



Oregon Parks and Recreation Commission

November 19 & 20, 2019

Jacksonville Inn

175 E. California St

Jacksonville, OR 97530

541-899-1900

Draft Agenda

Tuesday, November 19, 2019

Location: Wolf Creek Inn

TOUR:

8:00am Depart from Jacksonville Inn

- TBD

5:00pm Return to Jacksonville Inn

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

- Best Practices
- Rulemaking
- Budget 101

Wednesday, November 20, 2019

Location: Jacksonville Inn

Executive Session: 8:00am

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 September 2019 Minutes (**Action**)
- c) Approval of November 2019 Agenda (**Action**)

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.***

*Jackson County – 20 minutes

3. **Director's Update**

- a) Office of Outdoor Recreation Update (Information)
- b) Best Practices (**Action**)
- c) Internal Audit Annual Report (Information)
- d) Audit Committee Charter (**Action**)

4. Budget

- a) 2019-21 Budget Update (Information)

5. Property

- a) WRG-Kiger Island-Easement Exchange (**Action**)
- b) Driftwood Beach SRS-Easement to OSU/PacWav (**Action**)
- c) Robert Sawyer Shop -Right of Way Easement to City of Bend (**Action**)
- d) Wallowa Lake State Park-non-adjacent parcel-transfer to County--Informational

6. Community Engagement

- a) ATV Committee Member Appointment (**Action**)
- b) ORTAC Member Appointment (**Action**)
- c) RTP Grant Approval (**Action**)
- d) Doug Newman Award (Information)

7. Park Development Division

- a) Wallowa River Restoration Contract (**Action**)
- b) Brian Booth Update (Information)
- c) Pilot Butte (Information)

8. Heritage

- a) Heritage Division Updates (Information)

9. Rulemaking

- a) Request to adopt rulemaking adding Nehalem River Scenic Waterway Management Rules-736-040-0120 (**Action**)
- b) Request to adopt rulemaking Bicycle and Pedestrian Grant Process-adding 736-006-0121; amending 736-009-0021 (**Action**)
- c) Request to adopt rulemaking ATV Class IV definition amending 736-004-0015(**Action**)
- d) Request to adopt rulemaking Heritage Commemorations amending 736-053-0300 to 736-053-0325; adding 736-053-0320 (**Action**)
- e) Request to adopt rulemaking Heritage Grants adding 736-057-0000 to 736-057-0160 (**Action**)
- f) Request to open rulemaking Special Access Pass reservation limits 736-015-0035 (**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)

- a) 2020 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).



Draft Minutes

Tuesday, September 17, 2019

Location: SOCC – Krieger Room

TOUR:

8:00am Depart from Beachfront Inn

- TBD

11:45am Return to SOCC

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

- Main Street
- Rulemaking
- Best Practices for Field

Wednesday, September 18th

Location: SOCC- Community Room

Executive Session: 8:00am

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	• Chrissy Curran, OPRD
• Jennifer H. Allen, Commission Vice-Chair	• Denise Warburton, OPRD
• Lisa Dawson, Commission	• Chris Havel, OPRD
• Jonathan Blasher, Commission	• Daniel Killam, OPRD
• Doug Deur, Commission-By Phone	• JR Collier, OPRD
• Vicki Berger, Commission	• Alice Beals, OPRD
• Steve Shipsey, Counsel for Commission, DOJ	• Katie Gauthier, OPRD
• Lisa Sumption, OPRD Director	• Tanya Crane, OPRD
• MG Devereux, OPRD Deputy Director	

1. Commission Business

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

ACTION: Commissioner Allen moved to approve the June 2019 minutes. Commissioner Berger seconded. Motion passed, 6-0. (Topic starts at 00:04:27 and ends at 00:04:54)

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

ACTION: Commissioner Allen moved to approve the September 2019 Agenda with the following change, Agenda item 5a moved to the next item on the Agenda, right before Public Comment. Commissioner Berger seconded. Motion passed, 6-0. (Topic starts at 00:05:02 and ends at 00:06:29)

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

Vicki Graham, Audubon Society

Ann Vileisis, President Kalmiopsis Audubon Society

Julia Bott, Resident

Mark Fuller, Gold Beach Land Owner

Peg Reagan, Gold Beach Land Owner

Tim Palmer, Author

Bob Morrow, Residence Langlois

- State Park Camping Extra Vehicle Charges

3. **Director's Update**

- a) Office of Outdoor Recreation Update (Information)
- b) Legislative Update, End of Session Report (Information)
- c) Director's update info: Holman (Information)

4. **Budget**

- a) 2019-21 Budget Update (Information)

5. **Property**

- a) Floras Lake-Curry County Property Exchange (**Action**)

ACTION: Commissioner Allen moved to approve the Floras Lake-Curry County Property Exchange with the addition of "Contingent on county acceptance of the exchange". Commissioner Berger seconded. Motion passed, 6-0. (Topic starts at 00:06:47 and ends at 00:35:27)

- b) Banks Vernonia State Trail- Access Easement to four neighbors (**Action**)

ACTION: Commissioner Allen moved to approve the Banks Vernonia State Trail-Access Easement to four neighbors with the addition of the word "Residential" egress and ingress. Commissioner Blasher seconded. Motion passed, 6-0. (Topic starts at 01:19:15 and ends at 01:22:25)

- c) Port Orford Heads-Request for Easement Termination (**Action**)

ACTION: Commissioner Berger moved to approve the Port Orford Heads-Request for Easement Termination with the amendment of the word “relinquishment” replacing “extinguishment”. Commissioner Dawson seconded. Motion passed, 6-0. (Topic starts at 01:22:50 and ends at 01:28:52)

- d) Sisters/Tumalo lands exchange between ODOT/OPRD (**Action**)

ACTION: Commissioner Blasher moved to approve the Sisters/Tumalo lands exchange –exchange between ODOT and OPRD. Commissioner Allen seconded. Motion passed, 6-0. (Topic starts at 01:29:11 and ends at 01:31:55)

- e) OCT Beach Access-Acquisition of Access Easement (Information)
- f) Fort Stevens-Sale of land for Ft Stevens Army Post Cemetery (Information)

6. Community Engagement

- a) LGGP Grant Recommendation (**Action**)
 - i. Large Grants

ACTION: Commissioner Dawson moved to approve the 17 LGGP Large Grant Requests totaling \$5,764,500, with Commissioner Blasher recusing himself because he is an employee of Metro. Commissioner Allen seconded. Motion passed, 5-0. (1-recused) (Topic starts at 01:35:11 and ends at 01:40:06)

- ii. Small Grants

ACTION: Commissioner Berger moved to approve the 13 LGGP Small Grant Requests totaling \$810,719. Commissioner Blasher seconded. Motion passed, 6-0. (Topic starts at 01:40:40 and ends at 01:43:20)

- iii. Planning Grants

ACTION: Commissioner Allen moved to approve the 4 LGGP Planning Grant Requests totaling \$119,000. Commissioner Blasher seconded. Motion passed, 6-0. (Topic starts at 01:44:17 and ends at 01:45:06)

7. Park Development Division

- a) Courtney Creek State Natural Area Designation Petition (**Action**)

ACTION: Commissioner Allen moved to approve the Courtney Creek State Natural Area Designation Petition. Commissioner Blasher seconded. Motion passed, 6-0. (Topic starts at 01:48:35 and ends at 01:54:15)

- b) Glass Hill State Natural Area Designation Petition (**Action**)

ACTION: Commissioner Allen moved to approve the Glass Hill State Natural Area Designation Petition. Commissioner Dawson seconded. Motion passed, 6-0. (Topic starts at 01:54:21 and ends at 02:06:15)

- c) Construct Canyon Creek Bridge at Ecola State Park (**Action**)

ACTION: Commissioner Blasher moved to approve the Canyon Creek Bridge Construction Contract award in the amount of \$770,900.70. Commissioner Dawson seconded. Motion passed, 6-0. (Topic starts at 02:13:50 and ends at 02:18:14)

- d) Drain field Replacement at Tumalo State Park (**Action**)

ACTION: Commissioner Berger moved to approve the Drain Field Replacement at Tumalo State Park. Commissioner Allen seconded. Motion passed, 6-0. (Topic starts at 02:18:20 and ends at 02:20:41)

8. Heritage

- a) Heritage Division Updates (Information)

9. Rulemaking

- a) Request to adopt rulemaking- Rescinding Oregon State Fair rules (OAR 736-201-0000 to 736-201-0180) (**Action**)

ACTION: Commissioner Dawson moved to approve the request to adopt rulemaking- Rescinding Oregon State Fair rules. Commissioner Allen seconded. Motion passed, 6-0. (Topic starts at 02:22:18 and ends at 02:24:25)

- b) Request to open rulemaking- Bicycle/Pedestrian Grant rules (OAR 736-006-0110, 736-006-0115, 736-009-0006, 736-009-0020, 736-009-0022) (**Action**)

ACTION: Commissioner Berger moved to approve the request to open rulemaking- Bicycle/Pedestrian Grant rules. Commissioner Allen seconded. Motion passed, 6-0. (Topic starts at 02:24:33 and ends at 02:30:47)

- c) Request to open rulemaking- Nehalem Scenic waterway rules (OAR 736-040-0120) (**Action**)

ACTION: Commissioner Allen moved to approve the request to open rulemaking- Nehalem Scenic waterway rules. Commissioner Blasher seconded. Motion passed, 6-0. (Topic starts at 02:30:50 and ends at 02:34:47)

- d) Request to open rulemaking- ATV Class IV definition (OAR 736-004-0015) (**Action**)

ACTION: Commissioner Berger moved to approve the request to open rulemaking- ATV Class IV definition. Commissioner Dawson seconded. Motion passed, 6-0. (Topic starts at 02:34:47 and ends at 02:37:15)

- e) Request to open rulemaking- Heritage commemorations (OAR 736-053-0300 to 736-053-0315) (**Action**)

ACTION: Commissioner Allen moved to approve the request to open rulemaking-Heritage commemorations with the amendment of "amend and adopt". Commissioner Deur seconded. Motion passed, 6-0. (Topic starts at 02:37:27 and ends at 02:40:11)

- f) Request to open rulemaking-New Heritage Grant rules (OAR 736-056-) (**Action**)

ACTION: Commissioner Blasher moved to approve the request to open rulemaking-New Heritage Grant rules. Commissioner Dawson seconded. Motion passed, 6-0. (Topic starts at 02:40:34 and ends at 02:41:54)

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)

- a) 2019 Commission Planning Calendar (Information)
- b) 2020 Commission Planning Calendar (Action)

ACTION: Commissioner Blasher moved to approve the 2020 Commission Planning Calendar. Commissioner Allen seconded. Motion passed, 6-0. (Topic starts at 02:55:38 and ends at 02:57:52)

Meeting adjourned @ 02:58:16; Commissioner Allen moved to adjourn the September 2019 Commission Meeting. Commissioner Blasher seconded. Motion passed, 6-0.

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

September 18, 2019

Agenda Item:	3a	Information
Topic:	Governor's Task Force on the Outdoors	
Presented by:	Cailin O'Brien-Feeney	

Staff will provide an update on the progress of the Governor's Task Force on the Outdoors. Four meetings have been held thus far, with a fifth meeting planned for November 15 in Klamath Falls. At this point the group has discussed a substantial number of potential recommendations and the work will now pivot to prioritization, as well as considering the potential structure – including staffing as well as advisory functions – and funding that would be needed to implement the group's recommendations. We have also recently entered into an assistance agreement with the National Parks Service Rivers, Trails and Conservation Assistance program to provide direct project support and facilitation to aid the process.

The purpose of the Governor's Task Force on the Outdoors, as 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." Draft recommendations will be brought to the Commission for review in February before being finalized for Governor Brown on or before April 17th, 2020 at which point the Task Force will disband.

Attachment: None.

Action Requested: None.

Prior Action by Commission: Appointment of membership.

