



Oregon Parks and Recreation Commission

April 16 & 17, 2019
 The Oregon Garden
 985 West Main St
 Silverton, OR 97381

Draft Minutes

Wednesday, April 16, 2019

Location: The Oregon Garden

TOUR: Silver Creek Falls

WORK-SESSION / TRAINING: 2:00pm – 4:30pm

- Acquisitions
- Naming Policy

Thursday, April 17, 2019

Location: The Oregon Gardens

Executive Session: 8:15am

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

• Cal Mukumoto, Commission Chair	• MG Devereux, OPRD Deputy Director
• Jennifer H. Allen, Commission Vice-Chair	• Denise Warburton, OPRD
• Lisa Dawson, Commission	• Chris Havel, OPRD
• Jonathan Blasher, Commission	• Daniel Killam, OPRD
• Doug Deur, Commission	• Cailin O'Brien-Feeney, OPRD
• Vicki Berger, Commission	• Alice Beals, OPRD
• Steve Grasty, Commission	• Scott Nebeker, OPRD
• Steve Shipsey, Counsel for Commission, DOJ	• Katie Gauthier, OPRD
• Lisa Sumption, OPRD Director	• Jan Hunt, OPRD
•	• Chrissy Curran, OPRD

1. Commission Business

- a) Welcome and Introductions (Information)
- b) Approval of February 2019 Minutes (**Action**)

ACTION: Commissioner Berger moved to approve the February 2019 minutes. Commissioner Grasty seconded. Motion passed, 7-0. (Topic starts at 00:07:40 and ends at 00:07:57)

- c) Approval of April 2019 Agenda (**Action**)

ACTION: Commissioner Allen moved to approve the April agenda. Commissioner Blasher seconded. Motion passed, 7-0. (Topic starts at 00:08:05 and ends at 00:08:28)

2. Public Comment: *This is the time for the public to address the Commission.*

3. Director's Update

a) Office of Outdoor Recreation Update (**Action**)

ACTION: Commissioner Allen moved to approve the nominated Office of Outdoor Recreation Governor's Task Force members. Commissioner Grasty seconded. Motion passed, 7-0. (Topic starts at 00:12:00 and ends at 00:29:22)

b) Reservation System Update (Information)

c) Legislative Update (Information)

4. Budget

a) Budget Update (Information)

b) 2018 Annual Expense Report for Director (**Action**)

ACTION: Commissioner Allen moved to approve the 2018 Annual Report for Director as presented. Commissioner Blasher seconded. Motion passed, 7-0. (Topic starts at 00:57:15 and ends at 00:59:29)

5. Property

a) Conde B. McCullough State Recreation Site -Transfer to ODOT (Information)

b) Hilgard Junction State Park - Transfer to ODOT (Information)

c) Clarno State Park-Boundary Line - Reciprocal Exchange (Information)

d) Banks Vernonia State Trail - Access Easement to Neighbors (Information)

e) Iwetemlaykin – Rahmani Property Proposed Acquisition (Information)

f) Pilot Butte State Scenic Viewpoint– Renewing Lease with T-Mobile (**Action**)

ACTION: Commissioner Berger moved to approve the renewal for Pilot Butte lease with T-Mobile. Commissioner Dawson seconded. Motion passed, 7-0. (Topic starts at 01:15:02 and ends at 01:17:14)

6. Community Engagement

a) Contracts – ODF & OSP for the ATV Program (**Action**)

ACTION: Commissioner Grasty moved to approve the contract for ODF & OSP for the ATV Program. Commissioner Allen seconded. Motion passed, 7-0. (Topic starts at 01:17:42 and ends at 01:20:28)

b) ATV – New Committee Members (**Action**)

ACTION: Commissioner Deur moved to approve three new members to the ATV Committee, Zack Jarett with US Forest Service, Lorelle Boyd with Oregon Health Authority, and Jamal Rev with Oregon Dept of Forestry as requested. Commissioner Blasher seconded. Motion passed, 7-0. (Topic starts at 01:20:41 and ends at 01:22:45)

c) ATV Grant Subcommittee Grant Recommendations (**Action**)

ACTION: Commissioner Berger moved to approve \$8,532,751.72 in grants for operations/maintenance and law enforcement as recommended by the ATV Grant subcommittee. Commissioner Allen seconded. Motion passed, 7-0. (Topic starts at 01:23:00 and ends at 01:26:34)

7. Park Development Division

- a) Pilot Butte (Information)

8. Heritage

- a) Heritage Division Updates (Information)
- b) Veterans and War Memorials Grants (**Action**)

ACTION: Commissioner Grasty moved to approve the Veterans and War Memorials Grants. Commissioner Allen seconded. Motion passed, 6-0. Because Metro in one of the recipients and being a Metro employee, Commissioner Blasher recused himself. (Topic starts at 01:41:52 and ends at 01:44:17)

9. Rulemaking

- a) Request to go to rulemaking- Oregon Natural Areas Program Rules (736-045-0300 to 736-045-0505) (**Action**)

ACTION: Commissioner Deur moved to open rulemaking on Oregon Natural Areas Program Rules (736-045-0300 to 736-045-0505). Commissioner Berger seconded. Motion passed, 7-0. (Topic starts at 01:45:33 and ends at 02:00:40)

- b) Request to adopt rulemaking adding plans for Brian Booth and Wallowa Lake State Parks to list of Master Plans (736-018-0045) (**Action**)

ACTION: Commissioner Berger moved to approve to adopt rulemaking adding plans for Brian Booth and Wallowa Lake State Parks to list of Master Plans (736-018-0045). Commissioner Blasher seconded. Motion passed, 7-0. (Topic starts at 02:00:58 and ends at 02:02:41)

10. Reports (Information)

- a) Update Rocky Shore Management Strategy/Territorial Sea Plan (Information)
- b) Procurement Report (Information)

11. Commission Planning Calendar (Information)

Meeting adjourned at 12:44pm

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

June 11th & 12th, 2019

Crook County Library

175 NW Meadow Lakes Dr.

Prineville, OR 97754

Draft Agenda

Tuesday, June 11th

Location: Crook County Library

TOUR:

8:00am Depart Best Western Prineville Inn, 1475 NE 3rd St Prineville, OR

11:45am Return to Crook County Library

WORK-SESSION / TRAINING: 12:15pm – 4:00pm

Wednesday, June 12th

Location: Crook County Library

Executive Session: 8:15am

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 April 2019 Minutes (**Action**)
- c) Approval of April 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.***

3. Director's Update

- a) Office of Outdoor Recreation Update (Information)
- b) Legislative Update (Information)

4. Budget

- a) Budget Update (Information)

5. Property

- a) Travel Information Council - Rest Area Mgmt Agreement (Information)
- b) Clarno State Park-Boundary Line - Reciprocal Exchange (**Action**)
- c) Smith Rock - McFarlane Property Acquisition (**Action**)
- d) City of John Day - Gleason Park Acquisition (**Action**)
- e) Iwetemlaykin SHS - Rahmani Acquisition (**Action**)
- f) Canyon City Parks and Recreation District (**Action**)
- g) Floras Lake Curry County (Information)

6. Community Engagement

- a) ATV Grant Recommendations (**Action**)

7. Park Development Division

- a) Facility Investment Program (FIP) Adoption (**Action**)
- b) Construction Contract Award Approvals (**Action**)

8. Heritage

- a) Heritage Division Updates (Information)

9. Rulemaking

- a) Natural Areas Program Rulemaking (**Action**)
- b) Rescind State Fair Rules (**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)

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

June 12, 2019

Agenda Item: 3a Information
Topic: Office of Outdoor Recreation Update
Presented by: Cailin O'Brien-Feeney

The Office of Outdoor Recreation held the inaugural meeting of the Governor's Task Force on the Outdoors May 22, 2019 at Silver Falls. The group, empaneled by the Oregon State Parks and Recreation Commission in April to is a short-term task force that will develop a report over the next year recommending 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.

Drafts of the report will be presented to the Commission for discussion. When finished, the report will be delivered to the Commission, Governor, and Legislature, then the short-term task force will disband. Discussion about the need for a future, permanent advisory group will be brought to the Commission either as a workshop or business meeting agenda item.

Oregon State Parks and Recreation Commissioner Jon Blasher is chairing the task force. Commissioner Blasher and Office of Outdoor Recreation Director Cailin O'Brien-Feeney will present a summary of the first gathering and plans for future meetings during this agenda item. An updated brief will be provided at June 11.

Prior Action by Commission: Approval of task force roster, Item 3a, April 2019

Action Requested: None

Prepared by: Chris Havel

Attachments: Agenda for the May 2019 meeting of the Governor's Task Force on the Outdoors.



Agenda

Governor’s Task Force on the Outdoors

Date: Wednesday, May 22nd 2019
 Time: 9:00 am – 3:30 pm
 Location: Silver Falls Conference Center
 20022 Silver Falls Hwy SE, Sublimity, 97385

Purpose: During our first meeting, the overall goal is for the group to understand sense of our “State of Play”. To that end, we’ll establish values that will guide our work as well as a baseline of the outdoor recreation trends and economic impacts in Oregon. In other words, our work at first will focus on the “why”, some of the “what” and future meetings will dive deeper into the “how” for our goal areas.

8:30	Doors Open	
9:00-9:45	Welcome, Agenda	Jonathan Blasher - Chair Doug Decker
9:45-10:15	Outdoor Recreation Trends + Data	Terry Bergerson, OPRD
10:15-10:45	Break	
10:45-11:15	Oregon Outdoor Recreation Initiative	Kristin Dahl, Travel Oregon
11:15-12:30	Agency presentations	ODFW, USFS, BLM, Business Oregon, OSMB
12:30-1:15	Lunch	
1:15-1:30	Roadmap to the Outdoors	First Gentleman Dan Little
1:30-2:45	Task Force Discussion	Doug Decker lead
2:45-3:00	Break	
3:00-3:15	Public Comment	
3:15-3:30	Closing – review deliverables and work plan	Cailin O’Brien-Feeney

Our shared purpose 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."*

Oregon Parks and Recreation Commission

June 12, 2019

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

Background:

With less than two months remaining in the legislative session, we have fifty percent of our proactive bills through the process. Staff continue to meet with legislators, staff and advocates to push for the remaining pieces of proactive legislation.

OPRD Pro-Active Bills Enacted:

- **HB 2081:** Changing 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.
- **SB 50A:** The two forestry bills, SB 49 and 50 were amended into one bill. This bill will align our forest contracting requirements with those of the department of Forestry and increase the threshold for competitive bids from an appraised value of \$15,000 to \$25,000.

Remaining OPRD bills:

- **SB 48:** This bill would extend the special assessment for historic preservation tax program for three years so that local governments and preservation advocates can develop changes to the program. A hearing and work session is scheduled for 5/14 in the Senate Finance and Revenue Committee.
- **HB 2082** would require 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 brings consistency and increases safety, particularly in growing ATV classes. The bill had a hearing in the Joint Transportation Committee, but it will likely be part of larger ATV conversations during the interim.
- **HB 2083** is a fix from 2017 that would outline how OPRD and ODOT would work together on a bicycle/pedestrian grant program instead of OPRD reimbursing ODOT \$4 million for grants. This bill also sunsets this requirement in 2025 instead of requiring funding from our constitutionally-dedicated lottery funding continually be allocated in this manner. We have worked with ODOT and stakeholders on an agreement to resolve concerns. Staff are hopeful this

concept will be amended into a larger transportation fix bill in the next few weeks.

- Other bills of interest to the agency:
 - **SCR 30** declares May 12-18 Oregon Scenic Bikeways Week. In commemoration of the 10th anniversary of the Oregon Scenic Bikeways program, this resolution was introduced by Senator Prozanski. The Scenic Bikeways Committee held a 10th anniversary celebration event at the Capitol in May with partners including Cycle Oregon and Travel Oregon. The Senate passed the resolution and it is in the House Rules Committee.
 - **HB 2195** sites a Vietnam Veterans Memorial on the Capitol grounds, near the WWII Memorial. The bill creates a task force to approve the design of the memorial and allows the task force to apply for OPRD's grant program. Representative Evan's bill has passed out of the House Veterans Committee and is in Ways & Means.
 - **HB 2566** would require all ATVs to be registered. Currently, proposed amendments have registration and titling of ATVs going through the Marine Board. Additional proposed amendments make changes to the width of class IV ATVs. 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.
 - **HB 2835** is a bill designed to increase waterway access. OPRD received permission from the Governor's office, along with the Marine Board to actively support this bill. The amended version is significantly scaled back from the initial goal of advocates, but still aligns with OPRD's mission to provide all Oregonians with memorable outdoor recreation opportunities. As amended, this bill defines public access to waterways and requires notice of closures longer than 30 days. The bill would also provide opportunities for state agencies to collaborate on funding additional access opportunities.
 - **SB 308** would require 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 is in Ways & Means.
 - **SB 927** repeals the state law that requires local jurisdictions to obtain owner consent for local designation of historic resources, and it addresses the connection between the National Register of Historic Places and Statewide Planning Goal 5. The primary intent is to remove the requirement for local jurisdictions to automatically apply protections to properties listed in the National Register (without a public process). This bill is in the Senate Rules Committee.

Next Steps:

OPRD's budget passed out of the Ways and Means Committee and will be scheduled for a vote in both chambers. The 2019 session is scheduled to end by June 30. Staff will continue to monitor legislation, amendments and budgets to track impact to the department.

Prior Action by Commission: Update Report in the April Commission Packet

Action Requested: Information only

Prepared by: Katie Gauthier

Attachments: None

Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 4a

Information

Topic: Budget Update

Presented by: Daniel Killam, Deputy Director for Administration

The June 2019 Lottery forecast will be released May 15, 2019 and will be provided at the Business meeting.

OPRD's 2019-21 biennium budget was approved by the Natural Resources Subcommittee of the Joint Ways and Means Committee on April 24, 2019. Consideration by the full Joint Ways and Means Committee is expected soon; as of this writing it has not yet been scheduled. When approved by the full Joint Ways and Means Committee, the bill will then need to be approved by both the House and Senate and then signed by the Governor.

The Natural Resources Subcommittee made some minor adjustments to OPRD's budget:

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. It is expected that these adjustments will be made in the close of session bill when budgets for these two agencies are finalized. *\$473,637 LF, \$497,330 OF for DAS and \$4,670 LF, \$4,904 OF for AG*
4. Removed the adjustment done during the Governor's Budget development for the Local Government Grant program 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. It is expected that an adjustment will be made in the close of session bill to adjust from the June 2018 forecast to the June 2019 forecast. *\$197,777 LF*
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.

Other bills potentially could impact the final budget approved for the Department for the 2019-21 biennium. All the bills combined will determine the budget. It is anticipated that the final budget will be reported to the Commission at the September 2019 meeting.

Prior Action by Commission: The 2017-19 Legislatively Adopted Budget was presented at the September 2017 meeting. An update was presented at the November 2017, February 2018, April 2018, June 2018, September 2018, November 2018 and April 2019 meetings.

Action Requested: None.

Attachments: None.

Prepared by: Tanya Crane

Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 4a (addendum)

Information

Topic: Budget Update

Presented by: Daniel Killam, Deputy Director for Administration

The June 2019 Lottery forecast was released May 15, 2019. It reflects an increase in Lottery Fund revenue for the Department of \$1,1031,339. Since the close of session (June 2017), the Lottery Fund revenue forecast has increased by \$15,754,293. The Department’s budget was built on a Lottery Fund revenue forecast of \$93.5 million and the June 2019 forecast is \$109.2 million. The table below reflects the change in the Lottery revenue forecast for the 2017-19 biennium and beyond.

Lottery Forecast History (2017-23 Biennium): OPRD's Share of PNRF						
	2017-19		2019-21		2021-23	
Forecast Date	Forecast	Change from Prior Forecast	Forecast	Change from Prior Forecast	Forecast	Change from Prior Forecast
May 2017 Forecast (released 5-16-17)	\$93,463,000		\$101,234,604		\$109,725,747	
September 2017 Forecast (released 8-23-2017)	\$101,034,075	\$7,571,075	\$104,590,505	\$3,355,901	\$113,468,086	\$3,742,339
November 2017 Forecast (released 11-29-2017)	\$101,845,425	\$811,350	\$104,933,825	\$343,320	\$113,983,224	\$515,138
March 2018 Forecast (released 2-16-2018)	\$104,041,728	\$2,196,303	\$105,850,913	\$917,088	\$114,597,003	\$613,779
June 2018 Forecast (released 5-23-18)	\$104,713,621	\$671,893	\$105,748,566	(\$102,347)	\$114,077,234	(\$519,769)
September 2018 Forecast (released 8-29-2018)	\$106,704,748	\$1,991,127	\$106,465,229	\$716,663	\$114,947,130	\$869,896
December 2018 Forecast (released 11-14/18)	\$107,903,819	\$1,199,071	\$107,396,712	\$931,483	\$115,941,751	\$994,621
March 2019 Forecast (released 2-27-2019)	\$108,185,954	\$282,135	\$107,670,900	\$274,188	\$116,221,227	\$279,476
June 2019 Forecast (released 5-15-2019)	\$109,217,293	\$1,031,339	\$109,488,309	\$1,817,409	\$118,008,973	\$1,787,746
Total Cumulative Change		\$15,754,293		\$8,253,705		\$8,283,226

Prior Action by Commission: The 2017-19 Legislatively Adopted Budget was presented at the September 2017 meeting. An update was presented at the November 2017, February 2018, April 2018, June 2018, September 2018, November 2018 and April 2019 meetings.

Action Requested: None.

Attachments: None.

Prepared by: Tanya Crane

Oregon Parks and Recreation Commission

June 12, 2018

Agenda Item: 5a

Informational

Topic: Interagency Agreement – Travel Information Council

Presented by: Scott Nebeker, Park Development Administrator

Oregon Parks and Recreation Department (OPRD) owns, operates and maintains 27 properties used as motorist rest opportunities, commonly known as “rest areas”. The use of these properties is governed by an interagency agreement with the Oregon Department of Transportation (ODOT). The properties are a part of ODOT’s rest area network and are located in a variety of locations around the State. The locations include both highly traveled and more remote areas. Examples include the Valley of the Rogue SP on I-5, Hilgard Junction SP on I-84, Boiler Bay SSV on the coast, and Clyde Holliday SRS near Mt. Vernon.

The Oregon Travel Information Council (TIC) has also operated and maintained a growing number of rest areas throughout the State, primarily in conjunction with ODOT. Bills passed during the 2017 legislative session directed OPRD to enter into an interagency agreement with the Travel Information Council (TIC). The agreement was to allow TIC to manage, maintain, improve and develop the rest area portion of three OPRD properties: 1) H. B. Van Duzer SSC on Oregon Highway 18, 17 miles east of Lincoln City; 2) Ellmaker State Wayside on US Highway 20, 31 miles east of Newport; and 3) Peter Skene Ogden SSV on US Highway 97, 9 miles north of Redmond. OPRD retains ownership of the properties and will manage the lands outside of the rest areas. Funding for TIC’s management will be provided by ODOT.

