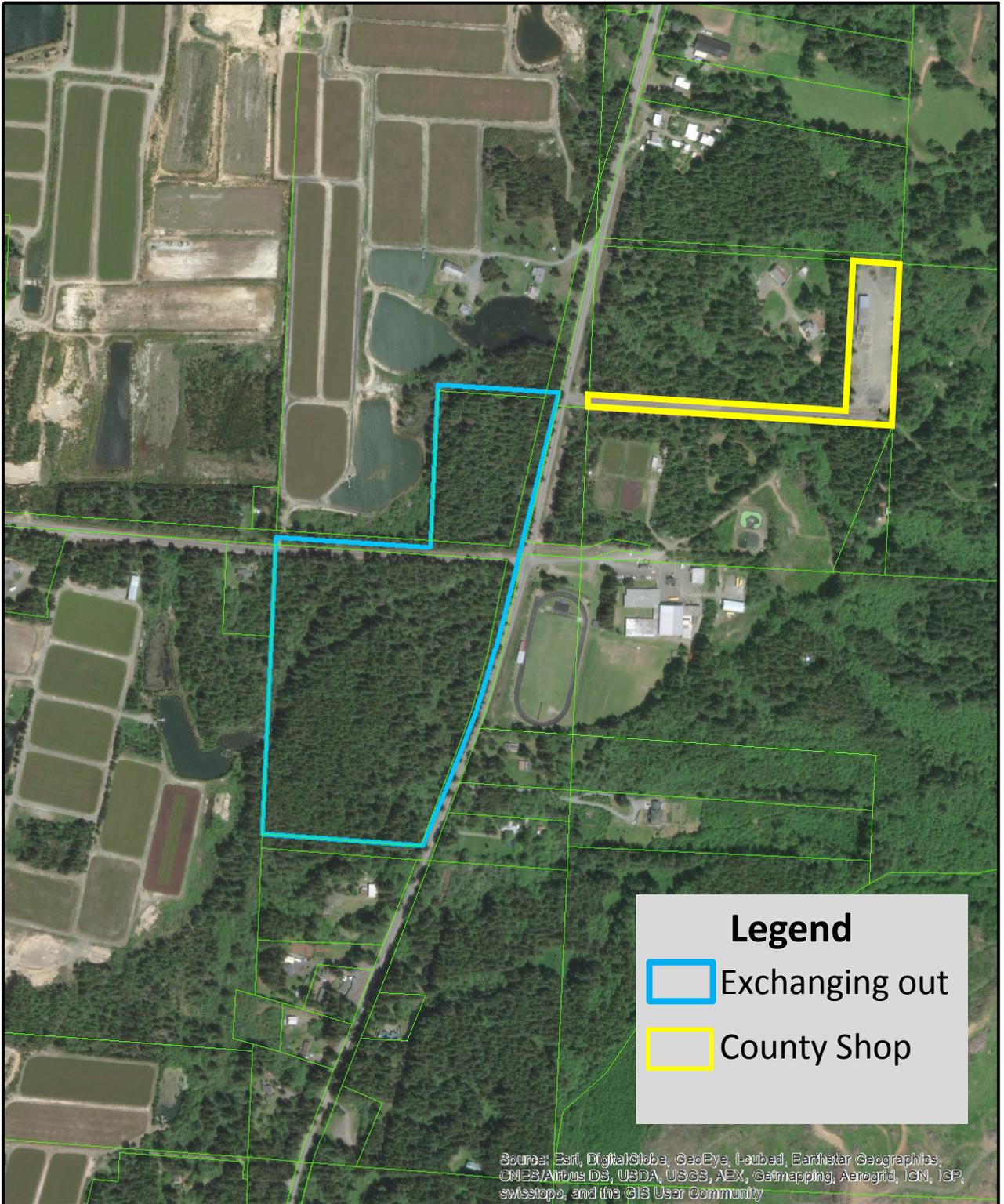
# Preferred alternative

Fee simple acquisition of 90+/- acres total shown in yellow.



# Port Orford Cedar Wayside

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



Source: Esri, DigitalGlobe, GeoEye, i-Land, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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

0 290 580 Feet



NAD 1983 2011 Oregon Statewide Lambert Ft Intl

NMOB-02965 never  
E: 1/12/2018  
P: never  
Document not saved

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 5b

Action

Topic: Banks Vernonia State Trail - Access Easement to Neighbors

Presented by: Alice Beals, Right of Way Agent

---

OPRD received a request for an easement across the Banks Vernonia State Trail in September 2018 from a neighboring landowner. As with many similar requests we receive, these neighbors are seeking vehicular access across park lands to get to their property.

Our practice has been to research access requests, weigh the potential impact on the park, and when appropriate, issue a permit for access. As mentioned in the February workshop and the April informational brief, staff is finding this approach can be shortsighted in certain situations. Permits are issued in the name of the requestor, not recorded with the county clerk's office, and do not transfer to heirs & assigns. Due to the disadvantages of the permitting process, staff time is required each time there is a transfer of property that has OPRD permitted access. Title companies and private property owners may call us under very tight time restrictions, trying to determine, establish, or resolve a legal right of access prior to an impending closing date.

Regarding this request, staff has determined there is no other reasonable access to these properties. In addition to the requestor's property, there are four other properties needing access over this proposed easement area.

To maintain consistent and uniform disposition of property rights to affected parties, OPRD requests the Commission allow it to transfer permanent, non-exclusive easements to the owner(s) of each abutting property that uses this access.

**Prior Action by Commission:** February 2019 Workshop, April 2019 Informational Brief

**Action Requested:** Approve transfer of permanent, non-exclusive easement for ingress, egress, and utilities to current neighboring properties.

**Attachments:** Map (1)

**Prepared by:** Ladd Whitcomb, Right of Way Agent

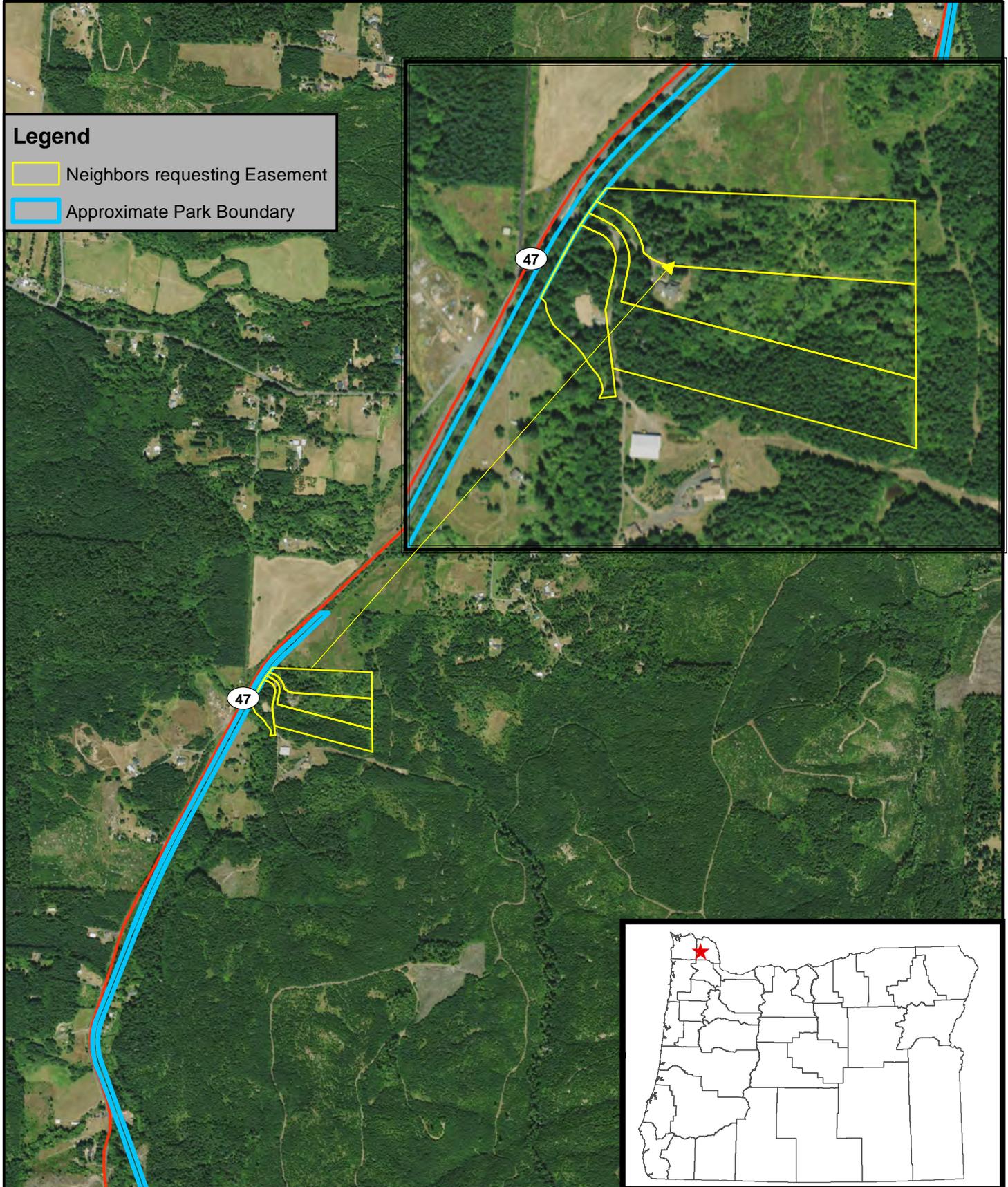
# Banks Vernonia State Trail

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



Agenda Item 5b

September 18, 2019



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

0 700 1,400 Feet



NAD 1983 2011 Oregon Statewide Lambert Ft Intl

NMOB-03089 3/18/2019  
E:3/18/2019  
P:never  
amb 3/18/2019

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 5c

**Action**

Topic: Port Orford Heads SP-Request for Easement Extinguishment

Presented by: Alice Beals, Right of Way Agent

---

In 1932, lands were deeded to the U.S. for the purpose of establishing a Coast Guard station at Port Orford. The deed included fee title to land as well as right of way to the land for access and a 20 foot wide easement to Garrison Lagoon. These lands were later conveyed to the State (Transportation Department) in 1976. ODOT then conveyed them to OPRD in 1995.

It is the 20 foot wide easement that is the topic of this request. The language in the easement states that it is for “egress and ingress thereto...by those in the employ of the United States, on foot or with vehicles ...used for the purpose of carrying (sic) out the intentions of Congress in providing for the establishment of Coast Guard stations....”.

A representative of a neighboring-property owner whose land this easement crosses, recently contacted us. Although, due to the language in the easement stated above as to purpose, it can be assumed this easement is effectively abandoned, and therefore irrelevant, it does still create a question or “cloud on the title” of this neighboring property as the easement is a matter of record and until formally terminated or declared extinguished by a court it will “run with the land”.

OPRD is being asked to provide a formal extinguishment of easement.

**Prior Action by Commission:** None

**Action Requested:** Approve providing a formal extinguishment of this easement as it applies to the neighboring property

**Attachments:** Map (1)

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

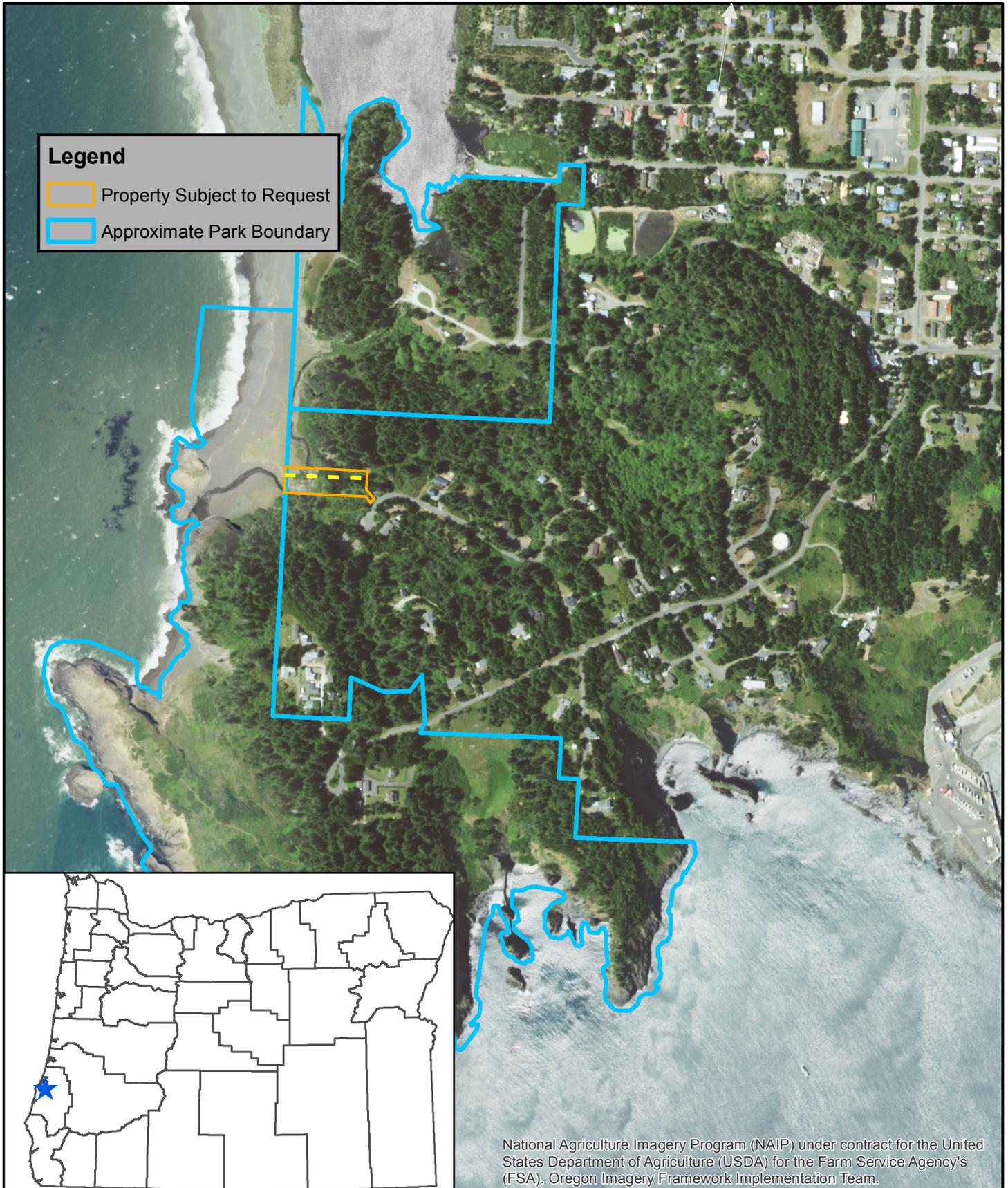
# Port Orford Heads State Park

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



Agenda Item 5c

September 18, 2019



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

0 295,000 590,000 Feet

NAD 1983 2011 Oregon Statewide Lambert Ft Intl



NMOB-03089 8/16/2019  
E:8/16/2019  
P:never  
amb 8/15/2019

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 5d

**Action**

Topic: Sisters SP/Tumalo lands exchange between ODOT/OPRD

Presented by: Alice Beals, Right of Way Agent

---

In 2014-2016, ODOT and OPRD were discussing a possible land exchange; OPRD land in the City of Sisters for ODOT land abutting and across from Tumalo State Park. ODOT has since identified a second property to offer to the exchange, a 7+/- acre parcel known as Service Creek Recreation Site. The exchange of the lands would allow the Agency's to better utilize and manage State owned lands for their respective missions.

The 27 acre OPRD owned property (Map 1) that would better serve ODOT is on the east side of the City of Sisters at the intersection of Highways 126/20 and is heavily impacted by highway right of way. The City Transportation System Plan illustrates a footprint for a future roundabout construction project in the immediate vicinity of this property.

OPRD staff had identified ODOT lands on the east side of the Deschutes River and east side of the Highway 20 (Map 2) at Tumalo State Park (identified on 2018 Watch List). This property would allow for OPRD to expand trails in this area. ODOT has also offered their Service Creek Recreation Site (Map 3) in Wheeler County. The property is currently under BLM management. This John Day River boat launch site is currently developed with a restroom and parking area.

**Prior Action by Commission:** None

**Action Requested:** Staff requests Commission approval to exchange fee title ownership of OPRD's Sisters SP property for fee title to ODOT's Tumalo and Service Creek Recreation Site property.

**Attachments:** Maps (3)

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

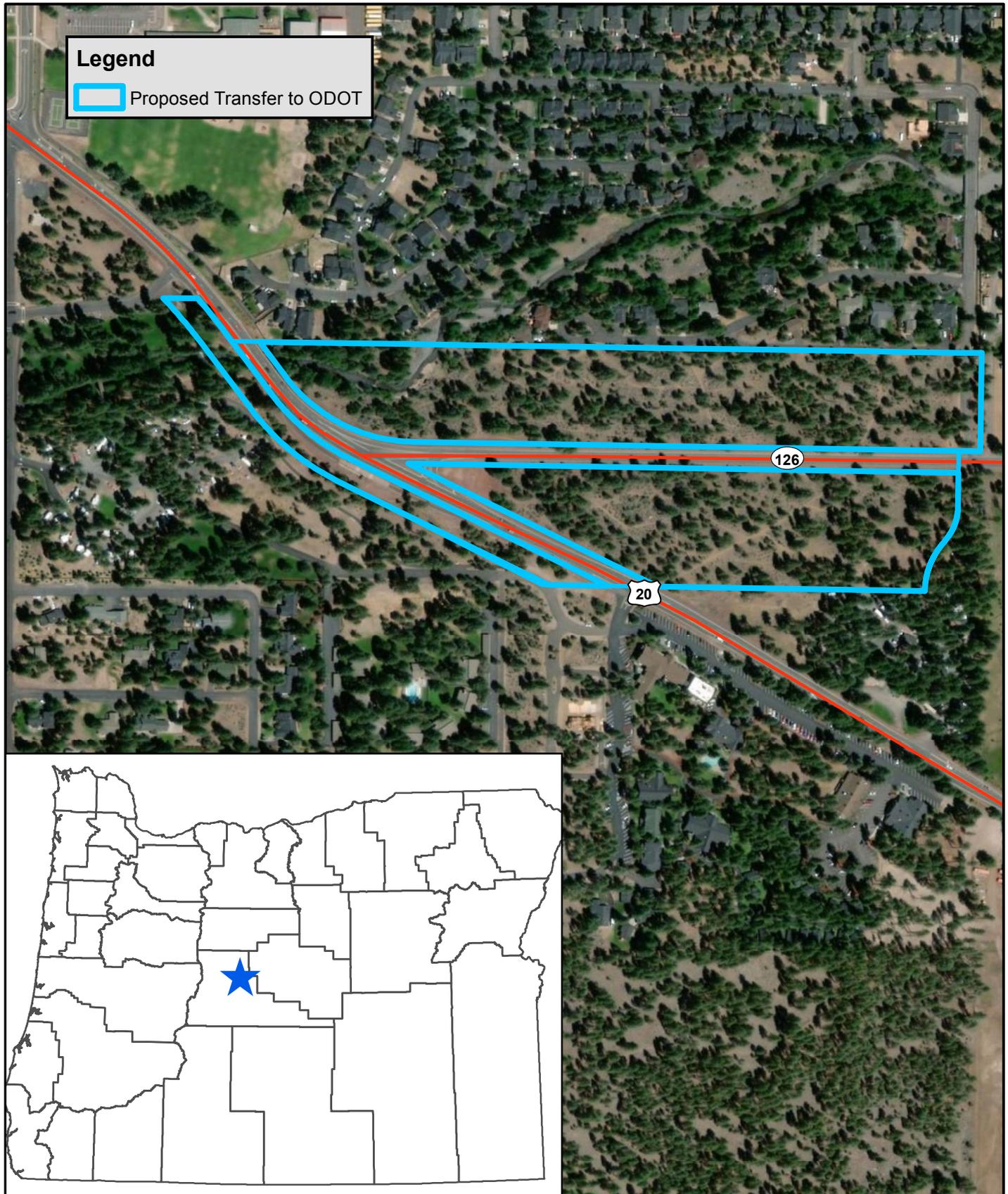
# Sisters State Park

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



Agenda Item 5d Map 1

September 18, 2019



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

0 190 380 Feet  
NAD 1983 2011 Oregon Statewide Lambert Ft Intl

NMOB-03089 8/15/2019  
E:8/15/2019  
P:never  
amb 8/15/2019

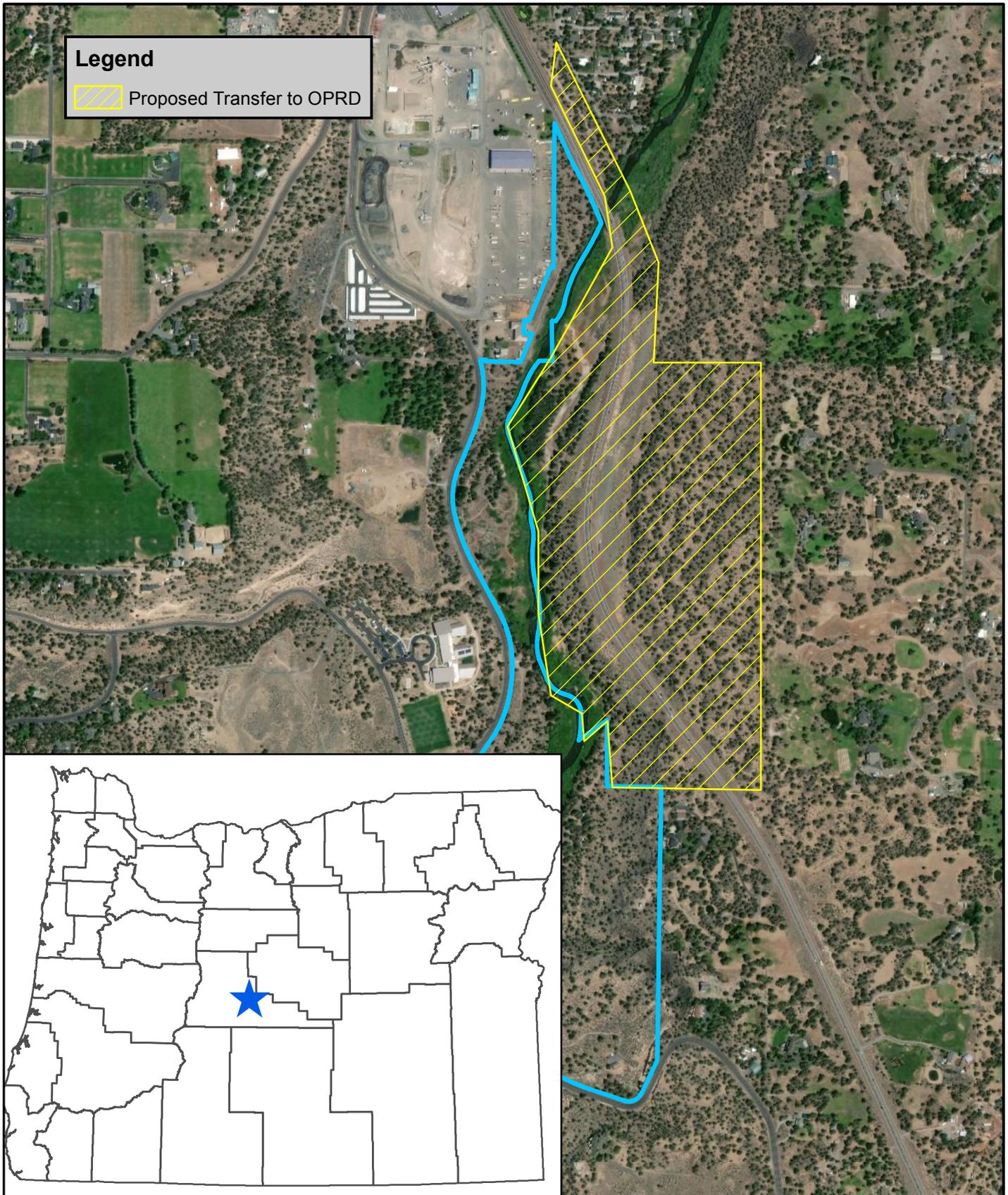
# Tumalo State Park

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

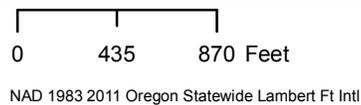


Agenda Item 5d Map 2

September 18, 2019



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



NMOB-03089 8/15/2019  
E:8/15/2019  
P:never  
amb 8/15/2019

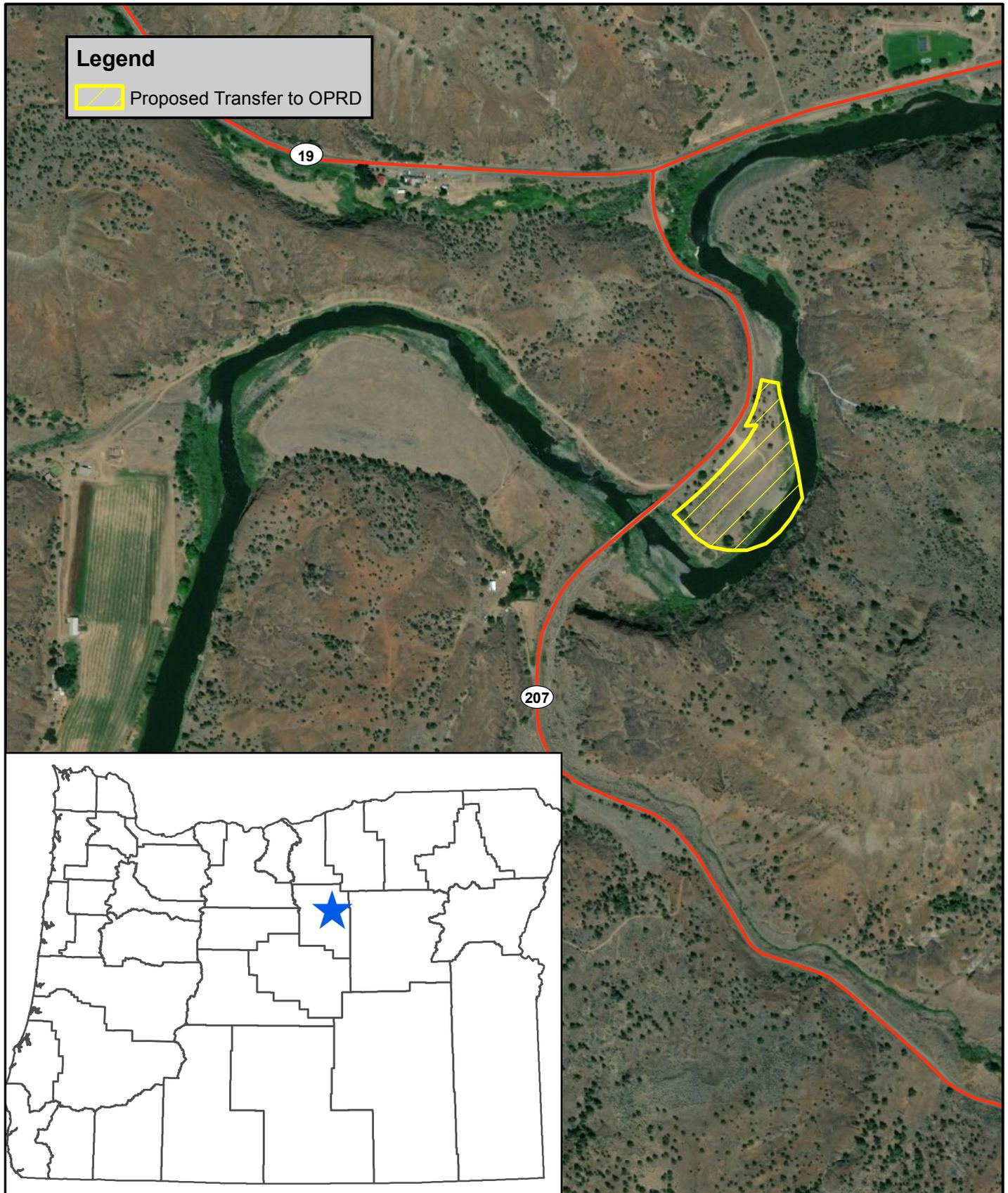
# Service Creek Recreation Site

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



Agenda Item 5d Map 3

September 18, 2019



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

0 385 770 Feet  
NAD 1983 2011 Oregon Statewide Lambert Ft Intl

NMOB-03089 8/15/2019  
E:8/15/2019  
P:never  
amb 8/15/2019

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 5e

Informational

Topic: OCT Beach Access-Acquisition of Access Easement

Presented by: Alice Beals, Right of Way Agent

---

A private property owner approached OPRD to ask if we would like to acquire an easement across her property. During discussion with her and our subsequent research, we found that the public has been accessing the beach north of Seal Rock using her private property for quite some time.

The owner is in the process of selling the property and wanted to give OPRD a chance to acquire an easement now, in the event the purchaser was less receptive to the idea of the public accessing the beach across the property. This is one of the points in the Oregon Coast Trail where the trail transitions to the Oregon Coast Highway (101). Despite the beach continuing down to Seal Rock State Recreation Site, the terrain and vegetation make Seal Rock SRS inaccessible directly from the beach. Due to this impassable area, it has become common practice for trail users to walk the gully on the property that is the subject of this informational brief, to continue along the Oregon Coast Trail.

OPRD having a legal right to improve this footpath, long used by the public, would be a benefit to the recreating public, by allowing an easier, safer, and more stable transition in this important area of the Oregon Coast Trail.

Value to be determined by appraisal. Exact easement area to be determined by topography and survey.

**Prior Action by Commission:** None

**Action Requested:** None

**Attachments:** Maps (1)

**Prepared by:** Ladd Whitcomb, Right of Way Agent

# Oregon Coast Trail-Beach Access

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

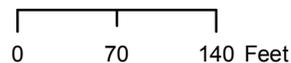


Agenda Item 5e

September 18, 2019



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



NAD 1983 2011 Oregon Statewide Lambert Ft Intl



NMOB-03089 8/15/2019  
E:8/15/2019  
P:never  
amb 8/15/2019

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 5f

**Informational**

Topic: Fort Stevens-Sale of land for Ft Stevens Army Post Cemetery

Presented by: Alice Beals, Right of Way Agent

---

VA National Cemetery Administration (NCA) contacted OPRD in early May to open discussions regarding acquiring lands to allow for the expansion of the Ft Stevens Army Post Cemetery in order to continue providing burials to serve current and future generations of veterans and their families.