Prepared by: Cailin O'Brien-Feeney

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item:	3b	Action
Topic:	Commission Best Practices	
Presented by:	Chris Havel	

The State of Oregon requires an annual review of Commission business practices and procedures. The Commission, with mediation by staff, reviewed sixteen practices during a workshop on November 19:

1. Executive Director's performance expectations are current.
2. Executive Director receives annual performance feedback.
3. The agency's mission and high-level goals are current and applicable.
4. The board reviews the Annual Performance Progress Report.
5. The board is appropriately involved in review of agency's key communications.
6. The board is appropriately involved in policy-making activities.
7. The agency's policy option packages are aligned with their mission and goals.
8. The board reviews all proposed budgets (likely occurs every other year).
9. The board periodically reviews key financial information and audit findings.
10. The board is appropriately accounting for resources.
11. The agency adheres to accounting rules and other relevant financial controls.
12. Board members act in accordance with their roles as public representatives.
13. The board coordinates with others where responsibilities and interests overlap.
14. The board members identify and attend appropriate training sessions.
15. The board reviews its management practices to ensure best practices are utilized.
16. The board approves property acquisition and disposition in a manner consistent with goals and policy.

The review reflected on the period from July 2018 to June 2019. Where all commissioners agree their practices achieve the stated aim, the practice is marked as MEETS or EXCEEDS. Where the commissioners are not in agreement on a practice, it is marked DOES NOT MEET. This report is submitted to the Oregon Department of Administrative Services, and incorporated into the budget document submitted to the Governor and Legislative Assembly.

Attachment: Best Practices Report attachment provided on November 20, 2019.

Action Requested: Approve report.

Prior Action by Commission: Prior years' approval of Best Practices reports.

Prepared by: Chris Havel

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item:	3c	Information
Topic:	Annual Audit Committee Update	
Presented by:	Bevin Clapper, Chief Audit Executive	

Summary of Reviews, Audits and Reports for FY 2019 (full reports available upon request). Please note, the Chief Audit Executive (CAE) returned from a year-long rotation in October 2018. This reduced the amount of internal audit work completed in FY2019.

Contracting and Procurement Leadership Transition Audit

- Accepted by the Audit Committee: 6/20/2019
- Summary: Generally, this audit found the Oregon Parks and Recreation Department's (OPRD) Contracting and Procurement Unit is staffed with professional contract specialists and OPRD is at low risk of non-compliance for high-value contracts and procurements. Contracting and procurement staff consistently showed a dedication for ensuring high-quality contracts and procurements are the standard for the work completed by their unit. OPRD's Chief Audit Executive would like to thank all the procurements and contracts staff for their help in completing this audit.

OPRD could enhance the efficiency and effectiveness of contracting and procurement business processes by developing a risk-based strategic plan that balances direct assistance by contract specialists with the implementation of a training program and the creation of tools including templates. This strategic plan should include performance measures and inform the development of policies, procedures, guidance, and a succession plan. An area of particular focus should be the development of contract specifications and 'scope of work' training and tools.

OPRD should consider the upcoming implementation of OregonBuys, a mandatory statewide eProcurement system, when developing business process paths. OPRIS (Oregon Parks and Recreation Information System) should be evaluated as OregonBuys is implemented and redundant processes eliminated.

OPRD should reinitiate discussions with the Department of Justice (DOJ) in regards to a class exemption for the legal sufficiency review of public improvement contracts. Legal sufficiency review is required on any contracts valued over \$150,000 and OPRD previously asked for an exemption for public improvement contracts up to 3 million. Though these contracts can be high-value, the terms and conditions of public improvement contracts are fairly standard. The process for exemptions requires DOJ and OPRD to develop approved forms which lessens OPRD's risk exposure.

Excluded from the scope of this audit were the newly implemented procurement and contract administration training requirements that were written into Oregon Revised Statute 279A.159 with the passage of HB2375 (2015). These training requirements will be reviewed separately as indicated on the OPRD Audit Plan. It should be noted that the required trainings will be based on the Department of Administrative Service's procurement rules. OPRD has its own contracting authority and has adopted DOJ model rules. Some of the training content may apply, but many of the specifics will be different at OPRD.

- Recommendations:
 1. OPRD Leadership should assess risk and develop a contracting and procurement strategic plan that balances direct assistance with training and tools.
 2. The strategic plan should inform the development of policies, procedures, and guidance that guides staff to defined business process paths.
 3. After determining in the strategic plan when contracting and procurements require assistance by the contracting and procurement unit, OPRD's leadership should conduct succession planning as outlined in the Department of Administrative Service's Chief Human Resources Office (DAS CHRO) model succession plan.
 4. OPRD should develop training and tools to increase the efficiency and effectiveness of program and field staff in completing their contracting and procurement responsibilities. An area of particular focus should be the development of scopes of work and specifications which should include examples and templates.
 5. OPRD should use its strategic plan to inform the development of business process paths that integrate with OregonBuys.
 6. OPRD should reinitiate a dialogue with DOJ regarding a class exemption for public improvement contracts.

2019 Enterprise Risk Assessment

- Approved by the Audit Committee: 1/24/2019
- Summary: By law, OPRD is required to complete an enterprise risk assessment each year and create an audit plan based on the risk assessment. The FY2019 methodology was the Chief Audit Executive (CAE) interviewed over twenty managers (mostly Director's Group and Leadership Group members), reviewed two months of customer comments, reviewed employee engagement survey results, and attended the November 2019 Commission meeting. This resulted in the development of 184 risk notes that were condensed into forty-nine risk statements. The CAE scored those risk statements by impact, likelihood, and auditability. The top risks were incorporated into a survey sent to the Director's Group for further scoring on impact and likelihood. The top results were then presented to the Audit Committee.

The OPRD Audit Committee chose the following risks in relation to the Contracting and Procurement Unit (CPU) for OPRD's FY 2019 risk-based audit.

- Deploying, maintaining, and transitioning business systems to ensure alignment with strategic goals while leveraging information technology for the efficient allocation of resources and to meet customer expectations.
- Creating consistent and integrated agency planning systems.
- Finding and preparing leaders for key positions through succession planning.

FY2020 Audit Plan

- Approved by the Audit Committee: 6/20/19

Internal Audit Plan FY 2020			
Project	Estimate of Hours	Timeframe	Additional Information
Assurance			
Risk Based Audit:	500	January to June	Topic to be chosen at the October Audit Committee
Contract Training Review*	150	July to October	Carryover from FY19
Risk Assessment	250	July to October (50); January to June (200)	October update to the RA that was completed in January 2019. Complete a new risk assessment for June.
SPOTS Review*	60	January to June	Pushed to Spring 2020 because of new policy implementation (7/19).
Follow-up on Recommendations	60	Oct to January	To be presented at January Audit Committee Meeting
Total	1020		
Consulting			
Construction Quality Assurance*	200	July to January	Per mgmt request
Workday/Internal Controls Review	60	July to October	Per mgmt request
Agency Support	80	Ongoing	Heritage Performance Evaluation and Emergency Plan Support
Policy and Training Consulting	80	Ongoing	Audit and Monitoring Training with Ops
Total	420		
Audit Function Admin			
Training	40	Ongoing	Required continuing professional education
Audit Committee Prep	40	Three Meetings	
Audit Program Development and QAIP	40	Ongoing	Audit and Internal Audit Charter updates
CAEC Council and IIA Support	40	Ongoing	IIA Web Administrator and Membership Chair
Organizational Understanding	60	Ongoing	Commission Meetings and Field Visits
Total	220		
Fraud, Waste, and Abuse			
Special Investigations	100	As needed	
Total	1760		
		*indicates MBA Interns will be assisting.	

Prior Action by Commission: The last audit committee update was September 20th 2017.

Action Requested: None

Prepared by: Bevin Clapper, Chief Audit Executive

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item:	3d	Action
Topic:	Audit Committee Charter Update	
Presented by:	Bevin Clapper, Chief Audit Executive	

It is required by audit standards that the OPRD Commission regularly review and update, when appropriate, the Audit Committee charter.

The Chief Audit Executive (CAE) is recommending an update to the OPRD Audit Committee charter. The Institute of Internal Auditors which promulgates the International Professional Practices Framework (the audit standards adopted by OPRD's audit shop) recently updated their model audit committee charter. This update to OPRD's charter reflects the changes to the model charter as well as adds term limits for non-Commission audit committee members and updates the format to match OPRD's current charter template.

Shawn Haywood, who hold the 'Internal Audit Professional' position on Audit Committee, and Director Sumption assisted the CAE in developing the draft charter. The draft charter was also discussed at the last audit committee meeting.

Prior Action by Commission: The last audit committee charter update was at the Commission Meeting on September 14th 2016.

Action Requested: Approve the Audit Committee Charter.

Prepared by: Bevin Clapper, Chief Audit Executive

Attachments: Draft OPRD Audit Committee Charter with Track Changes
Draft OPRD Audit Committee Charter

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 4a

Information

Topic: 2019-21 Budget Update

Presented by: Tanya Crane, Budget Manager

The November 2019 Lottery forecast will be released November 20, 2019. It will formally be presented at the February 2020 meeting; if information is available, an informal update will be provided during the business meeting.

During the November 2019 Legislative Days the Department will be presenting the following requests:

1. A request for increased federal limitation in the amount of \$665,000. The Heritage Division has received a grant from the National Park Service, Historic Revitalization Sub-grant program. Funding will be sub-granted to historic theaters in rural communities for physical rehabilitation of theaters either listed in or eligible for the National Register of Historic Places.
2. A request for permission to apply for a federal grant from the National Park Service, Underrepresented Community grant program. OPRD expects to apply for a grant in the amount of \$30,000. The grant would assist in the completion of a multiple property National Register nomination based on African American heritage in Oregon.

Prior Action by Commission: The 2019-21 Agency Request Budget was approved at the June 2018 meeting. A brief update was provided in November 2018. The Governor's Budget was presented at the February 2019 meeting; an update on the budget was provided in June and September 2019.

Action Requested: None.

Attachments: None.

Prepared by: Tanya Crane

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 5a

Action

Topic: WRG-Kiger Island-Easement Exchange

Presented by: MG Devereux

In 1973, the State of Oregon acquired a Willamette River Greenway property at Kiger Island. This land locked property is adjacent to neighboring agricultural lands. OPRD's property has no rights of upland access. Over the years, if OPRD staff have needed upland access to our site, the neighboring property owner has cooperatively allowed staff to utilize his access road but no permanent right of access has been granted and, should there be a change in ownership, OPRD may not have the ability in the future.

This neighboring property owner contacted staff recently to discuss his need for an irrigation line easement. In preparing to update his irrigation system, it was recognized that, although there is a water right for irrigating his property, there is no easement for his irrigation lines or the utility line needed. In this situation, the point of diversion associated with his water right is the Willamette River and he needs to cross OPRD lands with both electrical lines and water lines in order to irrigate his fields.

A water right is a real property right that is specific to the use of water. It speaks to where the water may be drawn from and where it may be used but it does not grant other real property rights, such as an easement that may be necessary to transport the water from the source to the place of use. This is not a concern when the water source is adjacent to the place of use but as we see here, lands have been subdivided into smaller parcels since many of these Willamette River water rights were granted and often times we find there is no reservation of rights for irrigation lines.

As both parties need permanent rights in one another's lands, an exchange has been proposed; OPRD will grant a twenty (20) foot wide easement along the north boundary of our lands in exchange for a permanent easement of access, for management purposes, over the neighbor's property.

Prior Action by Commission: None

Action Requested: Approve exchange of a twenty-foot-wide easement for utility and irrigation lines over OPRD lands in exchange for an access easement for administrative and emergency purposes in favor of the OPRD property.

