



Submit a public comment on a rule

Oregon Parks and Recreation Department

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Location (if provided): {city}, {state}

Public comment:

Dear Chair Hill and Members of the Oregon State Parks and Recreation Commission:

We, the Jackson County Board of Commissioners, are highly concerned with three proposed changes to Oregon Administrative Rules (OAR) pertaining to the County Opportunity Grant Program for the following reasons:

- OAR 736-007-0035(3)(a) states that county representation candidate lists for the County Parks Assistance Advisory Committee shall be supplied by the Association of Oregon Counties (AOC). We disagree with this language, as not all counties are members of AOC. By relying on AOC for candidates, non-member counties will be disenfranchised. We strongly believe that requests for county representation should be made directly to each county's Board of Commissioners, and that recommendations from each Board should be considered.
 - We propose the following language: "County representation candidate lists shall be developed by soliciting each county Board of Commissioners office for interested parties."
- OAR 736-007-0035f3)(d) states that a citizen representation candidate list shall be supplied by AOC, the Oregon Recreation and Park Association, or other sources identified by the Oregon Parks and Recreation Department (OPRD). Similar to our comments above, we are concerned with the proposed language as AOC does not represent all counties.
 - We propose the following language: "Citizen representation candidate lists shall be supplied by the Oregon Recreation and Park Association, county parks and recreation officials, or other sources identified by OPRD."
- OAR 736-007-0045(6) states that Project Sponsors that have not addressed or submitted documentation to OPRD or the National Park Service (NPS) for review and remediation of an active conversion through the Land and Water Conservation Fund (LWCF) Program or the Local Government Grant Program are not eligible to apply for County Opportunity Grant Program assistance.

The LWCF Program has been used widely across Oregon, with numerous properties being purchased over the past half-century. However, neither the State of Oregon nor NPS has a firm

handle on what properties were purchased with LWCF funds, the true extent of project boundaries, or where active conversions exist. Maps often conflict and, in some cases, even show private properties as being encumbered by LWCF rules. The OPRD and NPS record keeping is haphazard at best. This certainly is the case on the Bear Creek Greenway where we are forced to rely on colored-pencil drawings of interpretations of LWCF boundaries by OPRD staff from many years ago, literally. While an extreme case, the uncertainty of LWCF boundaries is not limited to Jackson County. As a result, conversions are not infrequent and often can go unreported.

That said, sometimes jurisdictions proactively work to report a conversion in a transparent manner, as is the case in Jackson County. For many years, Jackson County has been working with OPRD staff to resolve an active LWCF conversion regarding a small, previously undeveloped portion of land along the Bear Creek Greenway. The property was sold to a local private school to be used for valuable sports fields that benefit many children in our local community. OPRD was notified and funds from the sale were placed in a dedicated fund within the County's financial system, only to be used for replacement property needed to resolve the conversion. Jackson County is not hiding from the requirement to mitigate the conversion. In fact, it has embraced it and has been extremely transparent along the way, ensuring funds are in place to purchase replacement property.

As OPRD is aware, resolving LWCF conversions is not simple. NPS has complex and confusing administrative requirements which must be met, and replacement property eligibility is limited by severe restrictions on the proposed replacement properties. Jackson County has proposed multiple properties to be considered for replacement properties, only to be told they would not be eligible. The proposed properties have a significant recreational value, yet are deemed ineligible due to archaic rules. Opportunities for the purchase of valuable replacement property simply are not frequently available within the confines of the County border. While Jackson County could simply purchase a piece of property to resolve the conversion, we believe that finding property which will serve the recreational needs of our residents, even if that requires waiting, as property in our county is not readily for sale, is in the best interest of the public and frankly, what the public expects.

Over the past two decades, Jackson County has been very successful in acquiring County Opportunity Grant Program funding to better its local park system and serve the recreational needs of its guests. We have effectively tackled deferred maintenance, while improving accessibility across our parks for those with mobility challenges. Using the draconian approach in the proposed OARs and

prohibiting local governments from obtaining a County Opportunity Grant due to an LWCF conversion, especially counties who are being transparent, does not serve Oregonians well. It only serves to harm our statewide park and recreation system.

While we appreciate staffs efforts to ensure property acquired or developed with grant funding is used for park and recreation purposes, we also have very significant concerns that, if this provision is accepted, OPRD is holding local government to a higher standard than themselves. In recent conversations, Jackson County Roads and Parks Department staff have confirmed, after being told otherwise, that OPRD in fact has an active conversion at the former Cascadia State Park, now Cascadia County Park in Linn County.

The lack of OPRD resolving this conversion that the agency has known about for nearly a decade is particularly concerning, as OPRD staff have told Jackson County Roads and Parks Department leadership that they are being directed by NPS to resolve all active conversions in Oregon, or risk losing State LWCF funding, hence the proposed rule change language. After requesting copies of NPS correspondence with OPRD staff on this matter, none could be provided. As a result, we are left wondering why solving local government conversions, to the point of withholding grant funding, is more of a priority than resolving the Agency's own conversions. We cannot be left with any interpretation other than a State agency holding local government to a higher standard than itself, which is highly concerning.

Due to our concerns with the LWCF Program, the difficulty in obtaining replacement property, and the inconsistency in how OPRD is proposing to apply the rules to local governments versus themselves, we cannot support the language as written.

We agree that local governments who create a conversion on a project funded by State grants should not be eligible for future grant funding until resolved. However, this requirement should not apply to LWCF.

- We propose the following language (removes LWCF from the Rule): "Project Sponsors that have not addressed or submitted documentation to OPRD for review and remediation of an active conversion through the Local Government Grant Program or the County Opportunity Grant Program are not eligible to apply for County Opportunity Grant Program assistance."

Jackson County has long been a valuable partner of OPRD and has collaborated on many aspects of Southern Oregon and statewide recreation to strengthen the outdoor recreation system in

Oregon. We respectfully ask for the changes listed above to be considered, as we believe that they are valuable in maintaining this partnership and in the best interest of Oregonians.

Furthermore, we ask that funding for the grant submitted by Jackson County during the 2025 County Opportunity Grant Program solicitation, supported by the County Opportunity Grant Advisory Committee and approved by the Oregon State Parks and Recreation Commission, be immediately released so that improvements in our County park system can proceed as planned.

Sincerely,
JACKSON COUNTY BOARD OF COMMISSIONERS
Rick Dyer, Chair
Randy Sparacino, Commissioner
Colleen Roberts, Commissioner