The Fort Stevens cemetery is a small and historic army cemetery that was established in 1866 and is still available for interments for service members who died on active duty or for veterans who meet the requirement of being a 20 year retiree of the armed forces. The small 1.1 acre property has space for 573 grave sites.

The NCA's plan for this facility is to possibly expand the area acreage immediately surrounding the cemetery to allow for more interments for veterans who reside in the north coast area. The current veteran population for the surrounding area is over 8,000 veterans and the NCA's plan to expand the site will serve the area veterans well.

OPRD's land immediately south of the cemetery is restricted by deed to "park purposes"; a 46 acre parcel of OPRD lands immediately west of the cemetery has no deed restriction. OPRD staff and NCA staff are currently looking at the feasibility of these OPRD lands being suitable to meet the cemetery's needs.

**Prior Action by Commission:** None

**Action Requested:** None-

**Attachments:** Map (1)

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

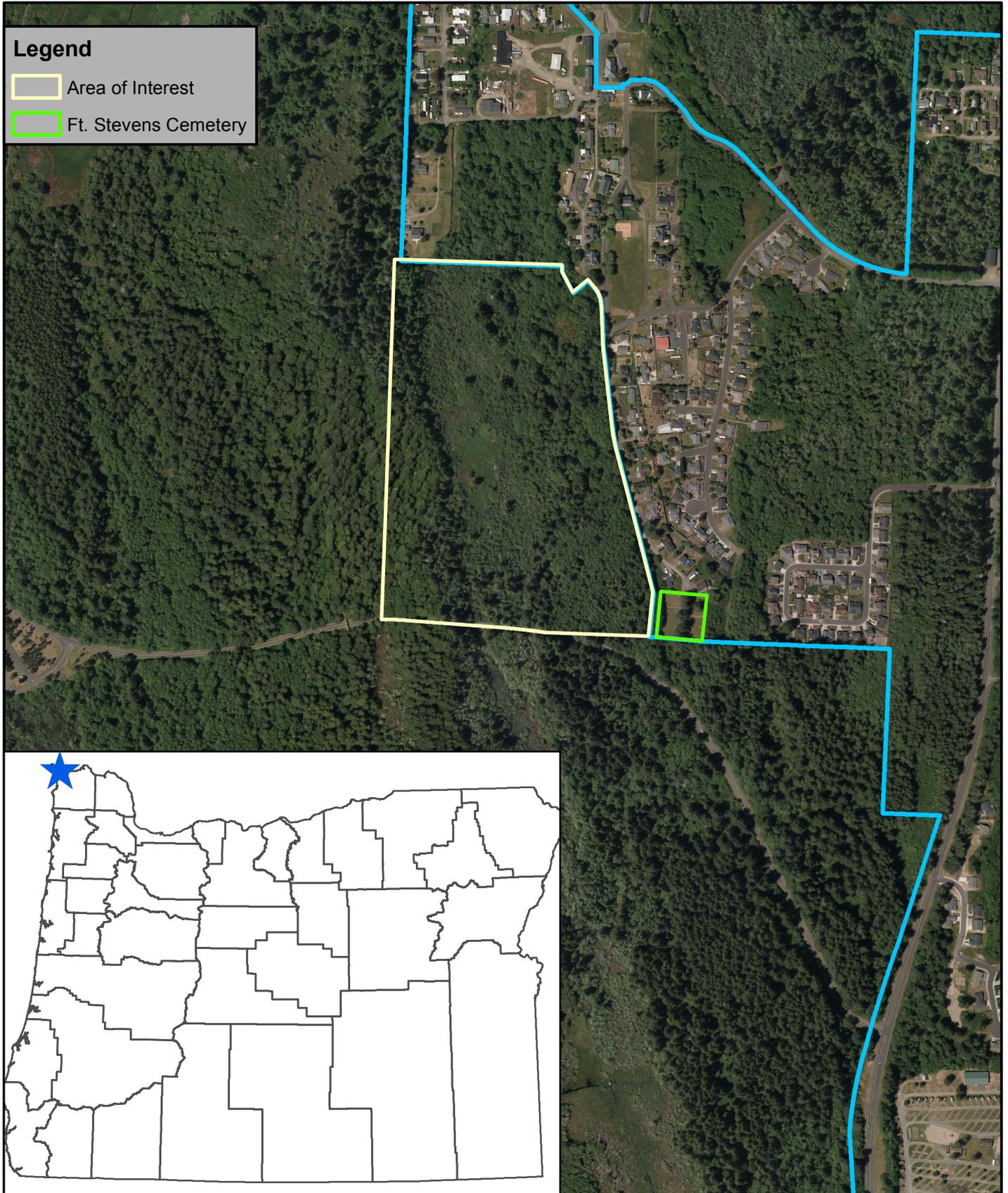
# Fort Stevens State Park

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



Agenda Item 5f

September 18, 2019



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

0 345 690 Feet  
NAD 1983 2011 Oregon Statewide Lambert Ft Intl

NMOB-03089 8/15/2019  
E:8/15/2019  
P:never  
amb 8/15/2019

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item:	<b>6a (i)</b>	<b>Action</b>
Topic:	Local Government Grant Program (Lottery-Funded) 2019 Annual <b>Large</b> Grant Awards (Awards \$75,001 to \$750,000)	
Presented by:	Daniel Killam, Deputy Director of Administration	

---

### GUIDANCE:

Originally established by the 1999 Legislature under ORS 390.180, the lottery-funded **Local Government Grant Program (LGGP)** is a competitive grant program designed to help local government agencies fund projects to acquire, develop, and rehabilitate local and community parks and public outdoor recreation areas and facilities. Oregon Administrative Rule (OAR) 736-006 provides structure for the program's implementation.

Eligible applicants to the program are **Cities, Counties, Park and Recreation Districts, Port Districts** and **Metro**. Applicant agencies must provide a match of at least 20%, 40% or 50% based on their population.

The Oregon Constitution requires that at least 12% of OPRD's share of net Lottery proceeds be distributed as community grants. In the 2019-21 biennium, staff targeted approximately 50% of the biennium's projected grant funds to be allocated in the first year of the biennium, with the remaining balance allocated for the second year of the biennium.

The ten-member Local Government Grant Program Advisory Committee met June 18-20, 2019, for their annual review of large grant requests (\$75,001 - \$750,000 for rehabilitation and development, and up to \$1,000,000 for acquisitions). The Advisory Committee scored project applications based on established criteria including the Statewide Comprehensive Outdoor Recreation Plan (SCORP). 37 large grant requests were submitted to OPRD requesting a total of \$11,933,747 in funding assistance.

**Prior Action by Commission:** In the second year of the 2017-19 biennium, (the 2018 grant cycle), the Commission approved all 18 large grant requests recommended by the LGGP Advisory Committee, totaling \$4,863,431.

**Action Requested:** In the first year of the 2019-21 biennium, (the 2019 grant cycle), staff seeks Commission approval to award **17** large grant requests recommended by the LGGP Advisory Committee totaling **\$5,764,500**, as detailed on the attached spreadsheet.

**Attachments: Exhibit A) LGGP Large Grant Recommendations / Ranking**

**Prepared by:** Mark Cowan, Grant Program Coordinator

**Exhibit A) Large Grant Recommendations / Ranking**

Oregon Parks and Recreation Department

June 20, 2018

**Local Government Grant Program (LGGP) Project Ranking**

**Large Grant Requests (\$75,001 to \$750,000. Up to \$1,000,000 for property acquisitions.)**

\$5,764,500 Available for Awards

<b>Rank</b>	<b>Project Name</b>	<b>Applicant</b>	<b>County</b>	<b>Brief Project Description</b>	<b>Total Project Cost</b>	<b>Grant Funds Request</b>
1	Wallowa Lake East Moraine Acquisition	Wallowa County	Wallowa	The project will purchase 1,791 acres bordering Wallowa Lake to be managed as a mixed-use community forest, protecting native plants, wildlife habitat, and cultural resources while providing public access in Wallowa County, Oregon.	\$5,597,495	\$1,000,000
2	Lower Sankey Park, Phase II	City of Sweet Home	Linn	The project will replace an aging playground with accessible equipment, construct 1,280 feet of trails, add path lighting, a plaza, picnic tables, benches, bike racks and signage at Sankey Park in Sweet Home, Oregon.	\$405,000	\$241,809
3	Chehalem Ridge Nature Park Trails	Metro	Washington	The project will build approximately 4.5 miles of trails for walking, riding off-road bicycles or horses, and enjoying nature at Chehalem Ridge Nature Park in Washington County, Oregon.	\$769,173	\$347,545
4	All Inclusive Playground Expansion	City of Baker City	Baker	The project will create an all-inclusive play area by removing outdated, non-compliant play equipment with new accessible play equipment at Geiser Pollman Park in Baker City, Oregon.	\$281,250	\$164,202
5	Ford's Pond Community Park: Project 2A (Phase 1)	City of Sutherlin	Douglas	The project will construct ADA-accessible parking, add signage, picnic tables, benches, site utilities, and create 900 feet of paved access to the pond perimeter path at Ford's Pond Community Park in Sutherlin, Oregon.	\$778,781	\$388,531
6	Dufur Park Pool Refurbishment	Dufur Recreation District	Wasco	The project will replace the pool's concrete floor, sandblast and re-plaster surfaces, update plumbing, add waterline tile and purchase a cover for the city pool in Dufur, Oregon.	\$226,920	\$181,536
7	Commons Splash Pad Renovation	City of Tualatin	Washington	The project includes operating system improvements plus surface and plumbing replacements for the Tualatin Commons splash pad in Tualatin, Oregon.	\$450,000	\$225,000
8	Beulah Park Improvement Project	City of Roseburg	Douglas	The project will add new play equipment, hard surface paths, benches, tables and trash receptacles, and resurface an existing basketball court at Beulah Park in Roseburg, Oregon.	\$264,978	\$158,125
9	Tillamook Coast Old Growth Forest Trail Phase 2	City of Rockaway Beach	Tillamook	The project will continue and complete the construction of an ADA compliant boardwalk through a 45-acre old growth wetland nature preserve at Rockaway Beach, Oregon.	\$796,003	\$397,997
10	Filbert Run Park	City of Oregon City	Clackamas	The project will develop an open lawn area, a children's nature play area, enhance a natural drainage-way, add a looped accessible pathway, picnic tables, benches, and a group picnic shelter at Filbert Run Park in Oregon City, Oregon.	\$1,014,259	\$391,119

**Exhibit A) Large Grant Recommendations / Ranking**

<b>Rank</b>	<b>Project Name</b>	<b>Applicant</b>	<b>County</b>	<b>Brief Project Description</b>	<b>Total Project Cost</b>	<b>Grant Funds Request</b>
11	Spray Pad Project	City of Cave Junction	Josephine	The project will construct a splash pad, add shaded picnic tables, install shade over playground, add accessible pathways, and upgrade the existing pavilion at Jubilee Park in Cave Junction, Oregon.	\$398,491	\$288,237
12	Delta Ponds Loop Trail Completion	City of Eugene	Lane	The project will complete an accessible one and a half mile loop trail and add a trail extension to the north creating a new access point at Delta Ponds in Eugene, Oregon.	\$1,150,000	\$350,000
13	Wade Creek Park Phase 3	City of Estacada	Clackamas	The project will return the Wade Creek Park pond to a natural stream, construct an accessible interconnected walkway with interpretive signage, and create a community gathering space at Wade Creek Park in Estacada, Oregon.	\$1,260,588	\$398,463
14	Campbell Park Sport Court Package	City of St. Helens	Columbia	This project will replace 4 tennis courts and 2 basketball courts with 2 tennis flex courts and 1 flex sport court, add a picnic viewing area, improve natural stormwater facilities, expand parking, and improve ADA access at Campbell Park in St. Helens, Oregon.	\$312,099	\$187,024
15	Riverfront Park North Restroom	City of Salem		The project will construct an accessible eight-unit unisex restroom facility with attached drinking fountain and water-bottle filling station at the north end of Riverfront Park in Salem, Oregon.	\$716,262	\$331,585
16	Dunes City Acquisition of Land for Rebecca's Trail	City of Dunes City	Lane	The project will purchase 3 parcels of land for future development of hiking and biking trails to provide connectivity between commercial zones, neighborhoods and existing trails in Dunes City, Oregon.	\$301,750	\$241,400
17	John Day Integrated Park System	City of John Day	Grant	The project will construct a new bridge, ADA accessible restrooms, and supporting trails and parking facilities to create an integrated park system tying together five existing parks in John Day, Oregon.	\$755,177	\$471,927
<b>Total Grant Funding Recommended for Projects .....</b>					<b>\$15,478,226</b>	<b>\$5,764,500</b>
<b>Funding is not available below this point.</b>						
18	Azalea Park Ball Field Reconfiguration - Phase 4	City of Brookings	Curry	The project will pave and convert a large graveled area into a fully developed ADA accessible parking lot at Azalea Park in Brookings, Oregon.	\$375,000	\$225,000
19	Bayshore Scenic Trail Rehabilitation	Port of Garibaldi	Tillamook	The project will rehabilitate a scenic waterfront trail and create ADA accessibility throughout the trail that stretches through most of Garibaldi, Oregon.	\$790,964	\$566,464
20	Rooster Park Project-Phase 1	City of Rogue River	Jackson	This project will develop a new community park and central plaza at Rooster Park in Rogue River, Oregon.	\$452,444	\$326,444

**Exhibit A) Large Grant Recommendations / Ranking**

<b>Rank</b>	<b>Project Name</b>	<b>Applicant</b>	<b>County</b>	<b>Brief Project Description</b>	<b>Total Project Cost</b>	<b>Grant Funds Request</b>
21	Drake Park Enhancement Project	Bend Park & Recreation District	Deschutes	The project will construct a new restroom, plaza, river trail and boardwalk, add landscaping as well as riparian and river bank rehabilitation at Drake Park in Bend, Oregon.	\$975,744	\$487,872
22	Somerset West Park Redevelopment	Tualatin Hills Park & Recreation District	Washington	The project will install a new deck, patio and picnic shelter between the existing pool and the new loop path and play area at Somerset West Park in Beaverton, Oregon.	\$1,427,364	\$274,032
23	Rolling Rock Park Improvements	City of Lowell	Lane	The project will install irrigation, turf, playground, amphitheater seating, walking paths, shelter, restrooms, and interpretive exhibits in order to re-develop a central park in Lowell, Oregon.	\$1,178,795	\$750,000
24	Westholm Park Playground Rehabilitation	City of Grants Pass	Josephine	The project will rehabilitate the playground at Westholm Park by removing and replacing existing substandard playground equipment that no longer meets the needs of the community in Grants Pass, Oregon.	\$238,205	\$119,102
25	North Douglas Memorial Pool Safety Improvements	North Douglas Park & Recreation District	Coos	The project will upgrade the mechanical system, chemical management system, DE filtration system, boiler, pump, plumbing and associated valves at North Douglas Memorial Pool in Drain, Oregon.	\$292,100	\$233,100
26	Amacher County Park - Day Use Rehabilitation	Douglas County Parks Department	Douglas	The project will replace existing playground equipment and improve the park road at Amacher County Park in Douglas County, Oregon.	\$370,000	\$185,000
27	Joe Champion Fields	City of Tillamook	Tillamook	The project will construct athletic fields and restrooms at the Hadley Recreation area in Tillamook, Oregon.	\$559,096	\$445,616
28	Vernonia Skate Park	City of Vernonia	Columbia	The project will construct a 6,000 square foot multi-user skate park at Spencer Park in Vernonia, Oregon.	\$306,500	\$227,000
29	Port of Bandon Fishing Pier	Port of Bandon	Coos	The project will construct an accessible public fishing platform adjacent to the Bandon Boardwalk on the Coquille River in Bandon, Oregon.	\$808,500	\$375,000
30	Brown Park Improvements	City of Gaston	Washington	The project will add an ADA accessible walkway from the E Main St. sidewalk through the ball fields to the parking area at Onion Lane at Brown Park in Gaston, Oregon.	\$147,489	\$117,489
31	Eastside Community Park	City of Aumsville	Marion	The project will purchase 22 acres of land for a community park in Aumsville, Oregon.	\$1,004,550	\$300,000
32	City of Coburg Wetland Park--Phase 2	City of Coburg	Lane	The project will include trail extension, fencing, a viewing platform, excavation of pond pools, removal of non-native invasive species and replanting with native vegetation at Wetland Park in Coburg, Oregon.	\$797,173	\$637,738
33	Gradin Community Sports Park Improvements	City of Gresham	Multnomah	The project will construct a new restroom / concessions building and complete a paved perimeter walking trail at Gradin Community Sports Park in Gresham, Oregon.	\$451,000	\$223,750

**Exhibit A) Large Grant Recommendations / Ranking**

<b>Rank</b>	<b>Project Name</b>	<b>Applicant</b>	<b>County</b>	<b>Brief Project Description</b>	<b>Total Project Cost</b>	<b>Grant Funds Request</b>
<b>34</b>	Hermiston Teen Adventure Park	City of Hermiston	Umatilla	The project will create an 18,000 square foot skatepark at Teen Adventure Park in Hermiston, Oregon.	\$502,790	\$251,395
<b>35</b>	Rotary Park Restroom Facilities	City of Myrtle Point	Coos	The project will construct a new public restroom at Rotary Park in Myrtle Point, Oregon.	\$125,000	\$100,000
<b>36</b>	Jessie Mays Playground Rehabilitation	City of North Plains	Washington	This project will upgrade existing playground equipment and resurface the tennis and basketball courts at Jessie Mays Park in North Plains, Oregon.	\$213,946	\$170,246
<b>37</b>	Panorama County Park Phase 2 Development	Jefferson County	Jefferson	The project will install a two acre enclosed dog area, sun shade structure over children's play equipment, three square picnic shelters, one 36 foot group picnic shelter, park furniture and landscaping at Panorama County Park in Jefferson County, Oregon.	\$194,000	\$154,000
<b>Total Projects Not Funded .....</b>					<b>\$11,210,659</b>	<b>\$6,169,247</b>
<b>Grand Total of Funding Requests (Funded and Not Funded) .....</b>						<b>\$11,933,747</b>



Oregon Parks and Recreation Department  
 August 13, 2019  
**Local Government Grant Program (LGGP) Project Ranking**  
**Small Grant Requests (Up to \$75,000)**  
 \$810,720 Available for Awards

Rank	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
1	Sunset Meadows Park Development	City of Independence	Polk	The project will include site grading, construction of storm water and drainage infrastructure, and construction of a 12' wide 775' long concrete multi-use trail at Sunset Meadows Park in Independence, Oregon.	\$ 118,538	\$ 65,800
2	Sherry Hartley Splash Zone	Bonanza Big Springs Park and Rec District	Klamath	The project will install an 800 square foot splash pad with an underground re-circulation system at Big Springs Park in Bonanza, Oregon.	\$ 149,705	\$ 75,000
3	Lawnridge Park Playground Rehabilitation	City of Grants Pass	Josephine	The project will remove and replace existing playground equipment and add a poured in place rubberized fall surface at Lawnridge Park in Grants Pass, Oregon.	\$ 101,247	\$ 50,624
4	Stewart Park Pavilion Rehabilitation	City of Roseburg	Douglas	The project will install a new roof, new sky lights, upgraded lighting, and remove damaged fireplaces and accessibility barriers on and around the Stewart Park picnic pavilion in Roseburg, Oregon.	\$ 125,000	\$ 75,000
5	Village Green Play Structure Replacement	City of Sisters	Deschutes	The project will remove existing play structure and add accessible play equipment and approaches at Village Green Park in Sisters, Oregon.	\$ 193,750	\$ 73,625
6	Kiwanis Park - ADA Accessible Restroom	City of Umatilla	Umatilla	The project will install an ADA accessible restroom facility at Kiwanis Park in Umatilla, Oregon.	\$ 150,076	\$ 74,750
7	Corvallis Skate Park Expansion	City of Corvallis	Benton	The project will add a 3,000 square foot swimming pool style skateboarding bowl adjacent to the existing Eric McKinley Skate Park in Corvallis, Oregon.	\$ 128,000	\$ 64,000
8	Charleston Marina RV Park Rehabilitation Project	Port of Coos Bay	Coos	The project will replace 55 wooden picnic tables with 50 6' recycled plastic picnic tables and 5 8' ADA recycled plastic picnic tables at the Marina RV Park in Charleston, Oregon.	\$ 50,360	\$ 25,180
9	Sanford Height Park Rehabilitation	City of Coquille	Coos	The project will refurbish a tennis and basketball court, add new play equipment, new site amenities and solar lighting at Sanford Height Park in Coquille, Oregon.	\$ 154,500	\$ 74,500

**Exhibit A) Small Grant Recommendations / Ranking**

<b>Rank</b>	<b>Project Name</b>	<b>Applicant</b>	<b>County</b>	<b>Brief Project Description</b>	<b>Total Project Cost</b>	<b>Grant Funds Requested</b>
10	Bear Hollow Park	Wheeler County	Wheeler	The project will install a vault toilet and replace damaged picnic tables at Bear Hollow Park in Wheeler County, Oregon.	\$ 45,000	\$ 36,000
11	Ironworks Bark Park	City of Tillamook	Tillamook	The project will install fencing, gates, concrete work and dog accessories to create the new dog park, Ironworks Bark Park in Tillamook, Oregon.	\$ 59,300	\$ 47,440
12	NCRD Pickleball Courts Construction	North County Recreation District	Tillamook	This project will construct four new pickleball courts in downtown Nehalem, Oregon.	\$ 92,250	\$ 73,800
13	Chief Miwaleta Park Playground Replacement	Douglas County Parks Department	Douglas	The project will replace existing playground equipment with new accessible equipment and improve accessibility to the playground at Chief Miwaleta Park in Douglas County, Oregon.	\$ 150,000	\$ 75,000
<b>Total Grant Funding Recommended for Projects .....</b>						<b>\$ 810,719</b>

# Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: **6a (iii)**

**Action**

Topic: Local Government Grant Program (Lottery-Funded)  
2019 Annual **Planning** Grant Awards (Awards up to \$40,000)

Presented by: Daniel Killam, Deputy Director of Administration

---

## GUIDANCE:

Originally established by the 1999 Legislature under ORS 390.180, the lottery-funded **Local Government Grant Program (LGGP)** is a competitive grant program designed to help local government agencies fund projects to acquire, develop, and rehabilitate local and community parks and public outdoor recreation areas and facilities. Oregon Administrative Rule (OAR) 736-006 provides structure for the program's implementation.

Eligible applicants to the program are **Cities, Counties, Park and Recreation Districts, Port Districts** and **Metro**. Applicant agencies must provide a match of at least 20%, 40% or 50% based on their population.

The Oregon Constitution requires that at least 12% of OPRD's share of net Lottery proceeds be distributed as community grants. In the 2019-21 biennium, staff targeted approximately 50% of the biennium's projected grant funds to be allocated in the first year of the biennium, with the remaining balance allocated for the second year of the biennium.

The three-member OPRD grants staff scoring committee met August 13, 2019, to review and score small community planning grant requests (requests up to \$40,000). The scoring committee scored project applications based on established criteria including the Statewide Comprehensive Outdoor Recreation Plan (SCORP). 4 planning grant requests were submitted to OPRD requesting a total of \$119,000 in funding assistance.

**Prior Action by Commission:** In the second year of the 2017-19 biennium, (the 2018 grant cycle), the Commission approved all 5 planning grant requests recommended by the scoring committee, totaling \$162,000.

**Action Requested:** In the first year of the 2019-21 biennium, (the 2019 grant cycle), staff seeks Commission approval to award 4 planning grant requests recommended by the scoring committee totaling **\$119,000**, as detailed on the attached spreadsheet.

**Attachments: Exhibit A) LGGP Planning Grant Recommendations / Ranking**

**Prepared by:** Mark Cowan, Grant Program Coordinator

Oregon Parks and Recreation Department  
 August 13, 2019  
**Local Government Grant Program (LGGP) Project Ranking**  
**Small Community Planning Grant Requests (Up to \$40,000)**  
 \$119,000 Available for Awards

<b>Rank</b>	<b>Project Name</b>	<b>Applicant</b>	<b>County</b>	<b>Brief Project Description</b>	<b>Total Project Cost</b>	<b>Grant Funds Requested</b>
1	John Day Aquatic Center Study and Master Plan	City of John Day	Grant	The project will complete a planning study and develop a coordinated Master Plan for a new aquatic center in John Day, Oregon.	\$ 50,000	\$ 40,000
2	Lewis Creek County Park Master Plan	Linn County	Linn	The project will complete a new Master Plan for Lewis Creek County Park in Linn County, Oregon.	\$ 50,000	\$ 25,000
3	Gearhart Parks and Recreation Master Plan	City of Gearhart	Clatsop	The project will complete a new Parks Master Plan for the City of Gearhart, Oregon.	\$ 19,000	\$ 15,000
4	City of Umatilla Master Park Plan	City of Umatilla	Umatilla	The project will complete a Master Park Plan for the City of Umatilla, Oregon.	\$ 65,000	\$ 39,000
<b>Total Grant Funding Recommended for Projects .....</b>						<b>\$ 119,000</b>

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 7(a)

Action

Topic: Natural Areas Registration – Courtney Creek Natural Area

Presented by: Trevor Taylor

---

**Background:** The Oregon Natural Areas Plan lists the rare species, ecosystems, and geological features present in Oregon and where they are represented by protected lands. OPRD maintains the Oregon register of State Natural Areas and is responsible for processing nominations and petitions received to voluntarily add lands to the register.

“Registration” and “dedication” are two vehicles for inclusion of properties on the register, with dedication being the more permanent arrangement. Privately owned lands that are protected through registration or dedication receive a waiver of land use conversion property taxes. Publicly-owned lands are registered because of ecological value without receiving a tax benefit. In all cases of registration, or dedication, the subject properties are required to be of high or unique ecological value.

The types of habitat that are eligible for inclusion on the register are described and cataloged in the State Natural Areas Plan as “ecosystem elements”. When enough examples of a particular ecosystem element are registered, that type is considered adequately represented and further registrations are no longer allowed for that element. Find more information about the Natural Areas Program from the Oregon Natural Areas Plan at

[https://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2015\\_or\\_natural\\_areas\\_plan.pdf](https://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2015_or_natural_areas_plan.pdf)

The steps in processing registration nominations are as follows: OPRD Stewardship staff and the Oregon Biodiversity Information Center (or a convened review board, at OPRD discretion) collaboratively review petitions for meeting the requirements of the State Natural Area Plan. If the subject property meets the requirements and intent of the Plan, OPRD Stewardship staff bring the proposal for registration to the Parks Commission for final decision regarding registration. In the case of properties that are in the process of being restored to represent natural areas types cataloged in the Natural Areas Plan, registration also requires a management plan be submitted with the petition to register the property.

**Specifics related to this petition:** In November of 2018, OPRD staff received a petition to register a private parcel in Linn County. A brief description of the property, its ecological value, context, and reasons for registration are included as an attachment. This property, known as the Courtney Creek property, would form a 202 acre addition to the statewide system of Natural Areas registered under the Natural Areas Plan. OPRD Staff has reviewed the petition and has concluded that portions of the subject property are of high ecological value and meet the intent of the State Natural Areas Plan.

The overarching goal for the Courtney Creek property is to manage the existing habitat in a way that promotes diverse native vegetation, enhances and provides high-quality examples of the habitats for which the property was registered as a state natural area, and supports wildlife species of conservation

concern. Specific goals and targets are variable across the property according to habitat type, three of which make the property eligible for registration within the Natural Areas Program.

Specifically, the two forested areas that meet the criteria including areas described as “Willamette Valley Ecoregion: Douglas fir-bigleaf maple forest with some grand fir” and “Oregon ash/slough sedge woodland with snowberry”. These areas will be managed to maintain the species composition and control non-native invasive species. The areas of existing “tufted hairgrass-California oatgrass bottomland prairie” will be managed to reduce invading tree/shrub species, control non-native invasive species, and enhance and expand the existing population of the endangered plant species, Bradshaw’s lomatium. Similarly, the population of drooping bulrush is quite rare and adds significant additional value to the registration. Finally, the state sensitive purple martin has also been seen on the property. Because of these existing values of the Courtney Creek property, OPRD staff recommend approval of this registration.

Several others areas of the property are in transition from agriculture and will be restored by Greenbelt Land Trust. A plan for the management and restoration of areas of the property that are being transitioned from agriculture is included as an attachment.

**Prior Action by the Commission:** The Commission has approved 1 other registration petition from this landowner.

**Action Requested:** Staff recommend that the Commission approve the addition of the Natural Area into the registry of State Natural Areas.

**Prepared by:** Noel Bacheller and Trevor Taylor

OREGON PARKS AND RECREATION DEPARTMENT  
OREGON REGISTER OF NATURAL HERITAGE RESOURCES  
SUMMARY FORM

1. NATURAL AREA NAME: Courtney Creek
2. LOCATION: Linn County, about 4 miles southeast of Brownsville, T14S R6W Sections 16 and 21
3. SIZE: 202.706 acres
4. OWNERSHIP: Greenbelt Land Trust, Inc.
5. CONSENT OF OWNER (PRIVATE), DATE: October 15, 2018
6. REGISTER CATEGORY: Registered State Natural Area
7. PRINCIPAL NATURAL HERITAGE RESOURCES: Willamette Valley Ecoregion: Douglas fir-bigleaf maple forest with some grand fir- #7; tufted hairgrass-California oatgrass bottomland prairie- #25; and Oregon ash/slough sedge woodland with snowberry - #30.
8. SPECIAL SPECIES: Bradshaw's lomatium (*Lomatium bradshawii*), drooping bulrush (*Scirpus pendulus*), purple martin (*Progne subis*).
9. EVALUATION OF CRITERIA FOR REGISTRATION

- A. PRIORITY IN PLAN: The listed ecosystem types present WV #7, 25 and 30 are represented within the larger WV ecosystem, but are not represented well in the eastern portion of the upper Willamette ecoregion.
- B. ADEQUATE REPRESENTATION: Currently, the size, scope and condition of this property provides adequate representation of Willamette Valley type #7, 25 and 30, all of which are not represented on a natural area in this region of the valley.
- C. DEGREE OF DISTURBANCE: This property contains a combination of high quality and mixed quality, minimally disturbed natural habitats. This property is permanently conserved with a Conservation Easement (held by Bonneville Power Administration), and is owned and managed by Greenbelt Land Trust for its conservation values.

Restoration work is already underway to phase out the agricultural fields and restore them to habitat. When Greenbelt purchased the property, of its 202 total acres, 49 acres were agricultural fields. In 2017, Greenbelt seeded 25 acres of agricultural fields with the following species: *Camassia quamash*, *Epilobium densiflorum*, *Plagiobothrys figuratus*, *Potentilla glandulosa*, *Sidalcea virgate*, and *Carex unilateralis*. The fewer than 20 acres of remaining agricultural fields will be seeded within the next few years according to a management plan that Greenbelt is developing to enhance existing habitat.

