

Oregon Parks and Recreation Commission

September 23, 2015

Agenda Item:	11a	Action
Topic:	Request to adopt OAR 736-015, Reservations	
Presented by:	Claudia Ciobanu and Richard Walkoski	

Background:

At the February 11, 2015 OPRD Commission meeting, approval was given to begin rulemaking in division 15 to review and revise reservation procedures with the goal of improving customer service and streamlining operations at the call center to reduce costs. The proposed changes include: 1) reducing the reservation window from two days to one to allow customers more flexibility; 2) simplifying the cancellation process to provide one point of contact and allow cancellations on the web; 3) changing the cancellation and change windows for deluxe cabins, yurts and horse camps from one month to three days to reduce financial penalties on customers; 4) refining rules for groups to focus on the groups with the most impact on park resources and improve operational efficiency; 5) clean up rule language, removing references to old programs.

Over the years, few changes have been made to the group camping program, which allows groups to reserve blocks of individual campsites to facilitate their group camping experience. Because we had not looked at that program for many years we did an extensive information gathering and outreach process to collect data on how the groups currently use the program and what changes would make the program more effective and more efficient. We held a series of open house meetings around the state, inviting wagon masters (group coordinators) to come and share their experiences and suggestions with OPRD. Those meetings formed the basis for the proposed changes to the group rules.

Once the proposed rule changes had been finalized we opened the public comment period and scheduled five public hearings. We also e-mailed our customers who camped within the past year, which amounted to over 165,500 e-mails. Public hearings were lightly attended but we received 1,035 e-mail comments. Responses were largely in favor of the changes, with 71% in support of the rule revisions. A breakdown on support and opposition by rule is included in Attachment C.

Prior Action by Commission: Approval to begin rulemaking at the February 2015 meeting.

Action Requested: Staff requests the commission approve the revisions to OAR 736-015-0015 included in Attachment A (markup) and Attachment B (clean). These revisions have been reviewed by Assistant Attorney General Steve Shipsey and the revised rules included in Attachments A & B incorporate his comments.

Attachments: Attachment A– reservation rule revisions (marked copy), Attachment B – reservation rule revisions (clean copy), Attachment C – public comment summary.

Prepared by: Richard Walkoski

736-015-0015

Reservations

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

(2) General Regulations:

(a) Reservations will be accepted and processed for designated park facilities through the Oregon State Parks Reservation Center and the Internet~~Reservations Northwest~~.

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

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

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

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

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

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

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

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

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

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

(3) Transaction Fees and Deposits:

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

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

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

(4) Payment Methods:

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

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

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

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

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

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

(5) Reservation Cancellations:

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

(b) A person may also cancel a their reservation ~~three calendar days or more~~ prior to the if day of arrival using Internet or E-mail, date through E-mail by accessing The department will post detailed instructions for cancelling a reservation on the department's web site and following the posted cancellation procedures. The web site which is available seven days a week, 24 hours a day.

(c) A person must contact the specific park where their reservation is held to cancel reservations ~~with an arrival date that is two calendar days or less from the current date~~ on the scheduled day of arrival.

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

~~(ed)~~ In order to receive a refund of ~~the facility deposit~~ all use fees, a person must cancel the reservation for individual campsites, deluxe and rustic cabins, deluxe and rustic yurts, horse camps, tepees, ~~camper wagons~~, and boat moorages three or more ~~calendar~~ days prior to the arrival date. If the cancellation is ~~not~~ received less than three ~~or more~~ days in advance of the arrival date, ~~an amount of the facility deposit~~ a fee equal to one night's ~~or one day's~~ rental for the facility will be forfeited.

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

(6) Reservation Changes:

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

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

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

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

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

~~(fe)~~ Reservations made for six or more consecutive nights that are later shortened will be charged the nightly rate for each night removed in addition to an \$8 transaction fee for the change. The department will assess a fee equal to the nightly rental fees for all nights cancelled for any

~~reservation change resulting in a reduction in length of stay for reservation bookings greater than five nights.~~

(~~gf~~) A person must request a reservation change for campsites, deluxe and rustic cabins, deluxe and rustic yurts, tepees, camper wagons, and boat moorages three or more days in advance of the arrival date. ~~The department will treat reservation change requests with an arrival date of three days or less from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled. Changes are not permitted within three days of the arrival date.~~

(~~hg~~) A person requesting a reservation change for ~~deluxe cabins and yurts,~~ group camps, day use areas, meeting halls, ~~horse camps,~~ lodges, Silver Falls Youth Camp, Silver Falls Ranch House, Shore Acres Garden House, Pavilions, RV Group Areas, and other special facilities as designated by the department must request the change at least one month prior to arrival date. Changes are not permitted within one month of the arrival date.~~The department will treat reservation change requests with an arrival date of less than one month from the current date as a reservation cancellation and cancellation rules will apply. A person may request a new reservation once the existing reservation has been cancelled.~~

(7) Claiming Reservations

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

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

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

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

(8) Reservations to Accommodate Organized Groups:

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

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

(c) A person must reserve a minimum of ~~five~~20 individual overnight campsites for their group during Discovery Season (October 1 to April 30) or ten individual campsites during the Prime Season (May 1 to September 30) to qualify for group camping ~~benefits~~reservations.

(d) The department will charge a ~~transaction non-refundable reservation~~ fee of \$8 for each site. An \$8 non-refundable transaction fee will be charged for any date or site change made to a reservation included in the group. ~~cancellation or change made to the group reservation.~~

(e) Reservations made on the Internet for a group of 20 or more sites are not eligible for group camping.