Attachment: Maps

Prepared by: Alice Beals

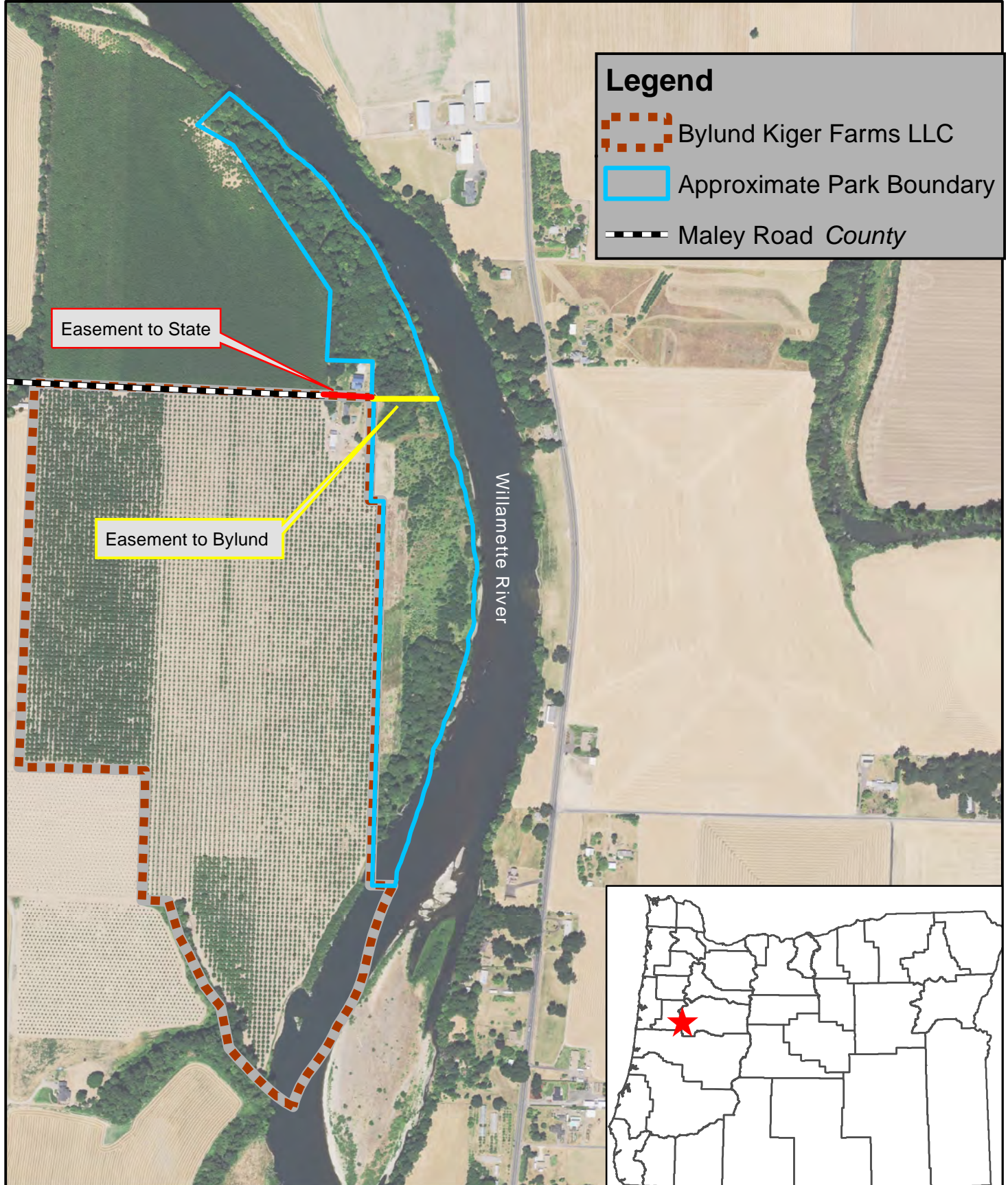
WRG-Kiger Island Landing

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



Agenda Item 5a

November 20, 2019



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

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Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 5b

Action

Topic: Driftwood Beach SRS-Easement to OSU/PacWave

Presented by: MG Devereux

Lands for Driftwood Beach State Recreation Site were first acquired in 1968 when a 7.7-acre parcel was acquired for the purpose of developing a beach access site. The property, located just north of Waldport, is improved with a parking lot, restrooms and trail access to the beach and has served as a Department of Transportation Highway Safety Rest Area for many years. In 2007, an additional 20+/- acre adjacent parcel was added to the park, primarily for the purpose of habitat protection and low impact trail development as the site had been identified by U. S. Fish and Wildlife Service (USFWS) as a location for the rare coastal butterfly “Seaside Hoary Elfin”.

Oregon State University (OSU) is planning to construct and operate PacWave South (or the Project), the Nation’s first grid-connected wave energy test facility. The Project will be located in the Pacific Ocean, approximately seven miles off the coast of Newport, Oregon. The Project will support up to 20 commercial-scale wave energy converters (WECs) and transfer power to the Central Lincoln People’s Utility District (CLPUD) electrical distribution system. Their proposed plan is to utilize Driftwood Beach State Recreation Site (Driftwood) in Seal Rock, Oregon as the underground cable landing and splicing location and have requested an easement from OPRD to allow for the installation of five concrete splice vaults under the parking lot and installation of the necessary conduits and cabling needed for the project.

At Driftwood, the underground aspects of the project will provide the critical connection between the subsea transmission cables and terrestrial cables that will carry the power to a utility connection and monitoring facility (UCMF) located on an OSU-owned property approximately 1/3 of a mile south down Highway 101.

The construction activities at Driftwood include installation of underground infrastructure consisting of conduits, subsea cables, terrestrial cables, cable splices and five splice vaults, also known as “beach manholes” or BMHs. All of this below ground infrastructure will be located underneath the beach (subsea cables and conduits) and parking lot (splice vaults, conduits and terrestrial cables). From the parking lot, conduits carrying the terrestrial cables will then travel southeasterly under an undeveloped portion of OPRD property, private property and Highway 101 to the monitoring facility owned by OSU.

Construction operations at Driftwood will occur in two Phases (A and B), occurring over separate time periods. Phase A, is anticipated to take 6-7 months and will involve the construction work to install the underground project components noted above, utilizing Horizontal Directional Drilling (HDD) and related equipment. The expected extent of disturbance from the Phase A activities will be the entire paved parking area at Driftwood, in part, due to use of heavy equipment operations and staging.

Phase B will involve installation of cables (both subsea and terrestrial) into the previously installed conduit and splice vault infrastructure. Phase B operations are not expected to cause site disturbance beyond a partial closure of the parking lot for safety reasons.

Once installed and tested, there is no routine maintenance required in the splice vaults, as the cables and splices have an expected life beyond that of the project (25 years). Therefore, recreational use of the parking lot will not be impacted once cables are installed (i.e., after Phase B). While the cable system will require periodic testing, those tests will be run between the UCMF and the offshore end of the cables. The splice vaults and cable terminations are designed to be submerged in a flooding or tsunami event.

The only visible impact of the installed underground infrastructure at Driftwood will be the five manhole covers at grade level within the parking lot itself. These will be similar to utility manhole covers used in roadways, parking lots and sidewalks. There will be no use restrictions resulting from the installed underground project infrastructure and no impact to the public's outdoor recreation experience at the site post installation.

This project is funded by the U.S. Department of Energy (\$35M), the State of Oregon (\$5.8M) and Oregon State University (\$3M). In addition to supporting the development of new, clean energy technologies, the project will provide power for local needs.

As Driftwood SRS is a property protected under the Land and Water Conservation Fund Program (LWCF), OPRD has consulted with National Park Service who has determined that an easement for this utility project would not constitute a "conversion of use" so no replacement lands will be required to offset this activity.

OPRD staff have discussed the Project elements and obligations that staff feel would need to be in place before their project commences, such as:

- OPRD will close the park to vehicular access and close its restroom facility throughout term of project development (restroom closure is for management purposes);
- Pedestrian access to the beach is to remain open throughout term of project development;
- Project to provide ADA accessible porta-potty (and maintenance thereof) for park visitors throughout term of project development;
- Project to provide a "frac-out" monitoring and response plan before beginning HDD operations;
- Project staff and/or contractors are to remain within improved areas or on existing trails throughout term of project development.

OPRD staff have also discussed with OSU that a benefit to our park system is required under OAR 736-019. OSU is prepared to offer the following to meet this obligation:

In collaboration with OPRD staff, Project will provide:

- Resurfacing of all areas currently paved for vehicle use, both disturbed and undisturbed by the project activities (all of parking area and access road);
- Provide needed improvements to the drainage on southwest side of parking lot;
- ADA access improvements from parking area to restroom facility;
- Provide construction of or funding (at OPRD's choice), up to \$10k for an ADA accessible viewing platform at west end of parking area (above beach);
- Provide construction of or funding (at OPRD's choice), up to \$5k for Interpretive Panels to include wetland, snowy plover, hoary elfin, Project information (OPRD would develop the content and design outside of project information);
- Provide activity of or funding (at OPRD's choice), up to \$10k over 2 biennium, for habitat enhancement work for the benefit of Seaside Hoary Elfin, to include scotch broom

removal and possibly *Arctostaphylos uva-ursi* (kinnikinnick) planting, which is the host plant for this species.

Prior Action by Commission: Informational Item April 17, 2018

Action Requested: Approve the conveyance of an easement to OSU to allow for the installation of five concrete splice vaults under the parking lot and installation of the necessary conduits and cabling needed for the PacWave South project subject to OSU meeting the obligations and provisions as stated above.

Attachment 1: Map

Prepared by: Alice Beals

Driftwood Beach SRS

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



Agenda Item 5b

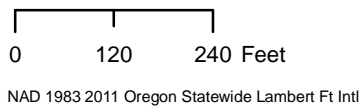
November 20, 2019



Legend

- Approximate Park Boundary
- PacWave Marine Cables
- PacWave Terrestrial Cables
- PacWave Beach Manholes

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



NMOB-N14473 6/24/2019
E:10/22/2019
P:never
amb 10-21-2019

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 5c

Action

Topic: Robert Sawyer Shop -Right of Way Easement to City of Bend

Presented by: MG Devereux

The Robert Sawyer Shop is located on the east side of O.B. Riley Road within the City of Bend, along the old route of Highway 97. The lands that originally made of the site were acquired between 1931 and 1974 and totaled approximately 41 acres.

In 1980, 40 acres of the property were transferred to the Bend Metropolitan Park and Recreation District for park purposes (Sawyer Park). The remaining 1+ acre of property remain in OPRD ownership and has been serving as the Tumalo Management Unit office and High Desert District office.

In preparation of the site being utilized as the new Mountain Regional office, discussions with the City relating to permitting needs brought forward the City's need to bring O.B. Riley Road up to current standards.

O.B. Riley Road is a "major collector" street which should have an eighty (80) foot right of way but is currently only sixty (60) feet wide. The city is requesting OPRD dedicate a ten (10) foot wide strip along the road for road purposes. The remaining ten (10) feet needed to bring the right of way up to current standards will be taken from the lands on the west side of the road.

This area of our property along the road is primarily lawn and would remain so until such time as the City would need to improve/widen O.B. Riley Road.

Prior Action by Commission: None

Action Requested: Staff request approval to dedicate a ten (10) foot wide strip along the west boundary of OPRD's Robert Sawyer Shop property to the City of Bend for road purposes.