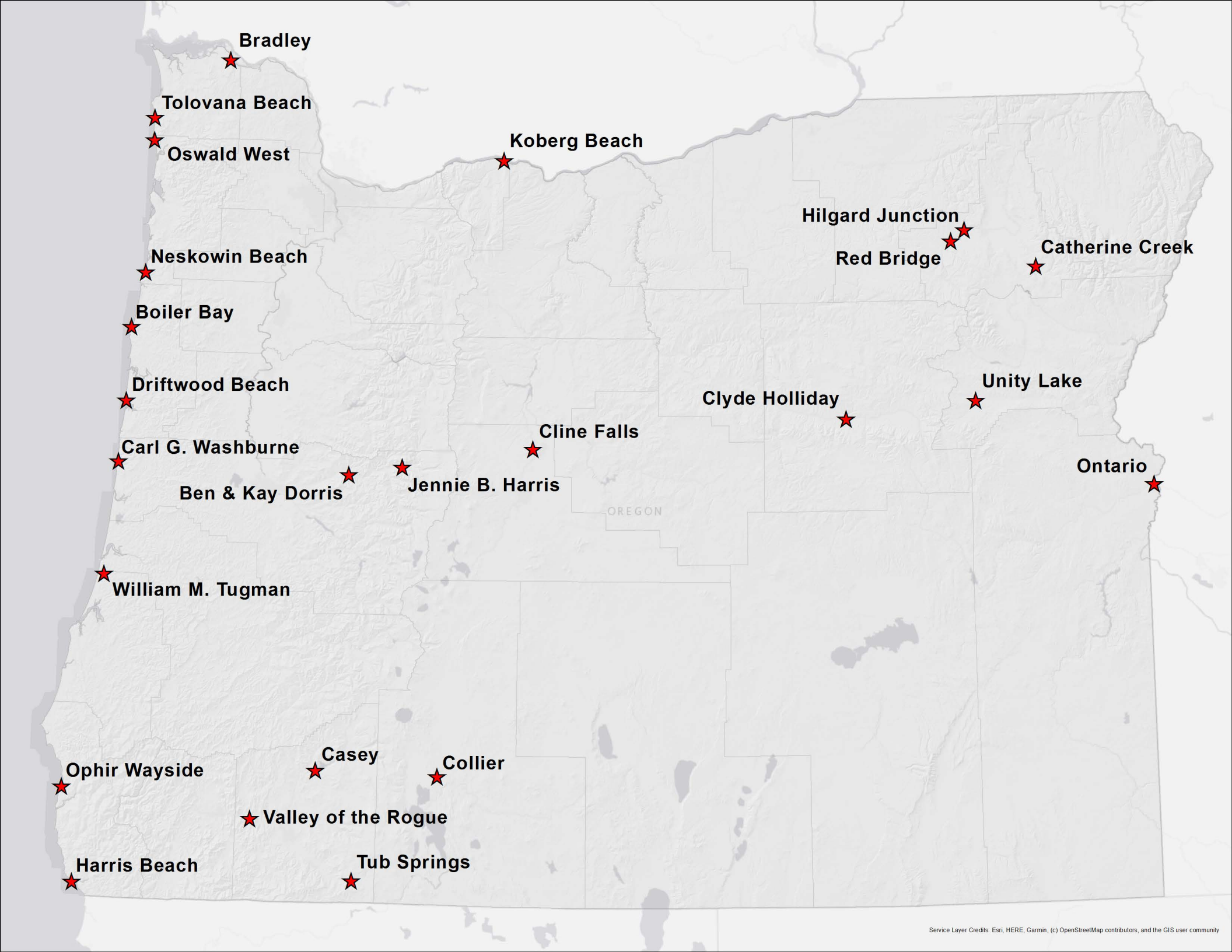
OPRD and TIC staff have worked collaboratively to prepare a draft final interagency agreement. The initial agreement covers a period of seven years. As the funding provider to TIC, ODOT has also been involved in the review process. TIC’s duties would begin July 1, 2019. The location maps attached show the general areas within the OPRD properties covered by the interagency agreement.

Prior Action by Commission: None

Action Requested: None-

Attachments: Location maps (4)

Prepared by: Scott Nebeker, Park Development Administrator



Bradley

Tolovana Beach

Oswald West

Koberg Beach

Neskowin Beach

Boiler Bay

Driftwood Beach

Carl G. Washburne

Ben & Kay Dorris

Jennie B. Harris

Cline Falls

Clyde Holliday

Hilgard Junction

Red Bridge

Unity Lake

Catherine Creek

Ontario

William M. Tugman

Ophir Wayside

Casey

Collier

Valley of the Rogue

Tub Springs

Harris Beach

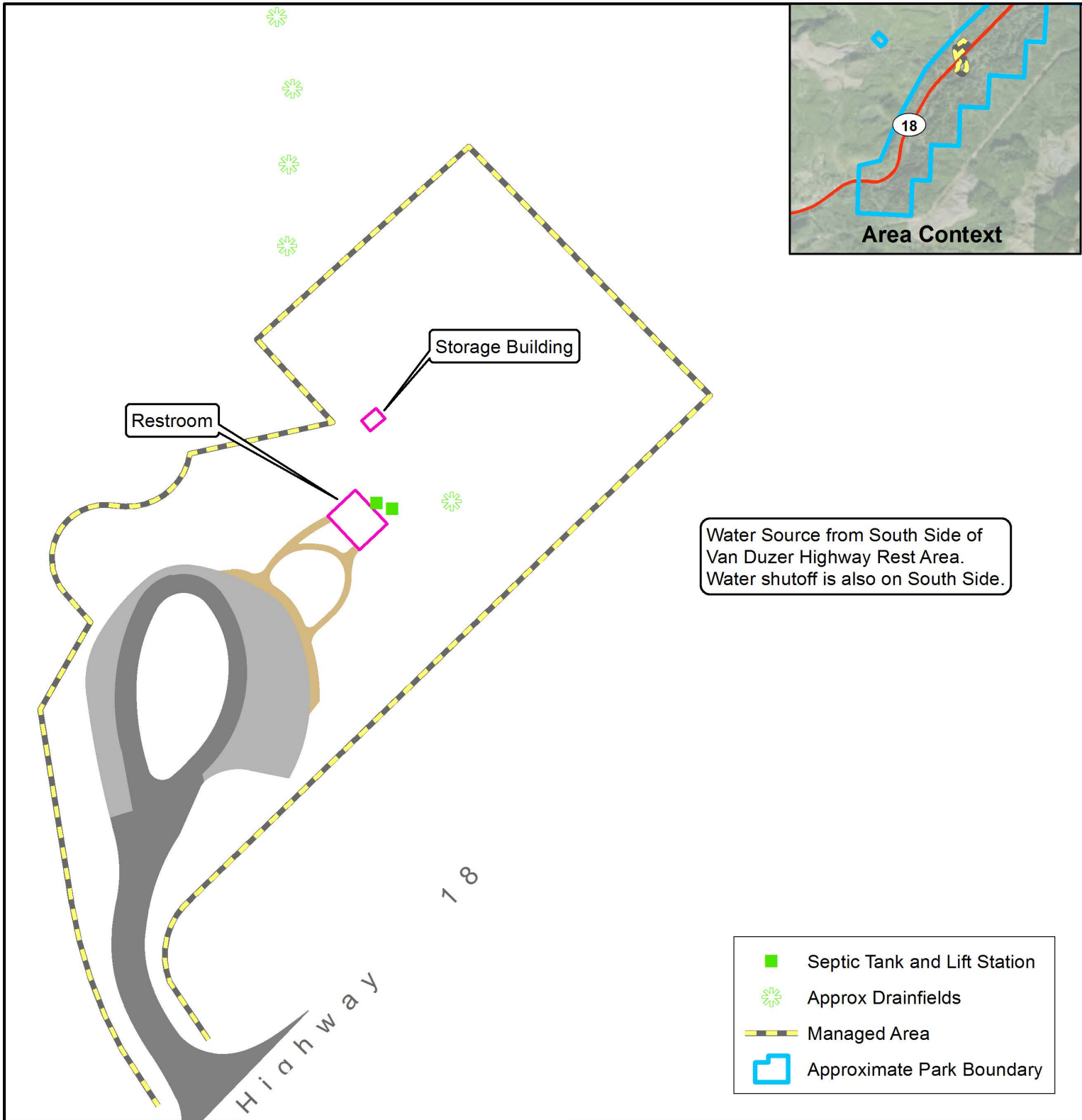
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H.B. Van Duzer Forest SSC

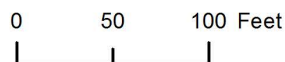
Item 5a Map 1

June 12, 2019

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



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NAD 1983 2011 Oregon Statewide Lambert Ft Intl



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NMOB-NB-03319 3/26/2019

E:3/26/2019

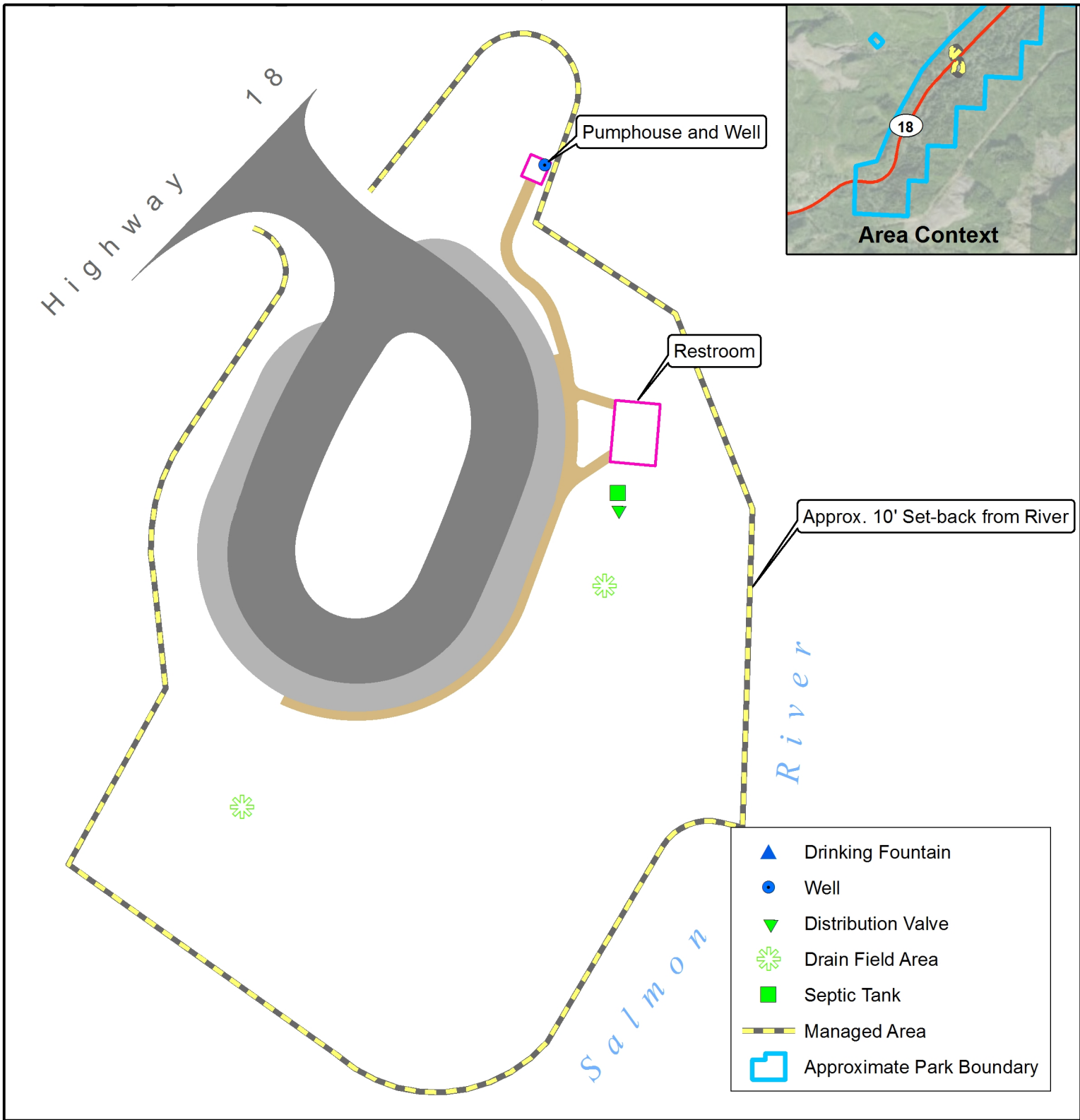
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H.B. Van Duzer Forest SSC

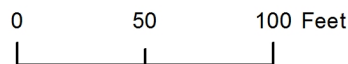
Item 5a Map 2

June 12, 2019

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



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NAD 1983 2011 Oregon Statewide Lambert Ft Intl



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NMOB-NB-03319 2/12/2019

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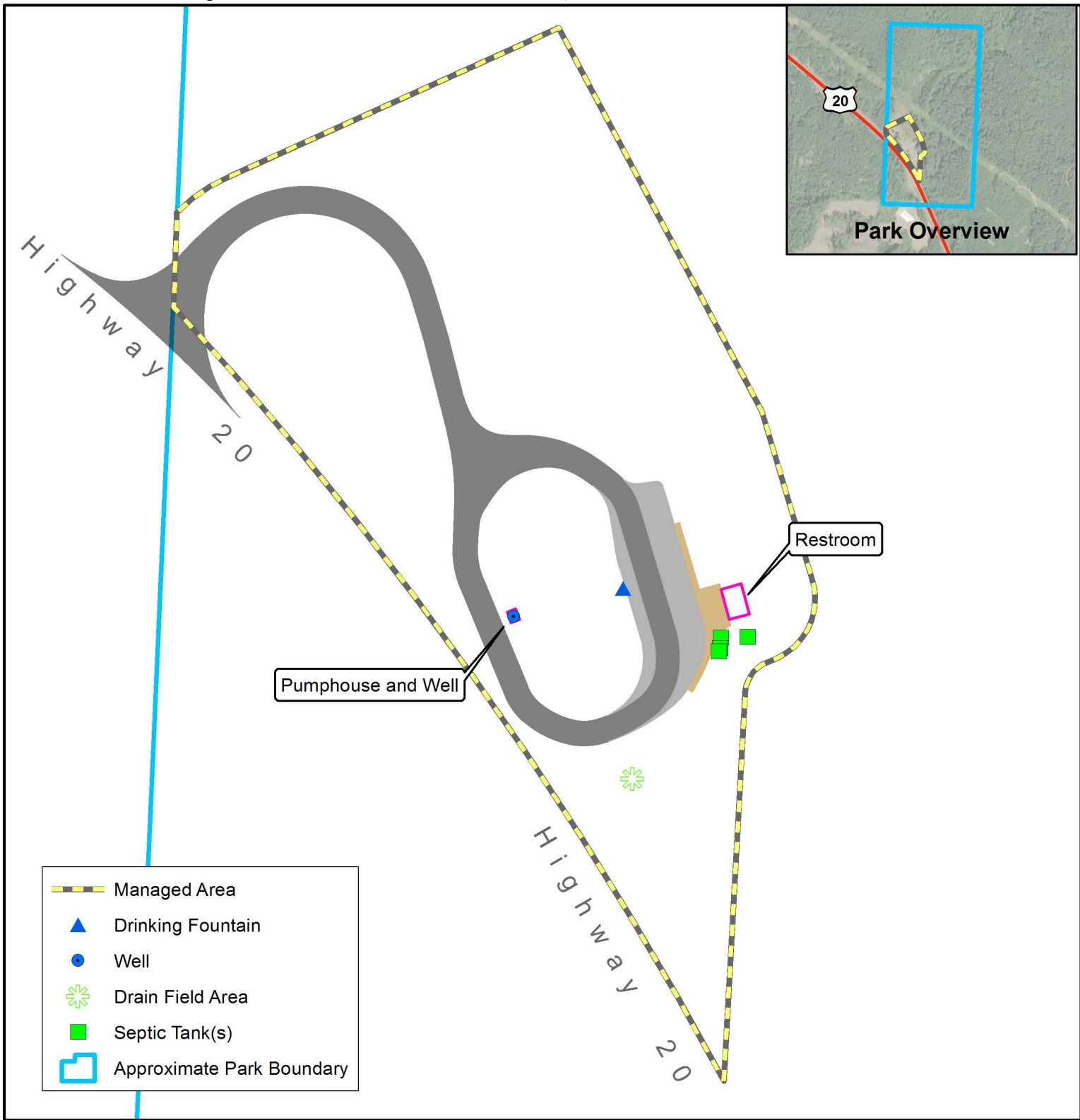
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Ellmaker State Wayside

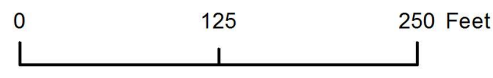
Agenda Item 5a Map 3

June 12, 2019

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



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NMOB-NB-03319 3/26/2019

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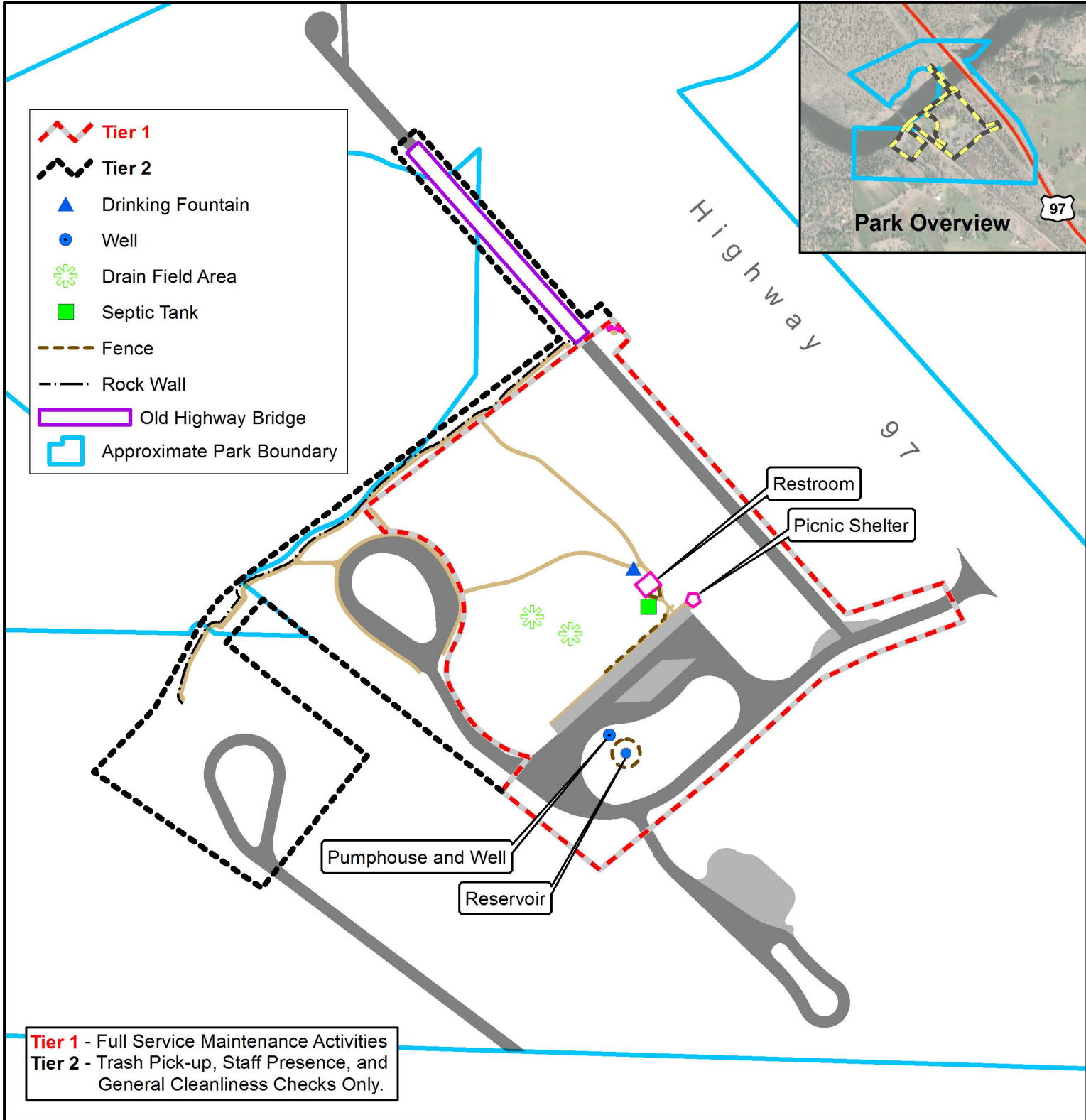
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Peter Skene Ogden SSV

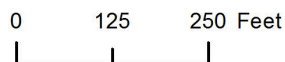
Item 5a Map 4

June 12, 2019

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



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NAD 1983 2011 Oregon Statewide Lambert Ft Intl

NMOB-NB-03319 4/30/2019

E:4/30/2019

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Oregon Parks and Recreation Commission

April 17, 2019

Agenda Item: 5b

Action

Topic: Clarno State Recreation Area – Reciprocal Exchange

Presented by: Alice Beals, Right of Way Agent

BLM manages OPRD's Clarno State Recreation Area in Wheeler County as one of several boat launch sites along the John Day River. In 2016, in pursuing grant funding to widen the boat launch at Clarno, questions regarding the exact location of the north property line came forward.