No activities will take place on the property that will damage or disturb the habitats and conservation values Greenbelt is protecting. Greenbelt will continue to work to enhance the habitats for biodiversity and other conservation values.

- D. VIABILITY: This property is nestled within several critical priority conservation areas of interest and is the first permanently protected habitat of Bradshaw's lomatium along this stretch of Courtney Creek. It serves as an anchor site for Bradshaw's lomatium and other species within this region and ultimately helps elevate other conservation and restoration goals in the region. The Greenbelt's conservation goals for this part of Linn County

includes additional land protection along this northern Coburg Hills region, continuing south along much of Coburg Hills and to the north of this property including the ‘buttes’ region north of Brownsville. Courtney Creek is also a focus area for the Calapooia Watershed Council which has built strong and extensive relationships with landowners along the creek and implemented numerous riparian improvement projects. The area has been identified in the Lower Calapooia-Santiam Conservation Strategy as a focus area for expanding conservation benefits across a larger landscape.

E. UNIQUE GEOLOGICAL VALUES: None known.

F. PRIORITY FOR SPECIAL SPECIES: Bradshaw’s lomatium is a priority species on list 1. Drooping bulrush and purple martin are also prioritized on list 2 of taxa.

G. SPECIAL SPECIES PROTECTION CAPABILITY: The Courtney Creek property contains a significant population of Bradshaw’s lomatium, estimated at 20,000-30,000 plants by biologists with USFWS. The USFWS has indicated that the protection of this population (achieved when purchased in 2017) and adequate continued management provides for meeting the population goal in the Eugene West Recovery Zone for Bradshaw’s lomatium. See letter of support from USFWS.

H. MANAGEABILITY: Greenbelt Land Trust manages the property to maintain and enhance its conservation values with a focus on increasing the quality of the wet prairie and contributing to recovery of Bradshaw’s lomatium. Greenbelt is developing a management plan in cooperation with key agency partners to address limiting factors and guide management over the next 5-10 years.

10. SPECIAL REMARKS OR COMMENTS: This property is located within one of the Greenbelt Land Trust’s Conservation Priority Areas of Interest and is identified in the Lower Calapooia-Santiam Conservation Strategy as a focus area for expanding conservation benefits across a larger landscape. It is rare in this region of the Willamette to have a mix of wet prairie, oak savanna and conifer residing contiguously on one protected landscape. There is no doubt that the diversity of species on the property is attributable to this diverse matrix of habitats. There are few permanently protected properties in Linn County or in the eastern portion of the upper Willamette Ecoregion.

Through permanent protection of this property, Greenbelt ensures the persistence of this intact and viable population of Bradshaw’s lomatium, as well as habitat for a broad array of wildlife including conservation priority species Western Meadowlark, Willow Flycatcher, and Common Nighthawk. This property is part of a habitat network necessary to support the large blocks necessary for such species as Western Meadowlark and Common Nighthawk. The property provides conservation benefits within the property that contribute to larger landscape scale habitat needs (connectivity, mosaic of diverse habitats, large viable populations of ESA species etc) and is a key parcel in a network of protected properties in the mid-Willamette Valley.

In addition to the Special Species noted above, ODFW Strategy Species including purple finch, rufous hummingbird, willow flycatcher, western bluebird, western meadowlark, and yellow-breasted chat and USFWS Birds of Conservation Concern including purple martin and willow flycatcher have been documented on the property.

12. DATE OF ORBIC STAFF APPROVAL:

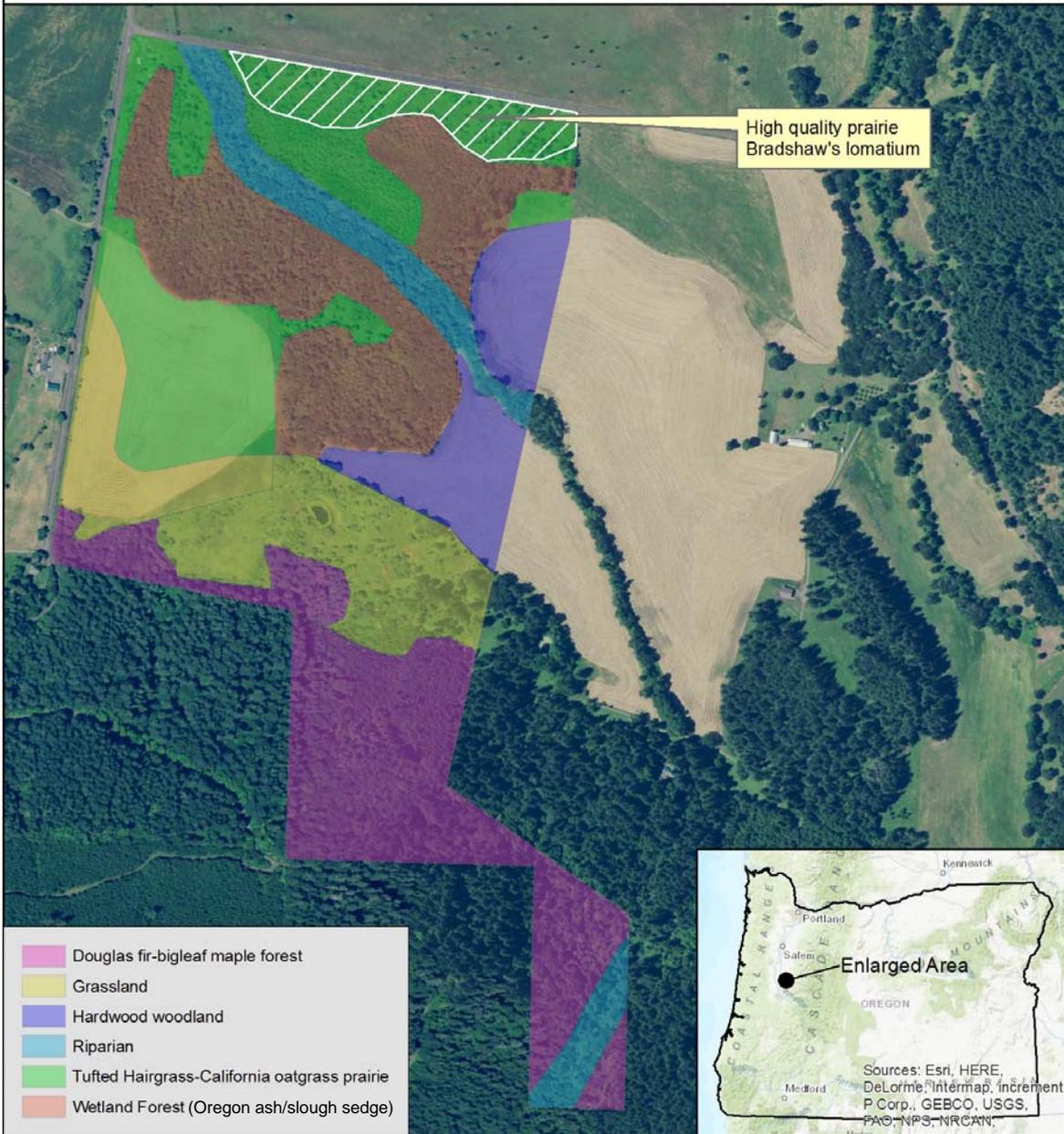
13. SOURCES OF ADDITIONAL INFORMATION: Oregon Natural Areas Program, PO Box

751, Mailstop: INR, Portland, OR, 97207; Greenbelt Land Trust, PO Box 1721, Corvallis, OR 97339.

14. **IMPORTANCE OF THE SITE IN LAY TERMS:** Approximately 98% of wet prairies in the Willamette Valley have been converted to farmland or other uses over the last 170 years but a small remnant still remains at the Courtney Creek property located in rural Linn County in the Calapooia Watershed. The tufted hairgrass-California oatgrass wet prairie at this site hosts a diversity of native plants including an estimated 20,000-30,000 federally endangered Bradshaw's lomatiums. With additional conifer-hardwood forests, grasslands, streams and riparian habitats, and wetland forest many species of wildlife are attracted to the site including blacktailed deer, Roosevelt elk, cougars and over 50 species of birds documented last spring including purple martin, western meadowlark, yellow-breasted chat, and willow flycatcher, as well as raptors, waterfowl, and neotropical migratory songbirds.

# Courtney Creek

## Linn County, Oregon

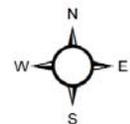


0 0.125 0.25 0.5 Miles

Imagery: 2016 National Agriculture Imagery Program

10/17/2018

MXD: U:\GIS\Projects\CourtneyCreek\NaturalHeritageProgramCC.mxd





# greenbelt land trust

101 SW Western Suite #111 • Correspondence to PO Box 1721 • Corvallis, OR 97339

Phone: (541) 752-9609  
www.greenbeltlandtrust.org

**Board of Directors**

Lisa Mykrantz Brown, Pres.  
Curt Rose, V.P.  
David Gazeley, Treasurer  
Chris Bentley, Secretary  
Tremaine Arkley  
Tatiana Dierwechter  
Russa Kittredge  
Erik Swanson  
David Zahler

**Staff**

Stewardship Director  
Jeff Baker  
Restoration Coordinator  
Matt Blakeley-Smith  
Conservation Director  
Claire Fiegener  
Accounting Clerk  
Suzanna Mast  
Associate Director  
Jessica McDonald  
Executive Director  
Michael Pope  
Membership & Outreach  
Coordinator  
Rebecca McKay Steinberg  
Land Steward  
Zach Roper  
Conservation Project  
Coordinator  
Tori Wilder

October 15, 2018

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

RE: Courtney Creek Natural Areas Program Registration

Dear Oregon Parks and Recreation Commission,

On August 9, 2017, Greenbelt Land Trust, Inc. purchased the Courtney Creek Property near Brownsville, Oregon. Greenbelt intends to manage this property for conservation purposes, passive recreation, and scientific study, and wishes to register it in the Natural Areas Program.

Sincerely,

Michael Pope  
Executive Director

# Courtney Creek Draft Management Plan



Prepared by  
Matt Blakeley-Smith  
Restoration Manager  
Greenbelt Land Trust

---

Greenbelt Land Trust  
101 SW Western Blvd.  
Corvallis, OR 97333  
541-752-9609  
[www.greenbeltlandtrust.org](http://www.greenbeltlandtrust.org)

July 24, 2019

## **Introduction**

Greenbelt Land Trust owns in fee title a 200.4 acre property located in the upper Calapooia watershed southeast of Brownsville in Linn County. A Conservation Easement permanently protects this property, which sits along the northern edge of the Coburg Hills, and functions as a historically unique ecotonal area that bridges the open prairies of the lower Willamette Valley with the foothills of the Cascade Mountains. The property is comprised of a complex mix of prairie, riparian, wetland, and mixed forest habitats. The ecological highlight of the property is the extensive wet meadow that contains one of the largest protected populations of Bradshaw's lomatium (ESA endangered) on the east side of the Willamette River. The extensive populations of native plants such as camas, Oregon saxifrage, dense sedge, and drooping bulrush are indicators of high quality habitat with strong conservation values. This site is a classic remnant ash/tufted hairgrass native plant community historically found in the upper tributaries of eastern portions of the Valley. Elsewhere in the Willamette Valley these wetland habitats are highly fragmented and degraded, and are among the rarest of North American ecosystems. Greenbelt is dedicated to preserving the ecological values of this unique property and has extensive experience in long-term stewardship.

## **Management Plan Purpose and Timeframe**

This "Basic Management Plan" serves as a simplified document that outlines Greenbelt's approach to protecting and enhancing the Conservation Values of the property. Greenbelt will submit a detailed Management Plan to Bonneville Power Administration in mid-2020 that will replace this Basic Management Plan.

## **Conservation Values**

The Courtney Creek Property preserves regionally rare habitat types and supports a number of plant and animal species of conservation concern. The northern portion of the property consists of shallow soils over bedrock; a condition that is not suitable for farming and coincidentally factored into this property's protection. These relict parcels are extremely rare and serve as vital reference sites for understanding native prairie composition, structure and function. A primary Conservation goal is the protection of the federally endangered Bradshaw's lomatium found on the property. In addition to the habitat values that support fish and wildlife species, this property provides a number of ecosystem attributes and services such as biodiversity, clean air and water, storage of flood water, maintenance of soil productivity, and carbon sequestration. The Property is located within a priority conservation area for riparian and wetland habitats identified in the Oregon Conservation Strategy, adopted by the Oregon Department of Fish and Wildlife in 2016. An additional goal is to conserve and restore native Willamette Valley upland and wetland prairie, oak savanna, oak woodland, and riparian forest habitats and the species that rely on them. Finally, the property also provides the public with a scenic resource of open space, riparian habitats and prairies.

## **Prohibitions**

The Conservation Easement prohibits a number of uses, including the following: residential, commercial or industrial uses, construction of buildings, facilities, fences or other structures, installation of utilities, posting signs, dumping waste, mining, altering the existing topography, altering watercourses/wetlands, removal of native vegetation (with exceptions for habitat management), introduction of exotic species,

construction of new roads and impervious surfaces, off-road vehicle use, subdivision, and granting of rights.

## Vegetation Communities

The Courtney Creek Property has a diverse mix of habitat types, including grasslands, wetland forest, riparian, mixed forest, and wet prairie. Figure 1 visually displays the habitat types that are represented at Courtney Creek, while Table 1 summarizes the acreage of each habitat type according to the Oregon Natural Areas Plan designation.

**Table 1. The Courtney Creek property contains six habitats under the Oregon Natural Areas Plan classification system. Three former agricultural fields totaling 48.6 acres are considered “transitional” as active habitat restoration is underway to establish native vegetation on these tracts. The total size of the property is just over 200 acres.**

<b>Habitat</b>	<b>Current Acres</b>	<b>Transitional Acres</b>
Douglas fir-bigleaf maple forest (7)	45.0	
Grassland	22.2	11.5
Hardwood forest (future Oregon ash/sedge woodland)	0.0	18.5
Riparian zone	14.9	
Tufted Hairgrass-California oatgrass prairie (25)	26.4	18.6
Oregon ash / slough sedge woodland (30)	44.2	

Approximately 45 acres of the Courtney Creek property are comprised of mixed Douglas fir and bigleaf maple forest. While much of the stand is regenerating from an earlier timber harvest, the southwest corner is dominated by mature Douglas fir with a rich understory of native shrubs and forbs such as vine maple, Oregon grape, western trillium, and vanilla leaf. The adjacent BLM parcel is also a mature stand with extensive native plant diversity, thus expanding the ecological impact of this forest type.

Grasslands are represented by approximately 22 acres of upland habitat. This unit was formerly farmed and was retired from agriculture in 2017. Greenbelt seeded common camas, rosy checkermallow, spike primrose, one sided sedge, and five other native plant species into this unit. Future management of the grassland will involve spot spraying priority weed species such as Himalayan blackberry, Canada thistle, and teasel. Greenbelt mowed the entire grassland in 2018 to promote seedling establishment and to allow follow-up management in the growing season. Additional seeding will likely occur in 2020 following the completion of a habitat restoration grant. During a 2019 field visit, Greenbelt staff documented a pair of western meadowlarks nesting in this newly created habitat, an early indicator of restoration success.

One former agricultural tract measures 18.5 acres and will be managed as a hardwood woodland. This tract has not been planted yet, but we anticipate starting the restoration process in 2020. Greenbelt has planted over half a million trees and shrubs on other conservation properties and is well versed in re-forestation techniques. The newly created woodland will closely resemble the existing wetland forest

adjacent to this unit. Oregon ash, Douglas spirea, slough sedge and red osier dogwood are representative species to be planted on wet soils, while Oregon oak, snowberry, and thimbleberry will be planted on drier sites. Typical management of these newly planted zones includes annual mowing between tree rows and herbicide applications around the tree base. These management actions aim to reduce moisture stress through competition and reduce cover for rodents, which are a leading source of damage and mortality to young stands. Once established, this habitat will likely fall into OPRD's Oregon ash / slough sedge woodland with snowberry type (30).

A prominent feature at Courtney Creek is the riparian zone that bisects the property. Aerial imagery dating back more than half a century shows that there were significant human alterations to the creek, including some ditching, and berm construction. In the subsequent fifty years however, the riparian zone appears to have rapidly recovered. While some of the ditches still remain, they are fully vegetated and appear stable. As part of our detailed management planning process, Greenbelt will consult with experts on river restoration to consider appropriate restoration actions for these relict features. Potential actions include plugging drainage ditches and removing berms to allow the creek to spread laterally.

The wetland forest that surrounds the riparian zone is dominated by an Oregon ash overstory with a high cover of native understory species such as slough sedge, Indian hellebore, and American brooklime. This habitat appears very stable and does not require immediate intervention from a management perspective.

The final habitat represented at Courtney Creek is the tufted hairgrass-California oatgrass prairie. The impetus to preserve this property was based on the quality of this extremely rare habitat. The soils on this site are shallow and poorly developed. In the winter and spring months, much of the prairie is inundated due to the shallow bedrock and perched water table. These conditions promote a very unique plant community represented by species such as Oregon saxifrage, iris-leaved rush, green-sheath sedge, and the federally endangered Bradshaw's lomatium. The previous owner grazed this habitat selectively following senescence of the rare plants. This allowed livestock to reduce the grass cover, and promoted the growth of early flowering plants. Grazing was used primarily to manage the vegetation and was not intended to maximize livestock production.

## Rare and Uncommon Plant Populations

Courtney Creek supports a diverse suite of native plants, including the federally endangered Bradshaw's lomatium (*Lomatium bradshawii*) and drooping bulrush (*Scirpus pendulus*), a species listed as critically imperiled on the state level, but "demonstrably widespread, abundant, and secure on the global level." (ORBIC 2019)

Bradshaw's lomatium is an endemic species that has largely disappeared from most of its historic range. Few large and viable populations of Bradshaw's lomatium remain. The protection of this population at Courtney Creek provides a significant contribution to the federal recovery goals for the species. The property supports approximately 25,000 Bradshaw's lomatium. This species is typically restricted to wetland prairie habitats that are composed of heavy and sticky clay soils like those found on parts of the project site. Prior to Greenbelt's acquisition the habitat supporting the lomatium was grazed on an annual basis by horses. Since lomatiums are weak competitors and dependent on disturbance, grazing appears to have been a critical factor in maintaining this population. Greenbelt is supportive of ecologically informed grazing and intends to contract with neighboring ranchers to maintain the processes that benefit the lomatium.



Figure 1. Image of Bradshaw's lomatium at Courtney Creek

Very little is known about the drooping bulrush (*Scirpus pendulus*) population at the Courtney Creek property. The species was discovered by Barbara Wilson of the Carex Working Group, but we do not have a population estimate for this bulrush. We anticipate conducting a detailed census in 2020 to delimit the habitat and accurately assess the population size.

## Rare and Uncommon Wildlife Populations

In 2018 Greenbelt contracted with ornithologist Bob Altman of Avifauna Northwest to conduct a preliminary bird survey of the Courtney Creek property. Bob documented 51 species present during the breeding season. Of particular interest was the detection for four special status species: purple martin, western meadowlark, yellow-breasted chat, and willow flycatcher. While the population size of these special status species is small, this property serves as a crucial anchor point for these species in an otherwise highly degraded landscape.

While casual observations of northern red-legged frog (*Rana aurora*) have been made, no extensive wildlife surveys have been conducted at Courtney Creek. Greenbelt typically partners with agencies to conduct surveys for sensitive fish and wildlife populations, but no formal agreements have been made to date. Upon completion of the final management plan we will formalize a strategy to document the status and occurrence of fish and wildlife on the property.

## **Management Goals**

The primary goal for the Courtney Creek property is to manage the existing habitat in a way that promotes diverse native vegetation and supports wildlife species of conservation concern. A secondary goal is to use the property as a way to develop community support for conservation in rural areas and provide opportunities for scientific research in high quality ecosystems. Greenbelt's management directly aligns with the goal of protecting high quality ecosystems through registration in the State Natural Areas Program.

## **Threats to Conservation Targets**

The most visible threat to conservation of the Courtney Creek property is the presence of non-native plants. While this site is dominated by native vegetation, there are some invasive plants that could degrade the site. Invasive species control will be further addressed in the management objectives section. It is important to note that one threat to the conservation values of this property is the cessation of active management. Many Willamette Valley habitats are actually disturbance dependent, meaning that removing disturbance results in ecological succession and the eventual loss of habitat. For example, the prairie habitat has been grazed annually for decades. This disturbance has promoted the growth of wildflowers and likely explains the relative abundance of Bradshaw's lomatium. While Native American burning practices may have maintained these habitats in the past, prescribed burning is still relatively rare and difficult to achieve on a regular basis. If all management was removed from the prairie habitat, it would likely convert into an ash woodland over the course of a few decades, thus eliminating the most endangered habitat type, wet prairie.

## **Management Objectives and Prioritized Actions**

Greenbelt manages approximately 3,600 acres of habitat across a three County area. While we have a staff of experienced biologists and equipment operators, we also rely on restoration contractors and agency partners to actively maintain and restore these lands. In the upcoming year Greenbelt will begin applying for grants to help fund our restoration priorities for Courtney Creek. Since this property is already in good condition, most of the management activities will center around maintaining that habitat quality. While 48 acres were actively farmed at one point, all agricultural production has ceased on the site and we initiated restoration activities in 2017. The following management objectives are listed by habitat type and outline Greenbelt's general approach to management.

### *Mixed Douglas fir and bigleaf maple (OPRD ecosystem type 7)*

The southern portion of the property is dominated by a mixed Douglas fir / bigleaf maple forest. It is the most stable habitat type on the property since the closed tree canopy has shaded out most of the non-native species. Annual surveys will be conducted to detect any newly emerging threats. Management of the forested slopes of Courtney Creek will be limited to treating priority weeds, such as Himalayan blackberry and English ivy. After five years of management we anticipate the forest to continue to develop into a structurally diverse stand, with a rich understory of sword fern, western trillium, and salal, while the cover of highly invasive species, such as Himalayan blackberry, will be kept below 5%.

### *Riparian Zone and Oregon ash / slough sedge woodland (OPRD ecosystem type 30)*

The riparian zone and ash forest are currently very stable habitats. Greenbelt plans to conduct annual monitoring of these units, but we do not foresee much active management. The most likely threat to these units is the spread of Himalayan blackberry from the forest edges. The interior habitat is nearly 100% native. After five years of management we anticipate that there will be no significant loss in species composition or degradation of the forest structure. The long term goal is to maintain a mature Oregon ash overstory, with a mix of shrubs, sedges and forbs in the understory. Common species include slough sedge, snowberry, Indian hellebore, and water hemlock. Highly invasive species, such as Himalayan blackberry, reed canarygrass, and false-brome will be kept below 5% cover.

#### *Hardwood Woodland transition*

The northeastern agricultural field will be planted to a hardwood forest in the upcoming years. We anticipate this stand will develop into OPRD's Oregon ash / slough sedge woodland, but forest functionality may take decades to be fully realized. Greenbelt typically plants approximately 1,200 stems per acre at a 1:4 ratio of trees to shrubs. The establishment period of trees and shrubs takes about five years in order for the stand to be free-to-grow. Greenbelt plants native grasses in the alleys between the tree rows, which are on 12-foot spacing. The wide spacing allows for annual mowing using a farm tractor. Herbicide applications are applied to the base of the trees in order to reduce water stress and animal damage. Most of Greenbelt's stands achieve a closed canopy in seven years and require minimal management after that stage. Once established, we anticipate an overstory of Oregon ash and a rich understory of Douglas spirea, slough sedge, and red osier dogwood. Highly invasive species such as reed canarygrass, Himalayan blackberry, and velvet grass should account for less than 10% cover in the period five years after planting.

#### *Tufted hairgrass-California oatgrass prairie (OPRD ecosystem type 25)*

The primary driver behind the acquisition of the Courtney Creek property was the wet prairie habitat. This unique assemblage of plants is very rare and worthy of careful management. The most significant threat to the wet prairie habitat is the encroachment of trees and shrubs and the expansion of competitive grasses. While still native, Oregon ash and Douglas spirea, are slowly expanding into the prairie habitat. Once the trees get established, the plant community below their canopy begins to change, and the prairie dependent species are excluded. Greenbelt plans to manage this site by actively removing woody vegetation. A detailed restoration plan will be required prior to any significant alterations to the habitat, but we anticipate the cutting and removal of Oregon ash trees from the northern most prairie. Following the tree removal we will revegetate any disturbed ground and promote the expansion of native prairie species. In addition, Greenbelt is considering grazing the prairie habitat in an ecological fashion. A grazing plan will be developed in the coming year to address the side-boards under which grazing will occur. Past grazing has likely been instrumental in maintaining the habitat in its current condition, but a new plan will be developed based on the changes in ownership and shifting priority towards conservation. After five years of management, we anticipate that the prairie will be characterized by short statured forbs, sedges, and rushes, while shrubs and trees will account for less than 10% of the cover. The dominant species will include Oregon saxifrage, seep monkeyflower, popcorn flower, dense sedge, and tufted hairgrass. Highly invasive species such as Himalayan blackberry, velvet grass, and teasel will not exceed 5% cover. The population of Bradshaw's lomatium will be monitored and serve as a proxy of habitat quality. While all plant populations can exhibit volatile annual population swings, we anticipate the Bradshaw's lomatium population to remain within a 15% range of its current size. A randomly placed 5-meter vegetation sampling plot will be permanently located in this habitat type to allow for repeated sampling in order to detect significant changes in the plant community.

#### *Grasslands*

There are approximately 22 acres of former agricultural ground that Greenbelt is transitioning into native grasslands. The southern half of the field is wetter and will resemble OPRD's Tufted hairgrass-California oatgrass prairie type, while the northern half is drier and will more closely match OPRD's Roemer fescue

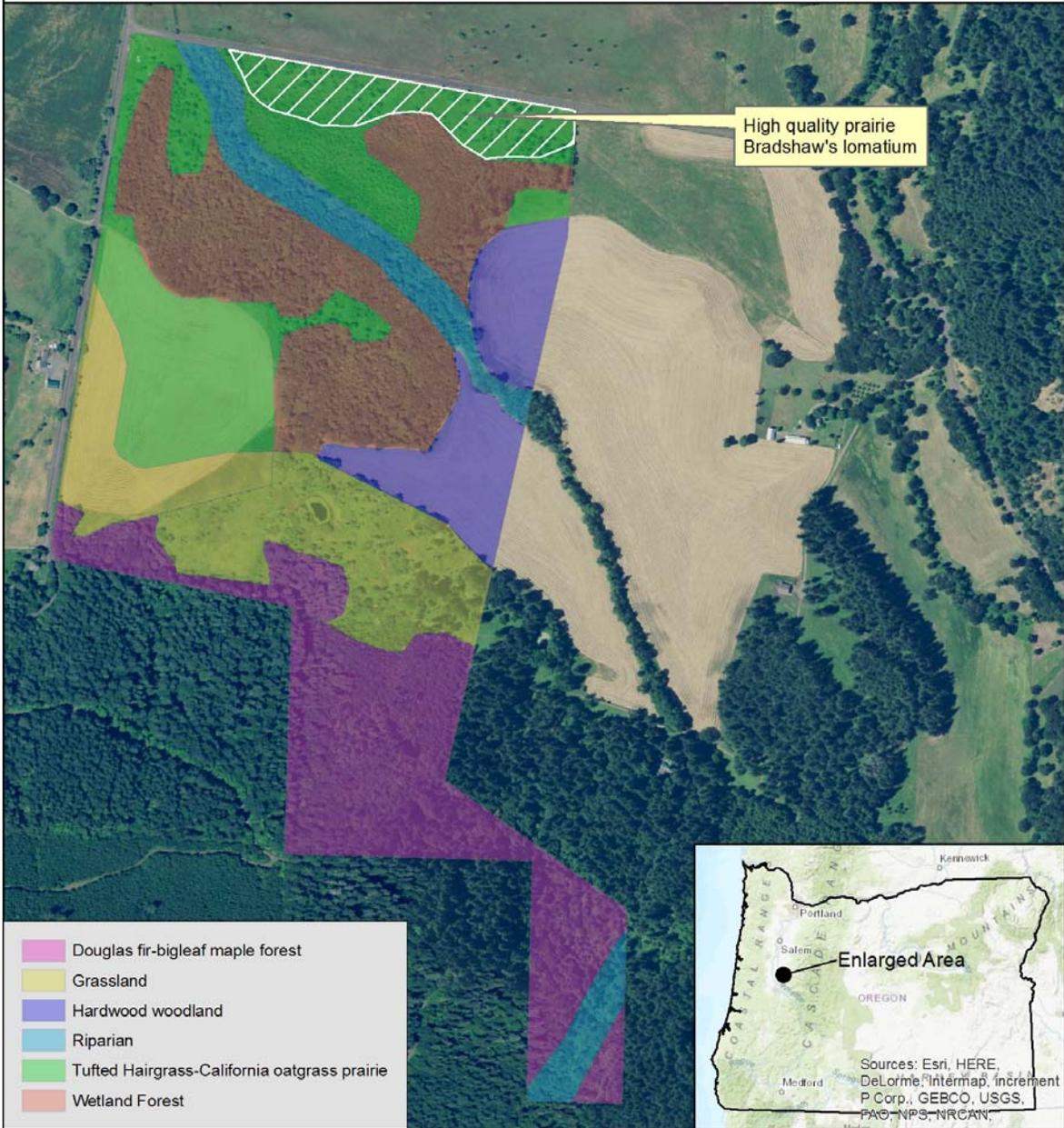
valley grassland. The newly planted grasslands will be managed in a way that promotes short statured vegetation with minimal tree and shrub encroachment. Approximately ten species of native wildflowers were planted in 2017 and long-lived perennials such as common camas will require many years to establish. Greenbelt plans to add additional species to this grassland in upcoming years to increase the overall diversity of the site. Management actions in the upcoming years will focus on non-native plant control, specifically bentgrass. Following fall green-up, Greenbelt will apply a grass specific herbicide to the grassland in order to control non-native grasses. Once the long lived perennials become more established, they will be better able to compete with these spreading grasses. Following five years of establishment, Greenbelt anticipates the wet prairie to be dominated by California oatgrass, tufted hairgrass, camas, thick-head sedge, and iris-leaved rush. The upland prairie will be dominated by species such as Roemer's fescue, California oatgrass, rosy checkermallow, Oregon sunshine, and western buttercup. While non-native species may persist on this site for many years owing to the agricultural history, highly invasive species such as velvet grass, Himalayan blackberry, Canada thistle, and teasel, will be maintained at a level below 10% total cover. Native species will account for at least 50% cover and be represented by at least ten unique species.