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

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

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

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

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

736-015-0015

Reservations

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

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

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

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(c) A person must contact the specific park where their reservation is held to cancel reservations on the scheduled day of arrival.

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

(e) In order to receive a refund of all use fees for group camps, day use areas, meeting halls, lodges, Silver Falls Youth Camp, Silver Falls Ranch, Shore Acres Garden House, Pavilions, RV Group Areas and other special facilities as designated by the department, a person must cancel the reservation at least one month prior to arrival. If the cancellation request is received less than one month in advance of the arrival date, a fee equal to one night's or one day's rental for the facility will be forfeited.

(6) Reservation Changes:

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

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

(e) Reservations made for six or more consecutive nights that are later shortened will be charged the nightly rate for each night removed in addition to an \$8 transaction fee for the change.

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

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

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

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

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

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

(8) Reservations to Accommodate Organized Groups:

(a) General: To accommodate group use in campgrounds designed primarily for individual camping and to bring efficiencies to the group reservation process, the director may offer group camping to persons reserving multiple individual camping sites.

(b) The department will require full payment for all sites at the time the reservation is made.

(c) A person must reserve a minimum of 20 individual overnight campsites for their group to qualify for group camping reservations.

(d) The department will charge a non-refundable reservation fee of \$8 for each site. An \$8 non-refundable transaction fee will be charged for any date or site change made to a reservation included in the group.

(e) Reservations made on the Internet for a group of 20 or more sites are not eligible for group camping.

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

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

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

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

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124



AzaqPublic Comment Summary - Division 15, Reservations

Prepared by: Claudia Ciobanu, Sarah DeDonato, Richard Walkoski
Date: August 31, 2015

Background

At the February 11, 2015 OPRD Commission meeting approval was given to begin rulemaking in division 15 to review and revise reservation procedures with the goal of improving customer service and streamlining operations at the call center to reduce costs. The proposed changes include: 1) reducing the reservation window from two days to one to allow customers more flexibility; 2) simplifying the cancellation process to provide one point of contact and allow cancellations on the web; 3) changing the cancellation and change windows for deluxe cabins, yurts and horse camps from one month to 3 days to reduce financial penalties on customers; 4) refining rules for groups to focus on the groups with the most impact on park resources and improve operational efficiency; 5) clean up rule language, removing references to old programs.

Outreach to Groups

The proposed rule changes related to groups who camp in individual campsites will have the most impact on customers since one of the proposed changes eliminates the reservation fee waiver for all but one of the group's sites. Other changes raise the threshold to qualify for group camping from ten to twenty sites and require information on who will occupy the site be sent to OPRD two months ahead of arrival instead of ten days out. Because these changes affect a very specific group of customers we scheduled a series of open house meetings around the state to get feedback from that group of customers.

The meetings were held in April 2015 at the following locations:

Tryon Creek State Park Welcome Center

- Thursday, 4/16/15 from 7:00 PM – 8:30 PM
- Saturday, 4/18/15 from 10:00 AM – 11:30 AM
- Monday, 4/20/15 from 7:00 PM – 8:30 PM

Bend - Bend Hilton Garden Inn

- Wednesday, 4/22/15 from 7:00 – 8:30 PM

Medford - Rogue Regency Inn

- Thursday, 4/23/15 from 7:00 – 8:30 PM

A total of 30 people, not including park staff, attended the 5 meetings. 25 people came to the Portland sessions – 13 of them on Monday, 4/20/15. Overall, the meetings went well. There was significant support for using the “hotel block” idea for group reservations, which is a feature in our reservation software that allows an agent to grab a block of sites and hold them until the occupant information is provided at a later date. We do not currently use this feature for groups, but it has been tested and should be a more efficient way to hold sites for groups. The current

requirement of paying in full was preferred by the majority of group leaders we spoke with. Groups were very supportive of submitting individual customer data well before they arrive at the park. Several could do it as early as 1-3 months before arrival, a few 2 weeks before, and a minority as early as 6 months before. The biggest concern here is the ability to change data once submitted, so we'll need to work on the implementation part.

Feelings were mixed about losing the \$8 discount. Though it wasn't a deal breaker for most, some did suggest \$4 or a cap that would not penalize smaller groups. There was also some hesitation about individuals within the group making their own payments. The bigger concerns about losing the discount came out in questions like – if we don't get a discount, what's the incentive to do it this way? What improved service level are we getting for this fee? The discount seemed to be the only reason why some of the smaller groups use the program.

Two things that surprised us during these meetings:

1. The level of passion and history these customers have with our parks. The stories were very touching, and our reaching out to them was very much appreciated.
2. The realization that while some wagon masters fail us, we fail some wagon masters too. Several pointed that parks lose or misplace the information they send, so they've learned to adjust and bring extra copies at check-in.

Comment Period

Press releases were issued announcing the public comment period, which opened August 1st and extended through August 28th, 2015. Five public hearings were scheduled during August at locations around the state. In addition to a press release announcing the rule change and associated public hearings, OPRD also sent out an e-mail to customers that had camped during the past year. There was good coverage in the media and over 1,000 customers responded to the e-mail. A summary of the hearings and comments received follows.

Public Hearing Summary

Hearings were scheduled at the following locations:

Date	Time	Where
8/19/2015	6:30 PM	Sunset Bay State Park Meeting Hall, 89814 Cape Arago Hwy, Coos Bay, OR 97420
8/22/2015	9:00 AM	Tryon Creek State Park, 11321 SW Terwilliger Blvd., Portland, OR 97219
8/24/2015	6:30 PM	Tryon Creek State Park, 11321 SW Terwilliger Blvd., Portland, OR 97219
8/25/2015	6:30 PM	Valley River Inn, Alsea Room, 1000 Valley River Way, Eugene, OR 97401
8/27/2015	6:30 PM	Pine Ridge Inn, 1200 SW Mt. Bachelor Dr.