OPRD's surveyor reviewed the deed and performed field measurements in an attempt to re-establish that north line as the 1981 deed references an "existing fence line" as the north property line. Due to unknown circumstances, the fence line had removed leaving no trace of its original placement. OPRD's surveyor was unable to identify the exact location of the north line.

OPRD contacted the representative of the neighboring property owner to discuss resolving the north boundary line question. Our surveyor's research was presented to the neighbor and they are agreeable to holding the line of occupation as it exists today. This resolution will eliminate the need for more survey work and resolve any potential encroachment issues for both parties.

Staff are supportive of this resolution. To eliminate any future question or concerns associated with this north line, a survey of the line of occupation as it exists today will be recorded and the parties will exchange Quit Claim deeds, firmly establishing this as the north boundary line.

Prior Action by Commission: February 2019 Informational brief

Action Requested: Approve the exchange of Quit Claim Deeds to eliminate potential encroachment concerns in future for both parties.

Prepared by: Alice Beals, Right of Way Agent

Clarno State Park

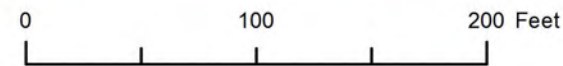
Item 5b

June 12, 2019

Oregon Parks and Recreation Dept.
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Salem OR, 97301



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NMOB-NB-03319 3/14/2019

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Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 5c

Action

Topic: Smith Rock – McFarlane Property Acquisition

Presented by: Alice Beals, Right of Way Agent

In 2017, an adjacent property owner contacted OPRD to inquire of our interest in acquiring their family's 38 +/- acre property abutting the southeast boundary of Smith Rock State Park. This undeveloped property, bisected by the Crooked River had been identified in the 1990 Smith Rock Master Plan as a property of interest.

The riverbanks contain native vegetation including shrubs and trees. In the upper bench is a light to moderate stand of Juniper tree cover with a few Red Alder and Ponderosa Pines also present. Ground vegetation includes native shrubs and grasses typically found in rangeland.

There are no vehicular access rights to this property although the lands on both sides of the river are accessible by pedestrian trail. The lands on both sides of the river are currently being accessed by hikers, rock climbers and kayakers.

Acquisition of this property would incorporate this popular climbing area, referred to as North Gorge, into the park system and provide OPRD the opportunity to manage the recreational use of these lands as well as protect the scenic beauty of an additional 1000+/- foot section of the Crooked River.

A recent appraisal and appraisal review have established the fair market value of the property to be \$285,000.

Prior Action by Commission: February 2019 Informational brief

Action Requested: Approve acquisition of the McFarlane property adjacent to Smith Rock State Park, for the appraised value of \$285,000.

Attachments: Map (1)

Prepared by: Alice Beals, Right of Way Agent

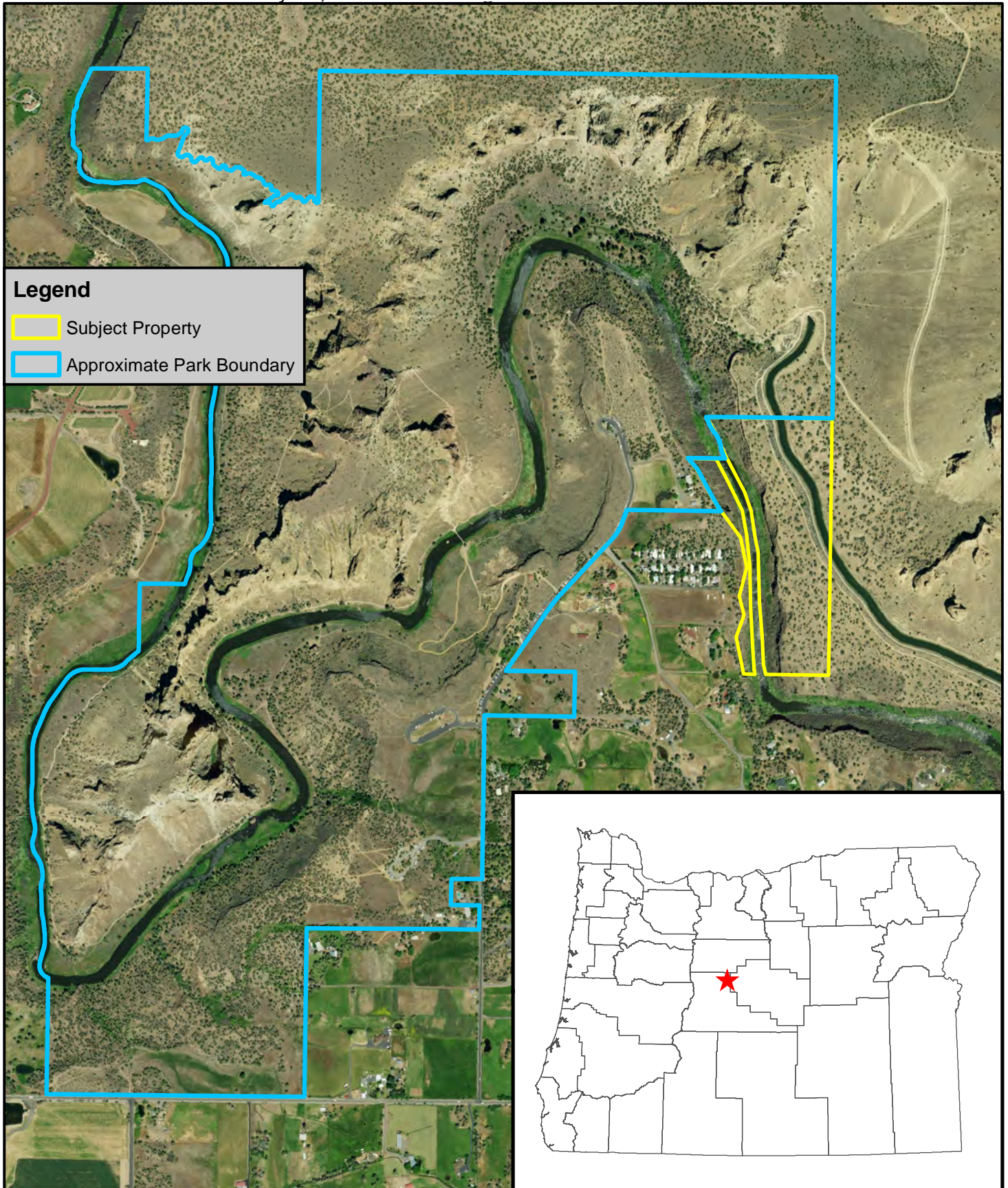
Smith Rock State Park

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Item 5c

June 12, 2019



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Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 5d

Action

Topic: City of John Day-Gleason Park Acquisition

Presented by: Alice Beals, Right of Way Agent

The City of John Day completed a complex land assembly process from 2017 through 2018 that resulted in the acquisition of over 83-acres of undeveloped lands. This will give them the ability to create an integrated park system which includes the development of a new pool and recreation center.

Oregon Parks and Recreation Department owns and operates the Kam Wah Chung State Heritage Site, a National Landmark Site (SHS) since 2004. Our 2009 Master Plan approved by the OPRC and the City of John Day, identified a planning area that includes OPRD's museum building and State Heritage Site parcel, the city's Gleason Park & Pool property and five privately owned parcels that adjoin the city park. To date, OPRD has added three of the privately owned parcels to our ownership.

In moving forward towards the City's goal of new pool facilities, the City Council approved Resolution No. 19-805-06, allowing the City to move forward on applying for a grant through the Local Government Grant Program and to enter into negotiations for the potential sale of the Gleason Park and Pool property to OPRD.

Acquisition of this property would aid us in meeting a significant target set forth in our Master Plan as it would provide the acreage necessary to develop on-site interpretive center/collections storage building(s). Current OPRD ownership is discontinuous and it would be difficult to construct one or more buildings as well as provide the necessary parking and safe traffic flow as envisioned in the master plan. OPRD is currently leasing two former school district buildings, now owned by the Grant County Library Foundation. While these facilities have provided temporary housing for the interpretive center and collections, the buildings are too far from the museum and are too small to provide the needed level of visitor service for this National Landmark Site.

OPRD's acquisition of this property would be subject to honoring a current lease agreement between the City and the John Day/Canyon City Parks and Recreation District. This agreement for the operation and maintenance of the Gleason Park & Pool Property expires in August, 2020. The 65+/- year old pool is oldest pool in the State of Oregon and is considered to be beyond it's useful life.

Appraisal work is being completed to determine the fair market value of this property at the time of this writing. Both appraisal and appraisal review are expected to be completed prior to the June Commission meeting. The appraised value will be shared with the Commission at that time. OPRD's offer to acquire, subject to Commission final approval, will at the value established by this appraisal.

Prior Action by Commission: February 2019 Executive Session

Action Requested: Approve acquisition of the City of John Day's Gleason Park property adjacent to Kam Wah Chung State Heritage Site for the appraised value of \$_____.

Attachments: Map (1)

Prepared by: Alice Beals, Right of Way Agent

Kam Wah Chung SHS City of John Day-Gleason Park

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Item 5d

June 12, 2019



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NMOB-NB-03319 3/21/2019

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Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 5e

Action

Topic: Iwetemlaykin – Rahmani Property Proposed Acquisition

Presented by: Alice Beals, Right of Way Agent

In 2008, OPRD attempted to acquire a 3.23 acre property adjacent to Iwetemlaykin State Heritage Site. Due to a downward turn in land values that was taking place followed by a reduction in available acquisition funding, OPRD was unable to acquire the land.

This property was identified in the 2009 Master Plan for Iwetemlaykin SHS as an “area of concern”. Development of this property could have a visual impact on the area as well as negative impacts to the cultural and natural resources of this site.

A recent application to subdivide this property brought the property to the local attention and resulted in phone calls and inquiries to OPRD in regards to our potential interest in these lands. Both the Nez Perce Tribe and Confederated Tribes of the Umatilla Indian Reservation have expressed strong support for OPRD to consider adding this property to the State Heritage Site.

Acquisition of this property would insure the conservation of the cultural and scenic resources associated with Iwetemlaykin SHS.

Appraisal work is being completed to determine the fair market value of this property at the time of this writing. Both appraisal and appraisal review are expected to be completed prior to the June Commission meeting. The appraised value will be shared with the Commission at that time. OPRD’s offer to acquire, subject to Commission final approval, will at the value established by this appraisal.

Prior Action by Commission: February 2019 Informational brief

Action Requested: Approval to acquire the 3.23 acre Rahmani property adjacent to Iwetemlaykin State Heritage Site for the appraised value of \$_____.

Prepared by: Alice Beals

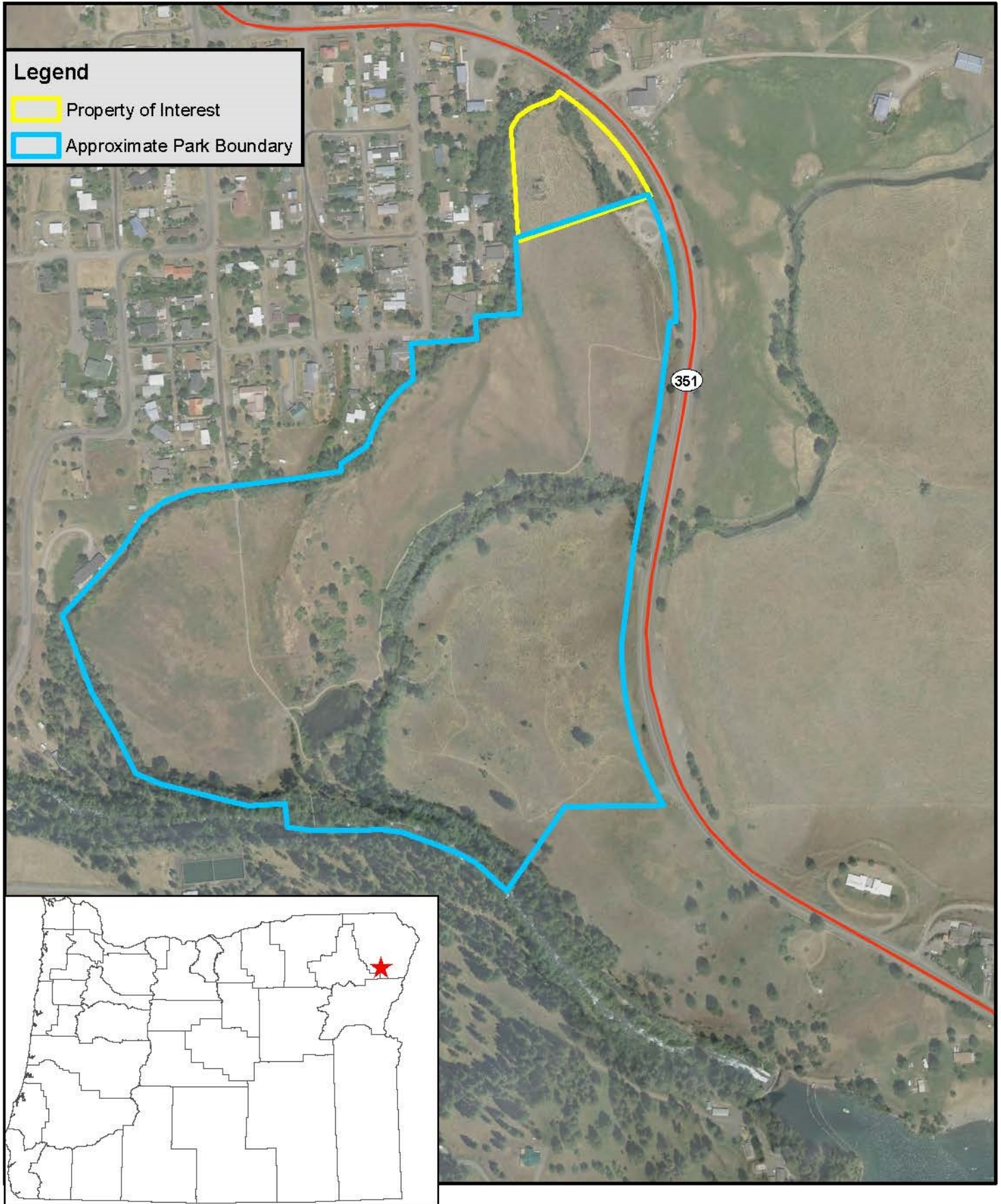
Iwetemlaykin State Heritage Site

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Item 5e

June 12, 2019



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Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 5f

Action

Topic: Canyon City Parks and Recreation District Acquisition

Presented by: Alice Beals, Right of Way Agent

In recent discussion with the City of John Day regarding the proposed acquisition of their Gleason Park & Pool property (Item 5d), a small .39 acre parcel between the park and US Highway 26 was owned by and would be a part of the potential acquisition. Further inquiry into the parcel determined that it is under the ownership of the John Day-Canyon City Parks and Recreation District.

This small parcel of land is bordered on the east by Canyon Creek, which is the westerly boundary of the City's property. Trees along the boundary of the property and banks of the creek serve to shield the view of a small maintenance road at the northwest corner of the Park & Pool property as well as buffering the park property from the highway, making for an aesthetically pleasing view from both within the park and from the highway.

Once recognizing the different ownership of this parcel, staff requested the appraiser providing the fair market value of the City's property to also provide a separate value for this small parcel. Appraisal work is being completed to determine the fair market value of this property at the time of this writing. Both appraisal and appraisal review are expected to be completed prior to the June Commission meeting. The appraised value will be shared with the Commission at that time. OPRD's offer to acquire, subject to Commission final approval, will at the value established by this appraisal.

Prior Action by Commission: February 2019 Executive Session

Action Requested: Approve acquisition of the Canyon City Parks and Recreation District property adjacent to Kam Wah Chung State Heritage Site for the appraised value of \$_____.

Attachments: Map (1)

Prepared by: Alice Beals, Right of Way Agent

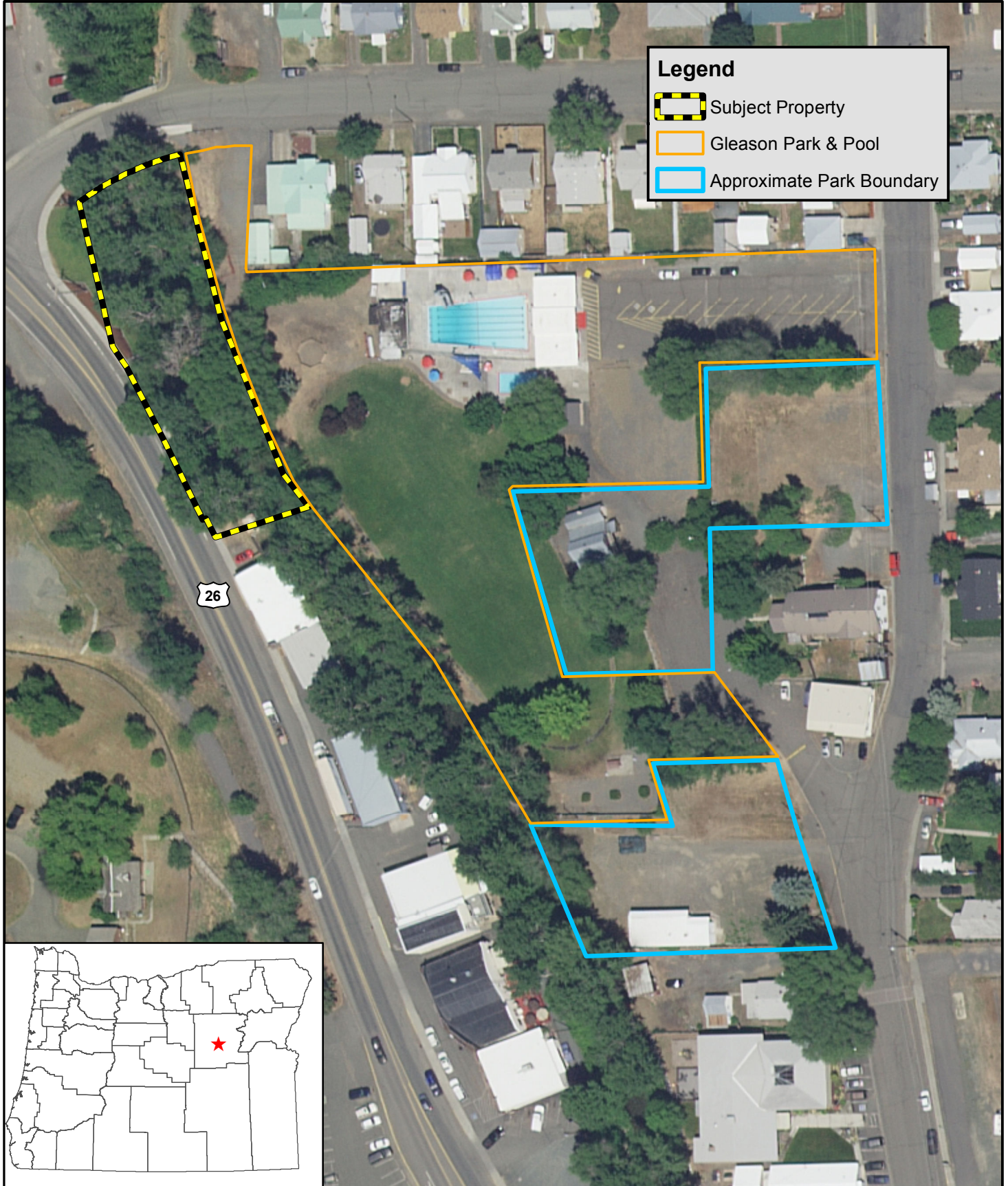
Kam Wah Chung SHS Canyon City Parks & Rec District

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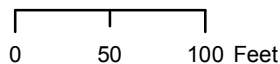


Item 5f

June 12, 2019



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NAD 1983 2011 Oregon Statewide Lambert Ft Intl



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Oregon Parks and Recreation Commission

June 19, 2019

Agenda Item: 5g

Information

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 tax parcel of 70 acres to the existing 1,500-acre SNA. The 70 acres abuts the SNA along two boundary lines. The Oregon Coast Trail (OCT) is located very near one of those boundaries; acquisition of would provide a useful buffer for the OCT and remainder of the SNA. The 70 acres 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. State Parks 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.