Attachment: Maps

Prepared by: Alice Beals

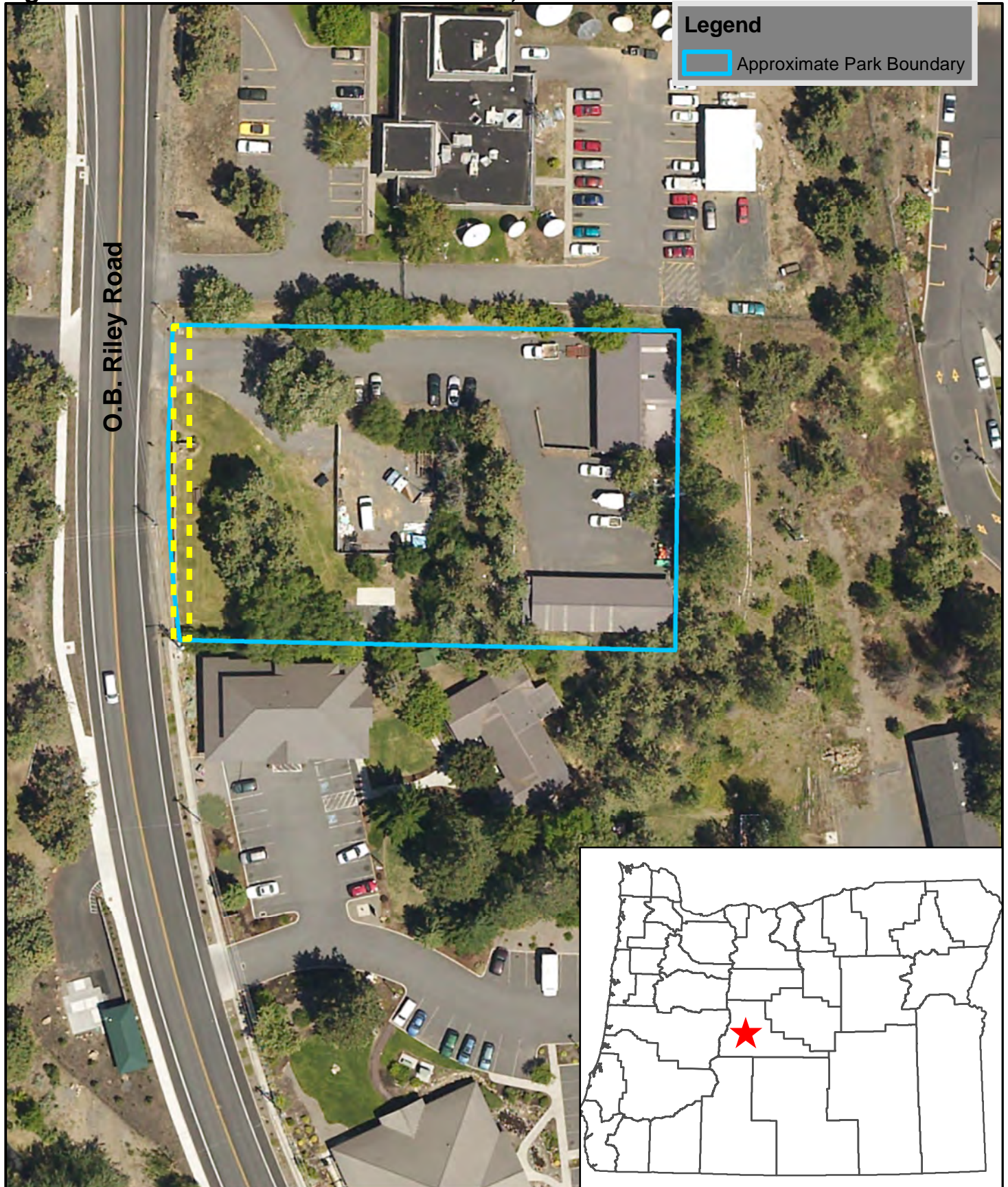
Robert Sawyer Shop

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



Agenda Item 5c

November 20, 2019



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NMOB-N14473 10/20/2019
E:10/20/2019
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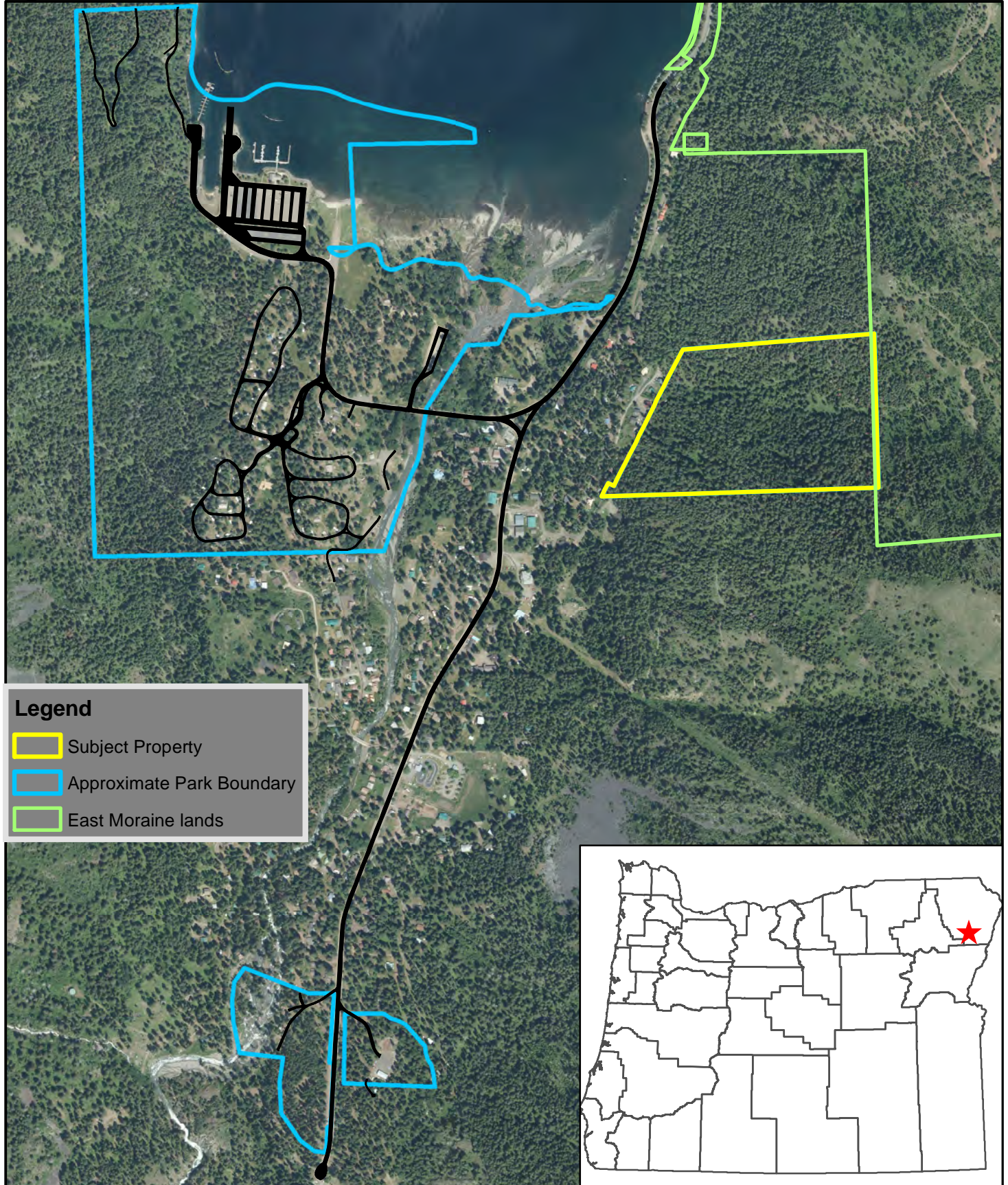
Wallowa State Park

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



Agenda Item 5d

November 20, 2019



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

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NMOB-N14473 10/20/2019
E:10/20/2019
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amb 10/20/2019

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item:	6a	Action
Topic:	ATV Advisory Committee New Member Recommendations	
Presented by:	Daniel Killam, Deputy Director of Administration	

GUIDANCE:

The All-Terrain Vehicle (ATV) Advisory Committee is made up of sixteen voting members and one nonvoting member representing a wide variety of agencies and disciplines. OPRD is seeking to fill two representative positions that will serve on both the ATV Advisory Committee and ATV Grant Subcommittee: Class I (quad) Representative and Class IV (side-by-side) Representative.

The ATV Advisory Committee as directed by ORS 390.565 is tasked with: reviewing accidents and fatalities resulting from ATV recreation, reviewing changes to statutory vehicle classifications as necessary for safety considerations, reviewing safety features of all classes of ATV's and recommending appropriate safety requirements to protect child operators and riders of ATV's.

These two new members will also serve on the ATV Grant Subcommittee (total 7 people) which is responsible for reviewing and recommending funding of grants in support of ATV recreational activities statewide. ATV Grant projects include: operations and maintenance, law enforcement, emergency medical services, land acquisition, planning and development.

Applicants were interviewed by both OPRD Staff and Committee members. All agreed to recommend the following appointments.

Recommended Representative of a Class I ATV user organization: **Dave Kimball**

Dave owns and operates Tomahawk Enterprises (Auto Repair Shop) in Redmond, OR. His passion for ATV recreation goes back well over 40 years with thousands of miles of trail riding experience. He has a strong desire and drive to keep and expand ATV riding opportunities. Dave is an active member of three organizations that support motorized recreation: Oregon Outback Waypoints Association (OOWA), Central Oregon Off-Highway Vehicle Association (COOHVA) and the Northern Oregon Motorcycle and ATV Club (NOMAC). Dave is committed to responsible trail use and would bring great perspective to the ATV committee given his experience and connection with the riding community.

Recommended Representative of a Class IV ATV user organization: **Mathew Miller**

Mathew owns and operates Octane Rental Company (side-by-side rentals) in Bend, OR. The company was founded on the values of: accessibility, education, safety, sustainability, and fun. Mathew grew up riding off-road motorcycles which has led him to his current passion for side-by-side usage to share his experiences with his family. Mathew is a founding member and is currently serving as the President of the Central Oregon SXS Club which promotes responsible and safe use of Class IV vehicles. The club is partnering with the Deschutes National Forest serving as a consultant to help them manage the growing use of Class IV vehicles. Mathew understands the importance of collaboration with land managing agencies to ensure safe and sustainable recreational opportunities.

Prior Action by Commission: None

Action Requested: Approval to move forward with the appointment of recommended ATV Advisory Committee Members

Attachments: None

Prepared by: Ian Caldwell

Oregon Parks and Recreation Commission

November 20, 2019 Meeting

Agenda Item: 6b

Action

Topic: Oregon Recreation Trails Advisory Council Appointments

Presented by: Daniel Killam, Deputy Director of Administration

Background:

The Oregon Recreation Trails Advisory Council (ORTAC) was established under the 1971 Oregon Recreation Trails System Act to advise OPRD and the Commission on the establishment and administration of a statewide system of recreation trails.

Consistent with ORS 390.977 the ORTAC consists of seven members, at least one from each congressional district and not less than two members from separate counties bordering upon the ocean shore. Members of the Council are appointed by the Commission, serve four-year terms and are eligible for reappointment of a second consecutive term. The Council currently has three vacancies to fill and one reappointment to make.

New Appointments:

Three outgoing members have reached their maximum term limit of eight consecutive years: Jim Thayer, Congressional District 1; Rod Sell, Congressional District 4, and Lauralee Svendsgaard, Coastal Representative. OPRD held a 60-day recruitment period and received a total of 7 eligible applications for the vacancies. ORTAC voted on October 2 to recommend three nominees for your consideration.

Owen Rodabaugh, volunteer Stewardship Director for the Northwest Trail Alliance, is recommended for the Congressional District 1 position. Fraser MacDonald, Natural Resource Planner for Willamalane Park and Recreation District, is recommended for the Congressional District 4 position. Jenna Beh, medical professional and trail enthusiast in Coos Bay, is recommended for the Coastal Representative position.

Reappointment:

Robert Spurlock, Congressional District 3 representative, has reached the end of his first four-year term. The Council recommended that Robert be reappointed for a second term. Robert is a Regional Trails Planner for Metro Parks and Nature. He served as Chair through 2019, Co-Chair in years prior, and is ORTAC's representative on ODOT's Bicycle Pedestrian Advisory Committee.

Prior Action by Commission: Approved a previous recommendation in September, 2018.

Action Requested: Approve recommendations for three ORTAC appointments and one reappointment.

Attachments: None

Prepared by: Jodi Bellefeuille, Program Coordinator

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item:	6.c	Action
Topic:	Recreational Trails Program 2019 Funding Recommendations	
Presented by:	Michele Scalise, Grants and Community Programs Manager	

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.

RTP funds are awarded to projects that provide, improve, and maintain recreational trails for both motorized and non-motorized uses. Federal law requires that 30% of RTP funds are used for motorized trail projects, 30% for non-motorized projects, and 40% for diverse use projects. A project can meet more than one category. OPRD sets aside 30% of funds for motorized projects and the remaining 70% for non-motorized projects. The diverse use requirement is met and exceeded through these categories.

Eligible applicants to the program are cities, counties, park and recreation districts, state agencies, federal agencies, tribal governments, and non-profits that partner with a public land manager or operate a public recreation area. Applicant agencies must provide a match of at least 20%.

The RTP Grant Advisory Committee met October 22-24, 2019 for their annual review of grant requests. Applicants requesting \$50,000 or more were required to give a presentation during the meeting. The Advisory Committee scored project applications based on established criteria including the 2016-2025 Statewide Recreation Trails Plan. Thirty grant requests were submitted to OPRD, requesting a total of \$4,197,584 in funding assistance.

Upon approval from the OPRD Commission, projects will be submitted to FHWA for their approval and authorization of funds.