The hearings were announced through a posting in the Secretary of State's Bulletin, press releases, on the OPRD website and through a direct e-mail to customers. Summaries of the hearings follow.

Hearing Date: August 19, 2015

Hearing Time: 6:30 PM

Hearing Location: Sunset Bay State Park, Coos Bay

Summary of Oral Comments: Nobody attended the public hearing in Coos Bay.

Written Comments: N/A

Hearing Date: August 22, 2015

Hearing Time: 9:00 AM

Hearing Location: Tryon Creek State Park, Portland

Summary of Oral Comments: Two people attended the public hearing: Carolyn and Brian Locke of Portland. After the presentation and the question-and-answer session, the attendees stated they did not want to make formal comment. Instead, they summarized their comments in writing.

Written Comments: Brian Locke's comments covered three topics:

- Consider an out-of-state fee for park visitors;
- Post incoming occupancy for two or three nights to help those selecting a walk-in site; and
- Make available on the reservation web page information on closed sites to distinguish between those closed for the season from those available for walk-in camping.

Hearing Date: August 24, 2015

Hearing Time: 6:30 PM

Hearing Location: Tryon Creek State Park, Portland

Summary of Oral Comments: One person attended the hearing: Michelle Steele of Clackamas. After the presentation and the question-and-answer session, the attendee stated she did not want to make formal comment.

Written Comments: N/A

Hearing Date: August 26, 2015

Hearing Time: 6:30 PM

Hearing Location: Valley River Inn, Eugene

Summary of Oral Comments: Nobody attended the public hearing in Eugene.

Written Comments: N/A

Hearing Date: August 27, 2015

Hearing Time: 6:30 PM

Hearing Location: Pine Ridge Inn, Bend

Summary of Oral Comments: Four people attended the hearing: Karen O'Donnell, Anne Howard, Pat Joslin and Dory Delp, all of Bend. The first two attendees represented a group called Ukelele University and the other two represented the Girl Scouts. After the presentation and the question-and-answer session, Karen O'Donnell made oral comment. She stated she was concerned about her group's ability to provide individual camper information two months before their stay. A more realistic deadline for them is two weeks. Otherwise, they would have to make many changes until two weeks before arrival.

Written Comments: Dory Delp provided written comments, which also focused on the proposal to send camper information two months ahead of group stays. She thought that a month prior would be more realistic for her Girl Scout troop.

Comment Summary

All written comments and audio from the public hearings can be found at the following locations:

(written comments) <http://1.usa.gov/1EA5R6N>

(audio from hearings) <http://1.usa.gov/1KEAdGa>

Several rule changes are being proposed and the following comment summary breaks responses out by individual rule comments unless the comment supported or opposed the entire list of changes. In that case it is counted as a support/oppose all comment. The department received 1,035 responses that included 1,629 individual comments.

A summary of the comments is listed in the table below. Ten percent of the comments were not related to the rules being revised and one percent requested removal from our mailing list. Of the remaining comments 71% supported and 18% opposed the proposed rule changes.

Support All	629	
Support 1 Day Window	169	
Support Online Cancellation	202	
Support 3 Day Window for Deluxe Y/C & HC	115	
Support Group Changes	32	
Support Subtotal:	1147	(71% support)
Oppose All	17	
Oppose 1 Day Window	39	
Oppose Online Cancellation	5	
Oppose 3 Day Window for Deluxe Y/C & HC - Too Short	66	
Oppose All Group Changes	52	
Oppose Min # of Sites	32	
Oppose 2 Mo Requirement - too long	42	
Oppose Fee Waiver & Cancel Fee Elimination	29	
Oppose Groups in General	22	
Oppose Subtotal:	304	(18% oppose)
Other - Change/Enforce Quiet Hours	3	
Other - Fees Too High	8	
Other - Favor Oregon Residents - Fees	12	
Other - Need More FCFS	13	
Other - Random Unrelated (not repeated)	64	
Other - Asked a question - Response needed	42	
Other - Allow Spec Access Pass Bookings Online	13	
Other - Veterans Preference (in general - not service connected)	8	
Other Subtotal:	163	(10% other)
Unsubscribe	15	(1% unsubscribe)
TOTAL Comments	1629	
<i>Total Email Responses - as of 8/28/15 at 5PM PST</i>	1035	

Oregon Parks and Recreation Commission

September 23, 2015

Agenda Item:	11b	Action
Topic:	Request to adopt Division 17, Veterans and War Memorial Grants rules	
Presented by:	Chrissy Curran, Heritage Division Manager, DSHPO	

Background:

The Commission granted approval to begin rulemaking for Division 17 at its February 11, 2015 meeting.

The Veterans and War Memorial (VWM) Grant Program was created in 2005 by the legislature as part of the Local Government Grant Program, which provides Lottery-funded grants to local and regional governments for parks, trails, and outdoor recreation facilities. Veterans and War Memorial grants are used to repair and upgrade existing memorials and to construct new ones. Traditionally the department has provided approximately \$150,000 per biennium for VWM grants.

Why Change the Rule?

To better serve grant applicants and recipients, enable more projects to access the grant funds, and make the grant selection process more efficient.

What Changes are Proposed?