OPRD suggested an exchange of properties and received support from the Commission offer 32-acre Port Orford Cedar State Scenic Corridor (SSC) property as trade for the county’s 70 acres. Appraisals on both properties showed the state park land was worth slightly more than the County-owned site, and to move the scale closer to balance, an additional 20 acres of adjacent property was added to the land offered by the county. Staff will present an update on the Curry County Commission’s position on the proposed exchange.

Prior Action by Commission: None

Action Requested: None

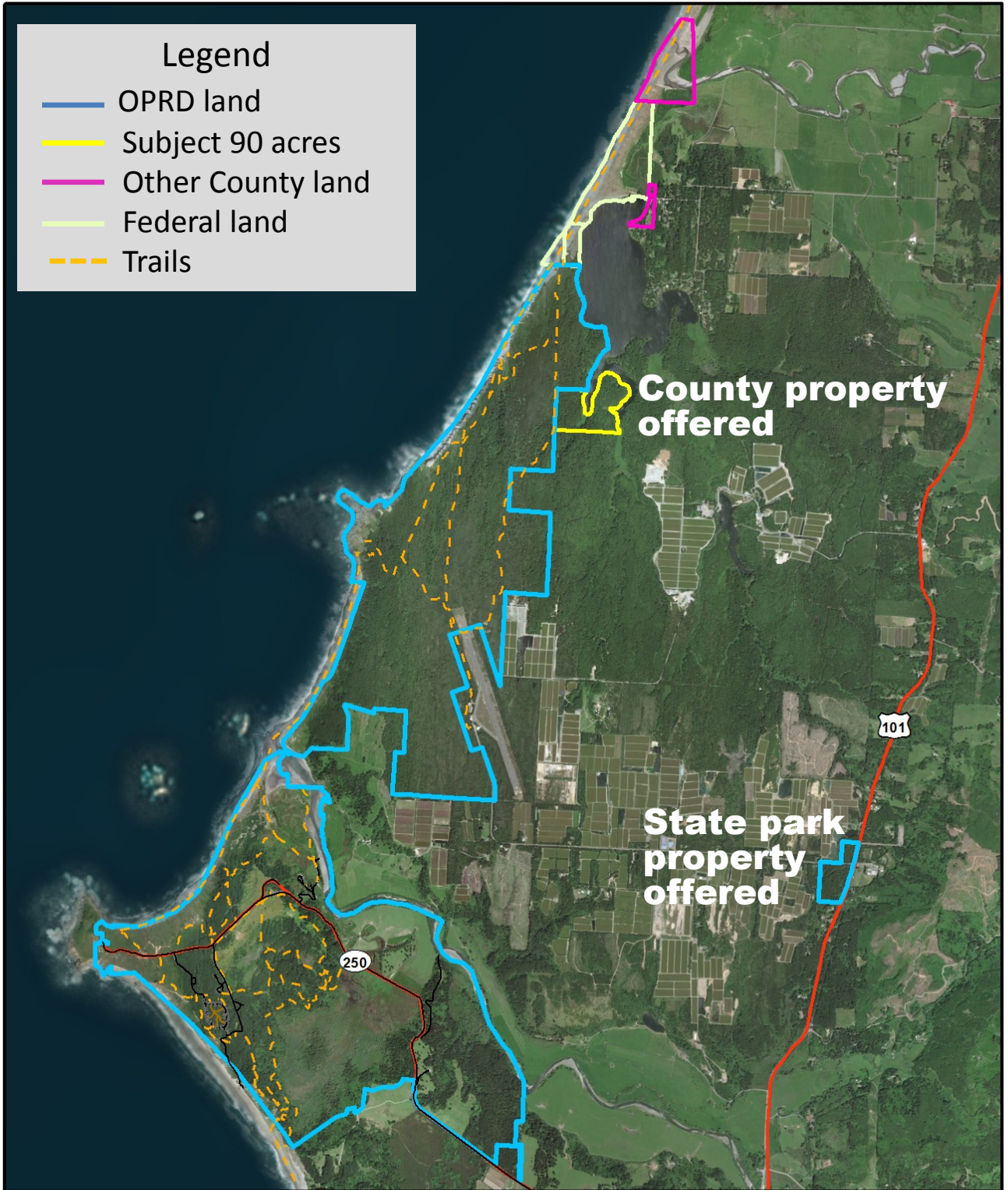
Attachment: Maps

Prepared by: Chris Havel

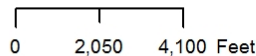
Floras Lake SNA

Vicinity Map

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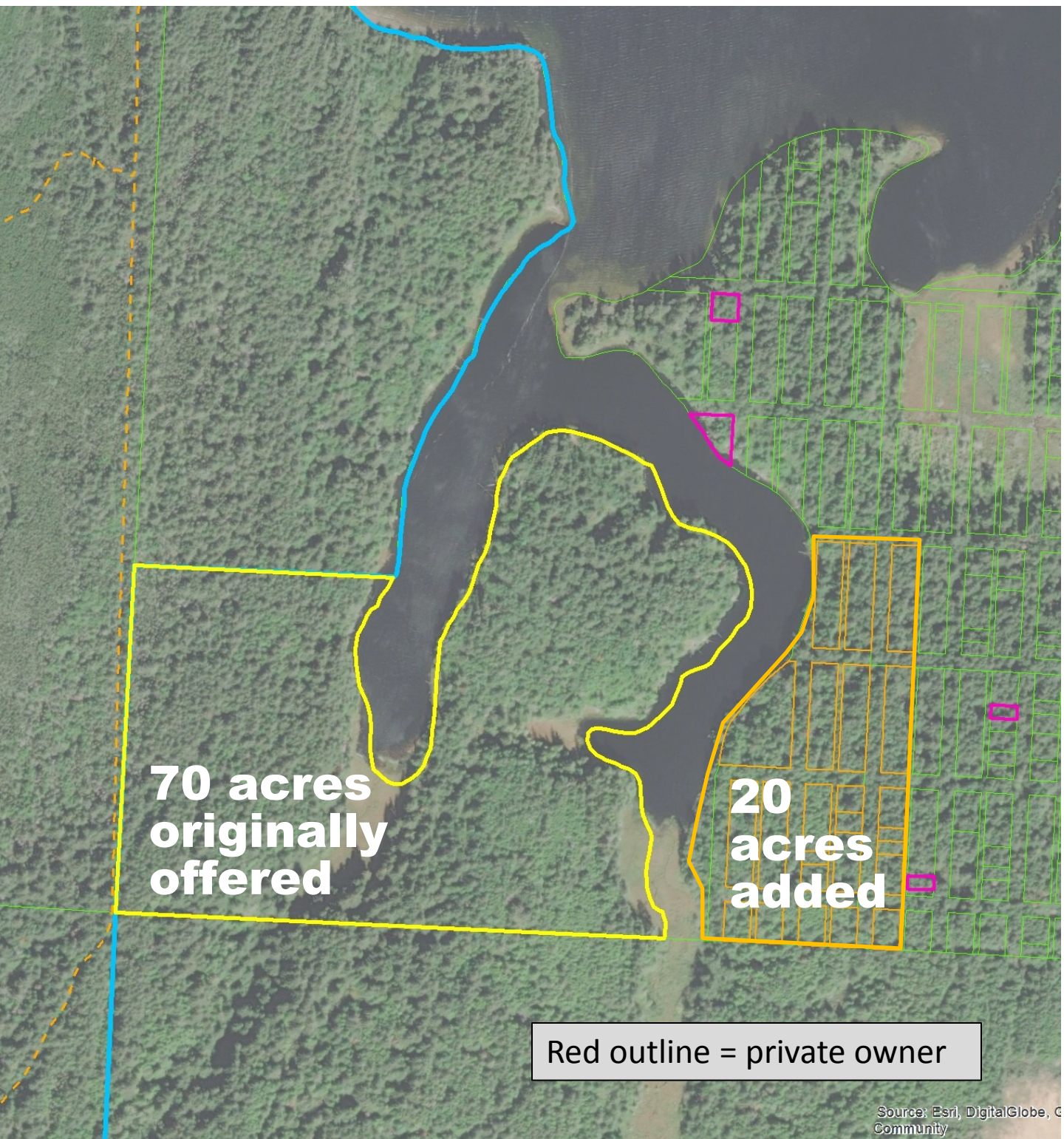
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Preferred alternative

Fee simple acquisition of 90+/- acres total as shown in yellow and orange outline.



Oregon Parks and Recreation Commission

June 11-12, 2019

Agenda Item: 6a

Action

Topic: All-Terrain Vehicle Grant Subcommittee (ATV-GS) and Recreational Trails Program (RTP) Grant Approvals

Presented by: Daniel Killam, Deputy Director of Administration

Background:

The All-Terrain Vehicle Grant Subcommittee met April 2, 2019, in Redmond to review the following grant requests:

- Three Development grant requests totaling \$479,400
- Two Emergency Medical Services (EMS) grant requests totaling \$109,766.67
- One Operations and Maintenance (O&M) equipment grant request totaling \$35,056.08
- One Planning grant request totaling \$5,601.80

For the 2019-2021 biennium, it is estimated that the ATV Grant program will receive \$10.5 million in spending limitation for ATV grants. Based on the forecasted available funding, the committee determined to allocate 60 percent for O&M, 30 percent for Law Enforcement (LE), and 10 percent for other categories such as Acquisitions, Development, and EMS.

The committee scored each grant request based on the applicant's oral presentation and grant application submitted. The scoring criteria were established in the 2016-2025 Oregon Statewide Trails Plan. The grant requests were ranked by the average of the scores given by the committee.

Prior Action by Commission: Approval of ATV O&M and LE grants totaling \$8,532,751.72 in April 2019.

Action Requested: Commission approval is requested for the attached grant recommendations totaling \$629,824.55 from the ATV Grant Subcommittee.

Attachment: ATV Grant Project Recommendations, ATV Project Map

Prepared by: Mike Law, Grants & Community Programs Representative

Background:

The Recreational Trails Program (RTP) is a federal aid assistance program administered by the U.S. Department of Transportation, Federal Highway Administration (FHWA). Funds are

appropriated out of the Highway Trust Fund and represent fuel tax attributed to non-highway recreational use. Funds pass through ODOT and are administered by OPRD.

In spring 2019 Congress enacted a rescission, which cancels the availability of RTP funds left unobligated as of September 30, 2019. OPRD has access to approximately \$600,000 of unobligated RTP funds from prior grant cycles. These funds were planned to be made available in the 2019 grant cycle that is currently open for application, and would not be obligated until after September 2019.

In order to retain the unobligated funding, it is proposed to award those funds to projects that were below the funding threshold in the 2018 grant cycle. All funds will be awarded to non-motorized trail projects. Most of these projects scored well but were not funded due to competitiveness of the program.

Prior Action by Commission: At its November 2018 meeting, the Commission approval all 19 grant requests recommended by the RTP Advisory Committee totaling \$2,400,002.

Action Requested: Staff seeks Commission approval to award funds to projects that were below the funding threshold in the 2018 grant cycle, in order of ranking detailed on the attached spreadsheet.

Conditions to Commission Approval:

- Rescission is being appealed on the federal level. If it is successfully appealed by June 30, 2019, funds will be rolled into the 2019 grant cycle as planned.
- The RTP Advisory Committee has not formally recommended these projects for funding. A public meeting will be held no later than July 31, 2019 for Committee action.
- Projects must be determined to still be eligible. Some projects may have received funding through other sources and work may have started, making those projects ineligible for RTP funds.

Attachment: 2018 RTP Project Ranking List, Map of 2018 RTP Projects Not Funded

Prepared by: Jodi Bellefeuille, Recreational Trails Program Grant Coordinator

2019 All-Terrain Vehicle (ATV) Grant Program

ATV Advisory Grant Subcommittee

April 2, 2019 Meeting - Ranking Results

Funding Available: \$2,053,133.00

Rank	Applicant	Project Name (Type)	Brief Project Description	Grant Funds Requested	Matching Funds	Total Project Cost
Planning, Development, EMS, O&M/LE Equipment Recommended						
1	Wallowa-Whitman NF	Mt. Emily OHV Trail Connector (Planning)	This projects supports the planning of a connector trail between Mt Emily Recreation Area and Wallowa-Whitman National Forest.	\$5,601.80	\$1,938.65	\$7,540.45
2	Nestucca Rural Fire Protection District	Dunes Rescue (EMS)	The project supports the purchase and build of a 2019 GMC Savana Cargo Van into a dune rescue vehicle.	\$64,767.67	\$21,589.38	\$86,357.05
3	Douglas County Parks Department	Half Moon Bay Campground - Phase II Expansion (Development)	The project supports creation of a new access road, close off the current alignment of Triangle Road, construct a new shop for the operations and address drainage issues at the Campground.	\$277,000.00	\$71,000.00	\$348,000.00
4	Douglas County Parks Department	ODNRA: Umpqua Dunes OHV Access Re-Route (Development)	This project supports the re-route of roughly 1,700 linear feet of the OHV Access route at the north end of Umpqua Dunes at Winchester	\$73,600.00	\$18,400.00	\$92,000.00
5	United States Forest Service	Sand Lake Recreation Area Maintenance Building (Development)	This project supports the construction of a 35' by 50' maintenance building in the current gated operations area	\$128,800.00	\$32,200.00	\$161,000.00
6	Lower Umpqua Hospital District	Dune Rescue Vehicle (EMS)	This project supports the purchase of a custom manufactured EMS Response Unit (side-by-side) equipped to provide rescue operations on the Oregon sand dunes in Winchester Bay.	\$44,999.00	\$16,476.87	\$79,386.34
7	Oregon Department of Forestry	ODF OHV Program Equipment Purchase (O&M/LE Equipment)	This project supports replacement of 2 heavy equipment trailers and purchase a hydraulic rock breaker for use by the Oregon Department of Forestry Off-Highway Vehicle Program.	\$35,056.08	\$8,764.02	\$43,820.10
Total Recommended for Funding (All Projects)				\$ 629,825	\$170,368.92	\$ 818,104

2019 Projects recommended for funding by the ATV Advisory Grant Subcommittee

Oregon Department of Forestry (O&M/LE Equipment) \$35,056

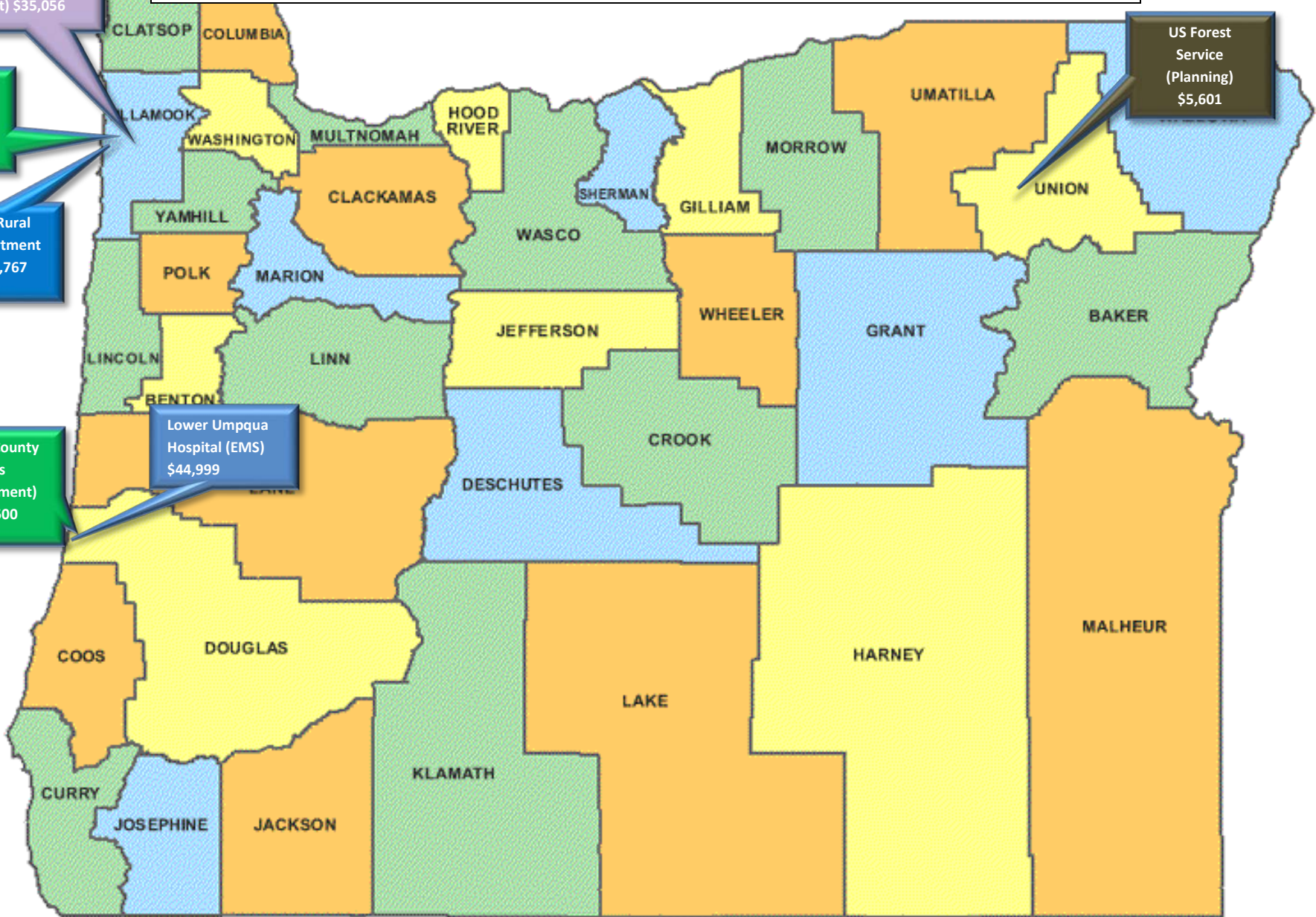
US Forest Service (Development) \$128,800