Prior Action by Commission: Prior annual RTP approvals.

Action Requested: Staff requests that the Commission approve the ranking and distribution of RTP grants as recommended by the RTP Grant Advisory Committee and award funds as they are available. Be advised that final grant award amounts may be adjusted during the federal review period.

Attachments: Exhibit a) 2019 RTP Motorized Grant Request Ranking
Exhibit b) 2019 RTP Non-Motorized Grant Request Ranking

Prepared by: Jodi Bellefeuille, Program Coordinator

Oregon Parks and Recreation Department
November 20, 2019
Recreational Trails Program (RTP) Project Ranking
Motorized Grant Requests
\$518,245 Available

Rank	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
1	Millican OHV Staging Area Improvements*	COHVOPS BLM Prineville	Crook	Millican OHV area has long provided portable restroom facilities at the 4 main staging areas which we can no longer attain service for. COHVOPS would like CXT facilities in their place.	\$ 81,444	\$ 65,000
2	Skyline Sno-Park Trailhead Rehabilitation*	Mt. Hood National Forest	Wasco	The grant would fund the rehabilitation of Skyline Snopark Trailhead. Rehabilitation would involve repairing sinkholes the west side of the lot to improve parking access.	\$ 72,945	\$ 58,214
3	Nestucca River Recreation Area*	AntFarm	Tillamook	We will be working with the BLM to perform heavy restoration and reroutes. That would include construction of tread on existing trails with rock/armoring in appropriate places and reclamation of old tread.	\$ 19,801	\$ 15,801
4	Buckhorn OHV Access Management*	BLM Prineville District	Deschutes	Project will limit access to the Buckhorn OHV Area to designated trail entry gates and administrative gates, for public safety purposes. Project will close some undesignated routes in the OHV Area.	\$ 49,320	\$ 39,124
5	Umpqua Dunes OHV Staging Area Rehab & Expansion*	Douglas County Parks Department	Douglas	Overlay current trailhead pavement and expand paved trailhead parking by 14 parking spots to help meet OHV use demand.	\$ 232,515	\$ 171,515
6	Chiloquin Ridge Area Heavy Trail Restoration*	Oregon State Snowmobile Association	Klamath	Heavy restoration of snowmobile trails which have become severely restricted by vegetative regrowth over the past 8 to 10 years. Work will include removal of encroaching trees and branches by mechanical treatment	\$ 62,522	\$ 50,000
7	Columbia Gorge Snow Trail Groomer*	Oregon State Snowmobile Association	Hood River, Wasco	Purchase a winter trail groomer for operation by the Columbia Gorge Power Sledgers and the Oregon State Snowmobile Association (OSSA). <i>Project was on the funding threshold and will receive a partial award (\$246,560 requested).</i>	\$ 308,200	\$ 118,591
Total of Motorized Projects Recommended for Funding					\$ 826,748	\$ 518,245

Rank	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
Funding is not available below this point. If additional funding becomes available, the Committee recommends allocating funds to projects 7-9.						
8	St Helens Recreation Area*	Columbia County	Columbia	Develop Phase I of a new multi-use motorized trail network on the St. Helens Tree Farm, including trailheads, parking, and signs. Ultimately, the site will contain up to 55 miles of trail, to be built over three phases.	\$ 538,913	\$ 428,827
9	Hi-Desert Snow Trail Groomer*	Oregon State Snowmobile Association	Lake	Purchase a winter trail groomer for operation by the Hi-Desert Storm Troopers snowmobile club and the Oregon State Snowmobile Association (OSSA)	\$ 282,000	\$ 225,600
Total of Motorized Projects Not Recommended for Funding					\$ 820,913	\$ 654,427
Grand Total of Motorized Funding Requests (Funded and Not Funded) <i>Total includes full requested amount for project #7</i>						\$ 1,300,640

Oregon Parks and Recreation Department
November 20, 2019
Recreational Trails Program (RTP) Project Ranking
Non-Motorized Grant Requests
\$1,209,237 Available

Rank	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
1	Willamette River Water Trail Enhancement Phase 2	OPRD	Muitple Counties	Make site improvements to the Willamette River Water Trail (WRWT) as suggested in the 2004 Willamette River Conceptual Plan. This final phase includes navigational and trail signage, picnic tables, and fire rings.	\$ 68,613	\$ 37,740
2	Treasure Valley Connector Trail*	City of Ontario	Malheur	This project includes constructing Ontario's first trail with our public partner Treasure Valley Community College. The 10 foot wide multi use bike pedestrian trail will be .7 miles long.	\$ 250,549	\$ 132,109
3	Bear Wallow Interpretive ADA Trail Reconstruction*	Umatilla National Forest, North Fork John Day Ranger District	Umatilla	The Bear Wallow trail has become unsuitable for persons with a disability to safely use. This projects intention is to bring the trail back to ADA standard and design it with long term sustainability in mind.	\$ 77,770	\$ 61,182
4	Restoration of Butteville Landing - Phase 3*	Friends of Historic Butteville	Marion	Add gangway and mixed-use dock (with ADA compliant paddle craft docks) to completed shoreside restoration of the Historic Butteville Landing	\$ 227,215	\$ 181,772
5	Kings Mountain Trailhead Expansion*	Oregon Department of Forestry	Tillamook	Construction work to expand parking capacity at Kings Mountain Trailhead from 15 safe parking spaces to 61 safe parking spaces.	\$ 798,685	\$ 100,000
6	Thurston Hills Trail Project Phase II*	Willamalane Park and Recreation District	Lane	Willamalane Park and Recreation District is proposing to construct 4.6 miles of new trail at Thurston Hills Natural Area. These trails will include a shared use trail and a mountain bike optimized downhill trail.	\$ 365,041	\$ 238,954
7	Lewisburg Saddle to Peavy Arboretum Part III*	Oregon State University-College Forests	Benton	This project finishes a multi-use connection between Lewisburg Saddle and Peavy Arboretum by constructing 3.3 miles of non-motorized trails. ADA improvements will be made to 1.2 miles of existing trails at Peavy Arboretum.	\$ 47,803	\$ 38,049
8	TORTA Sector 1004 Trails*	Pacific City Pathways	Tillamook	Phase 1 of "sector 1004" mtb trail system to include a 3 mile beginner/intermediate mtb trail, 1 mile multi use trail and a climb trail accessing multiple advanced level mtb trails in south Tillamook County in the Siuslaw National Forest.	\$ 250,000	\$ 200,000

Rank	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
9	Watson Fire Winter Rim Rehabilitation*	Klamath Trails Alliance	Lake	Rehab and maintenance of a severely burned 16 mile seg of the Fremont National Recreation Trail (& Oregon Timber Trail). Restore existing trail along Bear Creek and Winter Rim making a more sustainable & eniovable experience.	\$ 226,129	\$ 149,839
10	Buttes West Trails, Phase 2*	BLM Prineville District	Deschutes	The project would complete the non-motorized trail system on the west side of the Buttes area in Cline Buttes Recreation Area, and build additional trails as needed to link Maston and Tumalo Canal Trailheads to this area	\$ 57,796	\$ 44,668
11	Willamette Water Trail Map Update*	Willamette Riverkeeper	Mutiple Counties	Willamette Riverkeeper seeks funding to create and print (10,000 copies) of updated Willamette River Water Trail map. <i>Project was on the funding threshold (\$129,093 requested). Scope reductions and other changes will be made.</i>	\$ 161,695	\$ 24,924
Total of Non-Motorized Projects Recommended for Funding					\$ 2,531,296	\$ 1,209,237
Funding is not available below this point. If additonal funding becomes available, the Committee recommends allocating funds to projects 11 and 12.						
12	Bridge Installation to London Peak Trail	Josephine County Parks	Josephine	Build a pedestrian bridge across Wolf Creek, and install an ADA Vault Toilet in the trail head parking lot.	\$ 117,380	\$ 92,300
13	Trillium Lake Boardwalk Replacement	Mt. Hood National Forest	Clackamas	The main objective of this project is to replace 460' of deteriorated boardwalk on Trillium Lake Trail #761.	\$ 281,037	\$ 197,843
14	Hillsdale to Lake Oswego Trail Gap	OPRD	Multnomah	Develop a new sustainable natural surface hiking trail connection between Tryon Creek SNA to the City of Portland's Marshall Park.	\$ 230,926	\$ 103,536
15	Alsea Falls Recreation Site*	AntFarm	Benton	Alsea Falls is a destination Mountain Bike BLM location with significant rehabilitation and restoration needed.	\$ 39,660	\$ 30,660
16	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 in Deer Creek Park within the City of Roseburg.	\$ 155,921	\$ 112,236
17	North Beaver Creek Bridge Replacement	City of Troutdale	Multnomah	Replacement of failing pedestrian bridge on the City of Troutdale's trail system.	\$ 390,000	\$ 232,500
18	Beaver Creek Boardwalk, Phase 2	OPRD	Lincoln	Construct 680 ft. of ADA-accessible boardwalk across the Beaver Creek Marsh in Brian Booth State Park to improve year-round pedestrian access to the marsh and upland trail system south of the marsh.	\$ 432,540	\$ 222,423

Rank	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
19	Finn Rock Landing Enhancements - Phase II*	McKenzie River Trust	Lane	Site enhancements consist of planning, designing, engineering, and installing amenities that will make the Landing more user friendly, safer, and provide an overall more rewarding experience.	\$ 343,028	\$ 248,425
20	Greenway Nature Access Loop Trail*	Tualatin Hills Park & Recreation District	Washington	The project will provide public walking and bicycle access to a beautiful wetland area in Beaverton, OR, via a floating boardwalk/loop trail.	\$ 216,380	\$ 167,280
21	Tollgate Trail Rehabilitation*	Tollgate Property Owners Association	Deschutes	Rehabilitate 15,436 lineal feet of existing asphalt paved trail with a 2" asphalt overlay and restoration of 30,872 lineal feet of trail shoulder with shoulder gravel.	\$ 136,064	\$ 106,254
Total of Non-Motorized Projects Not Recommended for Funding					\$ 2,342,936	\$ 1,513,457
Grand Total of Non-Motorized Funding Requests (Funded and Not Funded)						\$ 2,826,864
<i>Total includes full requested amount for project #11</i>						

Oregon Parks and Recreation Commission

November 20, 2019 Meeting

Agenda Item: 6d

Information

Topic: 2019 Doug Newman Memorial Award

Presented by: Daniel Killam, Deputy Director of Administration

Background:

OPRD and the Oregon Recreation Trails Advisory Council (ORTAC) established the Doug Newman Memorial Award in 1992 to pay tribute to former ORTAC member and statewide recreation leader, Doug Newman, shortly after his passing. The award recognizes professionals and volunteers who have made significant contributions to trails and trail users of Oregon. This year marks the 25th award given by OPRD and ORTAC.

Four nominations were received for the 2019 award. ORTAC recommended giving the award to Becky Wolf of Molalla. The award was presented on October 4 at the Oregon Trails Summit.

Becky Wolf, former member of ORTAC and the Recreational Trails Grant Program (RTP) Advisory Committee, has impacted the trails community across the state for over 30 years. Known for her commitment to fair and equitable public service, she's the fourth woman to be individually recognized with the award. A summary of Becky's contributions:

- Former Director of Public Lands and Director of Leave No Trace Education for the Back Country Horsemen of Oregon (BCHO) and an active member of four regional BCHO chapters, contributing almost 5,000 hours of volunteer service
- Active member of Oregon Equestrian Trails for over 30 years
- Caretaker of a section of the Pacific Crest Trail in the Mt. Hood National Forest for 21 years and member of the Pacific Crest Trail Association's (PCTA's) planning committee
- Food Coordinator and lead cook for the PCTA's annual Trail Skills College
- Longest serving board member for the Molalla River Watch and devoted advocate for the Molalla River Trail system
- Member of the Oregon Trails Coalition Board of Directors

Prior Action by Commission: None

Action Requested: Information only

Attachments: None

Prepared by: Jodi Bellefeuille, Program Coordinator

Oregon Parks and Recreation Commission November 19-20, 2019

Agenda Item: 7a

(Informational)

Topic: Upper Wallowa River Restoration Project – Wallowa Lake State Park

Presented by: Trevor Taylor and Matt Rippee

Background:

Wallowa Lake State Park (WLSP) is located in a dynamic area of the Wallowa River area and supports a wide array of fish, wildlife, and native plant communities, making it a high priority for preservation and enhancement. OPRD has partnered with Wallowa Resources, a local land stewardship agency, to mitigate degraded fish and wildlife habitat at WLSP. The completed project will reduce the risk of flooding to neighboring land; increase habitat for fish, prevent erosion, and increase native and wetland plant community cover.