- Allow grant funds to be spent on monuments located on any type of public land, not just land owned by regional or local governments. Many potential and otherwise very worthy projects, especially those involving existing monuments that need improvements, are currently not eligible because they are located on state, federal, tribal, or other land. [Note: Applicants and project sponsors will still be required to be local or regional governments, with long-term agreements with the landowners.] Many existing memorials are on state, federal and tribal property and should be supported with restoration funds. For new memorials, some of the most accessible, appropriate and available land is on land other than local government property.
- Change the selection committee from the Local Government Grant Program Advisory Committee to an *ad hoc* OPRD-appointed committee with focused expertise on monuments, military history, etc. This allows the LGGPAC to focus on its primary duty. This is consistent with past decisions to turn over to the department the selection process

for other minor components of the Local Government Grant Program, specifically Small Grants and Planning Grants. The *ad hoc* nature of the committee would also allow flexibility for bringing in experts as needed to help review applications with specialized proposals (restoration, ADA access, etc.). Veterans organizations will always be represented.

Current members of the Local Government Grant Advisory Committee and veterans who have served on the selection committee in the past have reviewed the proposed changes and expressed their support.

Notice of rulemaking was posted in the June Secretary of State's bulletin and comments were accepted through 5:00 PM on June 30, 2015. Two public comments were received.

Prior Action by Commission: On February 11, 2015, the Commission approved a staff request to begin rulemaking for Division 17 to change the memorial siting and grant review committee rules.

Action Requested: Staff requests adoption of the permanent modifications to Division 17 outlined above and included in attachments A and B.

Attachments: Attachment A – Division 17 revisions (clean); Attachment B – Division 17 revisions (changes tracked); Attachment C – Comments summary

Prepared by: Kuri Gill, Grants and Programs Coordinator, Heritage Division

Attachment A

PARKS AND RECREATION DEPARTMENT

DIVISION 17

VETERANS AND WAR MEMORIAL GRANTS

736-017-0000

Purpose

The purpose of this division is to establish the procedures and criteria that the Oregon Parks and Recreation Department (OPRD) will use in recommending Veterans and War Memorial Grants for funding to the commission pursuant to ORS 390.180(1)(d).

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0005

Definitions

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

(1) "Agreement" means the formal contract between OPRD and the Project Sponsor describing the terms and conditions associated with any granting of funds. Also called "Grant Agreement."

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

(3) "Committee" means the Veterans and War Memorial Grant Review Committee described in OAR 736-017-0010.

(4) "Department" means the Oregon Parks and Recreation Department (OPRD).

(5) "Construction" means the creation of a new memorial on public property.

(6) "Director" means the director of the Oregon Parks and Recreation Department.

(7) "Eligible Project" means a construction or restoration undertaking which satisfies the requirements of the Veterans and War Memorial Grant Program.

(8) "Governmental Entity" means a body of government, whether district, local, regional, state, federal or tribal.

(9) "Grant" means an award from the Veterans and War Memorial Grant Program.

(10) "Grant Application" means the form and its format as developed by the OPRD that an applicant uses to request a grant.

(11) "Match" means project sponsor's budgeted funds, donated funds, value of equipment, materials, labor, planning, or any combination thereof.

(12) "Maintenance" means the continuation or preservation of a memorial. It includes the routine maintenance of or around a memorial such as landscaping, power washing, general cleaning, dusting, or removal of trash.

(13) "Memorial" means a monument or place designed to commemorate or preserve the memory of wars involving the United States of America or to honor veterans of the Armed Forces of the United States of America.

(14) "Nonprofit Veterans' Organization" means a group that:

(a) Is a nonprofit group that represents veterans of the Armed Forces of the United States, or is established for the purpose of supporting or recognizing such veterans;

(b) Has an established membership, that includes officers, and bylaws; and

(c) Is physically located in Oregon or has a chapter that is physically located in Oregon.

(d) Is also called a "Veterans' Nonprofit Organization".

(e) Is recognized as an existing non-profit status by the Internal Revenue Service.

(15) "OPRD" means the Oregon Parks and Recreation Department.

(16) "Planning" means the research, design, engineering, environmental, and site survey of any Memorial construction or restoration project.

(17) "Project Completion" means satisfaction of all requirements of a grant agreement as determined after review or inspection by OPRD.

(18) "Project Authorization" means the Agreement that authorizes the project as signed by the director and the Project Sponsor.

(19) "Project Sponsor" means the recipient of the grant funds and the responsible party for implementation of the project. A Project Sponsor must be a local or regional government.

(20) "Public Property" means public lands, premises and buildings, including but not limited to any building used in connection with the transaction of public business or any lands, premises or buildings owned or leased by a government entity.

(21) "Restoration" means the improvement, rehabilitation, repair, or reconstruction of an existing memorial. It does not include routine maintenance.

(22) "Veterans and War Memorial Grant Instruction Manual" means a manual prepared by the OPRD containing state policies, procedures, instructions and grant criteria to assist applicants and Project Sponsors wishing to participate in the Veterans and War Memorial Grant Program.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0010

Veterans and War Memorial Grant Review Committee

(1) The Veterans and War Memorial Grant Review Committee shall be composed of five members selected by the department for their interest or expertise in veteran or military issues, at least two of which represent either a veterans organization or a governmental agency responsible for the administration of law relating to veterans or for their knowledge of memorial construction or preservation.

(2) The Veterans and War Memorial Grant Review Committee shall follow grant application review procedures as provided in this division.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0015

Director Authority

(1) In addition to those considered by the committee, the director may recommend eligible projects to the commission for grant funding. The director may recommend grants for construction and restoration.

