

## Oregon Parks and Recreation Commission

April 27, 2016

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Agenda Item: 3b

Information

Topic: Cape Kiwanda Update

Presented by: Chris Havel

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The state purchased Cape Kiwanda as a natural area in 1973 following a spate of deaths among people climbing the sandstone bluffs. Signs and barrier fences in different configurations followed in the ensuing decades, with the most recent change to the fence coming after a death in 2009. The site is adjacent to a popular beach and Pacific City, a growing tourism destination, and is quite well known to locals and people in the Willamette Valley. It is beautiful, accessible, and fragile. Strong waves batter the sandstone cliffs and erosion is constant.

Six deaths in 2014-2016 have brought the community together to look at ways to persuade visitors to change the way they view the inherent risks of a natural, wild area. After a town hall meeting organized by Oregon coastal Senator Arnie Roblan, OPRD Director Lisa Sumption convened a work group consisting of local residents and businesspeople, county officials, law enforcement, and rescue responders. The group will meet just before this commission business meeting.

An online public discussion and the town hall produced a wide spectrum of ideas:

- Leave the park alone and accept every wild, natural area produces some risk.
- Update the signs to more clearly express the danger, and memorialize the lives lost in an attempt to make the warning more personal, and reroute the fence to allow better access to key viewpoints.
- Close or restrict access to the park in a more severe way.
- Reach out to young adults more intelligently and with a more accessible message before they visit.

Park staff have already changed some signs and extended a fence as a temporary measure, but the work group will provide Director Sumption with a more comprehensive laundry list of ideas in the next few months.

**Prior Action by Commission:** None.

**Action Requested:** None

**Attachments:** Park background

**Prepared by:** Chris Havel

## **Cape Kiwanda background and current safety issue**

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### ***Background***

The State of Oregon purchased Cape Kiwanda for use as a state park in 1973. Today, the park totals 185 acres starting at the south end with a large dune and sandstone cliffs, and ending with a strip of beach on the north.

The sandstone bluffs are vulnerable to erosion from wind, rain, and the ocean. Cliff edges are often undercut, collapsing with little pressure. Rocks, slippery with algae, can send a person into the ocean in a split second. Where the sheer rock faces meet the ocean, falling just a few feet down can put a person out of reach. Wave action can be violent, even if the weather is clear, especially after a storm.

The unincorporated town of Pacific City is on the south side of the park. A popular beach access is used by beachgoers, surfers, and the dory fleet (small, fast boats that launch and land from the sand). Hang gliders are also common in the area. Residential and vacation homes, private camping, and business like the Pelican Pub surround the southern boundary. The county manages a parking area.

A spate of deaths preceded state purchase of the site in 1973. Records are sketchy, but newspaper articles mention 11 deaths from falls to the rocks and ocean from 1960-1972.

After being purchased by the state, park staff worked out a plan to restrict access by building about a mile of fence close to the sandstone cliff edges.

Fencing met with some opposition from locals, photographers, and other people interested in a wild, natural coast. Black-coated chain link was settled on as a compromise to preserve as much of the view as possible.

Portions of the fence didn't stand up well to conditions on the cape. Sand accumulated against the chain link and buried portions of it.

After the original fence was erected, Kiwanda stayed in the news as a natural wonder, but no direct mentions of fatalities were found in the searchable online public media until the 1990s, when deaths occurred in at least 1993 and 1994. Local first responder records probably contain incidents absent from the online record.

In 1996, the decrepit mile-long fence was replaced with a quarter-mile post-and-cable barrier that closed off the tip of the cape—the most prominent and unstable sandstone features associated with the most falls and deaths.

In April 2009, an 18 year old male fell onto the rocks and died. The fence was extended by 60' close to the site of the incident.

After five years without major incidents, a 25-year old male crossed into the fenced off area in April 2014, strung a cable between rocks (a practice called slack lining), fell to the rocks and was swept out to sea. Three more died in 2015; one 17-year old male fell from the cliffs in the closed area in June, and two more—female aged 17 and male aged 22—died unattended in July (so the cause and exact location are not known). Two more (female aged 17 and male aged 19) died in February 2016 after falling from the fenced-off area into the ocean. In the most recent case, one person in a group fell into the ocean, and two would-be rescuers followed. One rescuer and the original victim self-rescued, and the second rescuer died.