Nestucca Rural Fire Department (EMS) \$64,767

Douglas County Parks (Development) \$350,600

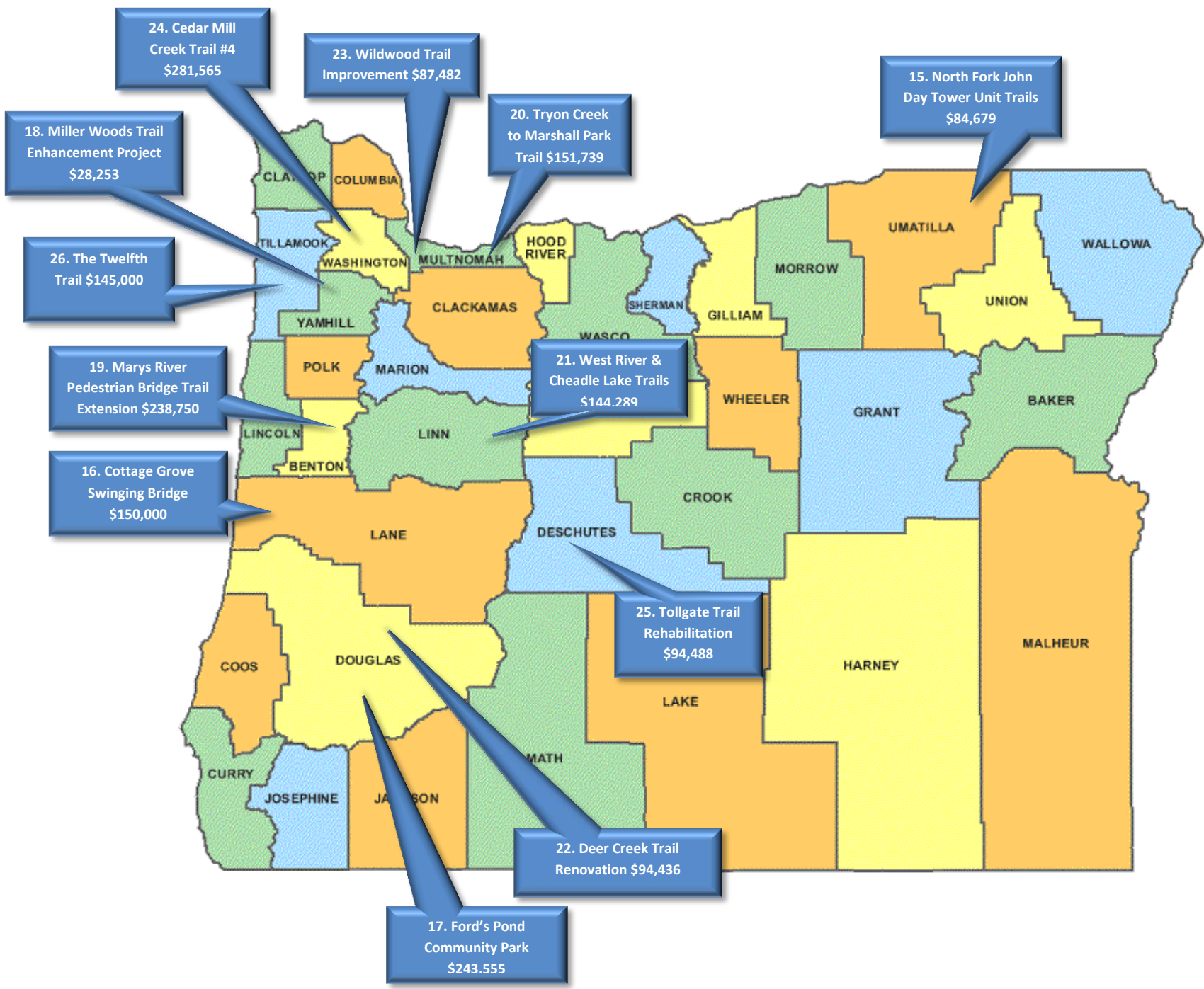
Lower Umpqua Hospital (EMS) \$44,999

US Forest Service (Planning) \$5,601



Rank	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
Funding is not available below this point.						
15	North Fork John Day Tower Unit Trails Restoration*	Umatilla National Forest, Walla Walla Ranger District	Umatilla	This project is to support the heavy restoration of impassable fire-damaged trails in the Tower Unit of the North Fork John Day (NFJD) Wilderness, on the NFJD Ranger District of the Umatilla National Forest.	\$ 128,809	\$ 84,679
16	Swinging Bridge*	City of Cottage Grove	Lane	This project restores and reopens the "Swinging Bridge", a 50 year old suspension footbridge over the Coast Fork Willamette River, by replacing damaged and decayed bridge components.	\$ 411,345	\$ 150,000
17	Ford's Pond Community Park - Project 1*	City of Sutherlin	Douglas	The City of Sutherlin, in partnership with the Friends of Ford's Pond, will improve ADA-accessibility for 0.8 miles of the existing 1.7-mile shared-use trail; including trailhead parking.	\$ 359,950	\$ 243,555
18	Miller Woods Trail Enhancement Project	Yamhill Soil & Water Conservation District	Yamhill	Creation of a short educational ADA accessible trail loop, Replacement of a bridge on the ADA trail and repairs to the rail of two hiking bridges, Replacement of 200 yards puncheon Trailhead sign & directional markers.	\$ 44,434	\$ 28,253
19	Marys River Pedestrian Bridge Trail Extension*	City of Corvallis	Benton	This project extends 1/2 mile elevated boardwalk across the Marys River to an existing trail system in South Corvallis. A pedestrian bridge will provide a critical link described in 2015 Parks and Recreation Master Plan.	\$ 477,500	\$ 238,750
20	Tryon Creek to Marshall Park Trail	OPRD	Multnomah	The Tryon Creek to Marshall Park Trail will replace a .6-mile long user-created trail and will complete a missing portion of the Hillsdale to Lake Oswego Trail and will install bridges over four stream crossings.	\$ 230,926	\$ 151,739
21	West River & Cheadle Lake Trails*	City of Lebanon	Linn	The project will build 490 feet of ADA paved trail & a signalized Pedestrian Crossing. The trail will eliminate a missing link, improve user safety and make a crucial connection between two existing trails.	\$ 180,589	\$ 144,289

Rank	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
22	Deer Creek Trail Renovation*	City of Roseburg	Douglas	The proposed project will include the heavy restoration of approximately 1600' of the Umpqua River Greenway multi-use path located near Deer Creek Park within the City of Roseburg.	\$ 126,356	\$ 94,436
23	Wildwood Trail Improvement	Friends of Explorer Post 58	Multnomah	The Project will conduct heavy restoration to remotely located miles 12 – 13 and 27 – 29, to bring unsafe and collapsed trail structures up to standard using supervised youth crews.	\$ 111,988	\$ 87,482
24	Cedar Mill Creek Trail #4*	Tualatin Hills Park & Recreation District	Washington	The project will complete the final gap in the 2.25-mile long Cedar Mill Creek Trail, and includes construction of a quarter-mile long 10-foot wide paved trail, trail amenities, signage and natural area enhancements.	\$ 281,565	\$ 281,565
25	Tollgate Trail Rehabilitation*	Tollgate Property Owners Association	Deschutes	Trail rehabilitation of 15,436 lineal feet of existing paved trail with a 2" asphalt overlay and 200 yards of gravel shoulder material to support, compliment, and integrate the outdoor experience of the surrounding Forest.	\$ 126,455	\$ 94,488
26	The Twelfth Trail	City of Tillamook	Tillamook	Using a primitive Boy Scout trail and city property as building blocks, construct approximately 1000 feet of 6 foot wide walkway through urban riparian corridor to connect Miller Avenue/High School to west side of town.	\$ 230,000	\$ 145,000
Total Projects Not Funded					\$ 2,709,916	\$ 1,744,236
Grand Total of Funding Requests (Funded and Not Funded)						\$ 3,429,194



Projects below the funding threshold for the 2018 RTP Grant Cycle

Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 7a

Action

Topic: 2019 - 2021 Facility Investment Program (FIP) Project List

Presented by: Cliff Serres

Background: This report provides the Commission a summary of projects planned for implementation under the 2019 to 2021 Facility Investment and Park Improvement Program (FIP). The FIP accomplishes major maintenance and park improvements to the park system. Biennially, Park Managers submit new, critical major maintenance projects identified during a park review. Scoring criteria are applied to both the newly and previously identified projects from an operational and investment standpoint. The highest scored projects are considered top priorities and comprise the attached Draft 2019-21 FIP Project List.

The Draft FIP Project List is presented as a preview for informational purposes and to address questions the Commission may have. Minor modifications to this list can be expected as the 2019-21 budget projections and 2017-19 project work are finalized.

The current target budget amounts by project category for the Draft FIP List include:



The overall budget includes a contingency/emergency line item that is available for increasing project budgets when necessary, and funding emergency repair projects and additional priority projects that may emerge during the biennium.

Prior Action by Commission: None

Action Requested: Approval of 2019-21 FIP Project List

Attachments: Draft 2019-21 FIP Project List

Prepared by: Cliff Serres

Facility Investment and Park Improvement Program
July 1, 2019 Project List

Limitation = \$15,900,000

Park	Project	Est. Budget
COASTAL REGION		
Fort Stevens	Historic Area Restroom Repairs	\$140,000
Fort Stevens	Historic District Preservation Plan	\$100,000
Fort Stevens	War Games Building Roof Replacement	\$100,000
Fort Stevens	Guardhouse Roof & Priority Building repairs	\$300,000
Nehalem	Horse Concession host site improvements	\$150,000
Ecola	Canyon CK culvert Repair; FEMA funds = a portion of budget	\$240,000
Otter Crest	Lookout Gift Shop Restoration	\$175,000
Beverly Beach	3-phase Electrical Upgrade	\$250,000
South Beach	Amanda's Bridge Replacement; FEMA funds = a portion of budget	\$80,000
Honeyman	D & E Restroom Building Replacement	\$700,000
Bullards Beach	Main Sewer Line Replacement	\$200,000
Coquille River Lighthouse	Lighthouse Improvements Design	\$150,000
Sunset Bay	Shoreline Stabilization; FEMA funds = portion of budget	\$50,000
Cape Blanco	Septic System Upgrade	\$350,000
Cape Blanco	LH preservation Plan	\$30,000
COASTAL SUBTOTAL		\$3,015,000
VALLEY REGION		
Portland Women's Forum	Restroom and Parking Lot Design	\$150,000
Vista House	Building Envelope Improvements & HVAC System Install	\$500,000
Vista House	Drainfield Pre-Treatment Installation	\$100,000
Mayer	Boat Facility Rehabilitation	\$166,000
Champoeg	Main Drainfield Repair	\$1,000,000
Champoeg	Dock & Culvert Associated Bank Stabilization	\$221,000
Banks/ Vernonia	Trail culverts - Phase II continuation for fish passage	\$90,000
Banks/ Vernonia	Trail Slide Repair; FEMA = a portion of budget	\$70,000
Milo McIver	Water System Improvements	\$100,000
Silver Falls	North Falls Complex Development	\$700,000
Silver Falls	Dump Station Installation	\$145,000
Silver Falls	Water Tank Replacement	\$370,000
Silver Falls	Upper Smith Creek Sanitary Sewer System Installation	\$150,000
Silver Falls	State Historic Preservation Office Mitigation Following Use of Non-Historic Materials)	\$25,000
Sarah Helmick	New Restroom Construction	\$150,000
Luckiamute	Road Improvements; FEMA = a portion of budget	\$5,000
Dexter	Day-Use Swim Area Improvments	\$50,000
T Mills	Electrical Survey to Upgrade Circuits	\$40,000
T Mills	Automatic Fire Suppression System Installation	\$300,000
VALLEY SUBTOTAL		\$4,332,000

Facility Investment and Park Improvement Program
July 1, 2019 Project List

Park	Project	Est. Budget
MOUNTAIN REGION		
Cottonwood	Starvation Creek Road & Restroom Construction	\$200,000
Prineville	Well House and Water Treatment System Installation	\$240,000
Tumalo	Management Unit Office Development	\$1,405,000
Tumalo	Drainfield Construction	\$300,000
Mountain Region Office	Office Remodel	\$450,000
OC&E	Trail Bridge Construction	\$550,000
OC&E	Whiskey & Sycan Bridges Pile Repairs	\$325,000
Collier	Water System Treatment Installation	\$275,000
Joseph Stewart	Marina Dock Rebuild	\$400,000
TouVelle & Valley of the Rogue	Boat Ramp Assessment & Design	\$90,000
Wallowa Lake	River Hydraulics Study & Restoration = match 4 partners	\$50,000
Unity Lake	Boat Facility Rehabilitation	\$175,000
MOUNTAIN SUBTOTAL		\$4,460,000
TOTAL OF ALL FIP PROJECTS		\$11,807,000
Statewide	PAVING PROGRAM	\$1,250,000
Statewide	TRAIL PROGRAM	\$600,000
Statewide	PREVENTATIVE MAINTENANCE - Projects under \$25,000; prioritized across Coastal, Valley and Mountain Regions	\$1,000,000
Statewide	PROGRAM MANAGEMENT	\$1,243,000
	Residence Replacement = Various locations	\$315,000
	Bridge Program Inspections & minor repairs	\$50,000
	CONTINGENCY	\$250,000
	EMERGENCY	\$628,000
TOTAL FIP BUDGET - Projected		\$15,900,000
(Over)/Under Amount between Approved Limitation and Budget		\$0

Pending approval of OPRD's proposed budget, Engineering Staff will be designing and constructing one Policy Option Package Project in each Region and the Bates Pond Policy Option Package.

Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 7b

Action

Topic: Construction Contract Award Approvals

Presented by: Clifton Serres, Engineering Manager

Project 1

Title: New Restroom Shower Building

Location: Jesse M Honeyman Memorial State Park

Description: This project will construct a new restroom shower building at the Honeyman State Park. The new building will replace the functions of two existing, 1960 vintage, wood framed restroom shower buildings. The new restroom shower building will have 10 restroom units and 8 shower units. The existing restrooms have 8 restroom units and 8 shower units. The new facility will comply with Americans with Disabilities Act (ADA) standards; the existing facilities do not comply with the ADA. The new building is nearly as large as the two old buildings combined (1,270 ft² compared to 1,408 ft² total for both old buildings). The new facility will have two handicap parking spaces. Also this will allow for a single building to be maintained by staff instead of two. In addition the locations where the removed facilities are is to be repurposed into a new wood storage building and a new hiker/biker camp shelter along with eight new tent sites.

This project received a Land and Water Conservation Grant (LWCF) which provides half 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 (\$700,000) and LWCF Funds (\$665,000).

Project Manager: Steven Smith

Project Number: 025697

Project Budget: \$1,365,000

Procurement Number: TBD

Procurement Budget: \$1,340,000

Schedule:

Advertise	Bid Close	Contract Award	Contract Completion
July, 2019	August, 2019	09/09/19 (est.)	July, 2020

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

Action Requested:

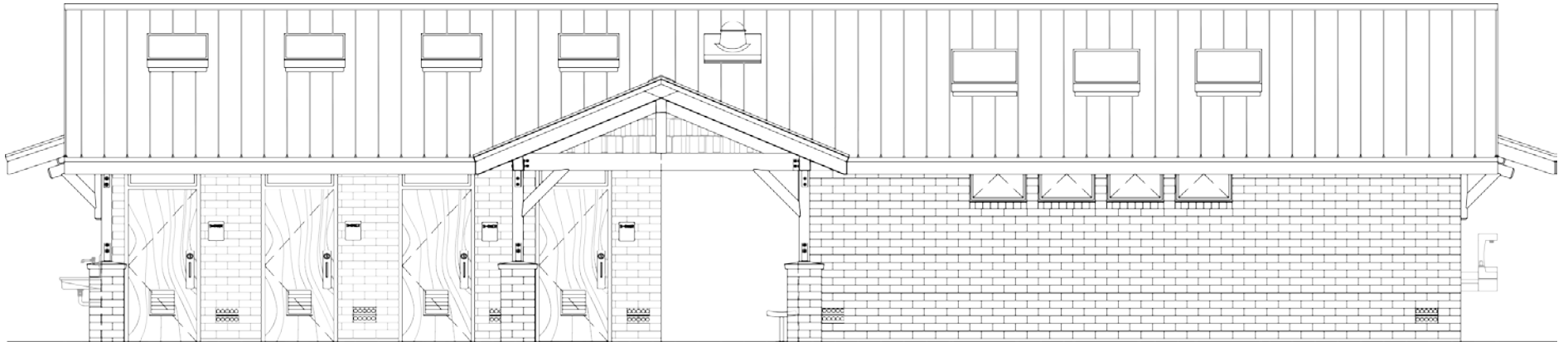
Project 1: Staff seeks Commission conditional approval of award to the apparent low bidder, in the event the apparent low bids are greater than \$500,000. Approval would be conditioned on the following criteria:

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.

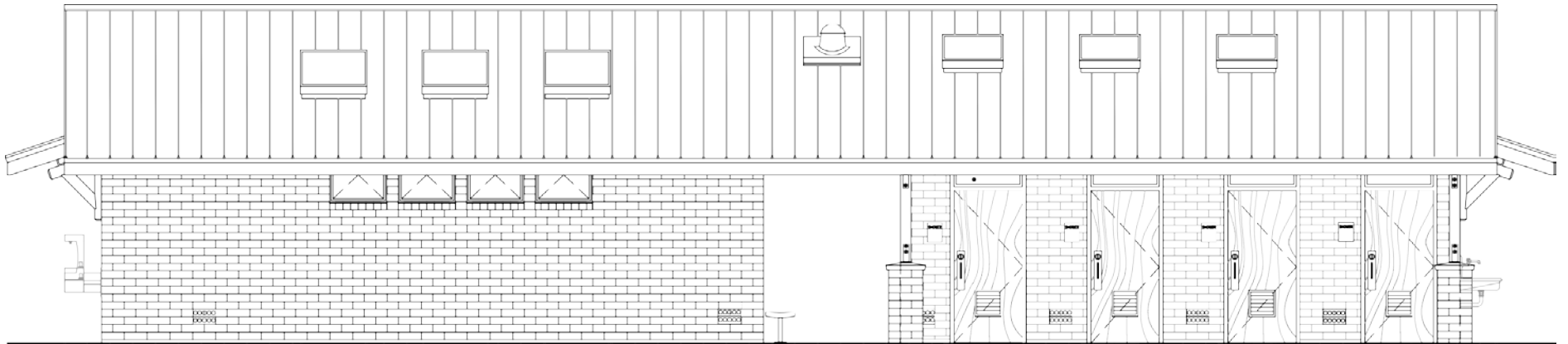
Attachments: Project 1 (Exhibit).