(2) The director may recommend funding eligible projects either in whole or in part.

(3) The director may establish minimum or maximum grant award amounts each funding cycle.

(4) The director may establish funding priorities or other criteria for each funding cycle.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0020

Eligibility

(1) The applicant and project sponsor must be either a local or regional government.

(2) Site. To be eligible for a grant, a memorial must be placed on public property. If the property is not owned or controlled by the project sponsor, there must be an agreement in place between the project sponsor and the public property owner stating that the memorial will remain in place for at least 25 years.

(3) The project sponsor must agree in writing to keep in place and maintain the memorial for at least 25 years from completion of the project. If the property is not owned or controlled by the project sponsor, there must be an agreement in place between the project sponsor and the public property owner stating that the memorial will remain in place for at least 25 years.

(4) Matching Requirements. The Veterans and War Memorial Grant program provides, subject to the availability of funds, for up to 80 percent funding assistance with a minimum of 10 percent cash match. The project sponsor shall provide a minimum 10 percent cash match. The project sponsor may provide the remaining match by planning, construction, or restoration work performed following project authorization.

(5) Ineligible costs for grant:

(a) Overhead — The regular operating expenses of either the applicant or the governmental entity receiving the memorial such as rent, building upkeep, utilities, and all fixed costs associated with the daily operations of a business, agency or group;

(b) Overtime;

(c) Expenses for equipment or materials used outside the scope of this project;

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0025

Application Process

(1) When the commission has Veterans and War Memorial Grant Program funds to award, the director will announce through a variety of media the availability of, application procedures for, deadlines and other information for applying for a grant, including whether the director has established funding priorities for that funding cycle.

(2) Applicants must submit a grant application to the department. Applicants may use the "*Veterans and War Memorial Grant Instruction Manual*" for guidance in preparing and submitting a grant application to the department.

(3) A grant application that contains multiple work items must be structured so that the commission may award partial funding to a specific work item proposed in the grant application.

[ED. NOTE: Forms referenced are available from the agency.]

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

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0030

Evaluation of Applications

(1) The department will review eligible applications that the department receives by the announced deadline for completeness. The department will provide all complete, eligible applications to the committee.

(2) The committee will rank applications based on the following criteria:

(a) Whether the application meets the director's funding priorities for that funding cycle;

(b) Whether the application has demonstrated the need for the project;

(c) Whether the applicant has demonstrated that adequate budget and financial controls are in place to properly administer the grant; and

(d) Any other criteria determined by the director prior to the announcement of the availability of grant funding, and which are contained in that announcement.

(3) The committee recommends funding grants up to the amount of funds that may be available in the program that biennium. The committee may also rank several alternates in priority order that may be funded if any of the recommended grants are not awarded.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0035

Award of Grants

(1) Grants will be subject to binding grant agreements between the OPRD and the Project Sponsor. The grant agreement will specify the terms and conditions of the grant, generally including:

(a) The total project costs, the match to be provided by the Project Sponsor, and the amount of the grant;

(b) A statement of the work to be accomplished;

(c) When the grant-assisted project may begin and a schedule for accomplishing work, reporting on progress, delivering products, and project completion.

(2) If grant funds remain or become unobligated, the department may reallocate such funds to other department grant programs.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0040

Disbursement of Grant Funds

(1) All grant funds shall be disbursed to project sponsors on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Project sponsor shall supply information substantiating billings if requested by the department.

(2) Under certain conditions such as reduction or increase of these funds an emergency procedure for awarding or canceling grants may be initiated at the discretion of the director.

(3) In implementing the emergency procedure, the director shall consider the availability of funds; the scope and need of projects available for funding; and the urgency and statewide importance of prospective projects. The director may propose projects to the commission for funding under this section and the commission may waive other requirements of these rules for the purpose of obligating funds in a timely manner.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0050

Recovery of Grant Funds

(1) Project sponsors that fail to complete approved projects to the department's satisfaction shall return all unexpended grant funds.

(2) Project sponsors 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 questioned in audit findings.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

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Attachment B

PARKS AND RECREATION DEPARTMENT

DIVISION 17

VETERANS AND WAR MEMORIAL GRANTS

736-017-0000

Purpose

The purpose of this division is to establish the procedures and criteria that the Oregon Parks and Recreation Department (OPRD) will use in recommending Veterans and War Memorial Grants for funding to the commission pursuant to ORS 390.180(1)(d).

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0005

Definitions

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

- (1) "Agreement" means the formal contract between OPRD and the Project Sponsor describing the terms and conditions associated with any granting of funds. Also called "Grant Agreement."
- (2) "Commission" means the Oregon Parks and Recreation Commission.
- (3) "Committee" means the Veterans and War Memorial Grant Review Committee described in OAR 736-017-0010.
- (4) "Department" means the Oregon Parks and Recreation Department (OPRD).
- (5) "Construction" means the creation of a new memorial on public property.
- (6) "Director" means the director of the Oregon Parks and Recreation Department.
- (7) "Eligible Project" means a construction or restoration undertaking which satisfies the requirements of the Veterans and War Memorial Grant Program.

(8) "Governmental Entity" means a body of government, whether district, local, or regional, state, federal or tribal, that owns or leases the property on which the project is to reside.

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(9) "Grant" means an award from the Veterans and War Memorial Grant Program.

(10) "Grant Application" means the form and its format as developed by the OPRD that an applicant uses to request a grant.

(11) "Match" means project sponsor's budgeted funds, donated funds, value of equipment, materials, labor, planning, or any combination thereof.