Public comment, staff history, and park experience present at least six general options for responding to the rash of incidents.

### *Early detail-free options*

- 1) **Don't change the site:** Allow public attention to raise awareness of the risk.
- 2) **Restrict the area more:** Change the fence height, material, or location to create a stronger barrier.
- 3) **Restrict the area less:** Relocate the fence to give people more access to stable areas of the cape, and better access to the views they're seeking. Increase barriers closer to highest risk areas.
- 4) **Revise and relocate the signs:** Use stronger, more personal language to communicate the sense of loss more powerfully and persuasively.
- 5) **Increase patrols:** Dedicate more law enforcement and park ranger time to the site when weather encourages visits to personally speak to teens and 20-somethings.
- 6) **Off-site communications:** Incorporate strong, consistent safety messages online, at nearby rental properties and campgrounds, and through Pacific City businesses.

## Oregon Parks and Recreation Commission

April 27, 2016

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Agenda Item:	3c	<b>Action</b>
Topic:	2017 Legislative Concepts	
Presented by:	MG Devereux, Deputy Director	

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### Background

The 2017 legislative session is rapidly approaching. As an executive branch agency, any requests for legislation must be reviewed and approved by the Department of Administrative Services (DAS) and the Governor's Natural Resource Office (GNRO), before being submitted by the Governor on behalf the agency. Oregon Parks and Recreation Department (OPRD) items must also have approval from the Oregon Parks and Recreation Commission (OPRC) as policy statements of the agency. OPRD staff have submitted placeholder requests on three concept areas to hold our place in the process.

### Three Concept Areas:

#### 1. License Plate Fee

This concept would work with the Department of Motor Vehicles to establish an additional fee on Oregon license plates that would go to OPRD. OPRD is developing this concept based on other states like Montana who have successfully implemented a similar system. The fee would be opt out, and all Oregon license plates would allow free access to the parks that currently charge a day use fee. The day use parking fee would still be in effect for the major park destinations, but would be only applied to out of state vehicles. OPRD is currently working on the necessary statutory language needed to make this change as well as refining the revenue generation potential and cost savings by reducing the day use fee collection system.

#### 2. Flexible Fees

This concept would develop a variable rate structure that would be based on market conditions. This structure would allow the director to set rates within a range to help adjust for weather conditions, marketing initiatives, and site premiums. The concept is currently being developed to keep the overall site rates flat, but identify areas or conditions where premium pricing could generate higher revenues. Variations of this system are being used in many other states, Washington, South Carolina, California.

### 3. Recreational Immunity

OPRD has faced several legal challenges over the concept of recreational immunity over the last decade. The cases and decisions have created several questions and identified gaps in the protection afforded to the agency. Recently an Oregon Supreme Court case created an additional hole in the concept that poses significant challenges to every recreation provider in Oregon. A broad coalition of recreation providers has identified this as top issue. The agency is working with the Department of Justice, and others to craft language that would help clarify recreational immunity, as well as strengthen the intended protections for public and private recreation access providers.

**Prior Action by Commission:** none

**Action Requested:** Approval to continue working on these three concepts for the 2017 legislative session.

**Attachments:** none

**Prepared by:** MG Devereux

## Oregon Parks and Recreation Commission

April 27, 2016

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Agenda Item: 3d

Information

Topic: 2016 Governor's Campout

Presented by: Chris Havel

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The Governor's Office will host a free campout for mid-Willamette Valley youth June 18-19. The event is part of a national effort to use the bully pulpit of the governor's office to introduce traditionally under-served groups to outdoor recreation. OPRD staff are working with local youth service organizations to register families who will spend a night camping out at Willamette Mission between Keizer and Woodburn. Donations and grants will pay for gear, and other state agencies—Fish and Wildlife and Forestry—are chipping in with staff and equipment. Youth and their families will play outdoor games, try their hand at archery and paddling, and enjoy an evening campfire.

**Prior Action by Commission:** None

**Action Requested:** None

**Attachments:** Campout flyer

**Prepared by:** Chris Havel

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**QUESTIONS?**

Contact Tammy Baumann, 503-385-5825  
or [tammy.baumann@oregon.gov](mailto:tammy.baumann@oregon.gov)



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**¿PREGUNTAS?**

Llame o escribe a Diane Navarrete, 503-986-0265  
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