Prepared by: Clifton J Serres

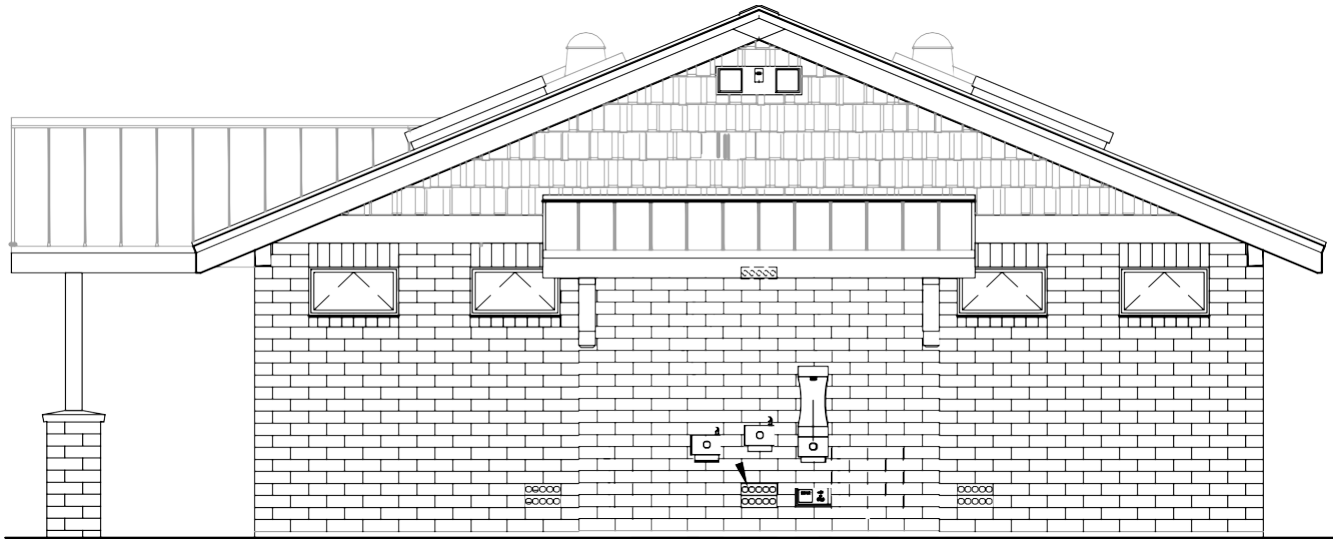
Project 1 – New Honeyman Restroom Shower Building



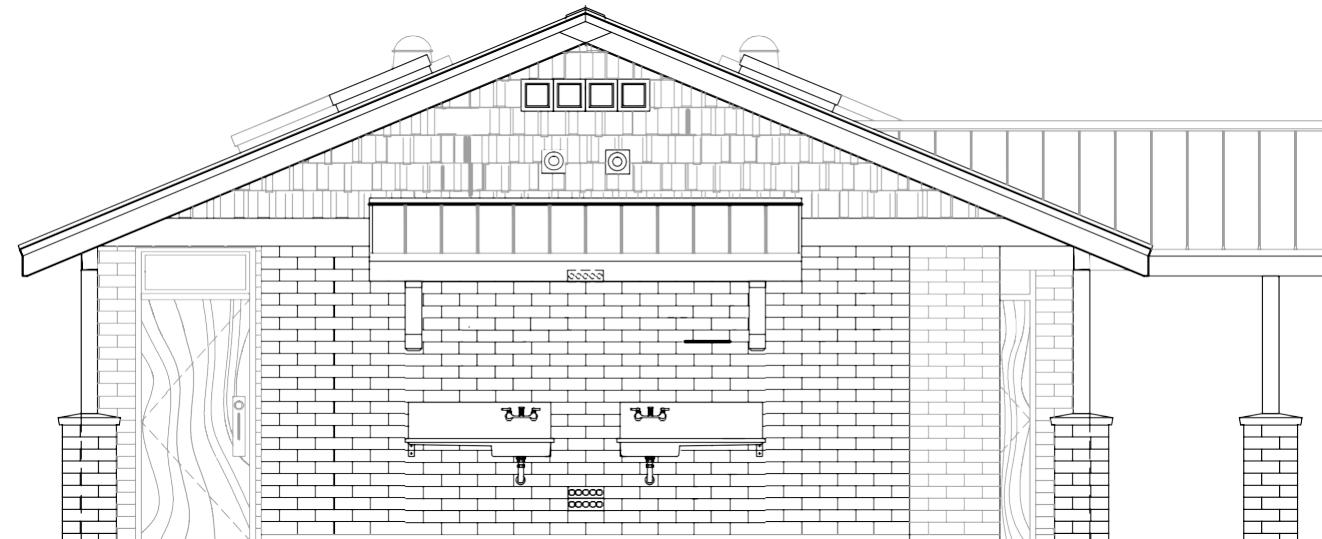
FRONT ELEVATION TYPE 10-8



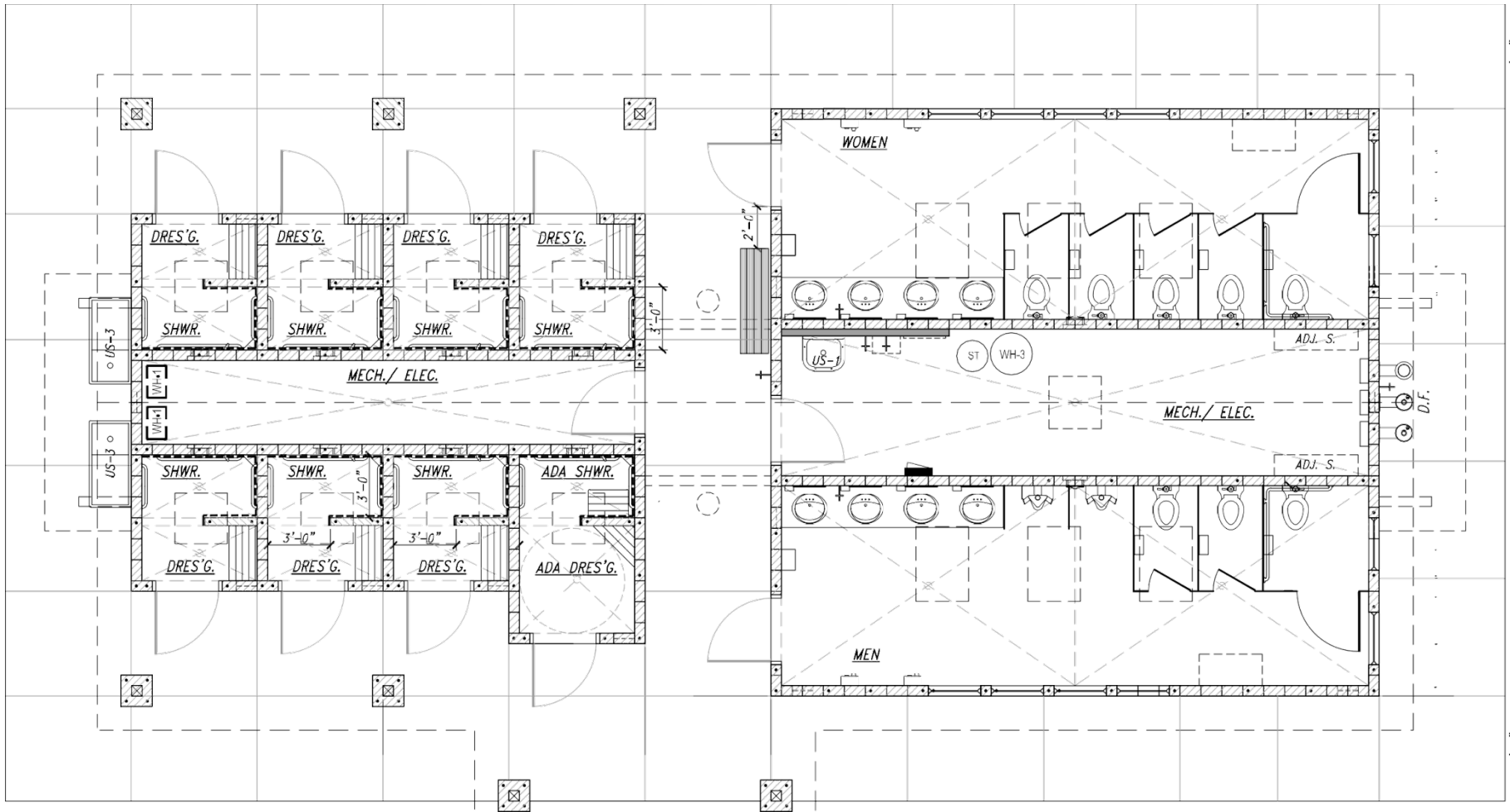
REAR EXTERIOR ELEVATION TYPE 10-8



RIGHT SIDE EXTERIOR ELEVATION



LEFT SIDE ELEVATION



FLOOR PLAN- TYPE 10/8

Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item:	8a	Information
Topic:	Heritage Division Update	
Presented by:	Christine Curran, Deputy SHPO	

Oregon Main Street Program Awards Over 5 Million Dollars in Grants, Program Coordinator Honored.

Oregon Heritage awarded 30 matching grants worth \$5,244,261 to Oregon Main Street Network organizations across the state for building projects encouraging downtown economic revitalization. Projects include facade improvements, housing, and seismic upgrades, with awards ranging from \$56,731-\$200,000. Upper floor and downtown housing projects receiving funding fill both a local housing need and enhance the local economy by putting vacant space back into productive use. The City of Coos Bay received \$200,000 for eleven new apartments; \$200,000 in Cottage Grove for six apartments and retail upgrades; \$149,751 for four new apartments in Klamath Falls; \$200,000 for four new apartments in Tillamook, and; \$200,000 towards 10-12 new units in Woodburn. Many of the participating communities hosted well-attended public events to celebrate the projects. In Lakeview, the Main Street organization hosted a community celebration with a free lunch provided by a local food truck to acknowledge the funded grant to purchase the historic Alger Theater. The grants and events have been widely reported by local media, as well as regionally in the *San Francisco Chronicle* and nationally by the Associated Press.



Oregon Governor Kate Brown and Sheri Stuart at the Governor's Reception, May 9, 2019

Main Street Program Coordinator, Sheri Stuart was recently recognized by Governor Kate Brown as a 2019 Public Service Ambassador. The honor recognizes “individuals who consistently promote positivity in the workplace and exemplify what it means to be ‘ambassadors of public service.’” Sheri was recognized for her pivotal role in directing the growth and development of the program and its wide-ranging reach and positive impact throughout the state, as well as her drive, organizational abilities, and as an “example of that one person working tirelessly behind the scenes to make a huge difference.”

Stuart was one of five OPRD employees nominated as either a Public Service Ambassador or recognized for their commitment to state service. The other nominees/recognized employees: Jodi Bellefeuille, Recreation Trails Grant Program Coordinator; Sabrina Hay, Lead Contracts Coordinator; Randy Fisher, Network Systems Analyst; and Guy Rodrigue, Manager of Silver Falls State Park.

Oregon Heritage Summit Held in Medford, April 25 – 26th.

Oregon Heritage hosted its second Oregon Heritage Summit in Medford, April 25-26. Over 120 attendees from historical societies, museums, Main Street organizations, and landmark commissions dove into the topic “The Culture of Board Engagement” to learn tools and strategies for building stronger, more capable heritage organization starting with their own board of directors. Attendees left with knowledge of board roles and responsibilities, and inspiration to implement best practices.

As part of the Summit, Heritage Programs held the 12th Annual Oregon Heritage Excellence Awards. The award recognized individuals, organizations, and businesses for their outstanding efforts in conserving and developing Oregon’s heritage. Awards are given to those who go above and beyond expectations, make the most of available resources, and serve as models to others in the state, often utilizing new ideas and approaches. A total of 98 individuals, projects, businesses, and organizations have been honored.



Deputy SHPO, Christine Curran Presenting the 2019 Oregon Heritage Excellence Awards

In 2019, seven awards were presented:

-- **Building a Better Community: The Canby Women’s Heritage Trail**, the first heritage trail in the state to focus on accomplishments of women, with a multi-layered approach to community engagement.

-- **Cultural Resources Department of the Confederated Tribes of Grand Ronde**, for 30 years of dedicated work as a department to preserve and celebrate the Tribe’s cultural history, recently culminating in the *Rise of the Collectors* exhibit.

-- **David Dittman**, for reporting an archaeological find on private land and going above and beyond expectations to engage the public.

-- **Ann & Owen Nicholson**, for their critical role in providing Nehalem Valley Historical Society with a museum and archive.

-- **Kylie Pine**, for going above and beyond her professional capacity as curator at Willamette Heritage Center to impact the community through teaching, volunteer work, board service, and publications related to local history.

-- **Richard & Judith Wagner**, for extraordinary research, writing, and community engagement related to Coos Bay and North Bend history.

-- **Salem Depot**, an excellent preservation project spearheaded by the Oregon Department of Transportation that overcame challenges, worked across agencies, and merged multiple modes of transportation to rehabilitate an historic building.

Laurelhurst Historic District in Portland Listed in the National Register of Historic Places

The National Park Service listed the Laurelhurst Historic District in the National Register of Historic Places in March. The listing is the result of a successful multi-year locally-led education effort spearheaded by the neighborhood association. Outreach included meetings, newsletter articles, websites, and a very successful historic house tour in fall 2018, among many other efforts. Only 14 owners objected to the listing. The District includes approximately 1,300 houses and Laurelhurst Park, and is significant as Portland's only residential subdivision that captures the planning principles of the “City Beautiful” era. The neighborhood is also notable for its examples of early 20th century American domestic architecture. The “City Beautiful” era was an American planning movement during the 1890s and 1920s that emerged from the 1893 World’s Columbian Exposition in Chicago. The movement attempted to create places that visually encouraged civic pride and engagement in the urban landscape through architecture and design.

Prior Action by Commission: none

Action Requested: none

Attachments: none

Prepared by: Ian P. Johnson, Associate Deputy SHPO

Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 9a

Action

Topic: Request to adopt Rulemaking – Oregon Natural Areas Program Rules (736-045-0300 to 736-045-0505)

Presented by: Katie Gauthier and Trevor Taylor

Background: The Oregon Legislature established the Oregon Natural Areas Program in 1979 as a way to protect high quality native ecosystems and rare plant and animal species. In 2010, the Oregon Natural Areas Plan was developed which defines the full range of Oregon's natural heritage and guides the selection of priority areas for the establishment of natural areas. The plan was updated in 2015 and guides the department's actions in the program.

Updated rules are needed to allow for provisional registrations of natural areas under active or proposed restoration or creation. Rule changes would also clarify language related to technology changes, nomenclature of State Natural Areas versus State Natural Area Reserves and improve alignment of program operation direction with current goals.

The Natural Areas Program is intended to protect diverse, high quality native ecosystems for scientific research, education and nature interpretation. The programs principles rely on conservation being voluntary on the part of the landowner or public land manager and wherever feasible, natural areas should not conflict with economic uses or development.

A Rule Advisory Committee that included representatives from a land trust, county tax assessors, ecological consulting non-profit organizations, the Oregon Biodiversity Information Center, the U.S. Forest Service, and a retired university professors who had formerly been involved with the program, helped to develop the proposed rules and review the fiscal impact statement. The rule opened for public comment on May 1, 2019 and will remain open until May 31.

The amendments to 736-045-0400 to 736-045-0505 only change is to add parentheses around "Reserve" in the title to differentiate it from other types of reserves.

Prior Action by Commission: Opened rulemaking in April 2018.

Action Requested:

Staff requests approval to adopt amendments to 736-045-0011, 736-045-0100, 736-045-0300, 736-045-0305, 736-045-0310, 736-045-0340, 736-045-0400, 736-045-0405, 736-045-0410, 736-045-0412, 736-045-0414, 736-045-0416, 736-045-0418, 736-045-0420, 736-045-0422, 736-045-0424, 736-045-0426, 736-045-0428, 736-045-0430, 736-045-0432, 736-045-0434, 736-045-0436 736-045-0438, 736-045-0440, 736-045-0442, 736-045-0444, 736-045-0446, 736-045-0448, 736-045-0500, 736-045-0505, to update Oregon Natural Areas Program Rules. A clean copy of the proposed rules is included in Attachment A. A marked copy of the proposed rules is included in attachment B.

Prepared by: Katie Gauthier and Noel Bacheller

Attachments:

Attachment A – Clean Copy proposed rules

Attachment B- Marked Copy proposed rules

9a Attachment A- Clean Copy

736-045-0011

Definitions

As used in this division, the definitions in ORS 273.563 and 390.005 apply, unless the context provides otherwise:

- (1) “Agency” means a local, state or federal, agency, board, commission, or department.
- (2) “Commission” means the State Parks and Recreation Commission.
- (3) “Committee” means the Natural Areas Advisory Committee.
- (4) “Candidate natural area” means a natural resource area that may be considered for registration or dedication.
- (5) “Data bank” means the Natural Areas Program inventory of natural heritage resources classification, data analysis, priority setting, owner and other data maintained by the Institute for Natural Resources under ORS 352.808.
- (6) “Dedicate” means the formal recognition and protection of a natural area for conservation purposes.
- (7) “Department” means Oregon Parks and Recreation Department.
- (8) “Director” means the Oregon Parks and Recreation Department Director.
- (9) “Instrument” means any written document intended to convey an interest in real property under ORS 93.710, or an agreement between parties according to the Natural Areas Program or the Oregon Natural Areas Plan.
- (10) “Introduced plant species” means exotic or non-native species.
- (11) “Managed area” means a registered or dedicated state natural area that, by management agreement between the department and private landowner, or agency, the area and its natural heritage resources are maintained in a manner to protect the natural character.
- (12) “Management scheme” means a plan that sets forth in detail the responsibilities for the administration of an individual state natural area.
- (13) “Natural area” means a unit of land or water or both that may be considered for dedication under ORS 273.563 to 273.591 and that has substantially retained its natural character, or, if altered in character, shall in addition to its natural heritage resource values, be valuable as habitat for plant and animal species or for the study and appreciation of natural features. This includes areas in the process of being restored.

(14) “Natural heritage resources” means the terrestrial ecosystems types, aquatic ecosystems types and unique geologic types as defined in the Oregon Natural Areas Plan or a unit of land or water which contains a natural resource.

(15) “Plan” means the Oregon Natural Areas Plan established under ORS 273.578, which governs the Natural Areas Program in selecting natural areas for conservation.

(16) “Program” means the Natural Areas Program as established in ORS 273.566, which provides for the establishment of a limited system of State Natural Area representing a full range of Oregon’s natural resources and includes special species of plants and animals.

(17) “Register” means the Oregon Register of Natural Areas established under ORS 273.581. The Register contains an official list of areas which have significant natural resources and special species. Registered areas include those provisionally registered by the commission.

(18) “Special species” means those species of plants and animals determined by the department to be of significant value in a state natural area and defined in the Plan.

(19) “State natural area” means an area that an individual, organization or public agency dedicates as a state natural area under ORS 273.586. The department classifies property dedicated as a state natural area under ORS 273.586 and this division and owned by the department as a “state natural area reserve.”

(20) “Wildlife” means any wild or free living vertebrate or invertebrate animal.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 & 390.005

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0100

Natural Areas Advisory Committee: Composition and Roles

(1) The director may appoint a Natural Areas Advisory Committee composed of representatives of non-governmental organizations, universities, state agencies, federal agencies, local governments and members of the interested public.

;

(2) Members appointed under subsection (1) may serve two consecutive four-year terms on the committee. However, upon convening the committee, the director shall appoint the first committee members following the effective date of this rule to serve a two, three, or four-year term.

(3) The director shall appoint the chair from the committee membership, considering the recommendations of the committee.

- (4) The committee shall meet at times and places specified by the call of the director.
- (5) A majority of the appointed members of the committee constitutes a quorum for the transaction of business.
- (6) Function and duties of the committee. Upon the request of the director, the committee may assist the department in:
- (a) Development of policy for the program through the review and approval of the Oregon Natural Areas Plan;
 - (b) Reviewing nominations for registration and the voluntary dedication of state natural areas or state natural area reserves, and review instruments of dedication for such areas;
 - (c) Providing recommendations to the commission, State Land Board, State Board of Forestry, State Fish and Wildlife Commission, State Board of Higher Education and Oregon Transportation Commission regarding areas under their respective jurisdictions which are appropriate for dedication; and
 - (d) Advising the commission in the adoption of rules that may be considered necessary in carrying out ORS 273.563 to 273.591.
- (7) Members of the advisory committee are not entitled to compensation, but in the discretion of the director may be reimbursed from funds available to the department for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.573

History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0300

Oregon Register of Natural Heritage Resources: Criteria for Inclusion in or Removal from the Register

The commission must determine criteria for inclusion in the register to fulfill not only the definition of a natural area but the natural heritage resources and site considerations within the priorities and criteria for conservation in the Plan. The commission, department, the committee upon request pursuant to OAR 736-045-0100(6)(b), and the Institute for Natural Resources pursuant to ORS 352.808(2)(g) will use the following criteria in evaluating a candidate natural area proposed for inclusion in or removal from the Register:

- (1) The priority for protection in the plan of the primary natural heritage resources objective and other natural heritage resources in the candidate natural area;

- (2) Whether the natural heritage resource occurrence(s) is an adequate representative of the type; or, whether the site can feasibly be restored to provide adequate representation of the ecosystem type, including habitat for at-risk species;
- (3) The extent to which each natural heritage resource has retained its natural character, and processes *i.e.*, a measurement of the degree of human-caused disturbance; or, the degree of feasibility of restoring the target natural character and processes;
- (4) The health and viability of the natural heritage resource occurrence(s), *i.e.*, the ability of each natural heritage resource occurrence to perpetuate itself or its natural sequence of development in the candidate natural area;
- (5) The number of natural heritage resources that will be adequately represented in the candidate natural area;
- (6) The degree of uniqueness and educational and natural interpretation values of a geologic resource(s);
- (7) The priority of protection given in the plan to each special species of plant or animal;
- (8) The contribution the particular candidate natural area will make to the protection of the special species;
- (9) Manageability, *i.e.*, the capability of the candidate natural area to be managed to protect and maintain the natural values, as well as to make it available and useful for its designated purposes;
- (10) Whether there are alternative methods of accomplishing the same purposes of this division; and
- (11) The cost effectiveness of including a candidate natural area in the register.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591 & 352.808(2)

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0305

Oregon Register of Natural Heritage Resources: Procedures for Registering

The department and the Institute for Natural Resources will review and provide recommendations on proposals for registration and dedication of natural areas for the register, together with field evaluation, maps and sufficient data to complete the register file. Pursuant to OAR 736-045-0100(6)(b), the director may also request that the committee review a nomination for the register.