(12) "Maintenance" means the continuation or preservation of a memorial. It includes the routine maintenance of or around a memorial such as landscaping, power washing, general cleaning, dusting, or removal of trash.

(13) "Memorial" means a monument or place designed to commemorate or preserve the memory of wars involving the United States of America or to honor veterans of the Armed Forces of the United States of America.

(14) "Nonprofit Veterans' Organization" means a group that:

(a) Is a nonprofit group that represents veterans of the Armed Forces of the United States, or is established for the purpose of supporting or recognizing such veterans;

(b) Has an established membership, that includes officers, and bylaws; and

(c) Is physically located in Oregon or has a chapter that is physically located in Oregon.

(d) Is also called a "Veterans' Nonprofit Organization".

(e) Is recognized as an existing non-profit status by the Internal Revenue Service.

(15) "OPRD" means the Oregon Parks and Recreation Department.

(16) "Planning" means the research, design, engineering, environmental, and site survey of any Memorial construction or restoration project.

(17) "Project Completion" means satisfaction of all requirements of a grant agreement as determined after review or inspection by OPRD.

(18) "Project Authorization" means the Agreement that authorizes the project as signed by the director and the Project Sponsor.

(19) "Project Sponsor" means the recipient of the grant funds and the responsible party for implementation of the project. [A Project Sponsor must be a local or regional government.](#)

(20) "Public Property" means public lands, premises and buildings, including but not limited to any building used in connection with the transaction of public business or any lands, premises or buildings [owned or leased by a government entity.](#)

(21) "Restoration" means the improvement, rehabilitation, repair, or reconstruction of an existing memorial. It does not include routine maintenance.

(22) "Veterans and War Memorial Grant Instruction Manual" means a manual prepared by the OPRD containing state policies, procedures, instructions and grant criteria to assist applicants and Project Sponsors wishing to participate in the Veterans and War Memorial Grant Program.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0010

Veterans and War Memorial Grant Review Committee

(1) The Veterans and War Memorial Grant Review Committee shall be composed of ~~five~~¹² members [selected by the department for their interest or expertise in veteran or military issues, at least two of which represent either a veterans organization or a governmental agency responsible for the administration of law relating to veterans, or for their knowledge of memorial construction or preservation.](#)

~~(a) Three staff or community members; and~~

~~(b) Two people appointed by the director to four-year terms that represent either a veterans' organization or a governmental agency responsible for the administration of law relating to veterans.~~

~~(3) The committee shall meet upon the call of the director.~~

(4) The Veterans and War Memorial Grant Review Committee shall follow grant application review procedures as provided in this division.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0015

Director Authority

- (1) In addition to those considered by the committee, the director may recommend eligible projects to the commission for grant funding. The director may recommend grants for construction and restoration.
- (2) The director may recommend funding eligible projects either in whole or in part.
- (3) The director may establish minimum or maximum grant award amounts each funding cycle.
- (4) The director may establish funding priorities or other criteria for each funding cycle.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0020

Eligibility

(1) ~~The department may consider a grant application from any local or regional government that meets the requirements of this section. The applicant and project sponsor must be either a local or regional government.~~

(2) Site. To be eligible for a grant, a memorial must be placed on public property. ~~If the property is not~~ owned or controlled by ~~a local or regional government~~ the project sponsor, ~~there must be an agreement in place between the project sponsor and the public property owner stating that the memorial will remain in place for at least 25 years.~~

(3) The project sponsor must agree in writing to keep in place and maintain the memorial for :
(a) Having the memorial sited and maintained for not less than at least 20-25 years from completion of the project. If the property is not owned or controlled by the project sponsor, there must be an agreement in place between the project sponsor and the public property owner stating that the memorial will remain in place for at least 25 years.

~~(b) An applicant must provide in their grant application:~~

~~(A) General description of the intended construction or restoration project;~~

~~(B) Documentation that demonstrates cooperation with a non-profit veterans' organization assisting in the construction or restoration of a memorial;~~

~~(C) Location of project with site maps;~~

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~~(D) Conceptual design drawings, engineering plans, or both.~~

~~(E) Description of project time period including proposed beginning and completion dates;~~

~~(F) Roles and responsibilities of the project sponsor and veterans' organization including post-project completion responsibilities;~~

~~(G) Description of financing plan for eligible projects, including sources of funds and match;~~

~~(H) Summary of proposed budget for the eligible project;~~

~~(I) Allowance by the state for any audits.~~

(4) Matching Requirements. The Veterans and War Memorial Grant program provides, subject to the availability of funds, for up to 80 percent funding assistance with a minimum of 10 percent cash match. The project sponsor shall provide a minimum 10 percent cash match. The project sponsor may provide the remaining match by ~~planning work done prior to project authorization or~~ planning, construction, or restoration work performed following project authorization.

(5) Ineligible costs for grant:

(a) Overhead — The regular operating expenses of either the applicant or the governmental entity receiving the memorial such as rent, building upkeep, utilities, and all fixed costs associated with the daily operations of a business, agency or group;

(b) Overtime;

(c) Expenses for equipment or materials used outside the scope of this project;

~~(d) Costs or expenses incurred prior to a Grant Agreement except planning work done prior to project authorization under section (4) above.~~

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0025

Application Process

(1) When the commission has Veterans and War Memorial Grant Program funds to award, the director will announce through a variety of media the availability of, application procedures for,

deadlines and other information for applying for a grant, including whether the director has established funding priorities for that funding cycle.

(2) Applicants must submit a grant application to the department. Applicants may use the "*Veterans and War Memorial Grant Instruction Manual*" for guidance in preparing and submitting a grant application to the department.