## **References**

Oregon Biodiversity Information Center. 2019. Rare, Threatened and Endangered Species of Oregon. Institute for Natural Resources, Portland State University, Portland, Oregon. 133 pp.

# Courtney Creek

## Linn County, Oregon



- Douglas fir-bigleaf maple forest
- Grassland
- Hardwood woodland
- Riparian
- Tufted Hairgrass-California oatgrass prairie
- Wetland Forest

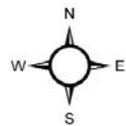


0 0.125 0.25 0.5 Miles

Imagery: 2016 National Agriculture Imagery Program

10/17/2018

MXD: U:\GIS\Projects\CourtneyCreek\NaturalHeritageProgramCC.mxd



**Oregon Parks and Recreation Commission**

**September 18, 2019**

---

Agenda Item: 7.b) and 7.c) Action

Topic: Construction Contract Award Approvals

Presented by: Clifton Serres, Engineering Manager

---

**Agenda Item 7.b) - Project 1**

**Title:** Construct Canyon Creek Bridge

**Location:** Ecola State Park

**Description:** This project will construct a new reinforced concrete bridge to replace the existing 12'Ø corrugated metal culver. The existing culvert has washed out on numerous occasions impacting the public access to Indian Beach and the ability of park staff to perform maintenance tasks. The new bridge will provide all weather access and comply with ODFW fish passage requirements.

This project received a Federal Emergency Management Agency (FEMA) emergency declaration after the 2015/16 winter season which provides a 75% of the funding for the project.

Funding for this project is a combination of FIP (\$446,036) and FEMA Funds (\$148,679).

*Project Manager:* Jeffery Wagner

*Project Number:* 032587

*Project Budget:* \$650,000

*Procurement Number:* 8558

*Procurement Budget:* \$594,715

*Schedule:*

Advertise	Bid Close	Contract Award	Contract Completion
August, 2019	September, 2019	09/18/19	November, 2019

**Prior Action by Commission:** Approval of 19-21 FIP Project List.

**Action Requested:**

*Project 2:* Staff seeks Commission conditional approval of award to the apparent low bidder, in the event the apparent low bids are greater than \$500,000. 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 is in good standing with the Construction Contractors Board.
2. In the event of a bid protest, OPRD staff will work 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.

**Attachments:** None.

**Prepared by:** Clifton J Serres

**Agenda Item 7.c) - Project 2**

**Title:** Drain field Replacement

**Location:** Tumalo State Park

**Description:** This project will construct two new drainfields to replace the existing facilities serving B Loop and C Loop. The existing facilities have failed to comply with current DEQ standards, are within a culturally sensitive area, and sufficient area is not available to replace in kind. The new drainfields will be constructed in the terrace southeast of the campground, adjacent to the new MU office and shop complex. These new facilities will also allow for other areas of the park, currently served by separate drainfields, to be served in this new location via future expansion. Ultimately OPRD will cease to operate drainfields near the Deschutes River thereby avoiding potential environmental hazards.

This project received a Land and Water Conservation Grant (LWCF) which provides a portion of the funding for the project. It is also a FIP Backlog project thereby clearing one more item off of that list.

Funding for this project is a combination of FIP (\$450,000) and LWCF Funds (\$152,400).

*Project Manager:* Scott Stewart

*Project Number:* 025785

*Procurement Number:* 8487

*Project Budget:* \$700,000

*Procurement Budget:* \$602,400

*Schedule:*

Advertise	Bid Close	Contract Award	Contract Completion
August, 2019	September, 2019	09/18/19	December, 2019

**Prior Action by**

**Commission:** Approval of 19-21 FIP Project List

**Action Requested:**

*Project 2:* Staff seeks Commission conditional approval of award to the apparent low bidder, in the event the apparent low bids are greater than \$500,000. 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 is in good standing with the Construction Contractors Board.
2. In the event of a bid protest, OPRD staff will work 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.

**Attachments:** None.

**Prepared by:** Clifton J Serres

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 7 (b)

Action

Topic: Natural Areas Registration – Glass Hill Natural Area

Presented by: Trevor Taylor

---

**Background:** The Oregon Natural Areas Plan lists the rare species, ecosystems, and geological features present in Oregon and where they are represented by protected lands. OPRD maintains the Oregon register of State Natural Areas and is responsible for processing nominations and petitions received to voluntarily add lands to the register.

“Registration” and “dedication” are two vehicles for inclusion of properties on the register, with dedication being the more permanent arrangement. Privately owned lands that are protected through registration or dedication receive a waiver of land use conversion property taxes. Publicly-owned lands are registered because of ecological value without receiving a tax benefit. In all cases of registration, or dedication, the subject properties are required to be of high or unique ecological value.

The types of habitat that are eligible for inclusion on the register are described and cataloged in the State Natural Areas Plan as “ecosystem elements”. When enough examples of a particular ecosystem element are registered, that type is considered adequately represented and further registrations are no longer allowed for that element. Find more information about the Natural Areas Program from the Oregon Natural Areas Plan at

[https://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2015\\_or\\_natural\\_areas\\_plan.pdf](https://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2015_or_natural_areas_plan.pdf)

The steps in processing registration nominations are as follows: OPRD Stewardship staff and the Oregon Biodiversity Information Center (or a convened review board, at OPRD discretion) collaboratively review petitions for meeting the requirements of the State Natural Area Plan. If the subject property meets the requirements and intent of the Plan, OPRD Stewardship staff bring the proposal for registration to the Parks Commission for final decision regarding registration. In the case of properties that are in the process of being restored to represent natural areas types cataloged in the Natural Areas Plan, registration also requires a management plan be submitted with the petition to register the property.

**Specifics related to this petition:** In August of 2019, OPRD staff received a petition to register a private parcel in Union County. The property has been managed for natural habitat for at least 20 years under private ownership. A brief description of the property, its ecological value, context, and reasons for registration are included as an attachment. This property, known as the Glass Hill property, would form a 1230 acre addition to the statewide system of Natural Areas registered under the Natural Areas Plan. OPRD Staff has reviewed the petition and has concluded that the subject property provides ecosystem elements that are currently unrepresented in the system of State Natural Areas and meet the intent of the State Natural Areas Plan.

Specifically, there are five habitat types that meet the criteria in the Blue Mountain Ecoregion including: Ponderosa pine/bluebunch wheatgrass, Ponderosa pine/Idaho fescue, Douglas-fir/oceanspray, mountain alder-snowberry riparian, and Western larch – mixed conifer forest.

Additionally there are several special status species present including: Douglas' clover (*Trifolium douglasii*), Blue mountain penstemon (*Penstemon pennellianus*), and white-headed woodpecker (*Picoides albolarvatus*).

The owner of this property is not pursuing registration for property tax benefit. Registration is for the purposes of acknowledging existing habitat values.

**Prior Action by the Commission:** None

**Action Requested:** Staff recommend that the Commission approve the addition of the Natural Area into the registry of State Natural Areas.

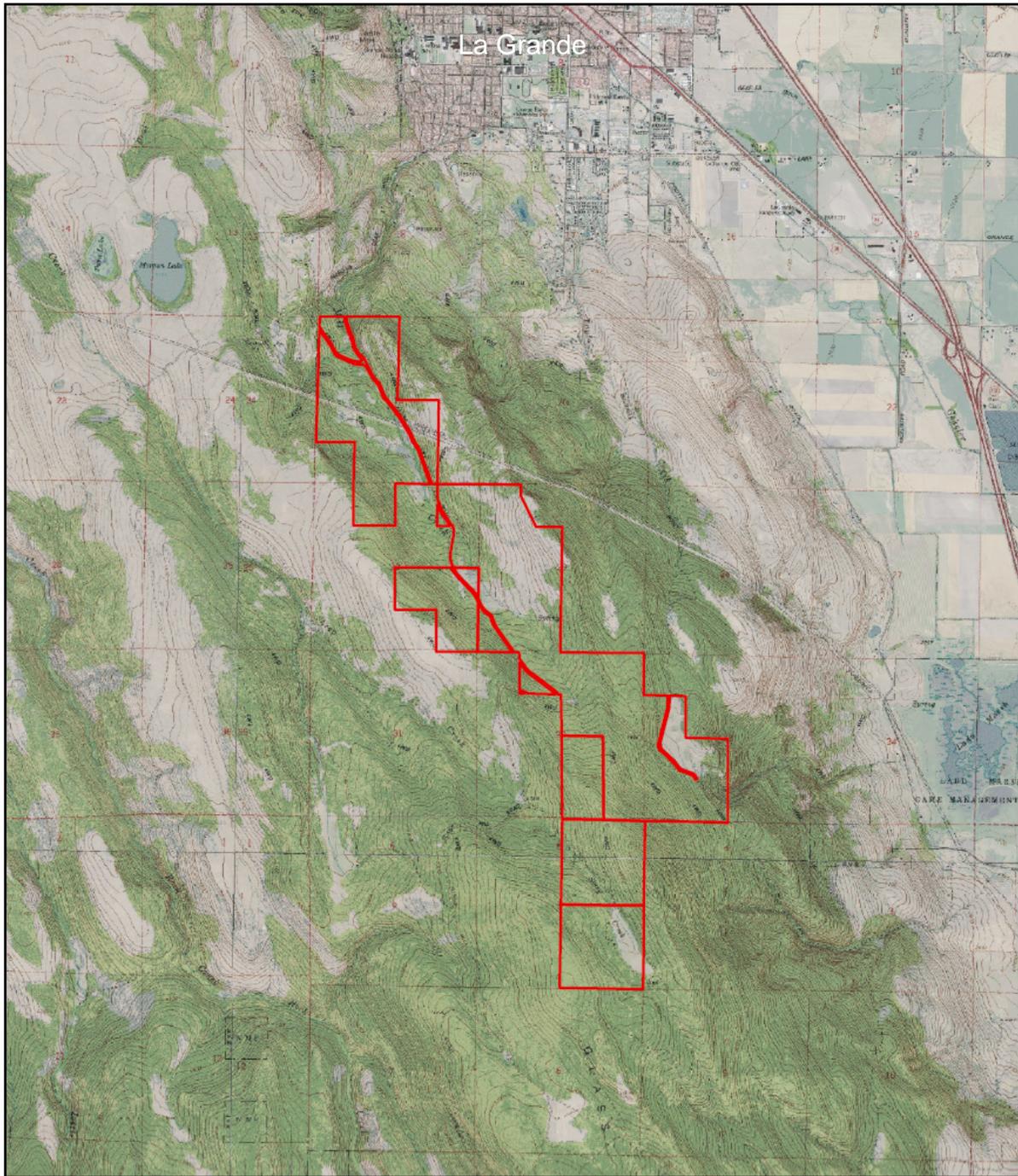
**Prepared by:** Noel Bacheller and Trevor Taylor

OREGON PARKS AND RECREATION DEPARTMENT  
OREGON REGISTER OF NATURAL HERITAGE RESOURCES  
SUMMARY FORM

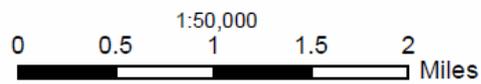
1. NATURAL AREA NAME: Glass Hill
2. LOCATION: Union County, Township 3S Range 38 E and 4S 38 E
3. SIZE: 1230 acres
4. OWNERSHIP: Joel Rice (4 parcels, 1230 acres total).
5. CONSENT OF OWNER (PRIVATE), DATE: 4/20/2019
6. REGISTER CATEGORY: Registered State Natural Area
7. PRINCIPAL NATURAL HERITAGE RESOURCES: Blue Mountains Ecoregion: 14. Ponderosa pine/bluebunch wheatgrass, 15. Ponderosa pine/Idaho fescue, 27. Douglas fir/oceanspray, 138. Mountain alder-snowberry riparian, and 40. Western larch – mixed conifer forest.
8. SPECIAL SPECIES: Douglas' clover (*Trifolium douglasii*), Blue mountain penstemon (*Penstemon pennellianus*), white-headed woodpecker (*Picoides albolarvatus*) – List 2 and ODFW conservation status species.
9. EVALUATION OF CRITERIA FOR REGISTRATION
  - A. PRIORITY IN PLAN: The listed ecosystem types present include BM 14, 15 and 40, all high priority, unfilled needs. Also present but in very small amounts are medium priority unrepresented types, BM 27 and 138.
  - B. ADEQUATE REPRESENTATION: The population of Douglas' clover is small (about 100 plants), but typical of the species, and likely adequate. The two Ponderosa pine forest associations are smaller and younger than optimal, although they are not currently represented on public lands. The other types are probably too small for adequate representation.
  - C. DEGREE OF DISTURBANCE: This site has been logged and grazed in the past but the majority has not been disturbed in over 20 years. There are definitely some weed issues, especially on the most recently disturbed parcel. The most troublesome weeds are Sulphur cinquefoil, ox-eye daisy and sweet-briar rose. Despite disturbance, all the components of the native plant associations are present. It is almost unheard of to find a piece of mid-elevation productive land with no livestock grazing in Eastern Oregon.
  - D. VIABILITY: The owner allows hunting, thinning for fire protection, and non-motorized vehicles but no livestock, logging, or development. The land is managed for the protection of natural values, and the native plants and animals present.
  - E. UNIQUE GEOLOGICAL VALUES: No geological values are known from the site.
  - F. PRIORITY FOR SPECIAL SPECIES: Douglas clover is a List 1 species with no protected sites. The white-headed woodpecker is a List 2 and SOC species.
  - G. SPECIAL SPECIES PROTECTION CAPABILITY: A weed management plan and funding is needed to protect Douglas clover from ox-eye daisy encroachment. The white-headed woodpecker population is small, but probably secure.
10. SPECIAL REMARKS OR COMMENTS: The property goes from about 4500 to 5300 ft. elevation and is a mix of woodlands, grasslands, and moist to wet meadows. It includes the headwaters of Mill Creek and Sheep Creek. The property is privately owned, and will stay that way, and there are no clear benefits to the landowner for registration, outside of recognition of current management.

11. DATE OF ORBIC STAFF APPROVAL: June 4, 2019.
12. SOURCES OF ADDITIONAL INFORMATION: ODFW Jon Paustian, Access and Habitat Program Co-ordinator 541-786-4694 re: the program. ODF Jamie Knight 541-962-0195 re: thinning for fuels reduction on private lands. Karen Antell 541-962-3610 re: invertebrates, plants, and meadow habitat. Susan Geer 541-519-5815 re: native plants and weeds. Dave Komlosi 541-963-0477 re: recent thinning. Dave Trochlell 541-962-7819 re: birds and moths. Mike McAllister 541-786-1507 re: geology and wildlife.
13. VALUE OF NATURAL AREA IN LAY TERMS: The Glass Hill area south of La Grande has good representations of upland forested and wet meadow plant associations of the northern Blue Mountains. Glass Hill overlooks Grande Ronde Valley and Ladd Marsh. Ponderosa pine stands are intermixed with swaths of bunchgrass on ridgetops and drier areas while north and east facing slopes and upper elevations support many grand fir and Douglas fir associations. Bushnell meadows and headwaters of Mill Creek and Sheep Creek display various moist meadow and wetlands.

# Joel Rice Glass Hill Taxlots



 2018 Taxlots



Map by N. Vora, USDA-NRCS, Union County, OR 6/20/2019;  
Map for reference purposes only, accuracy of information is not guaranteed.



Dr. Joel Rice  
59878 Glass Hill Road  
La Grande, OR 97850

June 8, 2019

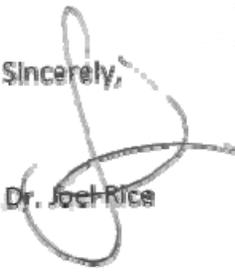
Lisa Sumption  
Director  
Oregon Parks and Recreation Department  
725 Summer Street NE Ste. C  
Salem, OR 97301

Dear Ms. Sumption.

I hereby request and give permission to Oregon Parks and Recreation Commission to register the following private property, owned by myself, Joel Rice, in the State Register of Natural Heritage Resources:

1230 acres located in Union County in the Glass Hill area, portions of Township 3 S Range 38 E and Township 4 S Range 38 E as depicted on the enclosed map.

Sincerely,

  
Dr. Joel Rice

**Oregon Parks and Recreation Commission**

**September 18, 2019**

---

Agenda Item: 7c Action

Topic: Construction Contract Award Approvals

Presented by: Clifton Serres, Engineering Manager

---

**Title:** Construct Canyon Creek Bridge

**Location:** Ecola State Park

**Description:** This project will construct a new reinforced concrete bridge to replace the existing 12'Ø corrugated metal culver. The existing culvert has washed out on numerous occasions impacting the public access to Indian Beach and the ability of park staff to perform maintenance tasks. The new bridge will provide all weather access and comply with ODFW fish passage requirements.

This project received a Federal Emergency Management Agency (FEMA) emergency declaration after the 2015/16 winter season which provides a 75% of the funding for the project.

Funding for this project is a combination of FIP (\$446,036) and FEMA Funds (\$148,679).

*Project Manager:* Jeffery Wagner

<i>Project Number:</i> 032587	<i>Project Budget:</i> \$650,000
<i>Procurement Number:</i> 8558	<i>Procurement Budget:</i> \$594,715

*Schedule:*

Advertise	Bid Close	Contract Award	Contract Completion
August, 2019	September 17, 2019	09/18/19	November, 2019

**Prior Action by Commission:** Approval of 19-21 FIP Project List.

**Action Requested:**

*Project 2:* Staff seeks Commission conditional approval of award to the apparent low bidder, in the event the apparent low bids are greater than \$500,000. 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 is in good standing with the Construction Contractors Board.
2. In the event of a bid protest, OPRD staff will work 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.

**Attachments:** None.

**Prepared by:** Clifton J Serres

# Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 7d

Action

Topic: Construction Contract Award Approvals

Presented by: Clifton Serres, Engineering Manager

---

**Title:** Drain Field Replacement

**Location:** Tumalo State Park

**Description:** This project will construct two new drainfields to replace the existing facilities serving B Loop and C Loop. The existing facilities have failed to comply with current DEQ standards, are within a culturally sensitive area, and sufficient area is not available to replace in kind. The new drainfields will be constructed in the terrace southeast of the campground, adjacent to the new MU office and shop complex. These new facilities will also allow for other areas of the park, currently served by separate drainfields, to be served in this new location via future expansion. Ultimately OPRD will cease to operate drainfields near the Deschutes River thereby avoiding potential environmental hazards.

This project received a Land and Water Conservation Grant (LWCF) which provides a portion of the funding for the project. It is also a FIP Backlog project thereby clearing one more item off of that list.

Funding for this project is a combination of FIP (\$450,000) and LWCF Funds (\$152,400).

*Project Manager:* Scott Stewart

*Project Number:* 025785

*Project Budget:* \$700,000

*Procurement Number:* 8487

*Procurement Budget:* \$602,400

*Schedule:*

Advertise	Bid Close	Contract Award	Contract Completion
August, 2019	September 5, 2019	09/18/19	December, 2019

**Prior Action by Commission:** Approval of 19-21 FIP Project List

**Action Requested:**

*Project 2:* Staff seeks Commission conditional approval of award to the apparent low bidder, in the event the apparent low bids are greater than \$500,000. 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 is in good standing with the Construction Contractors Board.
2. In the event of a bid protest, OPRD staff will work 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.

**Attachments:** None.

**Prepared by:** Clifton J Serres

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item:	8a	<b>Information</b>
Topic:	Heritage Division Update	
Presented by:	Christine Curran, Deputy Director, Heritage Programs	

---

### **Summer Staff Complete Community Preservation Projects**

Every summer the Heritage Division accepts two graduate students into our preservation internship program. The experience exposes students to professional preservation work while contributing to the agency's larger goals. Summer staff Jeremy Ebersole and Eric Newcombe completed several community preservation projects, including a historic building survey in Lincoln City in support of the community's Main Street program. The Main Street Approach™ taps local initiative and leadership to create economically diverse and dynamic downtowns. The work included creating an inventory of historic buildings, analyzing the data, making recommendations on how to leverage the community's historic assets to engage the public and take advantage of grant and economic development opportunities, and presenting their findings in a presentation to the city council. Each also completed a "Heritage Works" brochure. Astoria and Independence were selected as examples of communities that take advantage of many of the Heritage Division's programs. The reports highlight what is possible when a community embraces its unique identity, provides examples of how to engage the community in similar efforts, and encourages towns to use the Heritage Division's many programs and services.

### **Oregon Main Street Revitalization Grant Program Receives \$5 million in Funding**

For the third time since its establishment in 2015, the Oregon Main Street Revitalization Fund is set to receive a fresh infusion of lottery bond revenue dollars in 2021. During the 2019 legislative session, lawmakers agreed to make available another \$5 million to Oregon Main Street Network organizations to fund building improvement projects that spur economic development. Our office administers the funding through the Oregon Main Street Revitalization Grant program, from which we have awarded 57 matching grants totaling \$7,599,994 in 2017 and 2019 to Oregon Main Street Network organizations across the state. Awards range from \$17,500-\$200,000 for projects including facade improvement, elevator access, new construction, housing creation, and seismic upgrades.

### **National Park Service returns the Eastmoreland Historic District, Portland, and Q'alya ta Kukwis shichdii me Traditional Cultural Property Historic District, Coos County.**

In July, the National Park Service (NPS) returned the Eastmoreland Historic District and the Q'alya ta Kukwis shichdii me Traditional Cultural Property Historic District (TCP) nominations to the SHPO without listing either in the National Register of Historic Places. The NPS returned

the nomination for the Eastmoreland Historic District for a third time. The SHPO most recently submitted the nomination for federal review on May 23, 2019. The NPS identified at least three unresolved issues: questions raised by third parties regarding the count of property owners and objections; a conflict between federal guidelines related to trusts and a recent ruling by the Oregon Court of Appeals that requires a federal regulation or state rule to recognize trusts as owners for purposes of the program (currently that doesn't exist), and the still-contested validity of the 5,000 divided trusts that four owners created to achieve a majority objection. OPRD intends to propose revisions to the National Register administrative rule in the coming months to address some of these issues. In the meantime, new nominations will continue to move through the existing nomination process as long as the project does not involve the same complicated issues that affected the Eastmoreland nomination.

Also in May, the SHPO submitted the TCP nomination to the NPS for a "determination of eligibility" for inclusion in the National Register of Historic Places after the majority of the private property owners objected to listing the TCP. In this process, the NPS determines if the district is eligible for listing in the National Register, but does not actually list it. The NPS did not rule on the nomination's eligibility. Instead, the agency identified several areas related to documentation and technical processing that require further work: more specifics about boundaries and mapping; more accurate counts of resources within the proposed boundary that are culturally important or unimportant; the need to provide local governments and other qualifying parties better access to the nomination document; and other issues. The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, the nomination proponent, indicated that they will not continue to pursue nominating the TCP at this time.

**Prior Action by Commission:** none

**Action Requested:** none

**Attachments:** none

**Prepared by:** Ian P. Johnson, Associate Deputy SHPO and Chrissy Curran, Deputy SHPO

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 9a

Action

Topic: Request to adopt rulemaking – Oregon State Fair and Exposition Center (736-201-0000 to 736-201-0180)

Presented by: Katie Gauthier

---

**Background:** Oregon Parks and Recreation Department operated the Oregon State Fair and Exposition Center from 2005 to 2014.

During the 2013 legislative session, operation of the State Fair was transferred to a public corporation. OPRD no longer has an administrative role in operation of the State Fair; however, administrative rules guiding fair operations were not repealed at the time.

Public comment on the proposal to repeal all of Division 201 rules relating to the operation of the Oregon State Fair and Exposition Center to match the statutory change that occurred when the State Fair transferred out of the department was open from July 1 to July 31.

During the public comment period, information on the proposal was available on the OPRD website and comments were accepted via mail, email and on the website. A press release announcing the proposed rulemaking was sent statewide and emails were sent to all legislators and individuals who have requested notification of the department's rulemaking activities. No public comments were received.

The Oregon State Fair Council, the public corporation that now operates the State Fair and Exposition Center, reviewed plans to repeal the rules and did not have concerns. OPRD's administrative rules around fair operations cannot be utilized by the current operators.

**Prior Action by Commission:** June 2019 Commission approved opening rulemaking to repeal OAR 736-201-0000 to 736-201-0180.

**Action Requested:**

Staff requests approval to adopt rulemaking to repeal 736-201-0000 to 736-201-0180. A copy of the proposed rule repeal is included in Attachment A.

**Prepared by:** Katie Gauthier

**Attachments:**

Attachment A – proposed rule repeal- marked copy

9a- State Fair Attachment A:  
Repeal the following rules

## **Division 201**

### **~~OREGON STATE FAIR AND EXPOSITION CENTER~~**

#### **736-201-0000**

##### **Notice of Proposed Rule**

~~Prior to the adoption, amendment, or repeal of any permanent rule relating to the Oregon State Fairgrounds Park District (OSFPD), the Oregon Parks and Recreation Commission shall give notice of the intended action:~~

- ~~(1) In the Secretary of States Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;~~
- ~~(2) By mailing a copy of the notice to persons on the Oregon Parks and Recreation Commission's mailing list established pursuant to ORS 183.335 at least 28 days before the effective date of the rule; and~~
- ~~(3) By mailing or furnishing a copy of the notice to:
  - ~~(a) The Associated Press;~~
  - ~~(b) Associated Oregon Industries;~~
  - ~~(c) Associated General Contractors;~~
  - ~~(d) OSFD interested parties list;~~~~
- ~~(4) By mailing a copy of the Notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

##### **History:**

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

#### **736-201-0005**

##### **Definitions**

- ~~(1) "Agent" is an individual volunteer, community service group or paid contractor officially representing OSFD or OPRD and only when performing an official duty assigned by OPRD in writing.~~
- ~~(2) "Assistant Director, with responsibility for OSFD" is the person in charge of the daily business and management of OSFD and appointed by the Director.~~
- ~~(3) "Destructive Device" means:
  - ~~(a) A projectile containing an explosive or incendiary material or any other chemical substance;~~
  - ~~(b) Ammunition, ammunition components including, but not limited to, smokeless powder, black powder, primers and percussion caps;~~
  - ~~(c) A bomb, grenade, missile, or similar device or any launching device therefore; or~~
  - ~~(d) Any weapon of mass destruction including any device capable of producing injury, death or property damage by way of release or discharge of chemical or biological agents, disease or radiation.~~~~
- ~~(4) "Director" means the Director of the Oregon Parks and Recreation Department.~~
- ~~(5) "Entry Fee" is the fee that participants pay to participate in certain Fair Department activities and competitions.~~

- (6) "Event" is an activity, meeting, attraction or other occurrence on the OSFD with specific opening and closing dates and specific operating hours.
- (7) "Exhibit Area" is an area or zone on the OSFD that is characterized by the type of exhibitors occupying paid exhibit space. Such exhibit areas include but are not limited to commercial exhibit areas, non-profit areas, and other commercial-style attractions.
- (8) "Exhibitor" is a person occupying paid exhibit space during the State Fair or during other OSFD-organized and administered events.
- (9) "Fair Department(s)" are various sections of State Fair activity that are divided by subject area. OSFD may add or delete Departments as necessary to reflect the interests of its participants.
- (10) "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder and which is readily capable of use as a weapon.
- (11) "Handbook" is the annual publication which lists the rules, procedures, conditions, provisions, information, and fees for participation in certain State Fair department activities and competitions as well as the awards offered.
- (12) "Licensee" is a person that has entered into a written agreement with the OPRD for the use of buildings, facilities, services or equipment for the purpose of conducting business or other transactions.
- (13) "Non-profit" is an organization that is recognized by the Internal Revenue Service under Internal Revenue Code Section 501(c)(3).
- (14) "Paid Exhibit Space," is a certain location on the OSFPD, during each State Fair or during other OSFD-organized and administered events, that OSFD assigns to an exhibitor for the purpose of contacting patrons through, but not limited to, sales, displays of goods and services, advertising, solicitations, canvassing, or the dissemination of information. The exhibitor must pay a fee to OPRD for the space and agree to abide by the procedures, information, conditions, and provisions described in this division.
- (15) "Patron" is an individual attending an OSFD-organized and administered event who is not an agent, OPRD staff, exhibitor, permittee, licensee, sponsor or registrant.
- (16) "Permittee" is a person that has entered into a written agreement with the OPRD for use of buildings, facilities, services or equipment for a period of time for the purpose of conducting a public or private event, including but not limited to an exposition, meeting, conference, tradeshow, or concert.
- (17) "Person" includes an individual, corporation, association, group, firm, partnership, limited liability company, joint stock company, and any governmental entity.
- (18) "OPRD" is an acronym for Oregon Parks and Recreation Department.
- (19) "OSFD" is an acronym for Oregon State Fair Division, division of OPRD.
- (20) "OSFPD" is an acronym for the Oregon State Fairgrounds Park District, which includes but is not limited to the parking lots, campground, traffic lanes, and undeveloped areas outside of the admission gates; and the auditoriums, buildings, arenas, and undeveloped areas inside the admission gates at the Oregon State Fairgrounds.
- (21) "Registrant" is a person that has notified the OSFD using a form provided by OSFD that a lead individual and up to nine other individuals will solicit, canvass, or otherwise contact patrons on the OSFPD outside of the admission gates during the State Fair or other event organized and administered by the OSFD.

~~(22) "Schedule of Rates and Fees" are the published fees and charges for facilities, buildings, services, or equipment or for operating a business on the OSFPD that covers a period of time that is also listed in the schedule of rates and fees.~~

~~(23) "Sponsor" is a person that has entered a written sponsorship agreement with OPRD that is described in ORS 565.080(4).~~

~~(24) "Weapon" includes, but is not limited to, any firearm; any destructive device; any dirk or dagger; any knife with a blade of three inches or more in length, and any snap blade or spring-blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor blade fitted to a handle; any device by whatever name known, which is designed to expel a projectile by the action of compressed air, gas, compressed spring or by any chemical action; any dangerous or deadly weapon within the meaning of any law of this state restricting the use thereof; any cutting, stabbing or bludgeoning weapon or any other device capable of inflicting grievous bodily harm.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11~~

~~PRD 11 2010, f. 10 13 10, cert. ef. 10 15 10~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### **736-201-0010**

#### **Entry Fees**

Entry Fees for participation in some Fair Department activities and competitions maybe established in the Handbook for each particular Fair Department.