(1) A proposal for the register of private land shall include the written permission for registration of the landowner.

(2) The department shall share the proposed plan with the county assessor for the appropriate county;

(3) The commission may place a natural area onto the register or remove a natural area from the register. The department will provide recommendation to the commission for its consideration.

(4) A voluntary management agreement may be developed between the department and a private landowner or agency of a natural area on the register.

When the department determines a candidate natural area is not yet an adequate representative of the target element and the area is proposed for or undergoing active restoration, the department will require a basic management plan as a component of the registration petition. The management plan shall outline threats to maintaining or achieving target element representation, as well as the methods of protecting or restoring them and their natural ecological processes. The management plan shall include activities to be encouraged, allowed or proscribed, and options for management agreements involving outside parties.

(5) The commission may provisionally register a site proposed for or under active restoration that does not yet adequately represent the target element(s). As a condition of the commission's provisional registration, the land owner shall provide a detailed management plan to the department or committee (if convened) to assess and approve. This detailed management plan may build upon or replace the basic management plan required as a condition of proposal for provisional registration under 736-045-0305 (4) and shall include metrics of restoration success. Owners of land provisionally registered under this section have five years to pursue restoration; thereafter, the department will reevaluate the registration using the restoration metrics included in the detailed management plan to assess restoration success and provide a recommendation to the commission during the reevaluation. The commission may:

(a) Fully register the provisional site if it provides adequate representation of the ecosystem(s),
or

(b) If the provisional site does not provide adequate representation of the ecosystem element(s):

(A) Renew the provisional registration, or

(B) Terminate the registration

(6) The department shall distribute a list of natural areas on the register to county assessors annually

(7) The commission may enter onto the register any candidate natural area that a federal or state agency establishes by public hearing and dedicates under this division.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591 & 352.808(2)(g)

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0310

Oregon Register of Natural Heritage Resources: Register File

The register may include file(s) of registered state natural areas or state natural area reserves:

(1) The file may include name of a state natural area, location, size, ownership, register category, and principal natural heritage resource(s) and special species. The card file may be cross referenced by county and principal resource.

(2) The file may include:

(a) Data form — comprehensive information compiled for each state natural area;

(b) Instrument of dedication or other documents certifying official dedication;

(c) Consent form — written permission for registration for a state natural areas on private land;

(d) Supportive data — includes maps, photographs, remote sensing imagery, species lists, field notes, reports, research papers, and references to other information available;

(e) Cross references to the data bank maintained by the Institute for Natural Resources pursuant to ORS 352.808 (2)

(f) Implementation data- includes any management agreement or plan, monitoring data results of reviews of provisional registrations

(g) Summary sheet — a map and one page summary of information about each area which can be duplicated and circulated to appropriate authorities.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591 & 352.808(2)(f)

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0340

Oregon Register of Natural Heritage Resources: Register Withdrawal

The commission may remove natural areas from the register. The commission will consider ORS 273.586(4) and the factors in OAR 736-045-0300, 736-045-0405 (1)(d) and (7)in removing a state natural area or state natural area reserve from the register.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.581(4) & 273.586(4).

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0400

Dedication and Management of a State Natural Area (Reserve): Purpose

The purpose and scope of dedication is to establish and maintain the integrity of the plan, and the program, by means of written formal recognition and protection of a natural area of land, water, or both land and water for natural heritage conservation purposes.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0405

Dedication and Management of a State Natural Area (Reserve): Instruments of Dedication

(1) Private dedication — a private individual or organization that is the owner of any registered natural area may voluntarily agree to dedicate that area as a state natural area by executing with the department, an instrument of dedication. Instrument provisions and policies include, but are not limited to, the following:

(a) An agreement that provides each natural heritage resource in the state natural area with the most secure protection obtainable;

(b) An unlimited period of time, or a term sufficiently long to warrant dedication protection;

(c) Permission for conducting scientific research and other activities shall be commensurate with program objectives; and

(d) Termination of dedication may occur upon written notification to the commission, including specific reasons for termination, and provision by the commission of opportunity for adequate public notice and hearing.

(2) The department shall file an executed instrument of dedication of a state natural area under private ownership under section (1) in the office of the clerk of the county in which any or all of the state natural area is located, and shall be effective upon its recording.

(3) The department shall provide a copy of the dedication and management agreement(s) to the private owner of a state natural area.

(4) Agency dedication — any public agency may dedicate lands under the provisions of ORS 273.563 to 273.591, this division, and the plan, after providing the opportunity for adequate public notice and hearing.

(5) The Oregon Transportation Commission, the State Fish and Wildlife Commission, the State Board of Forestry, the State Board of Higher Education, and the State Land Board shall, with the advice and assistance of the department, establish procedures for the dedication of state natural areas on land, water, or both, the title of which is held by the State of Oregon, and which is under that agency's management and control.

(6) Instruments of dedication under sections (1) and (4) shall contain any information or provisions as the private owner, organization or agency and department consider necessary to complete the dedication.

(7) Termination of the dedication of a state natural area by a public agency or a state natural area reserve by the department requires that the terminating agency:

(a) Provide an opportunity for adequate public notice and hearing; and

(b) Makes a finding of either:

(A) An imperative and unavoidable necessity due to natural disaster in the site, need of the natural resource during time of declared war, or the need of the natural resource because of extreme economic crisis of the state; or

(B) That the state natural area or state natural area reserve is no longer needed according to the guidelines of the plan, or has permanently lost its character, subject to the department's approval.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.586

History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0410

Dedication and Management of a State Natural Area (Reserve): Publicity

The department and the Institute for Natural Resources may develop and make available to private landowners, researchers, agencies and interested persons information about a state natural area or state natural area reserve and appropriate descriptive material. However, the department and the Institute for Natural Resources will avoid publicity which would tend to encourage the general public to visit a state natural area or state natural area reserve in greater numbers than its carrying capacity.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591 & 352.808

History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0412

Dedication and Management of a State Natural Area (Reserve): Reports

At regular intervals the department may make or cause to be made a record of management activities and other influences affecting each state natural area and state natural area reserve.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0414

Dedication and Management of a State Natural Area (Reserve): Instruments

The instruments of dedication shall include, but not be limited to, the following:

- (1) The size, location, purpose, and resources of the state natural area or state natural area reserve;
- (2) A management scheme written for each state natural area or state natural area reserve which describes:
 - (a) The conservation objective of the area;
 - (b) Proscribed, allowed and prohibited activities on the area; and
 - (c) Provisions as consistent as possible with OAR 736-045-0410 through 736-045-0448, which, unless otherwise noted, are a part of each management scheme.
- (3) Agreements between the department and any agency necessary to establish the state natural area or state natural area reserve.

Statutory/Other Authority: ORS 390.124
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0416

Dedication and Management of a State Natural Area (Reserve): State Natural Area Manager

Notwithstanding the instruments of dedication, managers of state natural areas or state natural area reserves shall not take any action or fail to take any action that is in conflict with an

applicable statute, rule, regulation or policy relating to an agency having an interest in or responsibility for the state natural area or state natural area reserve.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0418

Dedication and Management of a State Natural Area (Reserve): Fire

Prescribed fire may only be used as a management tool in such areas or situations where fire is needed to maintain or protect a state natural area or state natural area reserve as an ecosystem type specified in the management scheme.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0420

Dedication and Management of a State Natural Area (Reserve): Water Level Control

Agencies shall manage state natural areas and the department shall manage state natural area reserves to maintain their natural water levels. Water levels which have previously been altered by man may be changed if provided for in the management scheme as essential for the restoration of natural conditions.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0422

Dedication and Management of a State Natural Area (Reserve): Disturbance of Natural Features

The management of state natural area and state natural area reserves shall not include the cutting or removal of vegetation or the disturbance of other natural features, except that which is essential to carry out the management scheme enumerated in this division.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0424](#)

Dedication and Management of a State Natural Area (Reserve): Visitor Protection

Owners of land may provide guard rails, fences, steps, and bridges when essential to the safety of a reasonable alert and cautious visitor.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0426](#)

Dedication and Management of a State Natural Area (Reserve): Erosion Control

Erosion and soil deposition due to disturbances of natural conditions by man within or outside a state natural area or state natural area reserve may be controlled as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0428](#)

Dedication and Management of a State Natural Area (Reserve): Scenic or Landscape Management

No measures or actions shall be taken to alter the natural growth or features of a state natural area or state natural area reserve for the purpose of enhancing its neatness, beauty, or amenities.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0430](#)

Dedication and Management of a State Natural Area (Reserve): Control of Succession

Control of succession may be undertaken only if maintenance or restoration of a particular ecosystem type or preservation of threatened or endangered species is designated in the instruments of dedication as an objective of the state natural area or state natural area reserve. Based on scientific evidence of necessity, successional control measures may be undertaken as provided in the management scheme. Such measures shall be applied with caution and only to that part of the area as is necessary.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0432](#)

Dedication and Management of a State Natural Area (Reserve): Control of Introduced Plant Species

Control of introduced plant species may be undertaken as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0434](#)

Dedication and Management of a State Natural Area (Reserve): Control of Wildlife Populations

The control of wildlife populations on state natural areas and state natural area reserves shall be by agreements between the commission and Oregon Department of Fish and Wildlife, or other agency. As far as practical, any control measures shall be to correct those situations where wildlife populations are significantly affecting natural conditions on a state natural area or state natural area reserve.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - ORS 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0436](#)

Dedication and Management of a State Natural Area (Reserve): Introduction and Management of Special Species

The introduction into or the management of a state natural area or state natural area reserve for special wildlife species shall be by agreement between the commission and the Oregon Department of Fish and Wildlife, Oregon Department of Agriculture or other agency as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0438](#)

Dedication and Management of a State Natural Area (Reserve): Use Tolerance

The management scheme shall set forth the use tolerance or durability of all or any portion of a state natural area or state natural area reserve and specify the steps to be taken if overuse occurs.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0440](#)

Dedication and Management of a State Natural Area (Reserve): Collecting Permits

A person wishing to collect material from a site for the purposes of research, education or restoration within a state natural area or state natural area reserve shall secure written permission from:

- (1) The department;
- (2) The owner of the land; and
- (3) The appropriate agency if any, including but not limited to the Oregon Department of Fish and Wildlife.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0442](#)

Dedication and Management of a State Natural Area (Reserve): Boundary Markers

When feasible, boundaries of a state natural area or state natural area reserve may be made evident by placing markers at corners or other strategic locations or by boundary signs.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0444](#)

Dedication and Management of a State Natural Area (Reserve): Fences

Fences and barriers may be installed as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0446](#)

Dedication and Management of a State Natural Area (Reserve): Trails

The location and specifications of any trails may be established in the management scheme. Trails shall be adequate to provide for allowed use of a state natural area or state natural area reserve, but otherwise kept to a minimum. The use of paving materials, footbridges and elevated walks may be allowed when necessary.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0448](#)

Dedication and Management of a State Natural Area (Reserve): Other Structures and Improvements

Signs and temporary research installations may be permitted within a state natural area or state natural area reserve. No other structures or facilities shall be located within a state natural area or state natural area reserve except as provided in the management scheme or this division.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0500](#)

Dedication and Management of a State Natural Area (Reserve): Amendments

The commission may review and approve or disapprove any modification to the plan submitted by the department.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.578(2)
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0505](#)

Dedication and Management of a State Natural Area (Reserve): Waiver of Rules

The commission may waive all or any part of this division that would prevent the establishment, management, or protection of a state natural area or state natural area reserve if such rule is in conflict with an applicable statute, rule, regulation, or policy relating to an agency having an interest in or responsibility for the state natural area or the department interest in or responsibility for the state natural area reserve.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

9a Attachment B- Marked Copy

736-045-0011

Definitions

As used in this division, the definitions in ORS 273.563 and 390.005 apply, unless the context provides otherwise:

- (1) “Agency” means a local, state or federal, agency, board, commission, or department.
- (2) “Commission” means the State Parks and Recreation Commission.
- (3) “Committee” means the Natural Areas Advisory Committee.
- (4) “Candidate natural area” means a natural resource area that may be considered for registration or dedication.
- (5) “Data bank” means the Natural Areas Program inventory of natural heritage resources classification, data analysis, priority setting, owner and other data maintained by the Institute for Natural Resources under ORS 352.~~239~~808.
- (6) “Dedicate” means the formal recognition and protection of a natural area for conservation purposes.
- (7) “Department” means Oregon Parks and Recreation Department.
- (8) “Director” means the Oregon Parks and Recreation Department Director.
- (9) “Instrument” means any written document intended to convey an interest in real property under ORS 93.710, or an agreement between parties according to the Natural Areas Program or the Oregon Natural Areas Plan.
- (10) “Introduced plant species” means exotic or non-native species.
- (11) “Managed area” means a registered or dedicated state natural area that, by management agreement between the department and private landowner, or agency, the area and its natural heritage resources are maintained in a manner to protect the natural character.
- (12) “Management scheme” means a plan that sets forth in detail the responsibilities for the administration of an individual state natural area.
- (13) “Natural area” means a unit of land or water or both that may be considered for dedication under ORS 273.563 to 273.591 and that has substantially retained its natural character, or, if altered in character, shall in addition to its natural heritage resource values, be valuable as habitat for plant and animal species or for the study and appreciation of natural features. This includes areas in the process of being restored.

(14) “Natural heritage resources” means the terrestrial ecosystems types, aquatic ecosystems types and unique geologic types as defined in the Oregon Natural Areas Plan or a unit of land or water which contains a natural resource.

(15) “Plan” means the Oregon Natural Areas Plan established under ORS 273.578, which governs the Natural Areas Program in selecting natural areas for conservation.

(16) “Program” means the Natural Areas Program as established in ORS 273.566, which provides for the establishment of a limited system of State Natural Area representing a full range of Oregon’s natural resources and includes special species of plants and animals.

(17) “Register” means the Oregon Register of Natural Areas established under ORS 273.581. The Register contains an official list of areas which have significant natural resources and special species. Registered areas include those provisionally registered by the commission.

(18) “Special species” means those species of plants and animals determined by the department to be of significant value in a state natural area and defined in the Plan.

(19) “State natural area” means an area that an individual, organization or public agency dedicates as a state natural area under ORS 273.586. The department classifies property dedicated as a state natural area under ORS 273.586 and this division and owned by the department as a “Sstate Nnatural Aarea Rreserve.”

(20) “Wildlife” means any wild or free living vertebrate or invertebrate animal.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 & 390.005

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0100

Natural Areas Advisory Committee: Composition and Roles

(1) The director may appoint a Natural Areas Advisory Committee composed of representatives of non-governmental organizations, universities, state agencies, federal agencies, local governments and members of the interested public. nine members as follows:

~~(a) Three authorized representatives of state agencies with jurisdiction over a managed areas or natural areas that are appropriate for dedication, including:~~

~~(A) The department;~~

~~(B) Department of State Lands;~~

~~(C) Department of Forestry;~~

~~(D) Department of Fish and Wildlife;~~

~~(E) Department of Education; and~~

~~(F) Oregon Department of Transportation;~~

~~(b) Two authorized representatives of federal natural resources management agencies, such as the U.S. Forest Service and Bureau of Land Management; and~~

~~(c) Four individuals recognized as experts in the ecology of natural areas. Desirable fields of expertise are botany, zoology, terrestrial ecology, aquatic biology and geology;~~

(2) Members appointed under subsection (1)~~(e)~~ may serve two consecutive four-year terms on the committee. However, upon convening the committee, the director shall appoint the first committee members following the effective date of this rule to serve a two, three, or four-year term.

(3) The director shall appoint the chair from the committee membership, considering the recommendations of the committee.

(4) The committee shall meet at times and places specified by the call of the director.

(5) A majority of the appointed members of the committee constitutes a quorum for the transaction of business.

(6) Function and duties of the ~~Natural Areas Advisory Committee~~committee. Upon the request of the director, the committee may assist the department in:

(a) Development of policy for the ~~Natural Areas Program~~program through the review and approval of the Oregon Natural Areas Plan;

(b) Reviewing nominations for registration and the voluntary dedication of state natural areas or ~~S~~state N~~n~~atural a~~A~~rea R~~r~~eserves, and review instruments of dedication for such areas;

(c) Providing recommendations to the commission, State Land Board, State Board of Forestry, State Fish and Wildlife Commission, State Board of Higher Education and Oregon Transportation Commission regarding areas under their respective jurisdictions which are appropriate for dedication; and

(d) Advising the commission in the adoption of rules that may be considered necessary in carrying out ORS 273.563 to 273.591.

(7) Members of the advisory committee are not entitled to compensation, but in the discretion of the director may be reimbursed from funds available to the department for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amount provided in ORS 292.495.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.573
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0300

Oregon Register of Natural Heritage Resources: Criteria for Inclusion in or Removal from the Register

The commission must determine criteria for inclusion in the ~~Register~~ register to fulfill not only the definition of a natural area but the natural heritage resources and site considerations within the priorities and criteria for conservation in the Plan. The commission, department, the committee upon request pursuant to OAR 736-045-0100(6)(b), and the Institute for Natural Resources pursuant to ORS 352.239808(2)(g) will use the following criteria in evaluating a candidate natural area proposed for inclusion in or removal from the Register:

(1) The priority for protection in the ~~Plan~~ plan of the primary natural heritage resources objective and other natural heritage resources in the candidate natural area;

(2) Whether the natural heritage resource occurrence(s) is an adequate representative of the type; or, whether the site can feasibly be restored to provide adequate representation of the ecosystem type, including habitat for at-risk species;

(3) The extent to which each natural heritage resource has retained its natural character, and processes *i.e.*, a measurement of the degree of human-caused disturbance; or, the degree of feasibility of restoring the target natural character and processes;

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(4) The health and viability of the natural heritage resource occurrence(s), *i.e.*, the ability of each natural heritage resource occurrence to perpetuate itself or its natural sequence of development in the candidate natural area;

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(5) The number of natural heritage resources that will be adequately represented in the candidate natural area;

(6) The degree of uniqueness and educational and natural interpretation values of a geologic resource(s);

(7) The priority of protection given in the ~~Plan~~ plan to each special species of plant or animal;

(8) The contribution the particular candidate natural area will make to the protection of the special species;

(9) Manageability, *i.e.*, the capability of the candidate natural area to be managed to protect and maintain the natural values, as well as to make it available and useful for its designated purposes;

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(10) Whether there are alternative methods of accomplishing the same purposes of this division; and

(11) The cost effectiveness of including a candidate natural area in the ~~Register~~register.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591 & 352.~~239~~808(2)

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0305

Oregon Register of Natural Heritage Resources: Procedures for Registering

The department and the Institute for Natural Resources will review and provide recommendations on proposals for registration and dedication of natural areas for the ~~Register~~register, together with field evaluation, maps and sufficient data to complete the register file. Pursuant to OAR 736-045-0100(6)(b), the director may also request that the committee review a nomination for the ~~Register~~register.

(1) A proposal for the ~~Register~~register of private land shall include the written permission for registration of the landowner.