(3) A grant application that contains multiple work items must be structured so that the commission may award partial funding to a specific work item proposed in the grant application.

[ED. NOTE: Forms referenced are available from the agency.]

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

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.180(1)(d)

Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0030

Evaluation of Applications

(1) The department will review eligible applications that the department receives by the announced deadline for completeness. The department will provide all complete, eligible applications to the committee.

(2) The committee will rank applications based on the following criteria:

(a) Whether the application meets the director's funding priorities for that funding cycle;

(b) Whether the application has demonstrated the need for the project;

(c) Whether the applicant has demonstrated that adequate budget and financial controls are in place to properly administer the grant; and

(d) Any other criteria determined by the director prior to the announcement of the availability of grant funding, and which are contained in that announcement.

(3) The committee recommends funding grants up to the amount of funds that may be available in the program that biennium. The committee may also rank several alternates in priority order that may be funded if any of the recommended grants are not awarded.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.180(1)(d)
Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0035

Award of Grants

(1) Grants will be subject to binding grant agreements between the OPRD and the Project Sponsor. The grant agreement will specify the terms and conditions of the grant, generally including:

- (a) The total project costs, the match to be provided by the Project Sponsor, and the amount of the grant;
- (b) A statement of the work to be accomplished;
- (c) When the grant-assisted project may begin and a schedule for accomplishing work, reporting on progress, delivering products, and project completion.

(2) If grant funds remain or become unobligated, the department may reallocate such funds to other department grant programs.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.180(1)(d)
Hist.: PRD 6-2006, f. & cert. ef. 12-15-06; PRD 4-2012, f. & cert. ef. 5-11-12

736-017-0040

Disbursement of Grant Funds

(1) All grant funds shall be disbursed to project sponsors on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Project sponsor shall supply information substantiating billings if requested by the department.

(2) Under certain conditions such as reduction or increase of these funds an emergency procedure for awarding or canceling grants may be initiated at the discretion of the director.

(3) In implementing the emergency procedure, the director shall consider the availability of funds; the scope and need of projects available for funding; and the urgency and statewide importance of prospective projects. The director may propose projects to the commission for funding under this section and the commission may waive other requirements of these rules for the purpose of obligating funds in a timely manner.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.180(1)(d)
Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

736-017-0050

Recovery of Grant Funds

(1) Project sponsors that fail to complete approved projects to the department's satisfaction shall return all unexpended grant funds.

(2) Project sponsors 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 questioned in audit findings.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.180(1)(d)
Hist.: PRD 6-2006, f. & cert. ef. 12-15-06

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Attachment C

2015 Veterans and War Memorial Grant (Division 17) Rule Change Comment Summary

Local Government Grant Review Committee

This committee is the VWM Grant review committee under the current Administrative Rules.

David Price

Agree proposed rule changes will improve process. Will Eric and I be members of the new 5-person committee?

Rachel Dials

This sounds reasonable to me and I would welcome a smaller committee to make the decisions on the Veterans and War Memorial program.

Warren Jimenez

Sounds good...thanks!

Jeroen Kok

I support both of the proposed changes.

I think it would be reasonable to extend funding opportunities to lands that are not necessarily owned by local or regional governments. It seems that there are opportunities to obtain the long-term control and tenure, and maintenance certainties on other types of land both public and private. If you know that a significant number of worthy projects, perhaps more worthy than those that are currently being funded, would be funded by expanding the ownership eligibility, then I think this is a great idea.

And while I think the LGGPAC has important perspectives to offer in the way it reviews and scores the veterans and war memorial grant projects, I don't think we are indispensable. I'm sure that OPRD can put together a great team of people who are perhaps better qualified based on their experience and involvement with these types of projects. Taking this off our plates (not to say that is a burden in any way) also helps us to keep our focus on the primary job we are asked to perform for the state.

Thanks for the opportunity to review and consider the proposed changes, and provide feedback!

Jim McElhinny

The Rules changes make good sense to me and like the others heard from so far, a dedicated Committee to this grant program is a good idea. Thanks for checking in.

Susan Roberts

I am also in favor of the change; both parts as I have long wanted to refurbish a Nez Perce trail monument that is located on Federal Land near Imnaha and this would allow the group to make application.

Bruce Ronning

I'm very much in favor of the creation of a separate selection committee for the Veterans grants. I'm a bit ambivalent on the other proposed change. To what extent are lottery sourced grant funds (e.g. LGG) currently allowed to be spent for projects located on lands not in the control of local governments? I.e. state federal and tribal lands?

Roper Response

It's pretty rare that local governments invest in LGG projects on land they don't own, but it does happen on occasion. We allow it only if there's an appropriate 25-year agreement in place between the local government and the landowner. Examples include a campground in Union County and one in Jackson County that are on federal land.

Ronning Follow-Up

Sounds reasonable. Thanks.

Public Comment

Two comments were received when the rule change was opened for public comment. Notification for public comment was sent to all required entities and the various veterans organizations.

Dick Tobiason

Thank you for the opportunity to comment on the proposed changes.

I am Dick Tobiason, Chairman, Bend Heroes Foundation, a non profit 501 c3 entity honoring veterans (Tax ID 27-207 1808). We believe we satisfy the "Nonprofit Veterans' Organization" definition in 736-017-14.