This project will remove artificial in-stream barriers and redirect the mainstem flow of the Upper Wallowa River by replacing an existing culvert with a bridge and altering natural berms. As a result, the mainstem flow and corresponding side channels will be enhanced to create spawning and rearing habitat for salmonids. The surrounding riparian areas will be improved through the installation of stability structures (boulders and habitat logs) and restoration plantings that will support a robust natural vegetation area.

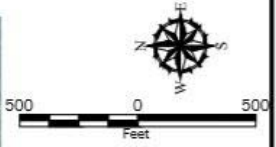
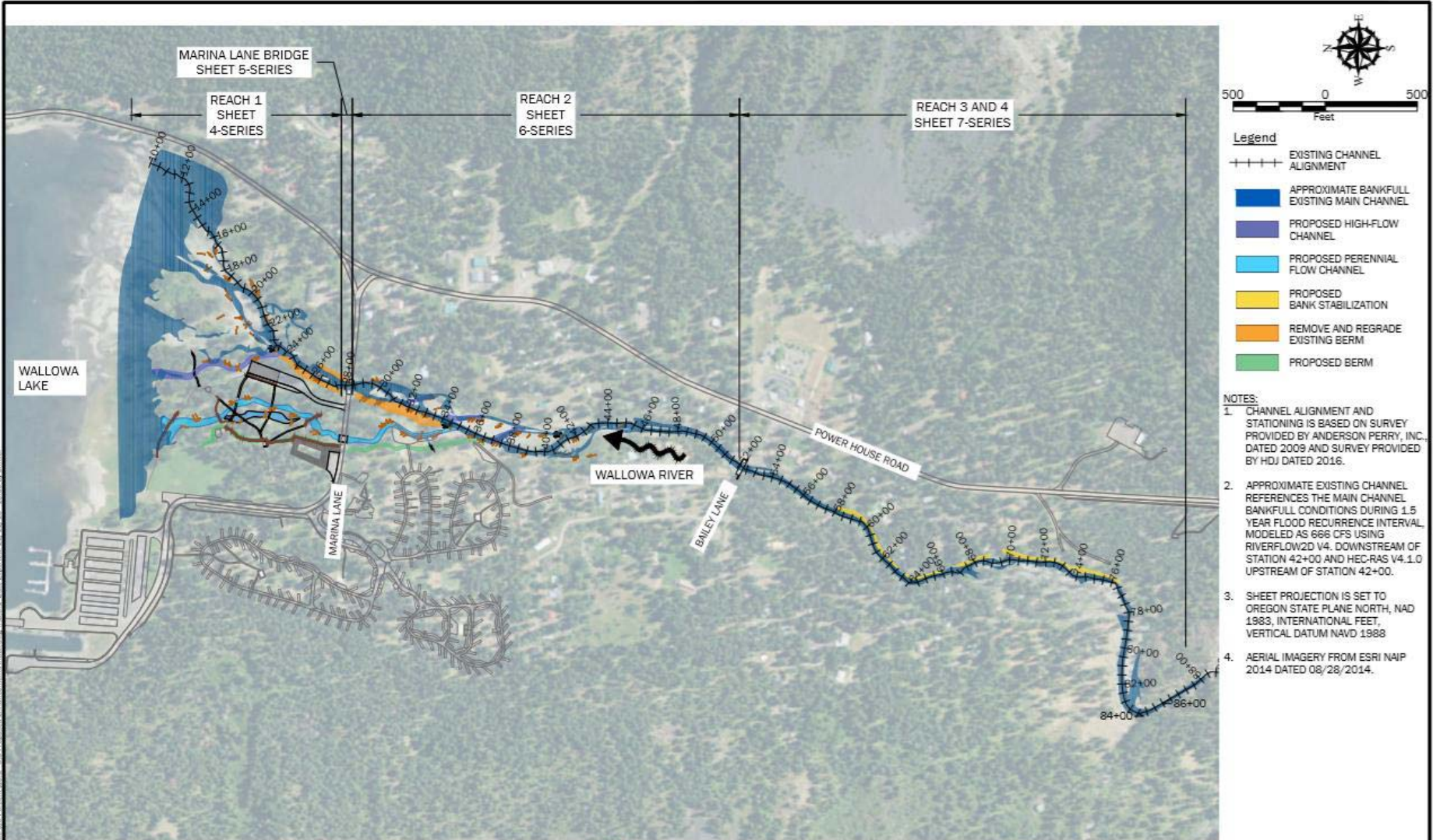
Ecosystem enhancements and related improvements are needed because the current condition of habitats for native fish and wildlife species, including federally listed salmonids, has been degraded at this site due to changes in hydrology from human actions in the watershed (development, bank hardening, river channel alteration to reduce flooding of park and private property), onsite and adjacent land uses, and the introduction of invasive plant species. The proposed actions are identified in the Wallowa Management Unit Master Plan (OPRD 2018), and are consistent with the federal recovery plans for bull trout (Wallowa River-Minam River Recovery Plan Core Area, USFWS 2015), as well as, the Wallowa County –Nez Perce Tribe Salmon Habitat Recovery Plan (Revised 1990).

Wallowa Resources, and OPRD have worked together to raise funds and develop plans for the Upper Wallowa River Restoration to improve fish and wildlife habitat at WLSP. The total estimated cost of this project is valued at \$575,734; OPRD has committed \$50,000 in cash and \$121,907 in-kind support toward the river restoration construction and native vegetation planting. The remaining project funding will be secured from outside partners including the Reser, Wildhorse and Ford Family Foundations and the Oregon Watershed Enhancement Board.

Prior Action by the Commission: None

Attachment: Project map

Prepared by: Bridget Tinsley and Trevor Taylor



- Legend**
- ++++ EXISTING CHANNEL ALIGNMENT
 - APPROXIMATE BANKFULL EXISTING MAIN CHANNEL
 - PROPOSED HIGH-FLOW CHANNEL
 - PROPOSED PERENNIAL FLOW CHANNEL
 - PROPOSED BANK STABILIZATION
 - REMOVE AND REGRADE EXISTING BERM
 - PROPOSED BERM

- NOTES:**
1. CHANNEL ALIGNMENT AND STATIONING IS BASED ON SURVEY PROVIDED BY ANDERSON PERRY, INC., DATED 2009 AND SURVEY PROVIDED BY HDJ DATED 2016.
 2. APPROXIMATE EXISTING CHANNEL REFERENCES THE MAIN CHANNEL BANKFULL CONDITIONS DURING 1.5 YEAR FLOOD RECURRENCE INTERVAL, MODELED AS 666 CFS USING RIVERFLOW2D V4. DOWNSTREAM OF STATION 42+00 AND HEC-RAS V4.1.0 UPSTREAM OF STATION 42+00.
 3. SHEET PROJECTION IS SET TO OREGON STATE PLANE NORTH, NAD 1983, INTERNATIONAL FEET, VERTICAL DATUM NAVD 1988
 4. AERIAL IMAGERY FROM ESRI NAIP 2014 DATED 08/28/2014.

Revision No:	Date:	Description:	Initials:	Designed: RSC/BHM
				Drawn: BHM
				Checked: JGW/JRS
				Date: 11-11-2016
				Project No: 21860-001-00

WALLOWA RESOURCES
 401 NORTHEAST FIRST STREET
 ENTERPRISE, OR 97828

GEOENGINEERS
 129 SOUTH MAIN STREET
 PENDLETON, OR 97801

PROPOSED ENHANCEMENTS INDEX
UPPER WALLOWA RIVER RESTORATION DESIGN

Sheet
3.1

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Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 7b

Informational

Topic: Brian Booth Update

Presented by: MG Devereux

Brian Booth State Park Land Use Approval

The Lincoln County Board of Commissioners will consider OPRD's request to rezone Brian Booth State Park to the Park Master Plan (PMP) Zone on November 13th at a De Novo hearing. The Lincoln County Planning Commission previously denied OPRD's zone change request in September however, the Board of Commissioners will take a fresh look at the request, notwithstanding past decisions.

There was an error in the staff report for the previous Planning Commission hearing, which resulted in several parcels in the park being omitted from the rezone request. Lincoln County has acknowledged the mistake and the Board of Commissioners will consider initiating a second rezone request to change the zoning on the remaining parcels at the hearing on November 13th. OPRD staff do not expect this development to significantly affect construction of the campground.

A zone change is needed to fully implement the development proposed in the 2014 Brian Booth Comprehensive Plan. If the Board of Commissioners does not approve the zone change, OPRD could continue to pursue plans for campground development at Brian Booth, but would be limited to 40 campsites under the current zoning.

Chester Armstrong Campground Design and Development

The design and development process for the Chester Armstrong Campground and related park facilities at Brian Booth is underway. An OPRD Project team has been assembled along with a draft project schedule. Design and construction of the highway undercrossing that will connect pedestrians to the beach is a priority and will be completed before the campground is opened to the public. OPRD is aiming for completion of both the highway undercrossing and campground facilities by September 2022. This is a best case scenario. An internal development team is working to identify implications and schedule for a more conservative scenario.

Next steps in design and development include hiring an Owner's Representative to manage elements of design and construction as well as consultant teams to design the highway undercrossing and campground facilities.

Prior Action by Commission: Approval of Park Master Plan 2014

Action Requested: None

Attachment: None

Prepared by: Ian Matthews/MG Devereux

Oregon Parks and Recreation Commission

October 25, 2019

Agenda Item:	7c	Information
Topic:	Pilot Butte State Park Plan Update	
Presented by:	MG Devereux, Deputy Director	

Planning + Design Unit Primary Responsibilities

The Planning + Design (P+D) team primarily focuses efforts on the following:

- Park, Management Unit and Regional Recreational Facility Planning
- Design and Trail Services Program Administration
- Statewide Comprehensive Outdoor Recreation Plan (SCORP) Development
- Statewide Trail Plan

Park and Management Unit Plan Update

The Oregon Administrative Rule (OAR 736.018) provides direction to OPRD for the development of park master plans. The need for and process by which plans are developed is stipulated in the OAR. The purpose for parks is generally defined as follows;

“To plan for the protection and public enjoyment of state park resources”

The park planning process as specified in the statute includes the following steps:

- Natural and Cultural Resource Assessments
- Local Government Coordination
- Public Engagement

The master plan process generally takes 12-20 months to complete and minimally includes four public meetings.

Pilot Butte State Park Plan Update – Planning + Design began the update of the 1995 Pilot Butte Plan in October 2018. Since the development of the current park plan Bend has seen unprecedented growth with considerable commercial and residential development occurring on the east side of Highway 97. This urban development has spurred growth in visitation at the park and changed the visitor demographic. To date, the Planning + Design team has hosted 2 public open houses, 1 public meeting, interviewed project stakeholders, and reached out to representatives from underserved, but growing, park user groups (Lantinx and people with disabilities were among the targeted outreach groups). Throughout the process, we have heard from people interested in the master planning process either through direct contacts or comments received through our project website.

The Planning + Design team plans to complete the draft updated plan for the park in the winter of 2020/21. The Advisory Committee has defined the following goals for the master plan:

1. Build upon what works
2. Enhance and improve what we value
3. Restore and protect natural resources
4. Be open and inclusive to diverse and developing visitor groups

The issues that have steered master plan discussions are natural resource degradation by social trail use and fire, safety and maintenance of trails, and connections to the park's urban neighbors including schools and neighborhoods. The draft master plan documented will be shared at the final public meeting in Bend at the Bend Park and Recreation Department offices on November 14th from 6-8pm.