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

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### **736-201-0015**

#### **Facilities Available for Rent**

~~(1) Certain facilities located on the OSFPD grounds are available for lease by Permittee(s) or Licensee throughout the calendar year, other than during the days of the annual State Fair. Permittee(s) and Licensees also have the option of renting accessory equipment owned and maintained by OSFD to augment an Event, program or attraction at these facilities.~~

~~(2) Fees and charges for facilities, buildings, services and equipment rental shall be according to OSFD current Schedule of Rates and Fees.~~

~~(3) Director or the Director's designee may waive, vary or increase, in whole or in part, the established rates and fees when it is determined that:~~

~~(a) Marketing opportunities exist to encourage use and increase revenues;~~

~~(b) Time frame for use varies from that specified on Schedule of Rates and Fees; or~~

~~(c) Rate change would attract business when otherwise there would be none.~~

~~(4) OSFD reserves the right to add a surcharge for facilities, buildings, services, and equipment rental for unusual and unexpected direct costs related to cleaning and repair of facilities, buildings or equipment.~~

~~(5) Rates and fees published in the Schedule of Rates and Fees cover most ordinary situations involving use of buildings, facilities, services, and equipment. Director, or the Director's designee, shall have authority to establish rates and fees at any time for buildings, facilities, services, activities and equipment that are not specifically listed in the Schedule of Rates and Fees.~~

~~(6) Director shall have authority to establish rates and fee categories for various segments of industry and business such as, but not limited to non-profit, volunteer and community organizations, school and governmental agencies, youth groups and youth organizations for the use of buildings, facilities, services and equipment.~~

~~(7) Director may establish written procedures for any regular and returning Permittee or Licensee and shall have authority to enter into on-going rental and lease agreements at any time to attract or increase business.~~

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

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### ~~736-201-0020~~

#### ~~**Food Concessions**~~

~~(1) All food and beverage concession items provided for sale to the public will be sold by OSFD's food contractor(s). Food contractor(s) does not charge Permittee(s) for this service, nor does Permittee(s) receive revenue from food and beverage sales.~~

~~(2) Permittees who rent facilities, buildings or locations on property for Events that are food oriented may request in writing an exemption to provide alternative food and beverage for sale but may pay a concession fee according to the Schedule of Rates and Fees for such privilege. Permittee(s) requesting an exemption shall be required to put such proposal in writing. The Director or the Director's designee shall evaluate the written exemption request. The evaluation of food Events shall be based on whether or not food is an integral part of the Event, type of food proposed or by means in which food is prepared and OSFD's food contractor's ability to provide same service.~~

~~(3) The Director has discretion to grant an exemption to any Event to provide food and beverage sales.~~

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

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### ~~736-201-0025~~

#### ~~**Catered Events**~~

~~(1) Permittees must use the food and alcohol caterer designated and licensed by OSFD. Permittees are responsible for all charges for labor and equipment specifically required for a catered Event at established rates.~~

~~(2) Director or the Director's designee may grant an exemption to any Permittee for an Event to provide food and beverage catering.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

~~History:~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### ~~736-201-0030~~

#### ~~Licenses to do Business~~

~~(1) The Director or the Director's designee is authorized to issue one or more licenses that permit the license holder to conduct any business therein named upon the OSFD.~~

~~(2) Issuance of licenses shall be in accordance with the rules concerning procurement of such services at OSFD, to the extent those procedures are practicable. The funds arising from issuing licenses shall become a part of the Oregon State Fair Account.~~

~~Statutory/Other Authority: ORS 565.060 [Amended by 1977 c.55 §18; 2005 c.777 §25]~~

~~Statutes/Other Implemented: ORS 565~~

~~History:~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### ~~736-201-0035~~

#### ~~Businesses that may be licensed, Other licenses Required~~

~~(1) The Director or the Director's designee may license any lawful business to be conducted at OSFPD, including the sale of malt, vinous or distilled liquor.~~

~~(2) The Director or the Director's designee shall establish permitting procedures consistent with ORS 565.130 and shall make these available upon request by interested businesses to be licensed at the OSFPD.~~

~~(3) Any business so licensed by the Director or the Director's designee is not required to pay license to any city, county or state, other than to the OSFD for conducting a business upon the grounds of the Oregon State Fair.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

~~History:~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### ~~736-201-0040~~

#### ~~Advertising, Canvassing, Soliciting, and Disseminating of Written Materials Outside Admission Gates~~

~~(1) A person may not advertise, canvass solicit, or disseminate written materials in any location outside of the admission gates of the OSFPD, except as provided by this rule.~~

~~(2) During and for three days before and two days after the State Fair or any other event organized and administered by the OSFD, only a registrant may advertise, canvass or solicit, or disseminate written materials outside OSFPD's admission gates.~~

~~(a) An individual may register by submitting a registration form prepared by OSFD. The individual must submit the form to the OSFD at least 24 hours before beginning any advertisement, canvassing or soliciting, or dissemination of written materials.~~

~~(b) If the form is submitted on behalf of a person that is not an individual, the registration form shall identify a lead individual and may identify up to nine other individuals who will participate in advertising, canvassing, soliciting or disseminating of information.~~

~~(A) For registration purposes, only the lead individual is considered registered and approved by OSFD.~~

~~(B) All other members identified will become registered and approved once they are properly briefed by an authorized OSFD person on the rules for advertising, canvassing, soliciting and disseminating information, and on the expectations regarding behaving in a manner that will ensure the safety, well-being and enjoyment of all people, working, participating or attending OSFD events.~~

~~(C) Registration for non-lead individuals can occur before or on the day they are scheduled to engage in advertising, canvassing, soliciting and disseminating information.~~

~~(c) All registrants must remain at least 20 feet from any admission or exit gate, any line forming at an admission gate, and any tram or other form of public transportation that is loading or unloading passengers. An agent or OPRD staff may require any registrant to move or maintain a reasonable distance from other registrants if the agent or OPRD staff has a reasonable belief that there may be conflict among or between various registrants or that the registrant is blocking the free movement or endangering the safety of a patron, permittee, licensee, sponsor, exhibitor or anyone providing emergency services.~~

~~(d) Each lead registrant may set up one table. The table top must be no longer than six feet. A registrant shall be present at the table at all times. The table may be set up no more than 30 minutes before the State Fair or other event opens for the day and must be removed no later than 30 minutes after the State Fair or other event closes for the night.~~

~~(e) A registrant may not use a sound device, including but not limited to a bullhorn or other sound amplifying device that creates sufficient volume to be heard more than 20 feet from the registrant.~~

~~(f) A registrant may not use, in any manner, fighting words or obscenities. In addition, all registrants must comply with the provisions of OAR 736-201-0070.~~

~~(g) A registrant may not sell, offer to sell or advertise any merchandise or service.~~

~~(h) A registrant may not advertise, solicit, canvass or disseminate information to an individual in or on a motor vehicle or at any location within a parking lot.~~

~~(3) During events organized by a permittee, the permittee shall be responsible for regulating the advertising, canvassing and soliciting, and disseminating of written materials in locations outside OSFPD's admission gates.~~

~~(4) During events organized by a permittee, the permittee is responsible for complying with all applicable provisions of this division. Violations of such provisions are subject to enforcement as provided in OAR 736-201-0180.~~

~~(5) If a person objects to an action by OPRD that implements this rule, the person may file a protest as provided in OAR 736-201-0175.~~

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

**History:**

PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07

### 736-201-0042

#### **Advertising, Canvassing, Soliciting, and Disseminating of Written Materials Inside Admission Gates**

~~(1) A person may not advertise, canvass, solicit or disseminate written materials in any location inside OSFPD's admission gates, or in any of the airspace above the OSFPD, except from within a commercial exhibit space assigned to an exhibitor by OSFD.~~

~~(a) OSFD assigns commercial exhibit spaces within an exhibit area for a fee and on a first come, first served basis.~~

~~(b) Exhibitors who are assigned a commercial exhibit space are subject to the fees, conditions, rules and other information about exhibiting in a particular Exhibit Area published in the Handbook for each Exhibit Area.~~

~~(c) If a person objects to an action by OPRD that implements this rule, the person may file a protest as provided in OAR 736-201-0175.~~

~~(2) During events organized by an exhibitor, the exhibitor shall be responsible for regulating the advertising, canvassing, soliciting and disseminating of written materials in locations inside the OSFPD's admission gates and in the airspace above the OSFPD.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

### 736-201-0045

#### **Procedures for Obtaining Paid Exhibit Space**

~~Procedures for obtaining exhibit space in a particular Exhibit Area and the associated fees, conditions, rules, and other information about exhibiting in a specific Exhibit Area shall be outlined in the Handbook for each Exhibit or Fair Department Area.~~

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

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### 736-201-0050

#### **Exhibit Space Fees**

~~(1) OSFD shall establish fees for the use of exhibit space and any associated cost for services, including electricity, production, admission, and parking shall be established in the Handbook for each particular Exhibit Area.~~

~~(2) Fees, conditions, rules, and other information about exhibiting in a particular Exhibit Area published in the Handbook cover most ordinary situations involving exhibit space at the State Fair. The Director or the Director's designee shall have authority to establish fees, conditions, rules, and other information about exhibiting in a particular Exhibit Area that are not specifically listed in the Handbook.~~

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

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11  
PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### ~~736-201-0055~~

#### ~~Exhibitor Compliance Procedures~~

~~In the event an Exhibitor, Permittee or Licensee refuses to comply with fees, conditions, rules, or other information as outlined in the Handbook or License to do Business, OPRD may take appropriate action to gain compliance, up to and including requiring Exhibitor to remove furnishings and all property immediately. If not removed, furnishings and property may be stored at a fee of \$100 per day or portion thereof.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

#### ~~History:~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### ~~736-201-0060~~

#### ~~Items Prohibited on Property~~

~~(1) The following items are prohibited on OSFPD property unless specifically authorized in this rule:~~

- ~~(a) Bicycles, skateboards, roller blades, scooters;~~
- ~~(b) Unauthorized vehicles;~~
- ~~(c) Unauthorized animals, reptiles, insects, arachnids and other pets;~~
- ~~(d) Weapons;~~
- ~~(e) Fireworks, explosives or explosive devices, and inflammables;~~
- ~~(f) Alcohol or alcoholic beverages;~~
- ~~(g) Controlled substances;~~
- ~~(h) Any other object or objects which in the opinion of the Director or his/her designee may affect the safety and well-being of persons attending events on OSFPD property; or~~
- ~~(i) Destructive device.~~

~~(2) Exceptions to the above prohibitions are limited to:~~

- ~~(a) Weapons of law enforcement officials and those carried by persons authorized by law to carry them when carried in a manner authorized by law;~~
- ~~(b) Alcoholic beverages and alcoholic beverage containers belonging to OPRD, licensed concessionaires or catering services contracting with OPRD;~~
- ~~(c) Prohibited items that have been permitted by OPRD by virtue of a signed agreement;~~
- ~~(d) Fireworks in the custody of any group operating or presenting an officially sanctioned fireworks display;~~
- ~~(e) Bicycles, skateboards, roller blades, scooters are permitted on the property outside the fenced areas unless they are part of an OSFD approved event or display;~~
- ~~(f) Prescription medications necessary for licensees and contractors to perform their duties, when they possess the authorizing prescriptions;~~
- ~~(g) Employees of OPRD and its licensees, contractors and agents may not carry personal prohibited items that are not necessary for the performance of their official duties;~~
- ~~(h) Prohibited items in the possession of Exhibitors that are necessary for daily care or preparation of animals and for showing and are used only for preparation and showing purposes; and~~

(i) Such prohibited items expressly permitted in writing by the Director or the Director's designee.

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

**History:**

PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11

PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07

### **736-201-0065**

#### **~~Inspections During State Fair and Other Controlled Events~~**

~~(1) OPRD employees or agents may request, as a condition of the license or permit, that persons about to enter OSFPD property, allow visual access to all purses, backpacks, briefcases, suitcases, athletic bags, packages, duffel bags, coolers, ice chests, picnic baskets, diaper bags, strollers, carts and other similar items capable of concealing prohibited items ("containers").~~

~~(2) OPRD staff or agents requesting such an inspection shall do so outside the fairgrounds gates or such other reasonable places as designated by the Director or his/her designee. The person(s) entering the facility may be asked by OSFD staff or agents to reveal the items in their containers. Staff or agents shall inform person(s) in possession of containers to which the inspection request pertains, are free to decline the inspection and may receive a refund of the price of the ticket and parking (if admission or parking fees were incurred) upon surrender of their tickets.~~

~~Alternatively, the persons may discard the container or prohibited item(s).~~

~~(3) Most searches are visual. At the option of OPRD staff, agents or law enforcement officers, other search measures may be employed, including but not limited to electronic, chemical or physical inspections such as "pat downs."~~

~~(4) Possession of weapons or controlled substances at anytime on OSFPD property may be reported to law enforcement officials.~~

~~(5) If a person possesses one or more prohibited items inside an OSFPD building or facility, the person shall be considered to have violated the license to enter. The license shall be revoked and an OPRD employee or agent shall request that the person leave the OSFPD. A refusal or failure to leave the property following such a request can cause the person to be in trespass.~~

~~(6) If a person requests a refund is requested under the section (2), OPRD shall promptly complete and deliver a bearer coupon that specifies the location, date, and refund to be made. A person may redeem the bearer coupon either at the nearest admission booth or by mail to the OSFD business office within 30 days, along with parking and admission tickets for reimbursement.~~

~~(7) Prohibited items which may be seen without inspection are subject to the same consequences as specified in section (5) of this rule.~~

~~(8) OSFD shall display signs at entrances to the facility generally identifying prohibited items and providing notification of the request for inspection.~~

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

**History:**

PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11

PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07

### **736-201-0070**

#### **Activities Prohibited on Property**

~~Within the OSFPD, no individual shall participate in loud, rude or unreasonable behavior; disturb the public peace; make threatening comments, actions or gestures toward others; obstruct the use and enjoyment of any facility, area or event; act in a disorderly manner; or participate in any behavior or activity which in the opinion of the Director or the Director's designee may affect the safety or well-being of any person attending an Event within the OSFPD.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### **736-201-0075**

#### **Conducting Business on or Near Grounds of Fair**

~~A person may not set up any shop, booth, wagon or other vehicle for the sale of spirituous or other liquors, cigars, provisions or other article of traffic. A person may not sell or otherwise dispose of any liquors, cigars, goods or services, wares, merchandise, meals or any article of traffic on the grounds of the OSFD, or within one-half mile of grounds, without having paid OSFD a licensing fee for the privilege, or obtain written consent from OSFD~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### **736-201-0080**

#### **Admission to Fairs Except through Special Gates Prohibited**

~~(1) A person may not gain admission or attempt to gain admission to OSFPD during the annual State Fair or at any public event or meetings on the grounds of the OSFPD, except through special gates or entrances kept or directed by the OSFD.~~

~~(2) The Director or the Director's designee may set the prices of admission, licenses and all matters pertaining to the conducting of the annual State Fair, exhibitions or other public events or meetings on OSFD property or within OSFD buildings and facilities.~~

~~(3) The Director or the Director's designee may change or alter gates for admission and use other means to manage traffic flow such as directional signs to manage Event traffic or to control the flow of traffic to and from the OSFPD with assistance from OPRD employees, contractors or agents.~~

~~(4) The Director or the Director's designee may control and set the opening and closing times of gates for admission to the annual State Fair, exhibitions and other public events or meetings at OSFPD.~~

~~(5) The Director, or the Director's designee may establish procedures for the control and management of signs, banners and other promotional materials on display on and around the OSFPD gates, entrances, parking lots and other OSFPD areas viewable by the public.~~

~~(6) Admission coupons or admission discounts may be honored if they are officially endorsed by OPRD prior to the Event or annual State Fair.~~

~~(7) OPRD staff and agents may refuse any person(s) admission through any gated area or entry if the person(s) refuses to pay the designated admission fee or charge.~~

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

**History:**

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### 736-201-0085

#### **Returned Checks**

~~The OPRD may assess a reasonable fee, similar to bank charges and fees, for each personal or business check returned for non-payment. The fee may be assessed in addition to any legal remedies the OPRD may pursue to effect collection of the returned items.~~

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

**History:**

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### 736-201-0090

#### **Credit Card Returns**

~~The OPRD may assess a reasonable fee, similar to bank charges, for each accepted credit card charge returned for non-payment. The fee may be assessed in addition to any legal remedies the OPRD may pursue to effect collection of the returned items.~~

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

**History:**

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### 736-201-0095

#### **Late Payments**

~~The OPRD may assess a fee of one and one-half percent per month or portion thereof on any unpaid balances due to OPRD if not paid within 30 days of billing. The fee may be assessed in addition to any legal remedies the OPRD may pursue to effect collection of the late payments.~~

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

**History:**

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### 736-201-0100

#### **Photocopying Charges**

~~The OPRD may provide photocopies of public records for a copying fee listed in the Schedule of Rates and Fees. OPRD reserves the right to set a maximum number of copies allowed per person. [Publications: Publications referenced are available from the agency.]~~

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

**History:**

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### **736-201-0105**

#### **Facsimile Machine Usage**

~~The OPRD may make its facsimile machine available for public usage at rates listed in the Schedule of Rates and Fees. OPRD reserves the right to set a maximum number of pages per person, time of use and proper procedures for fax usage.~~

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

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

#### ~~**History:**~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### **736-201-0110**

#### **Shipping and Mailing Charges**

~~The OPRD may allow shipping and mailing for public usage at rates listed in the Schedule of Rates and Fees. OPRD reserves the right to set a maximum number of items to be shipped or mailed per person or organization from the OSFD location.~~

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

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

#### ~~**History:**~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### **736-201-0115**

#### **Additional Services and Support Charges**

~~The OPRD may add additional service and support charges listed in the Schedule of Rates and Fees when applicable such as, but not limited to; service charges for additional cleaning, repair of damages or moving of items left in an OSFD building or facility.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

#### ~~**History:**~~

~~PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### **736-201-0120**

#### **Storage of Items left on Grounds**

~~OPRD may store items left on OSFD property after the annual State Fair, program, event or exhibition and charge a storage fee listed in the Schedule of Rates and Fees. OPRD reserves the right to set a maximum number of days items maybe be stored on site. All items left or abandoned on grounds may be disposed of by OPRD.~~

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

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

#### ~~**History:**~~

~~PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### 736-201-0125

#### **State Fair Advisory Committee**

- ~~(1) Pursuant to ORS 565.021 and 565.030 the Director shall appoint a State Fair Advisory Committee to provide advice and assistance to the Director on matters regarding the operation of the annual State Fair.~~
- ~~(2) The advisory committee shall consist of seven members appointed by the Director for four-year terms. The director shall appoint:
  - ~~(a) A resident from each of the five congressional districts of Oregon. The director shall seek to ensure that those persons reflect a broad-based representation of the industrial, educational and cultural interests that are active in state fair programs, contests and exhibits; and~~
  - ~~(b) Two persons to represent county fair interests. The Director may give consideration to nominations suggested by the County Fair Commission established under ORS 565.410.~~~~
- ~~(3) The Director may stagger the terms of office of the members of the advisory committee to ensure that the terms of office do not expire at the same time.~~
- ~~(4) The members of the advisory committee serve at the pleasure of the Director. The Director may fill a vacancy on the advisory committee by appointing a person to fill the unexpired term.~~
- ~~(5) Each member of the advisory committee is entitled to compensation and reimbursement of expenses, as provided in ORS 292.495.~~
- ~~(6) The advisory committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with such duties and powers necessary for the performance of the functions of those offices as determined by the advisory committee.~~
- ~~(7) The advisory committee shall meet at the call of the director. The director shall give consideration to calling a meeting at the request of a majority of the advisory committee.~~
- ~~(8) The principal duty of the advisory committee is to advise the director and staff on the implementation of the State Fair Business Plan, as adopted by the Oregon Parks and Recreation Commission, and to evaluate the performance of the fair operations as measured against the objectives set forth in the business plan.~~
- ~~(9) Administrative support to the advisory committee shall be provided by the director's office of the OPRD.~~

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

#### **History:**

PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11

PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07

### 736-201-0130

#### **Oregon State Fair Established**

~~Under ORS 565.040, there is a state institution to be designated and known as the OSFD, which shall be administered and operated by the OPRD.~~

- ~~(1) The Director, at the Director's discretion, may present business plans and policies for the operation and management of the OSFD before the OPRD Commission for affirmation and approval or for informational purposes.~~
- ~~(2) The Director may develop and implement policies, processes and procedures for the operation and execution of the annual State Fair.~~
- ~~(3) The Director may delegate authority for the day-to-day business decisions to the Assistant Director responsible for the OSFD.~~

**Statutory/Other Authority:** ORS 565.060

**Statutes/Other Implemented:** ORS 565

**History:**

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 11-2010, f. 10-13-10, cert. ef. 10-15-10~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

**736-201-0135**

**State Fair Purposes; Use and Management of Property**

~~(1) The objects and purposes of the OSFD are to disseminate knowledge concerning, and to encourage the growth and prosperity of all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in this state. The Director shall operate the business and properties of the OSFD as a year-round fair and exposition center, display historical objects and do all things necessary to expedient for full utilization of the properties and facilities of the annual State Fair and as an exposition center.~~

~~(2) The Director or the Director's designee shall conduct an annual state fair for a period of not more than 17 days duration beginning and ending on such dates as the Director considers appropriate. The Director or the Director's designee may set the hours of the annual State Fair and other public events.~~

~~(3) The Director or the Director's designee shall have care of the OSFD property and be entrusted with the direction of its business and financial affairs. The Director shall prepare, adopt, publish and enforce all necessary rules for the management of the Oregon State Fair, its meetings and exhibitions and for the guidance of its officers or employees.~~

~~(4) The Director or the Director's designee may appoint all necessary marshals to keep order on the grounds and in buildings of the OSFD during all exhibitions. The marshals so appointed shall be vested with the same authority for such purposes as executive peace officers are vested by law.~~

~~(5) The Director or the Director's designee shall establish charges for entrance fees, gate money, lease stalls, parking space, buildings, restaurant sites; conduct shows and concerts, exhibitions, races and all manner of business notwithstanding the provisions of ORS 227.286 and do all other things the Director considers proper in the operation of a year-round fair and exposition center and the annual State Fair.~~

~~(6) The Director or the Director's designee may enter into sponsorship agreements for the exchange of moneys, services, products or other items of value. A sponsorship agreement entered into under this section is not subject to ORS 279.835 to 279.855 of Chapter 279A or 279B.~~

~~(7) The Director, or the Director's designee, may enter into mutually beneficial sponsorship agreements with private businesses, individuals, corporations or public or non-profit entities. Sponsorship agreements may include the exchange of financial and other valuable consideration as well as promotional, advertising, educational, product and service activities in association with the OSFD programs, activities, events, grounds and facilities.~~

~~(8) The Director or the Director's designee for the successful sponsorships for the benefit of OSFD, may allow the provision of tickets and other promotional items, facilities, supplies, staff and services by OSFD for use by such a sponsor in connection with events, activities and programs, buildings and facilities at the OSFD.~~

~~(9) The Director or the Director's designee to help encourage the successful sponsorship for the benefit of the OSFD, may waive fees and charges listed in the Schedule of Rates and Fees for use by the sponsor in order to encourage additional business or sponsorship activities.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

~~History:~~

~~PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11~~

~~PRD 11 2010, f. 10 13 10, cert. ef. 10 15 10~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### **736-201-0140**

#### **Location of State Fair, Acquisitions of Adjacent Lands, Repair of Facilities**

~~(1) OSFD shall be permanently located on the present grounds now owned by the state and heretofore devoted to the OSFD purposes, located in the City of Salem, in Marion County. The OSFD and such additional lands as may be obtained by the OPRD for the purpose of the OSFD is dedicated for the use of the annual State Fair and for other year-round exposition center and other departmental programs.~~

~~(2) The Director may obtain by donation, exchange or purchase such lands adjacent to the present grounds, including improvements thereon, as it may deem necessary in the operation of the OSFD and for other department programs, activities and events.~~

~~(3) The Director may repair, alter, construct, furnish and equip building, facilities and equipment at OSFD as the Director deems appropriate.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

~~History:~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### **736-201-0145**

#### **Acceptance and Disposition of Gifts, Grants and Donations**

~~(1) As authorized under ORS 565.109 to 565.116, the Director may accept on behalf of OSFD any gifts, grants and donations of moneys, property or any other valuable thing on behalf of OSFD from public and private sources for the purposes set out in ORS 565.109 and 565.144. Any prospective donor may contact the Director or the Director's designee to consult or to propose making gifts, grants or donations of any value stipulating conditions or limitations, if any.~~

~~(2) Gifts, grants and donations approved under section (1) of this rule will be received by the Director or an appointed designee of the Director. Funds will be deposited in an appropriate separate trust account to be used for the purposes for which the gifts, grants or donations are made. When no specific designations are made by the donor, OPRD shall deposit such amounts in a separate account for general OSPD improvements, programs and fair enhancements. When the Director determines that any stipulation or limitation imposed by the donor will result in violation of any applicable law or is contrary to any rules or policies, the Director or designee shall decline acceptance of such donation or gift.~~

~~(3) All donations or gifts must be approved by the Director or the Director's designee. Gifts and donations must be:~~

~~(a) Compatible with the OPRD master plans or, in areas not covered by such plans, compatibility with existing facilities, buildings, entrances, security, fire lanes and property uses;~~

- ~~(b) Of a compatibility nature with the local conditions;~~  
~~(c) Of an age or the general condition of the donation and the anticipated maintenance or repair costs; or~~  
~~(d) Of any anticipated maintenance costs and on-going service requirements can be maintained.~~  
~~(4) The Director or the Director's designee may accept in-kind and voluntary service donations associated with improvement of the grounds, facilities, programs and Events at the OSFD. Non-profits, service organizations, their agents and volunteers, may assist in the planning, organizing and execution of service projects on the property or within facilities at OSFD.~~  
~~(5) The Director or the Director's designee may enter into agreements with non-profit and volunteer service organizations for the purpose of planning, organizing and executing service projects on the property, during the annual state fair and during any other public event or exhibition. The Director has discretion to pay a stipend to a service or community organization for services at the OSFD or during the annual state fair or any other public event or exhibition.~~  
~~(6) The Director or the Director's designee for the successful solicitation of gifts, grants, donations, voluntary service by a nonprofit or community service organization for the benefit of OSFD, may allow the provision of tickets and other promotional items, facilities, supplies, staff and services by OSFD for use by such an organization in connection with fundraising efforts or service projects that improve the property, facilities, programs, events and the neighboring community.~~

~~Statutory/Other Authority: ORS 565.060~~

~~Statutes/Other Implemented: ORS 565~~

~~History:~~

~~PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

**736-201-0150**

**Cooperating Non-Profit Organizations**

- ~~(1) As authorized under ORS 565.116, the Director may cooperate with any nonprofit, tax-exempt organization designated as appropriate, to solicit gifts, grants and donations for the benefit of the OSFD property, facilities, buildings, programs and events.~~  
~~(2) The Director may cooperate with any nonprofit, tax-exempt organization designated by the Director as an appropriate organization to solicit gifts, grants and donations for the benefit of the Oregon State Fair as follows:~~  
~~(a) The Director may enter into agreements with and pay a stipend to a nonprofit organization to provide services, programs and events at OSFD;~~  
~~(b) The Director may accept donations in the form of donations of services, in-kind support, volunteer labor and other services from any non-profit organization.~~  
~~(3) The Director may advise and receive advice from an organization described in section (1) of this rule. The Director may, if allowed by the charter and bylaws of the organization, serve as a regular or nonvoting board member of the organization. The director may not chair the board of directors, vote for or appoint other board members, control the financial affairs of the organization or oversee the day-to-day operation of the organization.~~  
~~(4) The Director may provide tickets, promotional items and facilities to the organization without charge for use in increasing the ability of the organization to successfully solicit gifts, grants and donations, including in-kind and voluntary service donations for the benefit of the OSFD facilities, buildings, property, programs and events.~~

~~(5) The Director may provide additional supplies, staff and services to the organization at cost for use in increasing the ability of the organization to successfully solicit gifts, grants and donations for the benefit of the OSFD.~~

~~(6) The Director shall submit an annual accounting report to an appropriate committee of the Legislative Assembly designated by the Speaker of the House of Representatives and the President of the Senate. The report must contain a detailed description of all tickets, promotional items, facilities, supplies, staff and services provided under this rule, the specific disposition or application thereof made by the organization and any resulting benefit to the OSFD.~~

~~(7) The Director may enter into agreements for the donation to the Oregon State Fair of goods, services and public improvements by a nonprofit, tax-exempt organization.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### ~~736-201-0155~~

#### ~~**Buildings and Facilities for 4-H and FFA Programs, Exhibits and Contests**~~

~~(1) The buildings and facilities that are planned, constructed, altered, furnished and equipped by OPRD on OSFD property, as authorized by Chapter 42, Oregon Laws 1957, shall be used primarily for the housing and dining of members of the 4-H Clubs and of the Future Farmers of America (FFA) and for the exhibit and contest space for non-livestock exhibits of both groups.~~

~~(2) 4-H and FFA designated buildings and facilities shall be available for other groups at times other than during the State Fair and as authorized by OSFD.~~

~~(3) The Director may provide alternative forms of housing as repairs, new development and alterations are made to buildings and facilities on OSFD property.~~

~~(4) The Director may put into place applicable building rules, regulations and procedures for the safe use of the buildings and facilities on OSFD property.~~

~~(5) The Director may provide alternative forms of exhibit space as repairs, new development and alterations are made to buildings and facilities on OSFD property.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### ~~736-201-0160~~

#### ~~**Armory on Grounds of Oregon State Fair**~~

~~(1) When the construction of an armory containing an auditorium is authorized under ORS 396.505 to 396.545 in Marion County, if OPRD and the General Staff of the Oregon National Guard arrive at a mutually satisfactory agreement for the use of the armory by OPRD, OPRD may, notwithstanding the provisions of ORS 565.090, permit such armory to be constructed on the OSFD property and grant control over such armory and grounds to the General Staff for the period that such armory and grounds are used for military purposes. When such armory and grounds are no longer primarily used for military purposes, their control shall revert to OPRD.~~

~~(2) For the purposes of this rule, "control" does not include the power to sell, lease, mortgage or in any other way encumber an armory constructed under section (1).~~

~~(3) The Director or the Director's designee may enter into agreements with the Oregon National Guard for the use of the armory building and facility during the annual State Fair and other OSFD-controlled events.~~

~~(4) The Director may put into place applicable building rules, regulations and procedures for the safe use of the buildings and facilities on OSFD property including armory constructed under section 1.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### ~~736-201-0165~~

#### ~~**Horse Barn Facilities on Grounds**~~

~~(1) The Director shall plan, construct, alter, furnish and equip horse barn facilities at OSFD suitable for stabling horses. These facilities shall also include restrooms suitable for public use.~~

~~(2) The Director shall also plan, construct, alter, furnish and equip storm sewers on grounds of the OSFD.~~

~~(3) The Director or the Director's designee may provide alternative forms of horse barn facilities as repairs, new development and alterations are made to OSFPD buildings and facilities.~~

~~(4) The Director or the Director's designee may put into to place applicable rules, regulations and procedures for the safe use of the OSFPD buildings and facilities.~~

~~(5) The Director may contract with or enter into agreements for the management and oversight and set forth specific uses of the OSFPD horse barn facilities.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6-2011, f. 8-10-11, cert. ef. 8-15-11~~

~~PRD 5-2007, f. 5-15-07, cert. ef. 7-1-07~~

### ~~736-201-0170~~

#### ~~**County Exhibits at State Fair**~~

~~(1) The Director or the Director's designee shall plan, construct, alter, furnish and equip on the grounds of the OSFPD a facility suitable for housing Oregon county exhibits.~~

~~(2) The Director or the Director's designee shall develop procedures for Oregon county participation at the annual State Fair including but not limited to the size and location of exhibit space, the move-in move-out times and other procedures for exhibiting at the annual State Fair.~~

~~(3) The Director or the Director's designee may encourage Oregon county participation by providing financial incentives and other forms of support and services allowing for county representation at the annual State Fair.~~

~~(4) The Director, or the Director's designee, may encourage Oregon county participation in a regional format in order to share resources to encourage county and regional representation in the state at the annual State Fair.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

~~**History:**~~

~~PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11  
PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### **736-201-0175**

#### **Protest Procedures**

~~(1) Any adversely affected or aggrieved person may protest an OPRD action that implements OAR chapter 736 division 201.~~

~~(a) The protest must meet the following criteria:~~

~~(A) Be in writing and delivered by hand or by certified mail to the Assistant Director responsible for the OSFD within ten business days of occurrence of the action;~~

~~(B) Identify the action and identify the agent or OPRD staff involved (if known);~~

~~(C) Explain why the action taken is unlawful; and~~

~~(D) Describe the action desired by the person filing the protest.~~

~~(2) If protester's satisfaction is not achieved, written protest may be delivered by hand or by certified mail to the Director within five business days of receipt of the response from the Assistant Director responsible for the OSFD. The decision of the Director shall be a final order in other than contested case that is subject to judicial review under ORS 183.484.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

#### **History:**

~~PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11~~

~~PRD 11 2010, f. 10 13 10, cert. ef. 10 15 10~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

### **736-201-0180**

#### **Sanctions**

~~(1) An agent or OPRD staff may request that a person promptly leave the OSFPD at any time that the agent or OPRD staff reasonably believes that the person has violated any provision of OAR chapter 736, division 201. The agent or OPRD staff shall tell the person when the person may reenter the OSFPD. When any person fails to leave the OSFPD when requested, or returns to the OSFPD during the period of time when reentry has been prohibited, consent of the OSFD for the person to be within the OSFPD shall be deemed withdrawn, and the person shall be immediately subject to all applicable trespass laws.~~

~~(2) The peace officers of the OPRD, during the continuance of each annual State Fair or other public event or meeting, and for three days prior and two days subsequent thereto, when on the OSFPD, shall have the authority of a deputy sheriff and may make arrests for violations of the provisions of ORS 565.610 to 565.630 or other laws of this state, including the rules or regulations of OPRD.~~

~~(3) An OPRD staff or an agent shall allow access to all buildings and facilities in order for peace officers to enforce the laws of this state, including the rules or regulations of OPRD.~~

~~**Statutory/Other Authority:** ORS 565.060~~

~~**Statutes/Other Implemented:** ORS 565~~

#### **History:**

~~PRD 6 2011, f. 8 10 11, cert. ef. 8 15 11~~

~~PRD 5 2007, f. 5 15 07, cert. ef. 7 1 07~~

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 9b

Action

Topic: Request to open rulemaking – Bicycle/Pedestrian Grant rules (OAR 736-0110, 736-0115, 736-009-0006, 736-009-0020, 736-009-0022)

Presented by: Katie Gauthier

---

**Background:** In 2017, the transportation package, HB 2017, required OPRD to reimburse ODOT up to four million per biennium for bicycle and pedestrian grants. HB 2592 enacted during the 2019 legislative session eliminates that requirement. Instead the department is directed to work in cooperation with ODOT to allocate up to four million per biennium for bicycle pedestrian projects that meet recreation and transportation needs.. Half of the funding is directed to come through the Local Government Grant program and the remaining portion is directed toward signature, scenic or recreation trails. HB 2592 includes a sunset eliminating funding requirements after January 2, 2025.