The Foundation was instrumental in honoring Oregon's war veterans by requesting legislation honoring WWI, WWII, Korean, Vietnam and Persian Gulf, Afghanistan and Iraq war veterans by prominent signs displayed on 6 border to border highways in Oregon:

- WWI – US 395
- WWII – US 97 and SR 126
- Korean War – I-5
- Purple Heart recipients – I-5
- Vietnam – I-84
- Persian Gulf/Afghanistan/Iraq – US 101

The Foundation raised all the funds necessary to install 34 signs on US 97, SR 126 and I-5 (Vietnam). The Foundation partnered with Oregon Department of Transportation (ODOT) for the installation of the signs. The signs were approved by ODOT and purchased by the Foundation from a local sign company. The Foundation paid ODOT for the signs installation. ODOT did not use taxpayer funds. That project has been completed. The Foundation did not seek an OPRD "Veterans and War Memorials" grant to cover that \$39,000 project.

Now the Foundation has secured legislation (HB 2036) signed by Governor Brown on April 21, 2015 to honor war veterans on US 395, I-5 and US 101. The Foundation is eager to work with a Project Sponsor to seek an OPRD Grant to cover the costs of fabricating and installing up to 30 more war veterans highway signs on US 395, I-5 and US 101. The Foundation is working with ODOT Headquarters to develop an agreement that would see ODOT fabricating and installing the signs and veterans or an approved Project Sponsor raising the necessary funds. The projected cost is about \$40,000 including spare signs.

Our comments on the proposed changes are:

- defining the highway signs project as an “eligible project” in 017-7
- defining Oregon Department of Transportation as a Project Sponsor in 017-0005 –8 (“state”)
- defining the highways signs project as a “memorial” 017-13
- defining ODOT as a “Project Sponsor” under regional government 017-19
- defining ODOT as an “applicant and project sponsor” 017-0020-1
- defining highways maintained by ODOT as “public property”

The newly approved war veterans highway signs will be maintained by ODOT as ODOT will own the signs on public property it maintains.

With the above revisions approved by OPRD, Bend Heroes Foundation will work with ODOT to apply for a “Veterans’ and War Memorial” grant as soon as possible. We believe this would be the first use of an OPRD grant to honor war veterans through the use of highly visible highway signs.

Thank you for the opportunity to comment.

Gill response

Mr. Tobiason,

Thank you for your review and consideration of the proposed rule changes for the Veterans and War Memorials grant program.

I have responded to your specific change requests below.

defining the highway signs project as an “eligible project” in 017-7 – This project falls under the broad definition of eligible projects, so it is not necessary to specific particular projects in this definition.

defining Oregon Department of Transportation as a Project Sponsor in 017-0005 –8 (“state”) – ODOT is an agency of the state and so qualifies under the proposed language.

defining the highways signs project as a “memorial” 017-13 - the signs qualify under the current language as a monument, so there is no need to change the definition of “Memorial”

defining ODOT as a “Project Sponsor” under regional government 017-19 – Under the legislation for the program and the funds used, ODOT as a state agency cannot be defined as a sponsor. The funds are only available to local and regional governments.

defining ODOT as an “applicant and project sponsor” 017-0020-1 – Again under the legislation for the program and the funds used for this program, a state agency cannot be the applicant or project sponsor.

defining highways maintained by ODOT as “public property” – Under legislation for this program and the funds used for the program, the property must be owned or leased (not just maintained) by a government entity. Property owned by ODOT qualifies as public property.

Again, thank you for your comments. There are limitations to the program mandated by the legislation. These cannot be changed through the rule making process.

Please let me know if you have further questions.

No further response or Comment from Tobiason.

Peggy Lynch

Is there a set amount of money for these grants? Will it come from M76 \$\$\$? Does the proposed rule also include criteria for where these memorials might be located? Thanks.

Gill response

Ms. Lynch,

Thank you for your questions. The rule change does not change the source or amount of funding.

The rule still requires that it be public land and that if it is not on located on local government property there must be an agreement between the two governments (applying local government and public property owner).

You are welcome to look at the language it is on the OPRD website. <http://www.oregon.gov/oprd/RULES/Pages/Rulemaking%20Notices.aspx>.

Lynch response

Thanks for the quick response. Peggy

Oregon Parks and Recreation Commission

September 23, 2015

Agenda Item: 11c

Information

Topic: Beach Driving

Presented by: John Allen, Coastal Region, Manager

Situation: Discussion of Beach Driving

Lincoln City, Lincoln County

- In Lincoln County there are two locations that allow driving and parking on the beach since the Beach Bill passed. 15th Street owned by Lincoln City and 35th Court owned by Lincoln City. All other beaches in Lincoln County prohibit driving.

Background

- 15th Street in Lincoln City is maintained by the City with restrooms and paved access down to the beach level. This location is very popular for beach access and parking. Vehicles can drive or park 150 feet north from the access and 150 feet south of the access.
- 35th Court in Lincoln City is owned by the City, but has not been maintained by Public Works. In the 1990's the access was so poor, that OPRD signed the access with its regular Beach Rule sign stating "no vehicles", because the sand had eroded and the access was not passable. This summer a couple of people realized from the rules that this access was not a vehicle prohibited area, and the accretion of sand made it a passable access. Lincoln City Police called and wanted clarification about driving on this beach, I explained it was an open beach 150 feet each direction according to the OAR. They asked that we remove the vehicle prohibited sign. Then we had 3-4 residents call and complain, OPRD didn't have the right to open a new beach for driving.
- ORS 390.668 states that proceedings to establish a zone of vehicle restriction can be initiated by either OPRD or a petition of 20 or more landowners or residents, or by a local governing body (City or County). If this is initiated, then OPRD Commission directs the department to hold a public hearing so we can collect comments from the public and make recommendations to the Commission.

Prepared by: John Allen