Prior Action by Commission: none

Action Requested: none

Attachments: none

Prepared by: Rachel Hill

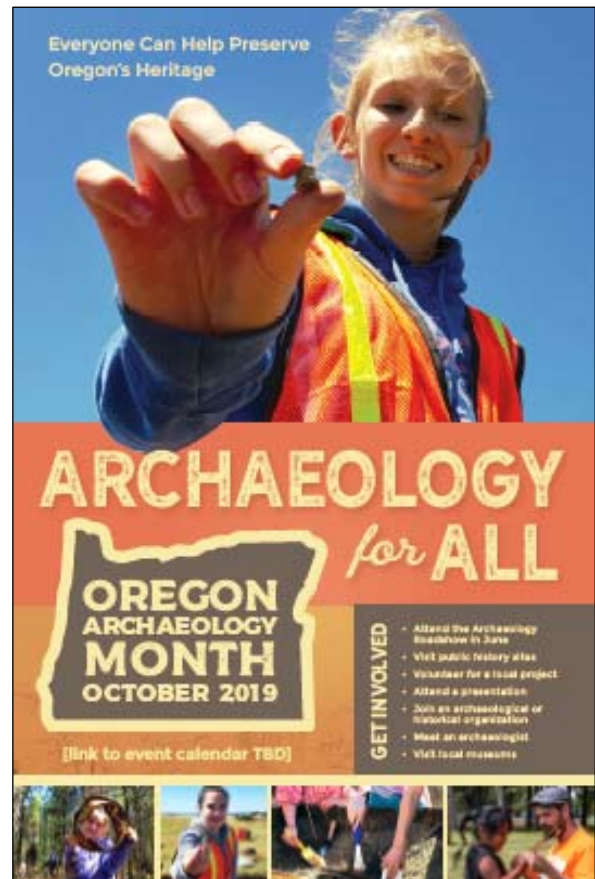
Oregon Parks and Recreation Commission

November 20, 2019

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

October is Archaeology Month

Each year, Oregon celebrates Archaeology Month in October with a themed poster and a calendar of archaeology events available to the public. This year's theme is Public Archaeology. Throughout the month, Oregon Heritage and our state and federal agency, local government, and non-profit partners actively encourage the public to attend talks by professional archaeologists, visit museums with archaeological collections, and volunteer for an archaeological project planned for the event. Designed by OPRD staff, the 2019 Oregon Archaeology Month poster focuses on public involvement in archaeological projects around the state. Participants featured in the poster learned about important events and activities of the past by participating in archaeological studies at the very places where the events and activities occurred. Others interacted with professional archaeologists at public events. From a military fort on the coast to Chinese mining in eastern Oregon, to the annual Portland State University-sponsored Archaeology Roadshow, these opportunities allow anyone with an interest in archaeology to learn more about Oregon's diverse cultural legacy.



2019 Oregon Archaeology Month Poster

Oregon Parks and Recreation Department awarded \$665,000 for historic theater grants

Oregon Parks and Recreation Department was awarded \$665,000 in federal funding to implement a grant program for the preservation of historic theaters. The grant was one of nine awarded nationally through the National Park Service Historic Revitalization Subgrant Program. The grant will support the Oregon Historic Theaters Subgrant Program to offer grants for the

preservation of historic theaters in communities with a population below 30,000. The theaters must be listed in the National Register of Historic Places or meet the criteria for listing. OPRD will partner with Restore Oregon, a statewide nonprofit, to ensure that historic theaters throughout the state are aware of the grants and to support them through the application process. OPRD will develop the program through the fall and the grant application opening will be announced this winter. The idea to focus on



The Star Theater, Stayton

theaters was born from several years of collaboration around the state. Pacific Power and Oregon Main Street implemented an outreach program called the “Power of Main Street” to discuss downtown revitalization efforts, downtown needs, and priority projects especially related to energy efficiency. One of the common threads of these discussions was the importance of historic downtown theaters, and issues ranging from major restoration costs to the challenges of ongoing operations and facility maintenance. The University of Oregon Institute for Policy Research and Engagement was brought in to conduct a study and report the value and needs of historic theaters, with funding from Travel Oregon and others. The study process brought together organizations around the state including Restore Oregon, Business Oregon, Oregon Film, Oregon Arts Commission, Oregon Cultural Trust, and the SHPO to find solutions to assist historic theaters.

City of Tillamook hosts the 2019 Main Street Conference

The City of Tillamook hosted the 2019 Oregon Main Street Conference October 2-4. The conference theme this year was “Connecting People, Places, and Partners.” Sessions and walking tours helped participants learn new techniques to forge deeper connections in their community, and be inspired to take their main street efforts to the next level. Approximately 175 participants attended the conference. Author Melody Warnick opened the conference with an inspiring keynote presentation focusing on place attachment and leading



Representatives from the City of Beaverton and Sheri Stuart, Oregon Main Street Coordinator (Right).

longtime residents and newcomers alike to commit to a more passionate relationship with their community. As part of the event, twenty Excellence in Downtown Revitalization Awards were presented to notable projects, activities, and people that exemplify the best in downtown efforts

across the state. Over 60 people attended a pre-conference Main Street Bootcamp with Kathy La Plante from the National Main Street Center geared toward new board members, volunteers, staff of existing main street organizations, and those interested in finding out more about the program. Of those who attended the conference, 95% rated the conference as “good” or “excellent.” One participant stated, “Everything was valuable! I am extremely new to my job and Main Street. The awards were actually a really great learning tool for me. I was able to see what projects communities are doing and how they do it. It also showed me what is possible for my community and gave me great perspective.”

Restoration Specialist Supports Community Projects

Restoration Specialist Joy Sears frequently travels the state to assist recipients of our grants with the restoration and rehabilitation of their historic properties. Many of these are listed in the National Register of Historic Places, or are located in one of Oregon’s many Main Street communities. At least once a year, Joy loops through eastern Oregon. During this year’s five-day, 1,100-mile trip Joy visited Bend, Burns, Baker City, La Grande, Weston, Enterprise, and The Dalles. In Baker City, Joy visited multiple properties that highlight the breadth of the agency’s programs. Carol Phillips



Downtown Baker City

received a Revitalize Main Street grant for the Haskell Building, former home of the IOOF Hall, to rehabilitate the second floor of the building as short-term rental lodging and to convert the lodge room into an event venue. Barbara Sidway is the owner of the The Geiser Grand Hotel and is expanding the hotel into the previously storm-damaged Crabill Building adjacent to the Haskell Building. Joy also stopped in at the Crossroads Art Center to say “hi” to Ginger Savage and see all their good work before heading next door to the historic Baker City Hall to meet their new Main Street Coordinator, Rob Dennis and talk about future projects and possible training opportunities. She also met with the owners of the Churchill School. The building now hosts a popular bike hostel, AirBnB rental spaces, and rent work-live apartments for local artists. The school’s former cafeteria is a popular evening venue.

Prior Action by Commission: none

Action Requested: none

Attachments: none

Prepared by: Christine Curran, Deputy State Historic Preservation Officer
Ian Johnson, Associate Deputy State Historic Preservation Officer

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 9a UPDATED

Action

Topic: Request to adopt rulemaking – Nehalem Scenic Waterway (OAR 736-040-0120)

Presented by: Katie Gauthier and Trevor Taylor

Background: On June 30, 2019 Governor Brown designated a section of the Nehalem River as a State Scenic Waterway. ORS 390.845(2) requires Oregon Parks and Recreation Department to adopt rules governing the management of land adjacent to the newly designated waterway. Proposed rules will guide proposed development within a quarter mile of the bank in the designated section of river.

The proposed rules were developed as part of the draft management plan and refined by a Rule Advisory Committee that included local government representatives, community leaders and state agencies. Public comment was opened on October 1 and closes on November 4, 2019. Comments were accepted via mail, email, or a website.

During rulemaking, five public comments were received, attached as Attachment B. Two individuals in Tillamook County provided comment as well as two joint letters from non-profit conservation organizations. Four members of the public attended a hearing held in Nehalem, but all chose not to provide comment in person at that time.

Staff reviewed and considered all comments. Some of the suggestions were outside of the scope of statutory authority for this program, including requests to eliminate logging and expand protections beyond a quarter mile from the river. Additionally, a few comments expressed concern that protections provided by the Oregon Forest Practices Act were insufficient for a scenic waterway. Staff continues to deliberate on the best long-term strategy for fulfilling the purpose of the scenic waterway designation. Program managers choose in this case to remain consistent with rule language used for other designations and did not directly incorporate these comments into the proposed rule. As changes to Forest Practices Act are made, they will be reflected in implementation of the scenic waterway.

During development of the draft master plan prior to designation, the river classification of “Scenic River Area” was selected. The proposed rules were developed to align with the selected classification. Staff will be reviewing the entire scenic waterway program and will consider suggestions included in the comments for programmatic changes. As an agency, our in-house expertise mainly deals with managing scenic and recreation areas. OPRD will continue to work with other agencies and the Governor’s Office to develop standards for evaluating impacts on natural systems encompassed by scenic waterways.

Staff recommends a change in the proposed rules based on comments received. Commenters appreciated inclusion of consultation with ODFW and suggested additional agency consultations. Based on that suggestion, staff recommends adding a requirement in (g) to consult with additional agencies and partners when applicable. Additional suggestions to incorporate considerations for enhancement of opportunities for partnerships to improve water quality, riparian health, planting native species, invasive species management and placement of woody debris will be included in the management plan as it is updated.

Prior Action by Commission: In September 2019 the Commission approved opening rulemaking on the proposed Nehalem Scenic waterway rules.

Action Requested:

Staff requests approval to adopt OAR 736-040-0120, as amended, to include management rules for the Nehalem River Scenic Waterway. The proposed rule has been reviewed by Assistant Attorney General Steve Shipsey. A copy of the proposed rules is included in Attachment A.

Prepared by: Katie Gauthier

Attachments:

Attachment A– proposed rule- UPDATED

9a. Attachment A- Marked Copy- UPDATED

(1) Scenic River Area:

(a) That segment of the Nehalem River from the Henry Rierson Spruce Run Campground to the confluence with Cook Creek is classified as a Scenic River Area.

(b) The department shall administer this Scenic River Area as provided in OAR 736-040-0035 and 736-040-0040(1)(b)(B). In addition, all new improvement shall be consistent with applicable Federal and State law, and Tillamook and Clatsop County land use and development regulations.

(c) New improvements shall be finished in colors and tones that blend with the natural character of the landscape. For the purposes of this rule, landscape includes native vegetation, soils and rock material.

(d) Native evergreen vegetation shall be maintained between the improvements and the river. If proposed improvements are visible from the river, the department may allow the project to proceed if vegetation is established by the applicant that will substantially screen the project in a reasonable time (for example, 4–5 years). Revegetation shall be initiated within one year of a project's completion. The condition of "substantial vegetative screening" shall consist of an ample density and mixture of compatible native vegetation to totally obscure or allow only a highly filtered view of the proposed structures or improvements as seen from the river year-round. Improvements necessary for public outdoor recreation, as provided by public agencies, and resource protection or enhancement may be visible from the river but shall be designed to blend with the natural character of the landscape as much as possible.

(e) New roads, trails, driveways and similar linear forms of development shall be permitted when substantially screened from view of the river by topography, vegetation, or both. Any existing roads should not be extended or realigned unless substantially screened by topography or vegetation. Revegetation shall be initiated within one year of a project's completion. The condition of "substantial vegetative screening" is described in 736-040-0120 (1)(d).

(f) Any erosion control projects intended to protect structures such as roads, homes, or other existing structures, shall be designed to blend into the existing landscape. Natural products such as vegetation and rock shall be used.

(g) The Oregon Department of Fish and Wildlife will review applicable activities and provide the department with any additional considerations necessary to protect fish and wildlife resources in a manner consistent with the scenic waterway classification. The department will consult additional agencies and partners as subject matter experts when applicable including for management of water and soil quality.

(h) Timber harvest activities, including thinning, or other vegetation management may be allowed provided that:

(A) The provisions of the Oregon Forest Practices Act are followed on all private forest land. The provisions of the State Forest Management Plan are followed on all state forest land.

(B) Any harvest or vegetation management within protected riparian buffers as described in the Oregon Forest Practices Act or State Forest Management Plan shall be designed to enhance the scenic view. “Enhance” means to benefit forest ecosystem function and vegetative health, and can for example include, but is not limited to, optimizing forest stand densities and vegetative composition, fostering forest landscape diversity, and promoting sustainable forest values.