To implement the provisions around bicycle/pedestrian funding in HB 2592 staff is requesting permission to open rulemaking. A Rule Advisory Committee (RAC) has been established to assist with development of the proposed rules. Members of the RAC include stakeholders from local governments, Oregon Recreational Trails Advisory Council (ORTAC), bicycle and pedestrian organizations and ODOT. The group will meet to develop proposed rules and assess the financial impact of the potential rule change.

**Prior Action by Commission:** June 2019 Commission updated on status of HB 2592.

**Action Requested:**

Staff requests approval to open rulemaking to amend OAR 736-0110, 736-0115, 736-009-0006, 736-009-0020, and 736-009-0022. A copy of the proposed rule repeal is included in Attachment A.

**Prepared by:** Katie Gauthier

**Attachments:**

Attachment A – proposed rule amendments- marked copy

## **Division 6**

### **DISTRIBUTION OF STATE FUNDING ASSISTANCE TO UNITS OF LOCAL GOVERNMENT FOR PUBLIC PARKS AND RECREATION**

#### **736-006-0100**

##### **Purpose of Rule**

This division establishes the procedures and standards used by the Oregon Parks and Recreation Department when distributing state monies to eligible local governments for outdoor park and recreation areas and facilities, acquisition of property for park purposes, trails, bicycle recreation opportunities, non-motorized water-based recreation, and the process for establishing the priority order in which projects shall be funded.

**Statutory/Other Authority:** ORS 390.180

**Statutes/Other Implemented:** ORS 390.180

##### **History:**

PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08

PRD 6-2004, f. & cert. ef. 5-5-04

PRD 7-1999, f. & cert. ef. 11-23-99

#### **736-006-0105**

##### **Statutory Authority and Procedure**

ORS 390.180 requires the Director of the Oregon Parks and Recreation Department to adopt rules establishing procedures the Oregon Parks and Recreation Department shall use when the Department disburses money to local governments.

**Statutory/Other Authority:** ORS 390.180

**Statutes/Other Implemented:** ORS 390.180

##### **History:**

PRD 6-2004, f. & cert. ef. 5-5-04

PRD 7-1999, f. & cert. ef. 11-23-99

#### **736-006-0110**

##### **Definitions**

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

(1) "Acquisition" — Means the gaining of property rights, including but not limited to fee title or easements, for public use.

(2) "Bicycle Recreation" — Means the use of bicycles for enjoyment, social interaction, education, or physical well-being while on ~~recreational~~ trails or paths that are not along or

adjacent to public roads or streets, ~~and that are primarily recreational rather than transportation in nature.~~

- (3) "Commission" — Means the Oregon Parks and Recreation Commission.
- (4) "Committee" — Means the Local Government Grant Advisory Committee appointed by the Director to prioritize local government project applications.
- (5) "Conversion" — Means the act of utilizing property acquired or developed using either Local Government Grant Program funds or Land and Water Conservation Funds for purposes other than public outdoor recreation uses.
- (6) "Current Master Plan" — Means a site-specific resource-based plan guiding recreational site acquisition, development, protection, and management of park areas and facilities.
- (7) "Department" — Means the Oregon Parks and Recreation Department (OPRD).
- (8) "Development" — Means the construction or rehabilitation of facilities necessary for the use and enjoyment of public outdoor recreation resources.
- (9) "Director" — Means the Director of the Oregon Parks and Recreation Department.
- (10) "Eligible Project" — Means an acquisition, development, major rehabilitation undertaking, or planning or feasibility studies which satisfies the requirements of the Local Government Grant Program.
- (11) "Force Account" — Means the governmental entity's own work force performing project work rather than contracting out for the services.
- (12) "LWCF or Land and Water Conservation Fund" — Means those funds made available to the state through the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).
- (13) "Local Comprehensive Plan" — Means the acknowledged comprehensive land use plan prepared by each local jurisdiction within the state, as required by ORS chapter 197.
- (14) "Local Governments" — Means cities, municipal corporations, counties, political subdivisions, park and recreation districts, port districts, and metropolitan service districts.
- (15) "Local Government Grant Policies and Procedures Manual" — Means a manual prepared by the Department containing state and federal policies, procedures and instructions to assist local government agencies wishing to participate in the Local Government Grant Program.
- (16) "Local Government Grant Program" — Means the program and process for distributing state monies to eligible local governments for outdoor park and recreation areas and facilities located on properties controlled or managed by the eligible local government.

(17) "Major Rehabilitation" — Means the repair, restoration, or reconstruction of facilities, which is necessitated by obsolescence, building code changes, or normal wear and tear not attributed to lack of maintenance.

(18) "OPRD" — Means the Oregon Parks and Recreation Department.

(19) "Outdoor Recreation" — Means structured and unstructured leisure and fitness activities that occur in open air and are not provided in a roofed and enclosed facility.

(20) "Project" — Means the planning or feasibility study documents or the site and associated improvements where acquisition, development, or major rehabilitation will occur.

(21) "Project Authorization" — Means the State/Local Agreement that authorizes the project to begin effective on or after the date signed by both the Director and Project Sponsor or their designee.

(22) "Project Sponsor" — Means the recipient of the grant funds and the entity responsible for implementation of the project and the maintenance and operation of the site.

(23) "SCORP" — Means the Statewide Comprehensive Outdoor Recreation Plan that is Oregon's basic five-year plan for outdoor recreation and that provides the state with an up-to-date regional information and planning tool serving as the basis by which all Oregon recreation providers (state, federal, local, and private) catalogue and rank their recreation needs, obtain funding through partnerships and grants, and affirm their respective roles.

(24) "State/Local Agreement" — Means the signed agreement between the Department and Project Sponsor, which authorizes the project to begin on, or after the date signed by both the Director and the Project Sponsor and that describes the contractual relationship and responsibilities of the parties to the Project.

(25) "Sustainability" — Means using, developing, protecting, and managing the resource in a manner that enables people to meet current and future generation needs from the multiple perspective of environmental, economic, and community objectives.

**Statutory/Other Authority:** ORS 390.180

**Statutes/Other Implemented:** ORS 390.180

**History:**

PRD 3-2012, f. & cert. ef. 5-11-12

PRD 5-2008, f. & cert. ef. 5-15-08

PRD 1-2008(Temp), f. 2-15-08, cert. ef. 3-1-08 thru 8-1-08

PRD 6-2004, f. & cert. ef. 5-5-04

PRD 7-1999, f. & cert. ef. 11-23-99

**[736-006-0115](#)**

**Apportionment of Monies Between Small and Large Grants**

- (1) Up to 15 percent of available funds shall be set aside for small grants. Small grants are projects with a maximum \$75,000 grant request.
- (2) Other than for land acquisitions, the remainder of available funds shall be for large projects with a maximum \$750,000 grant request.
- (3) A Project Sponsor may request grant funding for land acquisitions in an amount not to exceed \$1,000,000.
- (4) In consultation with the Committee, the Commission and the Director may set the maximum at less than that above amounts based upon the availability of funds.
- (5) Based on the quality and quantity of Eligible Projects, the Committee, with concurrence of the Director, may dedicate a portion of the funds for projects expected to be completed within 12 months of grant award.
- (6) Until January 2, 2025, the Committee, will dedicate up to \$1 million per year to be awarded for bicycle and pedestrian projects that meet recreation and transportation needs.

**Statutory/Other Authority:** ORS 390.180  
**Statutes/Other Implemented:** ORS 390.180

**History:**

PRD 3-2012, f. & cert. ef. 5-11-12  
PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08  
PRD 6-2004, f. & cert. ef. 5-5-04  
PRD 7-1999, f. & cert. ef. 11-23-99

**736-006-0125**

**Application Procedure**

The purpose of this rule is to set forth requirements that must be met by local government applicants in submitting an application for Local Government Grant Program funding assistance.

- (1) Eligibility for Funding Assistance. Public agencies eligible for state funding assistance are:
  - (a) Cities, Municipal Corporations;
  - (b) Counties, Political Subdivisions;
  - (c) Park and Recreation Districts;
  - (d) Port Districts;
  - (e) Metropolitan Service Districts.
- (2) Matching Requirements:

(a) Cities and districts with a population greater than 25,000 and counties with a population greater than 50,000 must provide a match of at least 50 percent of total project costs.

(b) Cities and districts with a population between 5,000 and 25,000 and counties with a population between 30,000 and 50,000 must provide a match of at least 40 percent of total project costs..

(c) Cities and districts with a population of less than 5,000 and counties with a population of less than 30,000 must provide a match of at least 20 percent of total project costs.

(d) If an applicant established that a situation of extreme economic hardship impacts a project, the applicant may request that the Director authorize a reduced match down to a minimum of 20 percent of total project costs. The Director has sole discretion to authorize a reduced match under this subsection based on consideration of the applicant's request, the project, and the project's eligible match; the availability of funds; the scope and need of projects available for funding; and the urgency and statewide importance of prospective projects.

(e) The eligible match by the Project Sponsor may include local budgeted funds, local agency labor or equipment, federal revenue sharing, other eligible grants, state and county inmate labor, donated funds, the value of private donated property, equipment, materials, labor, the value of land acquired within the past six year period, cost of appraisals, pre-development costs within the past two year period or any combination thereof. Engineering and administration costs and costs incurred prior to the State/Local Agreement cannot exceed 15 percent of the total project costs.

### (3) Eligible Projects:

(a) Acquisition, development, major rehabilitation, planning, or feasibility study projects that are consistent with the outdoor recreation goals and objectives contained in the SCORP, the recreation elements of local comprehensive plans and local master plans or both. Projects may support traditional outdoor recreation settings such as parks, or funds may be provided for: projects that ensure natural and cultural resource protection while maintaining public access for recreation; projects that protect public open space; bicycle recreation; non-motorized water recreation; trails for non-motorized recreation; or emerging new outdoor recreation trends. Only outdoor park and recreation areas and facilities are eligible.

(b) Water based outdoor recreation facilities such as short-term transient moorages and non-motorized boat and watercraft projects, trails, support facilities for non-motorized water recreation, and water access.

(4) Planning Requirements. Project Sponsors participating in the funding assistance program must show that:

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

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

(c) The project request is for planning assistance.

(5) Application Form. All applications for funding assistance for outdoor park and recreation program projects must be submitted on forms as prescribed and supplied by the Department. All applications must be consistent with the Local Government Grant Policies and Procedures Manual and contain the following information:

(a) Program narrative;

(b) Environmental assessment;

(c) Vicinity map;

(d) Project boundary map;

(e) Civil Rights compliance;

(f) Copy of property deed or lease or formal and binding control and tenure agreement showing cooperation with the landowner to ensure long-term use, generally not less than 25 years, of facilities for public recreation;

(g) Preliminary plans and specifications for construction projects;

(h) Estimate of development costs and project construction schedule;

(i) Copy of property Purchase Agreement (for acquisitions only);

(j) Local/County Planning Department Certification/Review;

(k) All required permits and certifications as identified in the Local Government Grant Policies and Procedure Manual;

(l) Government-to-Government Inquiries (Tribal) — Certification to the Department that the Project Sponsor has communicated their grant proposal to the appropriate federally recognized tribe for the review and determination of tribal interest or concern for those areas of known or suspected tribal archeological resources.

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

(6) Project Award Procedure:

(a) Upon receipt of the application by the Department, the Grants Program staff shall perform a technical review of all applications and forward eligible large grant applications to the

Committee. The Committee will meet to evaluate the applications and make recommendations to the Director for Commission approval. The Commission may deny any or all recommendations of the Committee.

(b) Project Sponsors with large project grant requests may be expected to provide a presentation to the Committee under a procedure established by the Department.

(c) Project Sponsors whose projects have been approved by the Commission and are scheduled for funding assistance must submit to the Department the following project information:

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

(B) Preliminary plans and specifications (for construction projects);

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

(D) Preliminary title report for acquisitions;

(E) Verification that the applicant has a Compliance Plan that meets the requirements of the Americans with Disabilities Act of 1990 and its 2010 regulations.

(d) The Department will remove those project applications from the Commission approved list that are unable to provide the required documentation required in subsection (c) of this section.

(e) In the event that the funding assistance available cannot fully fund the last priority project, a Project Sponsor may be given the option of reducing the scope of the project. The Department, at its discretion, may pass the available funds to another priority project or hold the remaining funds and combine them with the next planned distribution of funds.

(f) Projects that do not receive funding assistance for the fiscal year submitted will be returned to the applicant without prejudice.

(7) Project Agreement:

(a) A signed State/Local Agreement shall constitute project authorization. No grant funds may be disbursed without a signed State/Local Agreement from the Department.

(b) The Project Sponsor shall have six months from the date of authorization to begin substantial work (e.g. the award of contracts or completion of at least 25 percent of the work, if done by force account). The Department may cancel a grant when the Project not conforming to this schedule, unless the Project Sponsor provides substantial justification to warrant an extension.

(c) The Project Sponsor shall complete and bill all projects by the dates as specified in the State/Local Agreement.

(d) The Department may inspect all projects.

(e) Partial payments up to 90 percent of the grant amount may be billed during the project for work completed. Final payment will be made upon certification of project completion by the Project Sponsor. Real property acquisitions may receive the full grant amount if the funds are to be dispersed in escrow for the closing of a property acquisition.

(f) The Department may provide the Project sponsor partial payments of up to 25 percent of the grant amount after the Department issues the Notice to Proceed and in advance of work completed if a general contractor requires advanced funding prior to construction/development work or ordering materials/supplies.

(g) Project amendments that increase the Local Government Grant award amount will generally not be allowed.

(h) The Project Sponsor must submit requests for time extensions to complete work to the Department in writing and must be approved prior to the expiration of the approved project period as set forth in the State/Local Agreement.

(8) The Project Sponsor shall install and maintain throughout the life of the agreement appropriate signage for each project indicating the Oregon Parks and Recreation Department Grant Program's assistance and shall certify that signage is in place prior to requesting final payment.

**Statutory/Other Authority:** ORS 390.180

**Statutes/Other Implemented:** ORS 390.180

**History:**

PRD 3-2012, f. & cert. ef. 5-11-12

PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08

PRD 6-2004, f. & cert. ef. 5-5-04

PRD 7-1999, f. & cert. ef. 11-23-99

**[736-006-0140](#)**

**Conversion Requirements**

(1) Park and recreation areas and facilities must be dedicated for a minimum of 25 years for park and recreation purposes. Leases for federally owned property must be at least 25 years. If the current lease is within 5 years of termination, a letter of intent to renew the lease will be required from the federal agency. Project sponsors must insure that the land within the project boundary will be used only for park and recreational purposes, Project Sponsor controls or will control the land, and that the Project Sponsor will not change the use of, sell, or otherwise dispose of land within the project boundary, except upon written State approval. If the Project Sponsor converts land within the project boundary to use for other than outdoor park and recreation purposes or disposes of such land by sale or otherwise, applicant must provide replacement property within 24 months of either the conversion or the discovery of the conversion.

(2) If replacement property cannot be obtained within the 24 months, the Project Sponsor will provide payment of the grant program's prorated share of the current fair market value to OPRD. The prorated share is that percentage of the original grant (plus any amendments) as compared to the original project cost(s). The replacement property must be equal to the current fair market value of the converted property, as determined by an appraisal. The recreation utility of the replacement property must also be equal to that of the lands converted or disposed.

(3) If conversion should occur through processes outside of the Project Sponsor's control such as condemnation or road placement or realignment, the Project Sponsor will be required to pass through to OPRD the prorated share of whatever consideration is provided to the Project Sponsor by the entity that caused the conversion. The monetary value of whatever consideration provided by the taking entity will normally consist of the fair market value of the property established by an appraisal.

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

(5) Project Sponsors who have addressed a conversion at the local level and have submitted documentation to the Department and/or NPS for review and approval of the conversion through the Land and Water Conservation Fund Program or the Local Government Grant Program may apply for funding assistance.

**Statutory/Other Authority:** ORS 390.180

**Statutes/Other Implemented:** ORS 390.180

**History:**

PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08

PRD 6-2004, f. & cert. ef. 5-5-04

### **[736-006-0145](#)**

#### **Local Government Grant Advisory Committee**

(1) The Committee shall be composed of ten (10) members appointed by the Director to four-year terms and shall represent the following interests:

(a) Counties east of the Cascade Mountains;

(b) Counties west of the Cascade Mountains;

(c) Cities under 15,000 people;

(d) Cities over 15,000 people;

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

(f) Oregon Parks and Recreation Department;

(g) People with Disabilities; and

(h) Three members of the public at large, with at least one member who represents the ethnic diversity of the state's population;

(i) The chair shall be appointed by the Director from the Committee membership, considering the recommendations of the Committee.

(2) Committee members shall be selected for each position by:

(a) County representation shall be from lists supplied by the Oregon Parks Association and the Association of Oregon Counties;

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

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

(d) Representatives for Public at Large, People with Disabilities, and the Department shall be selected by the Director.

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

(4) Function of Local Government Grant Advisory Committee:

(a) The Committee shall meet upon the call of the Director. The Committee will establish a priority order of eligible local government projects for state funding assistance and provide other assistance as requested by the Department. The meeting will assure full and open project selection processes that will include an outreach to citizens of the state.

(b) The Department will provide public notice of all projects to be presented to the Committee at least 30 days prior to their meeting.

(5) Priority Selection Criteria. Large projects shall be prioritized by the Committee based on at least the following:

(a) Department review and recommendations, including a technical review of each project to confirm eligibility of the local government and the proposed project.

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

- (A) Extent the project demonstrates user benefits, public interest and support;
  - (B) Extent the project demonstrates conformance with local and state planning guidelines, the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and local Park Master Plans; all projects must be identified in local comprehensive plans and current master plans;
  - (C) Financial considerations, including cost/benefit ratio;
  - (D) Environmental assessment as defined in the Local Government Grant Procedure Manual;
  - (E) Extent the project increases outdoor recreation opportunity in the service area;
  - (F) Extent the Project Sponsor employs the principles of sustainability in their project(s);
  - (G) How well the project's design accommodates people with disabilities.
- (c) Small project requests will be scored and prioritized for funding by a committee appointed by the Director using the above criteria in subsection (b) of this section.

**Statutory/Other Authority:** ORS 390.180

**Statutes/Other Implemented:** ORS 390.180

**History:**

PRD 3-2012, f. & cert. ef. 5-11-12

Renumbered from 736-006-0130, PRD 6-2004, f. & cert. ef. 5-5-04

PRD 7-1999, f. & cert. ef. 11-23-99

**736-006-0150**

**Emergency Procedure**

- (1) Under certain conditions such as, but not limited to, reduction or increase of these funds, an emergency procedure for awarding or canceling grants may be initiated at the discretion of the Director.
- (2) In implementing the emergency procedure, the Director shall consider the availability of funds; the scope and need of projects available for funding; the urgency and statewide importance of prospective projects; and the need to expend additional funds that may become available in a timely manner. The Director may propose projects to the Commission for funding under this section and the Commission may waive other requirements of this rule for the purpose of obligating funds in a timely manner.

**Statutory/Other Authority:** ORS 390.180

**Statutes/Other Implemented:** ORS 390.180

**History:**

PRD 3-2012, f. & cert. ef. 5-11-12

PRD 4-2008, f. 2-15-08, cert. ef. 3-1-08

Renumbered from 736-006-0135, PRD 6-2004, f. & cert. ef. 5-5-04  
PRD 7-1999, f. & cert. ef. 11-23-99

**Division 9**  
**OREGON RECREATION TRAILS**

**736-009-0020**  
**Definitions**

For purposes of this division, unless the context requires otherwise:

- (1) “Agriculture/Forestry” means crops, wineries, vineyards, ranches, fisheries, orchards, nurseries, old-growth and reforested lands.
- (2) “Amenities” may include potable water, lodging, camping, restrooms, bike shops, equipment storage, restaurants and grocery stores.
- (3) “Commission” means the Oregon Parks and Recreation Commission.
- (4) “Committee” means the eleven-member Scenic Bikeway Committee appointed by the director to recommend the establishment and designation of Oregon Scenic Bikeways to the department.
- (5) “Council” means the Oregon Recreation Trails Advisory Council.
- (6) “Department” means the Oregon Parks and Recreation Department.
- (7) “Director” means the Oregon Parks and Recreation Director appointed under ORS 390.127.
- (8) “Landform” means topography that becomes more interesting as it gets steeper or more massive, or more severely sculptured. Outstanding landforms may be monumental or artistic and subtle.
- (9) “Landscape” means a combination of outdoor, manmade, natural, and agricultural features within a view shed.
- (10) “Linear Route” means a route that progresses from a starting to an ending point. The beginning and end of a linear route do not meet, but may connect to another route or a destination point.
- (11) “Loop Route” means a route that starts and ends at the same location or connects to another cycling route that returns to the starting point.
- (12) “Natural Features” means non-manmade attractions including geologic formations, wildlife sites, waterfalls, lake basins, old-growth stands, and mountain meadows.

(13) “Oregon Recreation Trail” means any trail established and designated by the department pursuant to the Oregon Recreation Trails System Act.

(14) “Oregon Regional Trail” means any trail that connects communities, recreation sites or other trail systems and provides close-to-home recreational opportunities.

(15) “Oregon Scenic Bikeway” means a route designated for bicyclists under ORS 390.962.

(16) “Oregon Scenic Trail” means trails that provide access to and enjoyment of significant scenic natural views and features.

(17) “Bicycle Path” means a paved trail along a road or an independent right-of-way used by bicyclists, pedestrians, joggers, skaters, and other non-motorized travelers.

(18) “Paved” means a hard surface such as concrete, asphalt cement concrete (A/C) or other stable bituminous surface.

(19) “Proponent” means a group, organization, or individual who proposes the designation of an Oregon Recreation Trail.

(20) “Public Land” means any lands owned or leased by the federal government, this state or any political subdivision thereof.

(21) “Route” means a combination of streets and paths used to travel to destinations or in corridors for transportation or recreation.

(22) “Scenic” means an abundance and variety of aesthetically-pleasing manmade or natural elements along the route.

(23) “Signature Trail” means inspiring and iconic trail or trail system which provides access to Oregon’s treasured landscapes.

(23) “Trail Corridor” means the land associated with the use agreement, easement or right-of-way upon which the trail lies.

(24) “Unique” means relatively rare or unusual as applied to a resource or combination of features within a geographic region.

(25) “Vegetation” means forest, prairies, orchards, active farm cropland and tree farms with a variety of patterns, form and textures created by plant life, and small scale vegetation features that add striking and intriguing detail elements to the landscape.

(26) “Water” means ocean, rivers, lakes, streams, waterfalls, rapids, marshes, estuaries, bays, canals and harbors that add movement or serenity to a scene, or the degree to which water dominates the scene.

## **736-009-0021**

### **Establishing Oregon Scenic Trails**

Pursuant to ORS 390.962(1), the department prescribes the criteria for the designation of Oregon Scenic Trails in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(1) Oregon Scenic Trails will be comprised of routes that provide access to national, state, or regional resources of superlative quality and scenic splendor.

(2) Oregon Scenic Trails may be linear, loop, or a combination of linear and loop routes and shall generally meet these criteria:

(a) Scenic Trails will connect to other trails to the extent possible.

(b) Scenic Trails should be a minimum of one (1) mile in length.

(3) Pursuant to ORS 390.962(1), an Oregon Scenic Trail may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner of and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

(4) Evaluation of Applications

(a) To be considered as an Oregon Scenic Trail, a proponent must submit to the department a complete Oregon Scenic Trail Application form in the format specified by the department, including a detailed Trail Management Plan.

(b) The department will review each Oregon Scenic Trail application for completeness and eligibility, including whether the application adequately addresses the considerations provided in ORS 390.965(2). The department will provide all complete, eligible applications to the council. Incomplete or ineligible applications will be returned to the proponents with an explanation of the deficiencies.

(c) The council will consider trails for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(d) The council or designee shall conduct a field review of the proposed trail.

(e) The council shall score the trail against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and in this rule, including but not limited to:

- (A) Emphasis on use of public lands,
- (B) Minimizing adverse effects on adjacent landowners,
- (C) Harmony with and complement to established forest, agricultural, or other use plans, and
- (D) Any natural features, agriculture, forest, unusual or unique landforms, vegetation, water components, scenic beauty and interest, as well as amenities available to the route.

(f) Based on the application, field review, and scoring, the council shall determine if the trail qualifies to be recommended for designation as an Oregon Scenic Trail.

(g) If the council does not recommend designating the route as an Oregon Scenic Trail, it shall provide comments and recommendations to the proponent. The proponent may reapply to the council only after fully addressing the recommendations of the council.

(5) Designation Process:

(a) The council shall provide each recommendation for designation as an Oregon Scenic Trail to the director.

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

(c) After the public meetings required in subsection (b), the director shall either:

(A) Submit the council's recommendation to the commission for approval or denial of the proposed Oregon Scenic Trail; or

(B) Request that the council provide further consideration of issues presented in the public meeting.

(6) Trail Management:

(a) The department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to ensure that the development, signing, operation, maintenance, location or relocation of the trail meet the Oregon Scenic Trail standards.

(b) The department shall evaluate each Oregon Scenic Trail at least once every five years. The department will provide the council an evaluation and inventory of the trail features. Upon review, the council may recommend:

(A) The trail be improved to meet the standards of state designation; or

(B) Removal of Oregon Scenic Trails designation when or if the trail no longer meets the criteria.

(c) Signing and Publication of Oregon Scenic Trails.

(A) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for each trail the commission designates as an Oregon Scenic Trail.

(B) The department will publish on its web page and make available standardized route maps for all Oregon Scenic Trails.

**Statutory/Other Authority:** ORS 390.971(8)

**Statutes/Other Implemented:** ORS 390.956, 390.959, 390.962, 390.968, 390.971

### **736-009-0006**

#### **Oregon Recreation Trails**

(1) The purpose of OAR 735-009-0005 to 735-009-0030 is to establish the procedures and criteria that the Oregon Recreation Trails Advisory Council will use in recommending to the department the establishment and designation of Oregon Recreation Trails. Pursuant to the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995, the following categories are established:

(a) “Oregon Scenic Trails” may be comprised of routes that provide access to national, state, or regional resources of superlative quality and scenic splendor.

