

Oregon Parks and Recreation Commission

September 20, 2023

Agenda Item: 3d

Information

Public Comment Allowed: **Yes**

Topic: TouVelle update

Presented by: Chris Havel

Over the last several years, agency staff have updated the commission on operations at TouVelle State Recreation Site on the Rogue River near Central Point and Medford. Originally, these updates were related to the park's role in one of several public/private recreation pilot projects. At TouVelle, that meant permitting use of the park by a jet boat touring business. The project led staff in late 2022/early 2023 to study whether a similarly-scoped concession was a good fit for the park. The concession idea was shelved pending both more improvements to the park to accommodate expanded use, and larger public concerns over effects of high-speed boats on the Rogue River in and outside the park boundary. The Denman State Wildlife Area is adjacent to the park.

Recreational use of the Rogue by boats is under the purview of the Oregon State Marine Board (OSMB), and the Oregon Department of Fish and Wildlife manages Denman and works with OSMB regarding potential impacts of jet boats to species of greatest conservation need, and in particular sensitive and Endangered Species Act-listed fish populations in this reach of the upper Rogue River.

After the concession project was shelved, OPRD staff reverted to a standard practice regarding public rights to the river in place since the start of the pilot, namely that the public had a right of access below high water. The jet boat business, lacking a permit from OPRD, was prohibited from erecting advertising in the park or conducting transactions there, but continued operation by installing temporary loading ramps below the high-water line. This assumption was incorrect. In May 2023, frontline staff collected information from the Department of State Lands regarding the status of public rights, and the information showed DSL had asserted public ownership in 2008, but the declaration was deemed invalid, meaning landowners (including OPRD) could determine public rights within their boundaries. The boundary of TouVelle extends to the center of the river in the area used by the jet boats. The OPRD executive team member supporting frontline staff with the project missed the updated information and continued advising staff to assume a public right that did not exist. Thanks to continued public comment expressing concerns about high speed boat use on the river, the error was discovered and corrected, and the jet boat business complied with our direction to remove loading ramps from the river.

The business, like every other boater, is allowed to use temporary, removable ladders or steps to get in and out of boats, though they are not allowed to leave this equipment behind when departing the park. With overlapping roles managing public benefits of the river, the Department of State Lands, Oregon Department of Fish and Wildlife, Oregon State Marine Board, and OPRD will cooperate with the Governor's Regional Solutions staff to do public outreach and other data gathering starting this autumn informing next steps in each agency.

Prior Action by the Commission: None.

Action Requested: None.

Attachments: Map of area

Prepared by: Chris Havel

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Item 3d Attachment TouVelle: approx. range of Rogue River declared navigable in 2008, but negated by a court ruling