(2) The department shall share the proposed plan with the county assessor for the appropriate county;

(3) The commission may place a natural area onto the ~~Register~~register or remove a natural area from the ~~Register~~register. The department will provide recommendation to the commission for its consideration.

(34) A voluntary management agreement may be developed between the department and a private landowner or agency of a natural area on the ~~Register~~register.

When the department determines a candidate natural area is not yet an adequate representative of the target element and the area is proposed for or undergoing active restoration, the department will require a basic management plan as a component of the registration petition. The management plan shall outline threats to maintaining or achieving target element representation, as well as the methods of protecting or restoring them and their natural ecological processes. The management plan shall include activities to be encouraged, allowed or proscribed, and options for management agreements involving outside parties.

(5) The commission may provisionally register a site proposed for or under active restoration that does not yet adequately represent the target element(s). As a condition of the commission's provisional registration, the land owner shall provide a detailed management plan to the department or committee (if convened) to assess and approve. This detailed management plan may build upon or replace the basic management plan required as a condition of proposal for provisional registration under 736-045-0305 (4) and shall include metrics of restoration success.

Owners of land provisionally registered under this section have five years to pursue restoration; thereafter, the department will reevaluate the registration using the restoration metrics included in the detailed management plan to assess restoration success and provide a recommendation to the commission during the reevaluation. The commission may:

(a) Fully register the provisional site if it provides adequate representation of the ecosystem(s), or

(b) If the provisional site does not provide adequate representation of the ecosystem element(s):

(A) Renew the provisional registration, or

(B) Terminate the registration

(6) The department shall distribute a list of natural areas on the register to county assessors annually

(47) The commission may enter onto the ~~Register~~ register any candidate natural area that a federal or state agency establishes by public hearing and dedicates under this division.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591 & 352.239808(2)(g)

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0310

Oregon Register of Natural Heritage Resources: Register File

The ~~Register~~ register may include file(s) of registered state natural areas or state natural area reserves:

(1) The ~~card~~ file may include name of a state natural area, location, size, ownership, register category, and principal natural heritage resource(s) and special species. The card file may be cross referenced by county and principal resource.

(2) The ~~data~~ file may include:

(a) Data form — comprehensive information compiled for each state natural area;

(b) Instrument of dedication or other documents certifying official dedication;

(c) Consent form — written permission for registration for a state natural areas on private land;

(d) Supportive data — includes maps, photographs, remote sensing imagery, species lists, field notes, reports, research papers, and references to other information available;

(e) Cross references to the data bank maintained by the Institute for Natural Resources pursuant to ORS 352.~~808~~ (2)

~~(f) Implementation data- includes any management agreement or plan, monitoring data results of reviews of provisional registrations²³⁹(2)(f) — to data file, computer and manual file consistent with data bank components;~~

~~(f) Implementation data — written management agreement pertaining to the state natural area; and~~

(g) Summary sheet — a map and one page summary of information about each area which can be duplicated and circulated to appropriate authorities.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591 & 352.~~239~~~~808~~(2)(f)

History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0340

Oregon Register of Natural Heritage Resources: Register Withdrawal

The commission may remove natural areas from the ~~Register~~register. The commission will consider ORS 273.586(4) and the factors in OAR 736-045-0300, 736-045-0405 (1)(d) and (7) in removing a state natural area or state natural area reserve from the ~~Register~~register.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.581(4) & 273.586(4).

History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0400

Dedication and Management of a State Natural Area (Reserve): Purpose

The purpose and scope of dedication is to establish and maintain the integrity of the ~~Plan~~plan, and the ~~Program~~program, by means of written formal recognition and protection of a natural area of land, water, or both land and water for natural heritage conservation purposes.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0405

Dedication and Management of a State Natural Area (Reserve): Instruments of Dedication

(1) Private dedication — a private individual or organization that is the owner of any registered natural area may voluntarily agree to dedicate that area as a state natural area by executing with the department, an instrument of dedication. Instrument provisions and policies include, but are not limited to, the following:

(a) An agreement that provides each natural heritage resource in the state natural area with the most secure protection obtainable;

(b) An unlimited period of time, or a term sufficiently long to warrant dedication protection;

(c) Permission for conducting scientific research and other activities shall be commensurate with ~~Program-program~~ objectives; and

(d) Termination of dedication may occur upon written notification to the commission, including specific reasons for termination, and provision by the commission of opportunity for adequate public notice and hearing.

(2) The department shall file an executed instrument of dedication of a state natural area under private ownership under section (1) in the office of the clerk of the county in which any or all of the state natural area is located, and shall be effective upon its recording.

(3) The department shall provide a copy of the dedication and management agreement(s) to the private owner of a state natural area.

(4) Agency dedication — any public agency may dedicate lands under the provisions of ORS 273.563 to 273.591, this division, and the ~~Planplan~~, after providing the opportunity for adequate public notice and hearing.

(5) The Oregon Transportation Commission, the State Fish and Wildlife Commission, the State Board of Forestry, the State Board of Higher Education, and the State Land Board shall, with the advice and assistance of the department, establish procedures for the dedication of state natural areas on land, ~~or~~ water, ~~or both~~, the title of which is held by the State of Oregon, and which is under that agency's management and control.

(6) Instruments of dedication under sections (1) and (4) shall contain any information or provisions as the private owner, organization or agency and department consider necessary to complete the dedication.

(7) Termination of the dedication of a state natural area by a public agency or a state natural area reserve by the department requires that the terminating agency:

(a) Provide an opportunity for adequate public notice and hearing; and

(b) Makes a finding of either:

(A) An imperative and unavoidable necessity due to natural disaster in the site, need of the natural resource during time of declared war, or the need of the natural resource because of extreme economic crisis of the state; or

(B) That the state natural area or state natural area reserve is no longer needed according to the guidelines of the [Planplan](#), or has permanently lost its character, subject to the department's approval.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.586

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0410](#)

Dedication and Management of a State Natural Area (Reserve): Publicity

The department and the Institute for Natural Resources may develop and make available to private landowners, researchers, agencies and interested persons information about a state natural area or state natural area reserve and appropriate descriptive material. However, [the department and the Institute for Natural Resources will avoid](#) publicity which would tend to encourage the general public to visit a state natural area or state natural area reserve in greater numbers than its carrying capacity. ~~will be avoided.~~

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591 & 352.~~239(2)(f)~~.808

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0412](#)

Dedication and Management of a State Natural Area (Reserve): Reports

At regular intervals the department may make or cause to be made a record of management activities and other influences affecting each state natural area and state natural area reserve.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0414](#)

Dedication and Management of a State Natural Area (Reserve): Instruments

The instruments of dedication shall include, but not be limited to, the following:

(1) The size, location, purpose, and resources of the state natural area or state natural area reserve;

(2) A management scheme written for each state natural area or state natural area reserve which describes:

(a) The conservation objective of the area;

(b) Proscribed, allowed and prohibited activities on the area; and

(c) Provisions as consistent as possible with OAR 736-045-0410 through 736-045-0448, which, unless otherwise noted, are a part of each management scheme.

(3) Agreements between the department and any agency necessary to establish the state natural area or state natural area reserve.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0416](#)

Dedication and Management of a State Natural Area (Reserve): State Natural Area Manager

Notwithstanding the instruments of dedication, managers of state natural areas or state natural area reserves shall not take any action or fail to take any action that is in conflict with an applicable statute, rule, regulation or policy relating to an agency having an interest in or responsibility for the state natural area or state natural area reserve.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0418](#)

Dedication and Management of a State Natural Area (Reserve): Fire

Prescribed fire may only be used as a management tool in such areas or situations where fire is needed to maintain or protect a state natural area or state natural area reserve as an ecosystem type specified in the management scheme.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0420](#)

Dedication and Management of a State Natural Area (Reserve): Water Level Control

Agencies shall manage state natural areas and the department shall manage state natural area reserves to maintain their natural water levels. Water levels which have previously been altered by man may be changed if provided for in the management scheme as essential for the restoration of natural conditions.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0422](#)

Dedication and Management of a State Natural Area (Reserve): Disturbance of Natural Features

The management of state natural area and state natural area reserves shall not include the cutting or removal of vegetation or the disturbance of other natural features, except that which is essential to carry out the management scheme enumerated in this division.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0424](#)

Dedication and Management of a State Natural Area (Reserve): Visitor Protection

~~Owners of land may provide~~ Guard rails, fences, steps, and bridges ~~may be provided~~ when essential to the safety of a reasonable alert and cautious visitor.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0426](#)

Dedication and Management of a State Natural Area (Reserve): Erosion Control

Erosion and soil deposition due to disturbances of natural conditions by man within or outside a state natural area or state natural area reserve may be controlled as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0428](#)

Dedication and Management of a State Natural Area (Reserve): Scenic or Landscape Management

No measures or actions shall be taken to alter the natural growth or features of a state natural area or state natural area reserve for the purpose of enhancing its neatness, beauty, or amenities.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0430](#)

Dedication and Management of a State Natural Area (Reserve): Control of Succession

Control of succession may be undertaken only if maintenance or restoration of a particular ecosystem type or preservation of threatened or endangered species is designated in the instruments of dedication as an objective of the state natural area or state natural area reserve. Based on scientific evidence of necessity, successional control measures may be undertaken as provided in the management scheme. Such measures shall be applied with caution and only to that part of the area as is necessary.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0432](#)

Dedication and Management of a State Natural Area (Reserve): Control of Introduced Plant Species

Control of introduced plant species may be undertaken as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)

Statutes/Other Implemented: ORS 273.563 - 273.591

History: PRD 10-2012, f. & cert. ef. 12-13-12

PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0434](#)

Dedication and Management of a State Natural Area (Reserve): Control of Wildlife Populations

The control of wildlife populations on state natural areas and state natural area reserves shall be by agreements between the commission and Oregon Department of Fish and Wildlife, or other agency. As far as practical, any control measures shall be to correct those situations where

wildlife populations are significantly affecting natural conditions on a state natural area or state natural area reserve.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - ORS 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0436](#)

Dedication and Management of a State Natural Area (Reserve): Introduction and Management of Special Species

The introduction into or the management of a state natural area or state natural area reserve for special wildlife species shall be by agreement between the commission and the Oregon Department of Fish and Wildlife, Oregon Department of Agriculture or other agency as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0438](#)

Dedication and Management of a State Natural Area (Reserve): Use Tolerance

The management scheme shall set forth the use tolerance or durability of all or any portion of a state natural area or state natural area reserve and specify the steps to be taken if overuse occurs.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0440](#)

Dedication and Management of a State Natural Area (Reserve): Collecting Permits

A person wishing to collect material from a site for the purposes of research, education or restoration within a state natural area or state natural area reserve shall secure written permission from:

- (1) The department;
- (2) The owner of the land; and
- (3) The appropriate agency if any, including but not limited to the Oregon Department of Fish and Wildlife.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0442](#)

Dedication and Management of a State Natural Area (Reserve): Boundary Markers

When feasible, boundaries of a state natural area or state natural area reserve may be made evident by placing markers at corners or other strategic locations or by boundary signs.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0444](#)

Dedication and Management of a State Natural Area (Reserve): Fences

Fences and barriers may be installed as provided in the management scheme.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0446](#)

Dedication and Management of a State Natural Area (Reserve): Trails

The location and specifications of any trails may be established in the management scheme. Trails shall be adequate to provide for ~~permitted-allowed~~ use of a state natural area or state natural area reserve, but otherwise kept to a minimum. The use of paving materials, footbridges and elevated walks may be ~~permitted-allowed~~ when necessary.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

[736-045-0448](#)

Dedication and Management of a State Natural Area (Reserve): Other Structures and Improvements

Signs and temporary research installations may be permitted within a state natural area or state natural area reserve. No other structures or facilities shall be located within a state natural area or state natural area reserve except as provided in the management scheme or this division.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0500

Dedication and Management of a State Natural Area (Reserve): Amendments

The commission may review and approve or disapprove any modification to the ~~Plan-plan~~ submitted by the department.

Statutory/Other Authority: ORS 390.124(4)
Statutes/Other Implemented: ORS 273.578(2)
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

736-045-0505

Dedication and Management of a State Natural Area (Reserve): Waiver of Rules

The commission may waive all or any part of this division that would prevent the establishment, management, or protection of a state natural area or state natural area reserve if such rule is in conflict with an applicable statute, rule, regulation, or policy relating to an agency having an interest in or responsibility for the state natural area or the department interest in or responsibility for the state natural area reserve.

Statutory/Other Authority: ORS 390.124
Statutes/Other Implemented: ORS 273.563 - 273.591
History: PRD 10-2012, f. & cert. ef. 12-13-12
PRD 2-2012, f. & cert. ef. 5-4-12

Oregon Parks and Recreation Commission

June 12, 2019

Agenda Item: 9b

Action

Topic: Request to open 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.

Staff is requesting approval to open rulemaking 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.

Staff has shared with the Oregon State Fair Council, the public corporation that now operates the State Fair and Exposition Center, plans to repeal the rules. OPRD's administrative rules around fair operations cannot be utilized by the current operators.

Prior Action by Commission: July 2011 the Commission adopted Division 201 rule amendments to improve safety during the State Fair and other events at the Exposition Center.

Action Requested:

Staff requests approval to open 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

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
June 12, 2019

Agenda Item: 10a (i)

Information

Topic: Procurement Report

Presented by: Daniel Killam, Deputy Director of Administrations

The attached report includes:

- 3 New agreements for a total of \$188,862
- 36 New contracts for total of \$2,369,261
- 27 Amendments for a total of \$368,724

Action Requested: None.

Attachments: Procurement Report

Prepared by: Sarah Santos

Oregon Parks and Recreation Commission
June 11-12, 2019

Agenda Item:	10a (ii, iii, iv)	Informational
Topic:	Report of Scenic Waterway Program Notification Actions, Ocean Shore Permits Issued, and Timber Harvest Revenue from March 13, 2019 through May 8, 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:

(ii) SCENIC WATERWAYS NOTIFICATIONS

March 22, 2019 approved Notification of Intent 9-400-19 for Paul Davidson, developer, for the construction of two single family residential homes at 28185 Starr Rd Eagle Creek, OR within the Clackamas River Scenic Waterway. Existing vegetation between the homes and the river will be retained and will provide screening so that the new homes will not be visible from the river.

April 17, 2019 approved Notification of Intent 2B-1033-19 for Michael Jones for the construction of a single residential home within the Upper Deschutes Scenic Waterway. Approval was given because the property is not visible from the river as it exceeds set back limits and ample evergreen native vegetation exists on site.

April 17, 2019 approved Notification of Intent 2A-239-19 for the Dunne Revocable Trust for the construction of a single residential home within the Middle Deschutes Scenic Waterway. Approval was given because the property is mostly not visible from the river, additional vegetation will be planted to ensure adequate screening, and residence will meet set back limits and height restrictions.

April 19, 2019 approved Notification of Intent 4-200-19 for Guy Schoeborn to build two small shade structures on his property on the Middle Fork of the John Day River. Approval was given because sufficient vegetation exists on site to ensure that these structures will not be visible from the river.

April 23, 2019 approved Notification of Intent 2B-1034-19 for Stone Bridge Homes NW, LLC for the construction of a single residential home within the Upper Deschutes Scenic Waterway. Approval was given because the property is mostly not visible from the river, additional vegetation will be planted to ensure adequate screening, and residence will meet set back limits and height restrictions.

April 26, 2019 approved Notification of Intent 4-201-19 for the Warm Springs Tribe to complete restoration work along the Middle Fork of the John Day River. The work proposed does not include any additional structures or roads, but restores the surrounding terrain into a more natural, and improved ecological system.

April 29, 2019 approved Notification of Intent 16-92-19 from Weyerhaeuser Company to construct logging roads for an upcoming harvest in 2020 in the Nestucca Scenic Waterway. This approval was given because the roads are being engineered to minimize erosion and to improve fish passage by replacing culverts at all stream crossings.

May 3, 2019 approved Notification of Intent 2B-1035-19 for Sara and Patrick Fortner to complete an addition on their existing residential home within the Upper Deschutes Scenic Waterway. Approval was given because the new construction complies by the set-back limits, will be finished in muted tones and existing vegetation on site screens the development from the river.

May 3, 2019 approved Notification of Intent 2B-1036-19 for Stone Bridge Homes NW LLC for the construction a single residential home within the Upper Deschutes Scenic Waterway. Approval was given because the property is mostly not visible from the river, additional vegetation will be planted to ensure adequate screening, and residence will meet set back limits and height restrictions.

May 3, 2019 approved Notification of Intent 2B-1037-19 for Roger and Anne Walker for the construction a single residential home within the Upper Deschutes Scenic Waterway. Approval was given because the property meets the setback limitations, is mostly not visible from the river, and additional vegetation will be planted to ensure adequate screening once construction is completed.

(iii) OCEAN SHORES ALTERATION DECISIONS

On March 22, 2019 Ocean Shore Permit #2898-19 was approved for Richard Hutsell, to replace existing riprap and a poured-in-place concrete shoreline protection structure at the site. The existing shoreline protection structures have deteriorated and fail to meet currently accepted design standards, allowing continued erosion along the upper portion of the oceanfront bank. The new riprap revetment will be constructed along 100 feet of shoreline with a bluff height of approximately 10-14 feet. The permitted structure will have a maximum width of 31 feet and a slope of 2:1 (horizontal : vertical), will include a total of approximately 803 yards of material and will be covered with 2 feet beach sand, then planted with beach grass to reduce visual impacts of the project. The project is located on the ocean shore fronting the home at 4019 Lincoln Avenue in Lincoln Beach, north of Depoe Bay, and the subject property is identified on Tillamook County Assessor's map #8-11-28BC as tax lot 2302.

On March 26, 2019 Ocean Shore Permit #2900-18 was approved for Edge Cable Holdings USA, LLC, to install an undersea fiber optic telecommunication cable, the Jupiter cable, which will provide a large capacity direct link between the continental United States and Asia (Japan and the Philippines). The project involves horizontal directional drilling under the ocean shore, from an upland vault to an offshore location, and installation of conduit to accommodate placement of the cable. On April 18, 2019 the permit decision was appealed by Lynnae Rutledge, a nearby property owner. On April 24, 2019 a second appeal of the decision was submitted by the Oregon Coast Alliance (ORCA). The appeals have been forwarded to the Oregon Department of Justice for processing, and a hearing date has not yet been established. Staff will provide updated information on the status of the appeals in the next Delegated Authority Report. The proposed project is located on the ocean shore fronting a vacant lot between 5865 Irish Ave. and 28790 Sandlake Road in Tierra Del Mar, approximately 3 miles north of Pacific City. The vacant lot is identified on Tillamook County Assessor's Map 4S-11-01DD as tax lot 3200.

On March 26, 2019 Ocean Shore Permit #2906-19 was denied for Edge Cable Holdings USA, LLC, to install a vacant conduit under the ocean shore to accommodate the installation of a future, but unidentified submarine fiber optic cable. It involved horizontal directional drilling under the ocean shore, from an upland vault (same vault as above noted permit) to an offshore location. The basis for the permit denial was the applicant's failure to demonstrate that there is adequate justification to install a vacant conduit across the ocean shore, and therefore the application did not meet the essential criterion for approval as described in OAR 736-20-0010(1). The project site is located on the ocean shore fronting a vacant lot between 5865 Irish Ave. and 28790 Sandlake Road in Tierra

Del Mar, approximately 3 miles north of Pacific City. The vacant lot is identified on Tillamook County Assessor's Map 4S-11-01DD as tax lot 3200.

(iv) 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						
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2019 Commission Meetings		
Date	Location	Packet Out
Feb 20 - 21	Independence/Salem	Jan 25
Apr 16 - 17	Silver Falls or Estacada	Mar 22
Jun 11 - 12	Prineville	May 17
Sep 17 - 18	South Coast	Aug 23
Nov 19 - 20	Medford/Ashland	Oct 25

2019 COMMISSION MEETING
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: January 22nd - June 30th

Revision Date: 01/18/2019