(b) “Oregon Regional Trails” may be comprised of routes that provide connections to communities, recreation sites or trail systems, and close-to-home recreational opportunities.

(c) “Oregon Scenic Bikeways” may be comprised of bicycle paths, designated transportation corridors, or a combination thereof. Oregon Scenic Bikeways may include route sections that are located in or near existing rights of way for roads or highways.

(2) The goals and objectives of the Oregon Recreation Trails Program are to:

(a) Provide recreation trails of superlative quality for the enjoyment and health of Oregonians and visitors;

(b) Showcase a standard for excellence in the routing, construction, maintenance, and marking consistent with each trail’s character and purpose;

(c) Preserve and enhance Oregon Recreation Trails;

(d) Provide links to recreation sites and scenic, historic, natural, cultural resources along Oregon Recreation Trails; and

(e) Preserve and protect the natural landscape, scenic features, historic character, and recreation opportunities within the trail corridor.

(3) In furtherance of the goals and objectives established in section (2) of this rule, the department will:

(a) Follow the process and criteria established in this division for evaluating, designating, updating and maintaining Oregon Recreation Trails;

(b) Develop management strategies to preserve and enhance Oregon Recreation Trails;

(c) Create and provide public information resource materials on Oregon Recreation Trails, and

(d) Promote interest and support from local communities for creation, enhancement, and publicizing of local trails and recreation opportunities adjacent to or in close proximity to any Oregon Recreation Trails.

(4) Until January 2, 2025, the council will annually review department bicycle and pedestrian projects on signature, scenic or recreation trails proposed under requirements of ORS XXX.XXX.

#### **736-009-0022**

#### **Establishing Oregon Regional Trails**

Pursuant to ORS 390.962(1), the department prescribes the criteria in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2), for the designation of Oregon Regional Trails.

(1) Oregon Regional Trails may be comprised of recreational trails that provide connections to communities, recreation sites or trail systems, and close-to-home recreational opportunities.

(2) Oregon Regional Trails may be linear, loop, or a combination of linear and loop routes that connect communities or recreation sites and shall generally meet these criteria:

(a) Regional Trails connect communities or recreation resources to the extent possible.

(b) Regional Trails should be a minimum of five (5) miles in length.

(3) Pursuant to ORS 390.962(1), an Oregon Regional Trail may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner of and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

#### (4) Evaluation of Applications

(a) To be considered as an Oregon Regional Trail, a proponent must submit to the department a complete Oregon Regional Trail Application form in the format specified by the department, including a detailed Trail Management Plan.

(b) The department will review each Oregon Regional Trail proposal for completeness, including whether the application adequately addresses the considerations provided in ORS 390.965(2). The department will provide all complete, eligible applications to the council. Incomplete or ineligible applications will be returned to the proponents with an explanation of the deficiencies.

(c) The council will consider trails for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(d) The council or designee shall conduct a field review of the proposed routetrail.

(e) The council shall score the trail against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and this rule, including but not limited to:

(A) Emphasis on use of public lands,

(B) Minimizing adverse effects on adjacent landowners,

(C) Harmony with and complement to established forest, agricultural, or other use plans, and

(D) Emphasis on connections to communities, recreation sites, or trail systems, and close-to-home recreational opportunities.

(f) Based on the application, field review, and scoring, the council shall determine if the trail qualifies to be recommended for designation as an Oregon Regional Trail.

#### (5) Designation Process:

(a) The council shall provide each recommendation for designation as an Oregon Regional Trail to the director.

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

(c) After the public meetings required in subsection (b), the director shall either submit the council's recommendation to the commission for approval or denial of the proposed Oregon

Regional Trail or request that the council provide further consideration of issues presented in the public meeting.

(6) Trail Management:

(a) The department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to ensure that the development, signing, operation, maintenance, location or relocation of the trail meet the Oregon Regional Trail standards.

(b) The department shall evaluate each Oregon Regional Trail at least once every five years. The department will provide the council an evaluation and inventory of the trail features. Upon review, the council may recommend:

(A) The trail be improved to meet the standards of state designation; or

(B) Removal of Oregon Regional Trail designation when or if the trail no longer meets the criteria.

(c) Signing and Publication of Oregon Regional Trails.

(A) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for each trail the commission designates as an Oregon Regional Trail.

(B) The department will publish on its web page and make available standardized route maps for all Oregon Regional Trails.

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 9c

Action

Topic: Request to open rulemaking – Nehalem Scenic Waterway (OAR 736-040-0120)

Presented by: Katie Gauthier and Trevor Taylor

---

**Background:** On June 30, 2019 Governor Brown designated that section of the Nehalem River as a state Scenic Waterway.

The Nehalem River Scenic Waterway is located in Clatsop and Tillamook Counties, and includes all lands within a quarter mile of each riverbank, beginning at Henry Rierson Spruce Run Campground downstream and ending at the confluence with Cook Creek near Cougar Valley State Park. Designation of the Nehalem Scenic Waterway recognizes the outstanding scenic, natural, and recreational values of this segment of river.

Now that the river has been designated a State Scenic Waterway, staff are requesting permission to open rulemaking to add specific regulations around usage of the river into administrative rule.

Rulemaking is the final step in the Nehalem Scenic Waterway designation process which has involved a two-year study of a 17.5 mile stretch of the Nehalem River for potential inclusion in Oregon's Scenic Waterway program. The study process included consulting with and involving key stakeholders and the local community, gathering existing river data, conducting a field evaluation of the segment of river being studied, and drafting a report for public comment. OPRD worked closely with state and federal agency staff, tribes, local governments, landowners, natural resource groups, and other stakeholders to evaluate the river for potential inclusion in the State Scenic Waterway system using the statutorily defined criteria. As a part of this study process, OPRD also developed a draft management plan in cooperation with an advisory committee. This management plan contains guidance on potential draft rule language and other management recommendations.

Since the designation, the department convened a Rule Advisory Committee (RAC) to develop proposed rules. A majority of the RAC members had previously served on the advisory committee. The RAC includes County Commissioners from both Tillamook and Clatsop counties, local landowners and state agency stakeholders.

**Prior Action by Commission:** In February 2019 the Commission approved the Nehalem Scenic Waterway study report and draft management plan.

**Action Requested:**

Staff requests approval to open rulemaking to amend OAR 736-040-0120 to include management rules for the Nehalem Scenic Waterway. A copy of the proposed rules is included in Attachment A.

**Prepared by:** Katie Gauthier

**Attachments:**

Attachment A – proposed rule amendments- marked copy

9c. Attachment A: Nehalem Scenic Waterway

**736-040-0120**

**Nehalem River Scenic Waterway**

(1) Scenic River Area:

(a) That segment of the Nehalem River from the Henry Rierson Spruce Run Campground to the confluence with Cook Creek is classified as a Scenic River Area.

(b) The department shall administer this Scenic River Area as provided in OAR 736-040-0035 and 736-040-0040(1)(b)(B). In addition, all new improvement shall be consistent with applicable Federal and State law, and Tillamook and Clatsop County land use and development regulations.

(c) New improvements shall be finished in colors and tones that blend with the natural character of the landscape. For the purposes of this rule, landscape includes indigenous vegetation, soils and rock material.

(d) Natural evergreen vegetation shall be maintained between the improvements and the river. If proposed improvements are visible from the river, the department may allow the project to proceed if vegetation is established by the applicant that will substantially screen the project in a reasonable time (for example, 4–5 years). The condition of "substantial vegetative screening" shall consist of an ample density and mixture of compatible native vegetation to totally obscure or allow only a highly filtered view of the proposed structures or improvements as seen from the river year-round. Improvements necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but shall be designed to blend with the natural character of the landscape as much as possible. (e) New roads, trails, driveways and similar linear forms of development may be permitted when fully screened from view from the river by topography, vegetation, or both. Any existing roads should not be extended or realigned unless fully screened by topography or vegetation. The condition of "full vegetation screening" shall consist of a density and mixture of native vegetation, either existing or reestablished within five years, to completely obscure the view of the proposed roads or developments during all times of the year.

(f) Any erosion control projects intended to protect structures such as roads, homes, or other existing structures, shall be designed to blend into the existing landscape. Natural products such as vegetation and rock shall be used.

(g) As part of its existing role under the Oregon Forest Practices Act, the Oregon Department of Fish and Wildlife will review applicable activities and include any additional considerations necessary to protect fish and wildlife resources in a manner consistent with the scenic waterway classification, referring to riparian protection guidelines contained in the Northwest Oregon State Forests Management Plan, or other plans, as needed.

(h) Timber harvest activities, including thinning, or other vegetation management may be allowed provided that:

A) The provisions of the Oregon Forest Practices Act are followed on all private forest land. The provisions of the Northwest Oregon State Forest Management Plan are followed on all public forest land.

B.) Any harvest or vegetation management within protected riparian buffers as described in the Oregon Forest Practices Act or Northwest Oregon State Forest Management plan shall be designed to enhance the scenic view. For the purposes of this paragraph, “enhance” means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 9d

Action

Topic: Request to open rulemaking – ATV Class IV definition (OAR 736-004-0015)

Presented by: Katie Gauthier

---

**Background:** A provision included in HB 2592 enacted by the legislature earlier this year changes the definition of Class IV all-terrain vehicles. The definition in statute changes from class IV vehicles being limited to those weighing less than 1,800 pounds and 65 inches wide to now incorporate vehicles weighing up to 2,500 pounds and 80 inches wide.

All-terrain vehicle dealers requested this statutory change to accommodate new types of side-by-side vehicles now being manufactured.

Staff are requesting permission to open rulemaking to update language in the rule based on the statutory change.

**Prior Action by Commission:** In April 2018 the Commission updated Division 4 rules to allow tribal governments to participate in ATV grant programs based on legislative action.

**Action Requested:**

Staff requests approval to open rulemaking to amend OAR 736-004-0015 to update the definition of a class IV ATV. A copy of the proposed rules is included in Attachment A.

**Prepared by:** Katie Gauthier

**Attachments:**

Attachment A – proposed rule amendments- marked copy

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 9e

Action

Topic: Request to open rulemaking – Heritage Commemorations (OAR 736-053-0300 to 736-053-0315)

Presented by: Katie Gauthier and Chrissy Curran

---

**Background:** OPRD requested HB 2081 to change the responsibility of the Oregon Heritage Commission from designating statewide anniversary celebrations to commemorations to be more inclusive and reflective of the types of events that could be recognized.

Following successful passage of the legislation, staff is requesting permission to open rulemaking to add current statutory language around statewide anniversary commemorations. In addition, the proposed rule change adds a rule to clarify the application process for events seeking designation.

Consistent with the Oregon Heritage Plan, statewide anniversary celebrations educate the public about historic events, communicate the value of heritage across the state, and strengthen heritage tourism. This designation signifies official state recognition, which organizations find helpful in leveraging additional participation, collaborative partnerships, funding, and outreach. Moving from designating “celebrations” to “commemorations” creates valuable educational opportunities to increase our understanding of Oregon’s past.

Heritage Commission declared celebrations have included: Historic Columbia River Highway Centennial, Centennial of Birth of William Stafford, Centennial of Women's Suffrage in Oregon, Pendleton Round-Up Centennial, Oregon Statehood Sesquicentennial, Treaty With Tribes of Middle Oregon Sesquicentennial, Walla Walla Treaty Council of 1855, Lewis and Clark Expedition Bicentennial. Future Heritage Commission declared “commemorations” could include: anniversaries of Japanese Internment, anniversaries of the Oregon Trail, and Civil War related anniversaries.

**Prior Action by Commission:** In April 2018 the Commission approved submission of a legislative concept seeking change from celebration to commemoration.

**Action Requested:**

Staff requests approval to open rulemaking to amend OAR 736-053-0300 to 736-053-0315) to change Heritage Commission recognition of anniversary events from celebration to commemoration and add an application procedure. A copy of the proposed rules is included in Attachment A.

**Prepared by:** Katie Gauthier

**Attachments:**

Attachment A – proposed rule amendments- marked copy

## 9e Attachment A: Heritage Commemorations

### 736-053-0300

#### **Purpose**

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

**Statutory/Other Authority:** ORS 358.585

**Statutes/Other Implemented:** ORS 358.595(2f)

#### **History:**

PRD 3-2013, f. & cert. ef. 7-19-13

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

### 736-053-0305

#### **Definitions**

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

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

**Statutory/Other Authority:** ORS 358.585

**Statutes/Other Implemented:** ORS 358.595(2f)

#### **History:**

PRD 3-2013, f. & cert. ef. 7-19-13

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

### 736-053-0315

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

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

the Commission may designate the event or episode a statewide anniversary ~~celebration~~commemoration.

[736-053-0320](#)

[Application Procedure](#)

[To apply for an event to be designated a statewide anniversary commemoration, an application must be submitted by the specified deadline. Applications must meet the format and criteria prescribed by the Commission.](#)

**Statutory/Other Authority:** ORS 358.585

**Statutes/Other Implemented:** ORS 358.595(2f)

**History:**

PRD 3-2013, f. & cert. ef. 7-19-13

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

[736-053-0325](#)

**Commission Coordination of Statewide Anniversary ~~Celebrations~~ Commemorations**

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

**Statutory/Other Authority:** ORS 358.585

**Statutes/Other Implemented:** ORS 358.595(2f)

**History:**

PRD 3-2013, f. & cert. ef. 7-19-13

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

## Oregon Parks and Recreation Commission

September 18, 2019

---

Agenda Item: 9f

Action

Topic: Request to open rulemaking – Heritage Grant programs (OAR 736-057-0000 to 736-057-0180)

Presented by: Katie Gauthier and Chrissy Curran

---

**Background:** Two longstanding grant programs within OPRD’s Heritage Division have operated without guidance in administrative rule. To provide greater transparency for applicants and clarity around grant decision-making processes staff is requesting permission to open rulemaking. Proposed rules would establish procedures and criteria for application processes, eligibility determination and grant awards for the Certified Local Government grants and Preserving Oregon Grant programs.

The Certified Local Government (CLG) program offers matching grants to cities and counties that have been "certified" as historic preservation partners with both the state and the federal governments. These grants can be used for a wide-range of preservation projects, including National Register nominations, historic resource surveys, preservation education, preservation code development, building restoration, and preservation planning. Between roughly \$65,000 - \$200,000 is available per year, depending on federal allocation and state priorities. Funding for this program comes from federal National Park Service.

The State Historic Preservation Office (SHPO) offers matching grants for rehabilitation work that supports the preservation of historic resources listed in the National Register of Historic Places or for significant work contributing toward identifying, preserving and/or interpreting archaeological sites. Currently, \$250,000 per biennium is available, and grant funds may be awarded for amounts up to \$20,000. This program is funded with lottery proceeds.

**Prior Action by Commission:** In November 2018 staff presented an overview of Heritage grants to the commission that included information about these grant programs.

**Action Requested:**

Staff requests approval to open rulemaking to add OAR 736-057-0000 to 736-057-0180 to add guidelines around grant eligibility, application and evaluation for Certified Local Government and Preserving Oregon Grant programs. A copy of the proposed rules is included in Attachment A.

**Prepared by:** Katie Gauthier

**Attachments:**

Attachment A – proposed rule amendments- marked copy

## **Division 57- Certified Local Government and Preserving Oregon Grant Programs**

### **736-057-0000**

#### **Purpose**

The purpose of this division is to establish the procedures and criteria that the State Parks and Recreation Department will use when distributing federal Historic Preservation Fund monies to Certified Local Governments.

Stat. Auth.: ORS 390.124, 358.475, 358.605, & 358.612(2) & (12)

Stats. Implemented: ORS 390.124

Hist.:

### **736-057-0010**

#### **Federal Requirements**

The Historic Preservation Fund Act of 1966, as amended, was established is to help fund the programs engendered by the National Historic Preservation Act (NHPA) The National Historic Preservation Act (NHPA; Public Law 89-665; 16 U.S.C. 470 *et seq.*) is legislation intended to preserve historical and archaeological sites in the United States of America. All HPF-assisted activities must meet standards set by the Secretary of the Interior.

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

### **736-057-0020**

#### **Definitions**

The definitions provided in ORS and apply to this division, unless the context requires otherwise. In addition, the following definitions apply:

- (1) "Department" means the Oregon Parks and Recreation Department (OPRD) as provided in.
- (2) "Grant" means an award from the Preserving Oregon Grant Program.
- (3) "Grantee" means an eligible applicant legally capable of executing and which has executed a grant agreement for project awarded a Preserving Oregon Grant.
- (4) "Grant Review Committee" means the committee that reviews grant applications and makes funding recommendations to the State Advisory Committee on Historic Preservation.
- (5) "Project completion" means satisfaction of all requirements of a grant agreement as determined after review or inspection by OPRD.

## **736-057-0030**

### **Qualifications to be a Certified Local Government**

Certification requirements include, but are not limited to:

- (1) Have a historic preservation commission of interested and qualified members.
- (2) To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.
- (3) Have a preservation ordinance that outlines how the local government will address historic preservation issues.
- (4) Participation in updating and expanding the state's historic building inventory program.
- (5) Review and comment on and allow for public comment on any National Register of Historic Places nominations of properties within the local government boundaries.
- (6) Fulfill its obligation to enforce existing state preservation laws.
- (7) Maintain the certification as reviewed at audits every four years

## **736-057-0040**

### **Eligible Projects**

Any project eligible for funding through the Historic Preservation Fund for the purpose of the preservation of historic properties, including but not limited to:

- (1) Historic property survey including archaeology.
- (2) Nominations for local landmark designation and the National Register of Historic Places.
- (3) Development projects on properties listed in the National Register of Historic Places.
- (4) Incentive programs for historic preservation.
- (5) Preservation plan, structural plans, feasibility studies and design plans for historic properties.
- (6) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.

## **736-057-0050**

### **Application Procedure/Process**

- (1) The Department shall announce to Certified Local Governments the availability of, procedures for, deadlines, and other information for applying for Certified Local Government Grants.
- (2) To apply for Certified Local Government Grants, applicants must submit their applications in a format prescribed by the Department by the specified deadline.
- (3) Applications for historic property projects of the Preserving Oregon Grant must meet the requirements of the Historic Preservation Fund and the Certified Local Government program.
- (4) Certified Local Governments are eligible for funding once in a two year period and are not awarded two consecutive years.

#### **736-057-0060**

##### **Evaluation of Applications**

- (1) Eligible applications received by the announced deadlines shall be evaluated by the Department.
- (2) The Department shall include review criteria in grant guidelines, manual, or application for each new grant cycle.
- (3) Applications will be reviewed for:
  - a. Adherence to the Historic Preservation Funds Grant Manual, Certified Local Government Program requirements, State Historic Preservation Office Guidelines, and state and federal law.
  - b. Ability to complete the project during the grant period, including reasonable budget estimates.
- (4) Grants are award to all eligible applications.

#### **736-057-0070**

##### **Award of Grants**

- (1) The State Historic Preservation Office shall award the grants.

- (2) The department will establish maximum and minimum grant award limitations. These will be published in grant guidelines, manual, or application for each new grant cycle.
- (3) All awards will be subject to binding agreements between the Department and Grantee.
- (4) Grant agreements shall specify the terms and conditions of the grant award, generally including:
  - (a) The total project costs, the match or share to be provided, and the amount of the grant;
  - (b) A statement of work to be accomplished;
  - (c) The products to be delivered;
  - (d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;
  - (e) The process to complete reimbursement requests;
  - (f) The measures of project impact at project completion; and
  - (g) The requirement that Grantee comply with applicable local, state, and federal law and obtain all necessary permits.

#### **736-057-0080**

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

The Department will distribute grant funds to Grantees on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. When requested by the Department, Grantees shall supply additional information to substantiate billings. The Department may disburse grant funds in advance if Grantees can demonstrate a compelling need.

#### **736-057-0090**

##### **Suspension or Termination of Agreement and Recovery of Grant Funds**

- (1) Notice of suspension or termination of grant agreement shall be sent by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for Grantee to remedy project deficiencies.

(2) If Grantees have received funds in advance but are unable to complete approved projects to the Department's satisfaction or within the three-year timeframe, the Department shall require the Grantees to return all unexpended grant funds.

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

## **736-057-0100**

### **Purpose**

The purpose of this division is to establish the procedures and criteria that the State Parks and Recreation Department will use when awarding the Preserving Oregon Grant Programs Funds as provided in.

Stat. Auth.: ORS 390.124, 358.475, 358.605, & 358.612(12)

Stats. Implemented: ORS 390.124

Hist.:

## **736-057-0110**

### **Definitions**

The definitions provided in ORS and apply to this division, unless the context requires otherwise. In addition, the following definitions apply:

(1) "Department" means the Oregon Parks and Recreation Department (OPRD) as provided in.

(2) "Grant" means an award from the Preserving Oregon Grant Program.

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

(4) "Grant Review Committee" means the committee that reviews grant applications and makes funding recommendations to the State Advisory Committee on Historic Preservation.

(5) "Project completion" means satisfaction of all requirements of a grant agreement as determined after review or inspection by OPRD.

## **736-057-0120**

### **Preserving Oregon Grant Types**

Two subcategories exist in the Preserving Oregon Grant Program.

Preserving Oregon Grants are to be used for:

- rehabilitation work on properties listed in the National Register of Historic Places, or
- significant work contributing to identifying, preserving and/or interpreting archaeological sites.

Diamonds in the Rough Grants are to be used for:

Restoration or reconstruction of the facades of buildings that have lost historic character.

### **736-057-0130**

#### **Eligible Projects**

In order to be eligible for a Preserving Oregon Grant, projects must:

- (1) Be listed on the National Register of Historic Places; or
- (2) Be field-based research projects concerning the documentation, study, designation, or preservation of archaeological sites, structures, and artifacts are eligible; and
- (3) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.

Remodeling, new additions and solely cosmetic efforts are not eligible.

In order to be eligible for a Diamonds in the Rough Grant, projects must:

- (1) Be historic; and
- (2) Have lost historic character; and
- (3) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.

### **736-057-0140**

#### **Application Procedure/Process**

- (5) The Department shall announce through a variety of media the availability of, procedures for, deadlines, and other information for applying for Preserving Oregon Grants.
- (6) To apply for Preserving Oregon Grants, applicants must submit their applications in a format prescribed by the Department by the specified deadline.
- (7) Applications for historic property projects of the Preserving Oregon Grant must demonstrate the following:

- (a) The proposed project is significant to the structure's integrity.
  - (b) The proposed project preserves character defining features.
  - (c) The proposed project will meet the Secretary of the Interior's Standards for Rehabilitation of Historic Properties.
  - (c) The applicant is capable of carrying out the proposed project.
  - (d) The proposed property is historically significant.
- (8) Applications for archaeology projects of the Preserving Oregon Grant must demonstrate the following:
- (a) The proposed project is significant to the field of archaeology.
  - (b) The proposed project demonstrates technically sound methodology.
  - (c) The proposed project includes a principle investigator who is a professional archaeologist.
  - (d) The proposed project disseminates results effectively.
  - (e) The site of the proposed projects is historically significant.
  - (f) The applicant is capable of carrying out the proposed project.
- (9) Applications for Diamonds in the Rough grants of the Preserving Oregon Grant programs must demonstrate the following:
- (a) The level of preservation of character-defining features.
  - (b) The work plan is well developed and described and the corresponding cost estimates.
  - (c) Demonstrated project readiness and the matching dollar share in-hand commitment.
  - (d) Demonstrated community need for and benefit from the project.

## **736-057-0150**

### **Evaluation of Applications**

- (5) Eligible applications received by the announced deadlines shall be evaluated by the Department.
- (6) The Department shall include review criteria in grant guidelines, manual, or application for each new grant cycle.
- (7) The Department will establish a Grant Review Committee to review grant applications and provide recommendations for funding to the State Advisory Committee on Historic Preservation. The committee may include representatives of the State Advisory Committee on Historic Preservation, historic preservation specialists or other appropriate experts.

(8) The Grant Review Committee shall score the applications based on the evaluation criteria and then rank applications in order of priority based on a formula considering:

(a) For properties listed in the National Register of Historic Places projects of the Preserving Oregon Grant:

- i. Higher priority will be given to publicly owned resources and private nonprofit resources, and properties that offer the greatest public benefit through visual access and interpretive/educational value.
- ii. Properties that are not publicly owned or nonprofit-owned must have exceptional significance and/or extraordinary public benefit to compete.
- iii. Geographic distribution.
- iv. Additional evaluation will be based on demonstrated project readiness and the matching dollar share in-hand commitment.

(b) For archaeology projects of the Preserving Oregon Grant:

- i. Projects that discover or study previously untold perspectives and histories of people frequently excluded from historic interpretation.
- ii. Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates.
- iii. Geographic diversity.
- iv. Project readiness, including matching dollar share in-hand.
- v. Shows that it is part of a larger project, or has far reaching results and uses beyond the submission of the product to SHPO.

(c) For the Diamonds in the Rough Grant of the Preserving Oregon Grant Program:

- i. Commercial or public buildings in Certified Local Government communities, designated Main Street areas, or local or National Register historic districts.
- ii. Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates.
- iii. Projects that will generate dramatic "before-and-after" results, a high level of transformation.
- iv. Geographic diversity.
- v. Project readiness, including matching dollar share in-hand.

**736-057-0160**

### **Award of Grants**

(5) The State Advisory Committee on Historic Preservation shall award the grants.

- (6) The department will establish maximum and minimum grant award limitations. These will be published in grant guidelines, manual, or application for each new grant cycle.
- (7) All awards will be subject to binding agreements between the Department and Grantee.
- (8) Grant agreements shall specify the terms and conditions of the grant award, generally including:
  - (a) The total project costs, the match or share to be provided, and the amount of the grant;
  - (b) A statement of work to be accomplished;
  - (c) The products to be delivered;
  - (d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;
  - (e) The process to complete reimbursement requests;
  - (f) The measures of project impact at project completion; and
  - (g) The requirement that Grantee comply with applicable local, state, and federal law and obtain all necessary permits.

#### **736-057-0170**

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

The Department will distribute grant funds to Grantees on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. When requested by the Department, Grantees shall supply additional information to substantiate billings. The Department may disburse grant funds in advance if Grantees can demonstrate a compelling need.

#### **736-057-0180**

##### **Suspension or Termination of Agreement and Recovery of Grant Funds**

- (1) Notice of suspension or termination of grant agreement shall be sent by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for Grantee to remedy project deficiencies.

(2) If Grantees have received funds in advance but are unable to complete approved projects to the Department's satisfaction or within the three-year timeframe, the Department shall require the Grantees to return all unexpended grant funds.

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

**Oregon Parks and Recreation Commission**  
**September 17, 2019**

---

Agenda Item: 10a (i)

Information

Topic: Procurement Report

Presented by: Daniel Killam, Deputy Director of Administrations

---

The attached report includes:

- 6 New agreement for a total of \$875,517
- 52 New contracts for total of \$6,223,092
- 53 Amendments for a total of \$3,595,592

**Action Requested:** None.

**Attachments:** Procurement Report

**Prepared by:** Sarah Santos

**OREGON PARKS AND RECREATION DEPARTMENT**

Procurement Report  
May , June and July 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
<b>GOODS AND/OR SERVICES CONTRACTS</b>											
05/09/19	Pape Machinery Inc	Cottonwood Canyon in Gilliam and Sherman Counties	Electric Gator Vehicle		\$11,327			\$11,327	New Contract	8524	Sarah
05/09/19	Slice Recovery, Inc	Sunset Bay State Park in Coos County	Firewood delivery		\$140,000	\$0	\$0	\$140,000	Amendment 2 extends the price agreement term date to allow continuation of services.	7689	Susie
05/09/19	Cycle Country	Coastal Region MU in Lincoln County	Electric Utility Vehicle		\$30,919			\$30,919	New Contract	8517	Sarah
05/15/19	Galls, LLC	Statewide	Uniform items		\$0	\$0	\$0	\$0	Amendment 10 provides new price list to price agreement.	5765	Margie
05/17/19	Oregon Ice LLC	Jessie M.Honeyman Memorial State park in Lane County	Bagged ice delivery services		\$40,000			\$40,000	New Contract	8350	Sarah
05/17/19	Larvik Disposal Co.	Wallowa Lake State Park in	Waste and recycling services		\$100,000	\$38,000	\$50,000	\$150,000	Amendment 2 increase compensation and extends term to continue services.	7771	Margie
05/20/19	Boswell Consultants	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties	On-Call Vegetation Management Services		\$5,000			\$5,000	New Contract	7910BOS	Sabrina
05/20/19	Branch Enterprises 7	Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$23,500			\$23,500	New Contract	7910BR7	Sabrina
05/20/19	Four Elements Forestry	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$23,000			\$23,000	New Contract	79104EL	Sabrina
05/20/19	Oregon Woods	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$500			\$500	New Contract	7910ORW	Sabrina

**OREGON PARKS AND RECREATION DEPARTMENT**

Procurement Report  
May , June and July 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
<b>GOODS AND/OR SERVICES CONTRACTS (Continued)</b>											
05/20/19	Plant Oregon Landscapes	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$25,000			\$25,000	New Contract	7910POL	Sabrina
05/20/19	Tim Browning (TBI)	Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$500			\$500	New Contract	7910TBI	Sabrina
05/20/19	Willamette Valley Forestry	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$36,000			\$36,000	New Contract	7910WVF	Sabrina
05/20/19	Urban Park Concessionaires	Silver Falls State Park in Marion county	operate and manage conference center, ranches and concessions		\$1,400,000	\$0	\$741,444	\$2,141,444	Amendment 3 makes minor corrections and changes that were missed in amendment 2 (which added the ranches)	6925	Sabrina
06/03/19	CDW-G	Statewide	Printers for registration booths		\$9,965			\$9,965	New Contract	8544	Sarah
06/03/19	CDW-G	Headquarters in Marion County	Laptops, desktops and accessories for cycle inventory		\$98,409			\$98,409	New Contract	8545	Sarah
05/24/19	Knife River Corporation	Ecola State Park in Clatsop County	Bridge Slabs for Canyon Creek		\$65,120			\$65,120	New Contract	8508	Sarah

**OREGON PARKS AND RECREATION DEPARTMENT**

Procurement Report  
May , June and July 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
<b>GOODS AND/OR SERVICES CONTRACTS (Continued)</b>											
06/03/19	Green Banks, LLC	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$1,500			\$1,500	New Contract	7910GRB	Sabrina
06/03/19	Silver Fox Pond and Lake Management	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$4,000			\$4,000	New Contract	7910SFX	Sabrina
06/05/19	Ricoh USA	Headquarters in Marion County	Copy Machine lease extension for 5 Ricoh copiers		\$15,000			\$15,000	New Contract	8546	Sarah
06/07/19	Bigby's Columbia Tree Service	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties	On-Call Vegetation Management Services		\$10,000			\$10,000	New Contract	7910BIG	Sabrina
06/07/19	Institute for Applied Ecology	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$58,000			\$58,000	New Contract	7910IAE	Sabrina
06/10/19	Marie Mills Center, Inc.	Cape Lookout State Park in Tillamook County	Janitorial services		\$119,305	\$90,000	\$142,361	\$261,666	Amendment 3 extends the contract expire date and increases funding to allow continuation of services.	4745	Susie
06/14/19	Caracal Enterprises LLC dba VenTek International	Statewide	Price agreement for fee collection system equipment, components and services		\$150,000	\$160,000	\$500,000	\$650,000	Amendment 5 extends price agreement term through 12/31/2021	6651	Sabrina
06/17/19	Green Ridge Resources LLC	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties	On-Call Vegetation Management Services		\$32,000			\$32,000	New Contract	7910GRR	Sabrina
<b>GOODS AND/OR SERVICES CONTRACTS (Continued)</b>											
06/17/19	Habitat Contracting LLC	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties	On-Call Vegetation Management Services		\$20,000			\$20,000	New Contract	7910HAB	Sabrina
06/17/19	Henderson LLC	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$500			\$500	New Contract	7910HEN	Sabrina

**OREGON PARKS AND RECREATION DEPARTMENT**

Procurement Report  
May , June and July 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
06/19/19	CDW-G	Headquarters in Marion County	Xerox Printer for Communications Department		\$8,399			\$8,399	New Contract	8552	Sarah
05/20/19	Workplace Resource of Oregon	Tumalo MU in Deschutes County	Office furniture and reconfiguration		\$43,178			\$43,178	New Contract	8533	Sarah
06/21/19	SHI	Headquarters in Marion County	Creative Cloud for Communications Department		\$6,413			\$6,413	New Contract	8549	Sarah
06/21/19	Summit Forests Inc.	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$10,500			\$10,500	New Contract	7910SUM	Sabrina
06/24/19	Leisureland Homes, Inc.	Milo McIver State Park in Clackamas County	Manufactured home purchase	X	\$122,200			\$122,200	New Purchase Order	1775	Margie
06/27/19	Rick Franklin Corporation	Cazadero State Trail in Clackamas County	Flatcar bridge	X	\$81,891	\$10,441	\$10,441	\$92,332	Amendment 2 increases compensation due to additional unexpected shipping charges.	8449	Susie
06/28/19	Gartner Inc	Headquarters in Marion County	IT consulting services		\$41,213			\$41,213	New Contract	8570	Sarah
06/28/19	CrowdRiff, Inc.	Headquarters in Marion County	Content curation software to search and filter visual content, secure rights to audience content shared on social media.		\$18,000			\$18,000	New Software as a Service (SaaS) Agreement and Addendum.	8550	Margie
07/30/19	JB Firewood Co. LLC	Cape Lookout State Park in Tillamook County	Firewood delivery		\$149,000			\$149,000	New Price Agreement	8587	Susie

**OREGON PARKS AND RECREATION DEPARTMENT**

Procurement Report  
May , June and July 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
<b>PERSONAL SERVICES CONTRACTS</b>											
05/06/19	Cascade Interpretive Consulting, LLC	Wolf Creek Inn and Tavern State Heritage Site in Josephine County	Update the interpretation plan		\$8,000	\$4,000	\$4,000	\$12,000	Amendment 1 extends term and adds work.	8332	Margie
05/31/19	D&R Masonry Restoration, Inc.	Fort Stevens State Park in Clatsop County	Historic preservation - washing and cleaning historic guard house		\$11,320			\$11,320	New Contract	8498	Margie
06/03/19	Concessions Hospitality Management Government Services	Statewide	concession advisory consultant		\$175,000			\$175,000	New Contract	8441	Sabrina
6/28/2019	Mia Nolting/Mia O'Meara, LLC	Statewide	Review existing park identities, recommend improvements in typography, color palette, illustration style, & overall design approach. Create new designs and illustrations for 11 parks.		\$10,000			\$10,000	New Contract	8557	Margie
06/28/19	Meriwether Accelerators, LLC	Statewide	Brand audit		\$10,000			\$10,000	New Contract	8565	Margie
07/19/19	SOLVE	Statewide	Ocean shores and riversides clean-up and support Adopt-a Beach program		\$120,000			\$120,000	New Contract	8541	Margie
07/19/19	Ryan Berkley Illustration, LLC	Statewide	Development of 12 original animal illustrations and additional fauna, flora, biota and accessories.		\$50,000			\$50,000	New Contract	8537	Margie
<b>PUBLIC IMPROVEMENTS CONTRACTS</b>											
05/06/19	Woodburn Construction CM/CG, LLC	Silver Falls State Park in Marion County	North Falls Visitor Complex	X	\$618,381			\$618,381	New Contract	8374	Kayleen
05/07/19	7 Peaks Paving, LLC	LaPine State Park in Deschutes County	Day Use Area Roadway Improvements	X	\$211,111			\$211,111	New Contract	8444	Kayleen
05/07/19	3 Diamond Construction, LLC	Mayer State Park in Wasco County	Middle Restroom Building Improvements		\$75,089			\$75,089	New Contract	8493	Kayleen
05/09/19	Farline Bridge, Inc.	Cazadero State Trail in Clackamas County	Flatcar Bridge Project	X	\$207,780	\$59,250	\$59,250	\$267,030	Change Order 1 extends the completion date, adds materials and labor to widen the trail and raise the crane pad.	8141	Kayleen
05/10/19	7 Peaks Paving, LLC	LaPine State Park in Deschutes County	Day Use Area Roadway Improvements	X	\$211,111	\$156,190	\$156,190	\$367,301	Change Order 1 adds office road and maintenance yard restoration.	8444	Kayleen
05/20/19	Tapani, Inc.	Cottonwood Canyon State Park in Gilliam and Sherman Counties	Experience center development	X	\$1,744,098	\$121,968	\$1,032,047	\$2,775,145	Change Order 5 adds solar installation, painting of restroom building , work at hiker biker tent area and additional sidewalks.	8139	Kayleen
05/20/19	Colton Homes, Inc.	Tryon Creek State Natural Area in Multnomah County	Nature Center Remodel	X	\$157,000	\$45,919	\$131,919	\$288,919	Change Order 2 adds finish work for lobby, bathroom, a drinking fountain, hose bib and cabinets and quartz counters for reception area.	8404	Kayleen
05/20/19	Pleasant Hill Development, LLC	Champoeg State Heritage Area in Marion County	Ryan Creek trail bridge replacement	X	\$101,850	\$19,631	\$19,631	\$121,481	Change Order 1 adjusts helical piers depth, adds finish work, pier caps and wood fence section.	8411	Kayleen
05/20/19	Weatherguard, Inc.	Fort Stevens State Park in Clatsop County	Wargames/Museum and Restroom Building Roofing		\$103,281			\$103,281	New Contract	8507	Kayleen

**OREGON PARKS AND RECREATION DEPARTMENT**

Procurement Report  
May , June and July 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
<b>PUBLIC IMPROVEMENTS CONTRACTS (Continued)</b>											
05/21/19	Banzer Construction Co.	Jasper State Recreation Area in Lane County	Well House Replacement	X	\$48,167			\$48,167	New Contract	8482	Kayleen
05/22/19	Road and Driveway Co.	Otter Crest State Scenic Viewpoint in Lincoln County	Parking Lot Improvements	X	\$53,097	(\$3,333)	(\$3,333)	\$49,764	Change Order 1 adjusts final quantities for project close out.	8398	Kayleen
05/29/19	Road and Driveway Co.	Smelt Sands State Recreation Site in Lincoln County	Parking and Entrance Road Improvements	X	\$50,097	\$6,902	\$6,902	\$56,999	Change Order 1 adjusts final quantities for project close out.	8423	Kayleen
05/29/19	Road and Driveway Co.	East Devil's Lake State Recreation Area in Lincoln County	Parking Lot Repairs	X	\$44,971	\$9,360	\$9,360	\$54,331	Change Order 1 adds additional paving and adjusts final quantities for project close out.	8422	Kayleen
05/29/19	Brock Construction, Inc.	State Capital State Park in Marion County	Sidewalk Replacement		\$38,090			\$38,090	New Contract	8512	Kayleen
06/03/19	D&I Excavating, Inc.	Silver Falls State Park in Marion County	Conference Center Pool Decommission	X	\$49,196			\$49,196	New Contract	8513	Kayleen
06/05/19	3 Diamond Construction, LLC	Mayer State Park in Wasco County	Middle Restroom Building Improvements		\$75,089	\$3,660	\$3,660	\$78,749	Change Order 1 adds primer lines and replaces floor drains.	8493	Kayleen
06/06/19	Banzer Construction Co.	Sarah Helmick State Recreation Site in Polk County	Septic System Replacement	X	\$58,660	\$3,625	\$3,625	\$62,285	Change Order 2 adjusts final quantities for work associated with septic tank, pump station and drain line location.	8421	Kayleen
06/06/19	R.L. Reimers Co.	Champoeg State Heritage Area in Marion County	Septic System Replacement	X	\$1,413,305			\$1,413,305	New Contract	8454	Kayleen
06/10/19	Woodburn Construction CM/CG, LLC	Silver Falls State Park in Marion County	North Falls Visitor Complex	X	\$618,381	\$1,829	\$1,829	\$620,210	Change Order 1 adds demolition of stone veneer wall in lobby and removal of basement window well.	8374	Kayleen
06/10/19	Trask Design & Construction, LLC	Champoeg State Heritage Area in Marion County	Bank Stabilization Projects	X	\$236,265			\$236,235	New Contract	8435	Kayleen
06/13/19	7 Peaks Paving, LLC	Deschutes River State Recreation Area	Paving Improvements	X	\$221,412	\$14,472	\$14,472	\$235,884	Change Order 1 adds removal of vegetation, additional paving, relocation of paint supply shed, additional base aggregate and adjusts final quantities for project close out.	8426	Kayleen
06/14/19	Colton Homes, Inc.	Tryon Creek State Natural Area in Multnomah County	Nature Center Remodel	X	\$157,000	\$0	\$131,919	\$288,919	Change Order 3 extends term of contract to allow delivery time of punch list items.	8404	Kayleen
06/17/19	7 Peaks Paving, LLC	LaPine State Park in Deschutes County	Day Use Area Roadway Improvements	X	\$211,111	(\$26,400)	\$129,790	\$340,901	Change Order 2 changes road base restoration to traditional aggregate and adjusts scope and contract pay items.	8444	Kayleen
06/18/19	Bateson Enterprises, LLC	Whale Watching Center in Lincoln County	Sewer System Replacement	X	\$340,000			\$340,000	New Contract	8331	Kayleen
06/19/19	Pleasant Hill Development, LLC	Banks-Vernonia State Trail in Washington County	Manning trailhead upgrades		\$38,900	\$0	\$0	\$38,900	Change Order 2 extends completion date. No additional cost items added.	8363	Kayleen
06/24/19	D & R Masonry Restoration Inc.	Jessie M. Honeyman Memorial State Park in Lane County	Caretaker's Cottage Exterior Rehabilitation	X	\$183,759	\$3,500	\$27,500	\$211,259	Change Order 2 adds funds to cover expenses incurred due to delays in Lane County permitting process.	8463	Kayleen
06/24/19	Colton Homes, Inc.	Tryon Creek State Natural Area in Multnomah County	Nature Center Remodel	X	\$157,000	\$6,030	\$137,949	\$294,949	Change Order 4 adds installing base to flood damaged areas, painting exterior bathrooms, moving AC lines and installing additional 2-CAT 5 and 1 phone line in reception area.	8404	Kayleen
06/26/19	Banzer Construction Co.	Jasper State Recreation Area in Lane County	Well House Replacement	X	\$48,167	\$1,472	\$1,472	\$49,639	Change Order 1 adds replacing the booster pump and a new electrical panel.	8482	Kayleen
06/27/19	Woodburn Construction CM/CG, LLC	Silver Falls State Park in Marion County	North Falls Visitor Complex	X	\$618,381	\$47,084	\$48,913	\$667,294	Change Order 2 adds tinting and tempering to the windows and building materials for framing and siding.	8374	Kayleen

**OREGON PARKS AND RECREATION DEPARTMENT**

Procurement Report  
May, June and July 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
<b>PUBLIC IMPROVEMENTS CONTRACTS (Continued)</b>											
07/03/19	Big River Construction, Inc.	Fort Stevens State Park in Clatsop County	Coffenbury Lift Stations Replacement North and South	X	\$233,219	\$0	\$0	\$233,219	Change Order 2 extends the final completion date. No additional cost items added.	8360	Kayleen
07/03/19	Bateson Enterprises LLC	TouVelle State Recreation Site in Jackson County	Sewer Lift Station Replacement	X	\$266,759	\$0	\$13,300	\$280,059	Change Order 3 extends the final completion date. No additional cost items added.	8212	Kayleen
07/18/19	Pleasant Hill Development, LLC	Banks-Vernonia State Trail in Washington County	Manning trailhead upgrades		\$38,900	\$6,100	\$6,100	\$4,500	Change Order 3 adds additional mobilization, fencing, pavers and payment.	8363	Kayleen
07/18/19	Weatherguard, Inc.	Fort Stevens State Park in Clatsop County	Wargames/Museum and Restroom Building Roofing		\$103,281	\$3,020	\$3,020	\$106,301	Change Order 1 extends the final completion date and adds wood nailer board to roof perimeter along with replacing and painting fascia board on Wargames Building.	8507	Kayleen
07/18/19	R.L. Reimers Co.	Champoeg State Heritage Area in Marion County	Septic System Replacement	X	\$1,413,305	\$107,625	\$107,625	\$1,520,930	Change Order 1 relocates 25,000 gallon tank to treatment area, adds new sewer pump station, revises force main size and adjusts quantities. Adds Alternate D as bid, per the requirements by DEQ to comply with permit.	8454	Kayleen
07/19/19	Brock Construction, Inc.	State Capital State Park in Marion County	Sidewalk Replacement		\$38,090	\$6,959	\$6,959	\$45,049	Change Order 1 adds additional concrete flatwork and tooled joints based on final plan design quantities.	8512	Kayleen
07/19/19	B.B. Smith Heating & A/C LLC	French Glen Hotel State Heritage Site in Harney County	Hotel HVAC Project	X	\$78,640	\$2,628	\$10,213	\$88,853	Change Order 2 adds electrical circuit and disconnect and plumbing to remove backflow device from destination well.	8395	Kayleen
07/19/19	Big River Construction, Inc.	Fort Stevens State Park in Clatsop County	Coffenbury Lift Stations Replacement North and South	X	\$233,219	\$56,681	\$56,681	\$289,900	Change Order 3 adds bid item Alternate A work.	8360	Kayleen
07/25/19	2KG Contractors Inc.	Tumalo State Park in Deschutes County	Tumalo Management Unit Office & Shop Yard	X	\$1,573,718			\$1,573,718	New Contract	8461	Kayleen
07/31/19	Farline Bridge, Inc.	Cazadero State Trail in Clackamas County	Flatcar Bridge Project	X	\$207,780	\$39,656	\$98,906	\$306,686	Change Order 2 adjusts final quantities for contract closeout.	8141	Kayleen
<b>ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS</b>											
05/09/19	Cascade Earth Sciences, LTD	Champoeg State Heritage Area in Marion County	Sewer system engineering	X	\$10,000			\$10,000	New Contract	8522	Margie
5/17/2019	Willamette Cultural Resources Associated, Ltd	Wallowa Lake State Park in Wallowa County	Geo-archaeological investigations		\$58,614			\$58,614	New Contract	8514	Susie
05/20/19	Cascade Earth Sciences, LTD	Vista House, Crown Point State Scenic Corridor in Multnomah County	Design on-site sewage treatment system upgrades	X	\$23,000	\$0	\$0	\$23,000	Amendment 3 extends term of contract.	8309	Margie
05/29/19	Landis Corporation dba Landis Consulting	Umpqua Lighthouse State Park in Douglas County	Electrical design and upgrades for shower building	X	\$21,565	\$0	\$0	\$21,565	Amendment 1 extends term of contract.	8358	Margie
06/14/19	Otak, Inc.	Ecola State Park in Clatsop County	Indian Beach Road culvert replacement	X	\$67,771	\$25,881	\$25,881	\$93,652	Amendment 3 extends term and adds services.	7925	Margie
06/24/19	Willamette Cultural Resources Associated, Ltd	Champoeg State Heritage Area in Marion County	Archeological Monitoring Services	X	\$25,493			\$25,493	New Contract	8540	Sarah
06/25/19	Anderson Shirley Architects, Inc.	Silver Falls State Park in Marion County	North falls office complex design and construction documents	X	\$30,000	\$8,000	\$59,405	\$89,405	Amendment 4 extends term, increases funding, and adds services.	8066	Margie

**OREGON PARKS AND RECREATION DEPARTMENT**

Procurement Report  
May , June and July 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
<b>ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (Continued)</b>											
07/01/19	Inter-Fluve, Inc.	Bates State Park in Grant County	Pond and dam enhancement		\$99,941	\$0	\$0	\$99,941	Amendment 1 extends term of contract.	8215	Margie
07/24/19	Cascade Earth Sciences, LTD	Champoeg State Heritage Area in Marion County	Sewer system engineering	X	\$10,000	\$15,000	\$15,000	\$25,000	Amendment 1 reinstates contract, adds services, funding.	8522	Margie
07/29/19	KPFF, Inc.	Joseph H. Stewart State Recreation Area in Jackson County	Moorage dock replacement analysis and design	X	\$178,457	\$27,700	\$27,700	\$206,157	Amendment 2 adds services and increases compensation.	8170	Margie
<b>Architectural and Engineering Related Services</b>											
05/01/19	Southeastern Archaeological Research, Inc.	Sumpter Valley Dredge State Heritage Area in Baker County	Hull and deck assessment	X	\$48,380			\$48,380	New Contract	8469	Margie
5/23/2019	Reid Middleton, Inc.	Cove Palisades State Park in Jefferson County	Condition assessment of marina dock facilities	X	\$49,844			\$49,844	New Contract	8527	Margie
<b>INTERGOVERNMENTAL AGREEMENTS</b>											
06/18/19	Willamette Cultural Resources Associates, Ltd.	Thompson's Mill Heritage Site in Benton County	Archaeological testing		\$38,695			\$38,695	New Contract	8553	Margie
04/26/19	Oregon State University	Beverly Beach State Park in Lincoln County, Blachly Mountain Forest in Lane County, Brian Booth State Park in Lincoln County and Fogarty Creek State Recreation Area in Lincoln County	Marbled Murrelet survey		\$42,552			\$42,552	New Agreement	8503	Susie
05/09/19	Oregon Department of Forestry	Statewide	Off Highway Vehicle funding assistance		\$1,111,531	\$1,374,175	\$1,374,175	\$2,485,706	Amendment 1 increases funding to allow continuation of services.	7964	Susie
05/20/19	Oregon State University	Statewide	Readjustment of ocean shore control for aerial photography & coastal change analysis	x	\$35,000			\$35,000	New Agreement	8523	Susie
05/20/19	Oregon State Police Department	Statewide	ATV law enforcement services		\$590,337	\$717,425	\$1,844,538	\$2,434,875	Amendment 3 increases funding and extends the term date to allow continuation of services.	7082	Susie
05/30/19	Tillamook County Sheriff's Department	Cape Lookout Management Unit in Tillamook County	Law enforcement services		\$64,000	\$6,000	\$86,000	\$150,000	Amendment 3 increases funding and extends the term date to allow continuation of services.	5949	Susie
06/11/19	Oregon Department of State Lands	Dabbey State Recreation Area and Lewis and Clark State Recreation Site both in Multnomah County	Reimbursement agreement (revenue) for OPRD providing services to include customer service, rule advisement and enforcement, garbage collection and general maintenance of grounds on DSL property		\$26,000	\$81,242	\$81,242	\$107,242	Amendment 1 increases revenue to OPRD from DSL and extends the term date to allow continuation of services.	8082	Susie

**OREGON PARKS AND RECREATION DEPARTMENT**

Procurement Report  
May , June and July 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
<b>INTERGOVERNMENTAL AGREEMENTS (Continued)</b>											
06/14/19	Oregon Corrections Enterprises	Headquarters in Marion County	Brochure distribution at OCE		\$35,000			\$35,000	New Agreement	8525	Sarah
06/18/19	Clatsop County	Del Rey Beach State Recreation Site, Gearhart Ocean State Recreation Area and Sunset Beach State Recreation Site in Clatsop County	Maintain beach access sites		\$20,000	\$20,000	100000	\$120,000	Amendment 5 extends the term date and increases funding to allow continuation of services.	4856	Susie
06/25/19	East Multnomah Soil and Water Conservation District	East and West Gorge Management Units in Multnomah and Hood River counties	Post Eagle Creek fire invasive species survey and control efforts		\$0	\$0	\$0	\$0	Amendment 1 extends the agreement through June 30, 2021	6282	Sabrina
06/28/19	Southern Oregon University	Kam Wah Chung State Heritage Site in Grant County	Archaeological field school		\$12,427			\$12,427	New Agreement	8551	Margie
06/17/19	Portland State University	Bandon State Nature Area in Coos County	Monitoring snowy plover		\$40,000	\$50,000	\$50,000	\$90,000	Amendment 1 extends term and increases funding to continue monitoring services.	8250	Margie
07/03/19	Oregon State Police Department	Statewide	Law enforcement services		\$132,000	\$223,900	\$385,900	\$517,900	Amendment 3 increases funding and extends the term date to allow continuation of services.	7546	Susie
07/10/19	Oregon Department of Forestry	Statewide	Fire protection services		\$725,000			\$725,000	New Agreement	8543	Susie
07/01/19	City of Manzanita	Nehalem Bay Management Unit and Oswald West State Park in Tillamook County	Law enforcement services		\$41,400	\$50,000	\$95,600	\$137,000	Amendment 2 increases funding to allow continuation of services.	7566	Susie
07/17/19	Clackamas River Basin Council	Bonnie Lure State Recreation Area	Vegetation Restoration		\$25,538			\$25,538	New Agreement (Value: \$381,301 - includes \$13,920 in-kind services)	8438	Margie
07/17/19	Oregon Military Department	Fort Stevens Management Unit in Clatsop County	Camp Rilea safety and public access		\$0	\$0	\$0	\$0	Amendment 1 update authorized representatives, authority, purpose and OMD Obligations to allow continuation of services.	7177	Margie

**Oregon Parks and Recreation Commission**  
**September 17-18, 2019**

---

Agenda Item: 10(a)(ii, iii, iv)

**Informational**

Topic: Report of Scenic Waterway Program Notification Actions, Ocean Shore Permits Issued, and Timber Harvest Revenue from May 9, 2019, through August 13, 2019.

Presented by: Trevor Taylor, Stewardship Manager

---

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

**SCENIC WATERWAYS NOTIFICATION**

June 4, 2019 approved Notification of Intent 4-202-19 for Richard and Marie Henning for the remodel of a residential home within the John Day River Scenic Waterway. Approval was given because the remodel does not expand beyond the original footprint of the home which meets set back requirements and is concealed from the river's view.

June 18, 2019 approved Notification of Intent 4-203-19 for Holly and Randy Reed to construct an agricultural building on their property within the John Day River corridor. Approval was given because the structure does not exceed height limitations, is beyond the minimum set back distance and will be painted to blend into the natural environment. Originally all structures on the property had a red roof but property owners agreed to paint all the roofs grey to better blend with the natural environment.

July 3, 2019 approved Notification of Intent 2B-1038-19 to Tom and Linda Arvidson for the construction of a new residential home within the Upper Deschutes Scenic Waterway. The approval was given because the property is not very visible from the river, additional vegetation will be planted to ensure adequate screening, and residence will meet set back limits and height restrictions.

July 3, 2019 approved Notification of Intent 2B-1039-19 to Blake, Penny and Sharon Andrews for the construction of a residential home within the Upper Deschutes Scenic Waterway. Approval was given because the property is mostly not visible from the river, will utilize exterior materials that blend in to the natural environment, additional vegetation will be planted to ensure adequate screening, and residence will meet set back limits and height restrictions.

July 8, 2019 approved Notification of Intent 7-716-19 for Leonard Koelbel to select cut trees over 1 acre for fire fuel reduction and to reestablish a fire break road within the Rogue River State Scenic Waterway. The project includes leaving trees that provide screening from the river.

July 15, 2019 approved Notification of Intent 2A-240-19 for Walter Chris and Jacqueline A. Babcock to construct a new residential home within the Middle Deschutes Scenic Waterway. Approval was given because existing vegetation conceals the structure from the river and additional screening will be planted. The structure is 1,000 ft. from the river and utilizes exterior materials that blend in with the environment.

July 15, 2019 approved Notification of Intent 2B-1040-19 to Sunriver Nature Center for the addition to the observatory and the construction of an outdoor educational pavilion. Both structures are concealed from the river by dense vegetation, topography and use materials that blend in with the surrounding environment.

July 22, 2019 approved Notification of Intent 2A-241-19 to Jim and Carrie Carpenter for the construction of a residential home within the Middle Deschutes Scenic Waterway. The home blends in with the surrounding environment, meets the set back requirements and is below the height restriction. No vegetation will be removed between the back of the home and the river, and supplemental screening will be installed to improve screening from the river.

August 5, 2019 approved Notification of Intent 2B-1041-19 to Cocoa and Louis Kosta for the exterior remodel of the home along the Upper Deschutes Scenic Waterway. The residence pre-dates the designation and the proposed improvements will blend in with the natural environment and stay inside the existing footprint of the house.

August 8, 2019 approved Notification of Intent 2A-242-19 to Earnest and Marlene Zwicky for the remodel and addition of their residential home within the Middle Deschutes Scenic Waterway. The house meets the setback distance and is below 30' in height. Additional screening will be planted to between screen the structure from the river's view.

August 9, 2019 approved Notification of Intent 2B-1042-19 to Deschutes County for the fuel reduction and tree thinning work to be completed at various taxlots within the Upper Deschutes Scenic Waterway. No work will be done within 100' of the high water mark and no visibility of structures will be created from the tree removal.

August 12, 2019 approved Notification of Intent 2A-243-19 to the Awbrey Meadows Property Owners' Association for the fuel reduction and tree thinning work to be completed in the Middle Deschutes Scenic Waterway. If homes become visible after the thinning project is completed additional vegetation will be planted along the river riparian corridor to restore screening from the river's view.

August 12, 2019 approved Notification of Intent 2A-244-19 to Tom Bloger for the remodel and addition of a home within the Middle Deschutes Scenic Waterway. Approval was given because the remodel stays within the original home footprint and the addition meet the rimrock set back requirements. The exterior of the home will be painted to better blend in with the natural environment.

August 12, 2019 approved Notification of Intent 2A-245-19 to Dana and Reiko Provost for the addition to their home within the Middle Deschutes Scenic Waterway. The new structure exceeds set back limits, is in colors that blend with the surrounding environment and will not require any removal of vegetation.

## **OCEAN SHORES ALTERATION DECISIONS**

On May 24, 2019 Ocean Shore Permit #2909-19 for sand alteration was approved for the City of Lincoln City. The permit converted Emergency Permit #2903-18, issued on December 19, 2018, to authorize periodic dredging of the D River when necessary to restore the outflow of water from Devil's Lake to the ocean. The dredging is necessary when high surf and tides result in sand accumulation in the river channel, blocking outflow and causing the level of Devil's Lake to rise, threatening lakefront homes and businesses with potential for flooding. The project site is located adjacent to the D River

Wayside in Lincoln City, and is identified on Lincoln County Assessor's Map #7-11-15AC as tax lot 101.

On June 28, 2019 Ocean Shore Permit #2908-19 was approved for Tai Dang, to convert Ocean Shore Emergency Permit #2907 to a permanent permit for a riprap structure. According to as-built plans submitted by the applicant, the project is 81 feet in length, 24.5 feet in width, 10 feet in height, with a 2H:1V slope. The project is located at 211 S. 6<sup>th</sup> St. In Rockaway Beach and is identified on Tillamook County Assessor's Map 1N-10W-5BC as tax lot 1500.

On July 25, 2019 the permit decision was appealed by the Oregon Shores Conservation Coalition and the matter has been forwarded to the Oregon Department of Justice for referral to the Oregon Office of Administrative Hearings.

On July 19, 2019 Ocean Shore Permit #2910-19 was approved for Robert Lovelace to construct a private concrete and wood beach access stairway. The new stairway has a width of 37 inches, constructed of wood on its upper portion, and a width of up to 48 inches constructed of concrete on its lowest portion as it crosses an existing riprap structure on the ocean shore. The project is located at 6829 NW Logan Rd. in the Road's End area of Lincoln City. The subject property is identified on Lincoln County Assessor's Map # 6-11-34AA as Tax Lot 1000.

### **TIMBER HARVEST REVENUE**

There are no timber harvest revenue projects to report for this period.

**Prior Action by the Commission:** None

**Action Requested:** None

**Attachments:** None

**Prepared by:** Stewardship Section Staff



# Oregon Parks and Recreation Commission

## 2019 PLANNING DATES

January						
S	M	T	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February -						
S	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

March						
S	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April -						
S	M	T	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
S	M	T	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June -						
S	M	T	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
S	M	T	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
S	M	T	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September -						
S	M	T	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
S	M	T	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November -						
S	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
S	M	T	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### 2019 Commission Meeting

February - Independence/Salem Area  
 April - Silver Falls or Estacada  
 June - Prineville  
 September - Brookings  
 November - Ashland

**Contact: Denise Warburton 503-986-0719**

Revised date: 8/20/19

Huddle Meetings
Packet Materials DUE!
Agenda & Packet Posted to OPRD Site & News Release
Mail Out Packets
State Holidays
Presentation Material Due/Business Meeting
All Managers Meeting
Leadership Group Meeting
Legislative Days
Legislative Session January 22nd - June 30th

# 2020

## Oregon Parks and Recreation Commission

### DRAFT - Planning Dates

#### January

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

#### February

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

#### March

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

#### April

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

#### May

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

#### June

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

#### July

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

#### August

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

#### September

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

#### October

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

#### November

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

#### December

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

#### 2020 Commission Meeting

February - Tualatin/Hillsboro  
 April - Astoria  
 June - Pendleton  
 September - Madras/Bend  
 November - TBD

Contact: Denise Warburton 503-986-0719

Revision Date: 08/20/19

#### Huddle Meetings

Packet Materials DUE!

Agenda & Packet Posted to OPRD Site

Mail Out Packets

State Holidays

Presentation Material Due/Business Meeting

All Managers Meeting

Leadership Group Meeting

Legislative Days

Legislative Session