Sent electronically to OPRD.Publiccomment@oregon.gov

November 4, 2019

Oregon Parks and Recreation Department
Scenic Waterways Program
Attn: Katie Gauthier
725 Summer St. NE Suite C
Salem, Oregon 97301

RE: Nehalem Scenic Waterway Rulemaking

Trout Unlimited (TU) and Wild Salmon Center (WSC) appreciate the opportunity to provide feedback to the Oregon Parks and Recreation Department (OPRD) regarding the Nehalem Scenic Waterway Rulemaking. TU is a non-profit organization with a mission to conserve, protect and restore North America's coldwater fisheries and their watersheds. With more than 300,000 members and supporters nationwide, TU works to restore wild trout, salmon, and steelhead and their watersheds throughout the U.S. TU has over 3,000 members in Oregon that fish, recreate and engage in habitat restoration projects in rivers and streams throughout the State and over 100 TU members live along Oregon's North Coast. WSC is a non-profit organization with a mission to protect and conserve wild salmon and steelhead rivers and ecosystems across the North Pacific. Both TU and WSC participated as members of the Nehalem State Scenic Waterway Advisory Committee. Additionally, TU participated as a member of the Nehalem Scenic Waterway Rules Advisory Committee (RAC).

TU and WSC strongly support the efforts taken to date by OPRD, Oregon Parks and Recreation Commission and the Governor's office to officially designate the Nehalem River as a State Scenic Waterway. However, equally important to the designation itself, is ensuring that the related rules adequately protect the outstanding values of the designated reach. Specifically, the rules must be sufficient to "protect and enhance the values which caused such scenic waterway to be included in the system." Oregon Revised Statute (ORS) section 390.845. In the case of the Nehalem, such values include outstanding fishery resources, recreational values and aesthetic/scenic features. The designated stretch of the Nehalem River supports many different native anadromous fish species including one of the healthiest runs of wild winter steelhead in Oregon, spring and fall chinook, coho salmon and sea-run cutthroat trout. Consequently, this area presents fantastic angling opportunities and attracts visitors from inside and outside the State to experience them. Many other recreational activities are supported by the Study Reach including hiking, kayaking, rafting and camping. These

activities are buoyed by the area's beautiful scenery, several popular campgrounds, the adjacent Cougar Valley State Park and boating access via the Beaver Slide Boat Ramp.

The proposed rule contains several provisions that will help protect the Nehalem's outstanding values, however there are important provisions that are insufficiently robust to ensure that the statutory standard is met. In particular, we appreciate the inclusion of the RAC's agreed-upon language for "substantial" vegetative screening for new development and proposed improvements, the requirement for native evergreen vegetation to be maintained, and the requirement for mandatory consultation with Oregon Department of Fish and Wildlife (ODFW) to identify additional fish and wildlife considerations. However, we recommend modified rule language for timber harvest activities as detailed below. TU and WSC's rule recommendations are intended to ensure that the Nehalem River's outstanding values are protected by promoting healthy riparian areas with sufficient vegetation and cover to provide adequate cold-water fish habitat, reduce erosion, protect water quality and otherwise maintain the area's biodiversity. The specific language referenced below has been utilized in previously developed state scenic management plans and rules.

Specific Rule Recommendations

(1) Riparian Areas

As noted above, the primary purpose of the State Scenic designation is to protect and enhance the outstanding values of the designated reach. One of the outstanding values of the Nehalem River is its fish resources. The health of these fish populations is heavily reliant on healthy riparian corridors, which improve fish habitat by providing cover, shade, adequate stream temperatures, sediment reduction and bank protection. The proposed rule language defers to the Oregon Forest Practices Act which currently requires a 25-foot no-cut buffer for state forest lands and a 20-foot no-cut buffer for most private forest lands. TU and WSC recommend the following language which would better ensure that riparian areas are adequately protected.

A 50-foot riparian area will be retained in its natural condition (no cutting, mowing or removal of natural vegetation), measured from the ordinary high water line in a horizontal direction away from the river.

(2) Forest Practices/Vegetation Management

TU and WSC are concerned that the current rule language related to forest practices and vegetation management is not adequate to protect and enhance fish and wildlife values. To remedy this, we recommend inclusion of the full language below as well as the proposed language additions that follow.

Timber harvest activities, including thinning, or other vegetation management may be allowed provided that:

(A) activities are not visually evident after completion of the removal of the trees as viewed from the river, from developed recreation sites, or from trails adjacent to the river.

(B) Harvest and management methods with low visual impact are used;

(C) Stumps are kept low, slash cleaned up promptly and remaining trees and brush protected from damage during harvest;

(D) The harvest or vegetation management protects and does not degrade the riparian buffer of any waterway; and

(E) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5–10 years). For the purposes of this paragraph, “enhance” means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.

TU and WSC recommend that reforestation activities be required to commence within one year of harvest activities. Importantly, we also recommend the establishment of a conservation management area with a width of one site-potential tree height. This area would be managed to protect biodiversity, forest health and watershed function. ODFW consultation and recommendations should be emphasized in this management area. Inclusion of this provision will help ensure that any timber harvest or vegetation management activities proposed in the management area will be considered carefully and will proceed in an ecologically sound manner.

(3) Opportunities for Enhancement

The proposed rules must do more than preserve the status quo. They must also include provisions that will “enhance” the outstanding values of the designated area. While inclusion of the recommend language above will help achieve this, OPRD should also identify opportunities for the designation to spur collaborative partnerships or leverage resources to accomplish improvements in the designated area. If not appropriate for rule language, at a minimum, the Final Management Plan should include language similar to that provided below.

Explore opportunities to form partnership to exploring improvements in water quality, riparian health, planting native species and invasive species management and/or monitoring efforts.

Conclusion

TU and WSC appreciate the opportunity to provide OPRD feedback on this important effort and look forward to continued engagement in the process. Please contact us with any questions.



Chandra Ferrari
Senior Policy Advisor/Staff Attorney
Trout Unlimited
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Bob Van Dyk
Oregon and California Policy Director
Wild Salmon Center
bvandyk@wildsalmoncenter.org





4 November 2019

TO: Oregon Parks and Recreation Department, attn. Katie Gauthier
VIA: OPRD.publiccomment@oregon.gov

Subject: Nehalem Scenic Waterway Management Rules — comments

Please accept the following comments from Oregon Wild, WaterWatch of Oregon, and Native Fish Society concerning Nehalem Scenic Waterway Management Rules, adding OAR 736-040-0120, <https://www.oregon.gov/oprd/RULES/Pages/Rulemaking%20Notices.aspx>, draft rules: <https://www.oregon.gov/oprd/RULES/Documents/nehalem%20notice%20filing.pdf>. Oregon Wild represents 20,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy. WaterWatch's mission is to protect and restore flows in our rivers to sustain the native fish, wildlife, and the people who depend on healthy rivers. Native Fish Society, guided by the best available science, advocates for the recovery of wild, native fish and promotes the stewardship of the habitats that sustain us all.

The Nehalem Scenic Waterway is a 17.5-mile river segment that runs through Clatsop and Tillamook Counties. It begins at Spruce Run campground and ends at the confluence of Cook Creek. The Scenic Waterway was designed by Gov. Brown on June 30, 2019. The waterway's designation recognizes the outstanding scenic, natural and recreational values of the river segment. ORS 390.845(2) requires Oregon Parks and Recreation Department to adopt rules governing the management of land adjacent to the newly designated waterway. Proposed rules will guide proposed development within ¼ mile of the bank in the designated section of river.

One of our main concerns is that the draft rules are too focused on scenic values instead of the broader goals for scenic waterways that call for protecting and enhancing the "outstanding scenic, natural and recreational values." Protecting "natural" values in particular requires careful scrutiny of proposed activities that manipulate native vegetation.

The following recommendations for logging in the scenic corridor are generally consistent with other State Scenic Waterway management plans around the state. Logging activities, including thinning, or other vegetation management may be allowed provided that:

(A) activities are not visually evident after completion of the removal of the trees as viewed from the river, from developed recreation sites, or from trails adjacent to the river.

www.oregonwild.org

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Eugene, OR 97440

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5825 N Greeley Ave
Portland, Oregon 97217

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2445 NE Division St, Ste 303
Bend, OR 97701

Enterprise | 541.886.0212
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(B) Logging methods with low visual impact are used;

(C) Stumps are kept low, slash cleaned up promptly and remaining trees and brush protected from damage during logging;

(D) The logging or vegetation management protects and does not degrade the riparian buffer of any waterway; and

(E) The logging or vegetation management is designed to protect and enhance the “outstanding scenic, natural and recreational values” within a reasonable time (5–10 years). For the purposes of this paragraph, “enhance” means to benefit natural forest ecosystem function and vegetative health.

We are concerned that definition of “enhance” in the proposed rules is quite vague and leaves too much room for creative excuses for logging. “Optimizing stand density” and “promoting sustainable forest values” sound like buzz words for logging that may not harmonize with natural and scenic values. The rules should put more trust in natural processes to create and maintain healthy and diverse ecosystems. These natural processes include natural regeneration, photosynthesis, biomass accumulation, succession, self-thinning, mortality, and natural disturbance.

We recommend a minimum 340 foot no cut riparian buffer be established and that reforestation using multiple species be required within one year of logging.

The draft rules call for ODFW to “provide the department with any additional considerations necessary to protect fish and wildlife resources...” We support this and we urge that this consultation mechanism be extended to other agencies with subject-matter expertise, such as DEQ, DOGAMI, DLCD, and OWRD.

We support the requirement that vegetation used to screen new developments/ improvements use native species. A mix of evergreen and other native vegetation might provide a more natural appearing screen.

We urge that new developments/improvements not only be screened with vegetation, but also that new developments be set back from the river and be limited in scope and scale so as to protect and enhance the “outstanding scenic, natural and recreational values.”

The new rules strive to minimize the *scenic* impacts of roads and driveways, but the rules should do more to limit and/or avoid the significant impacts of roads in order to protect and enhance *natural* values. Well documented problems with roads and culverts include:

- Soil disturbance, erosion, compaction, loss of forest productivity
- Pollution: sedimentation, thermal loading
- Hydrologic modification: flow interception, accelerated run-off, peak flows
- Impaired floodplain function
- Barrier to movement of wood and spawning gravel
- Habitat removal
- Reduced recruitment of snags and down wood habitat
- Fragmentation: wildlife dispersal barrier
- Human disturbance, weed vector, hunting pressure, loss of snags, litter, marbled murrelet nest predation, human fire ignition, etc.

Recognizing and addressing these impacts is consistent with protecting and enhancing the “outstanding scenic, natural and recreational values.”

Oregon Forest Practices Act Does Not Adequately Protect Scenic River Values

The draft rules rely on the minimum requirements of the Oregon Forest Practices Act to meet the goals of protecting the Scenic Waterway. This reliance is unfounded. The Oregon Forest Practices Act has been found lacking in many regards, especially with respect to protecting streams. In particular, buffers are not wide enough. The OFPA allows stand manipulation in stream buffers that has the effect of reducing ecologically important wood recruitment over the long term. The rules for Scenic Waterways should go above and beyond the minimum requirements of the OFPA to meet the aspirational goals for protecting and enhancing “outstanding scenic, natural and recreational values” in Scenic Waterways.

Areas near streams and the vegetation that grows there, referred to as “riparian areas,” provide important ecological functions that are essential to meeting scenic waterway goals. These functions include: bank stability, slope stability, shade and temperature moderation, large wood structure, capture/storage/ release of nutrients and sediments, carbon storage, and habitat for a variety of fish and wildlife.

The OFPA and similarly intensive forest practices have been widely criticized by scientific experts for failing to protect water quality and habitat for salmonids. Particular problems include:

- failure to protect streamside trees and vegetation necessary to provide shade and long-term inputs of large wood structure,
- failure to protect small streams that flow into larger fish-bearing streams,
- failure to protect unstable slopes, and
- inadequate management of the adverse impacts of road systems.

See, for instance, Independent Multidisciplinary Science Team. 1999. Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds. Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon; <http://www.fsl.orst.edu/imst/reports/forestry.html>, and National Marine Fisheries Service 1998.

A Draft Proposal Concerning Oregon Forest Practices.

http://www.coastrange.org/documents/NMFS_FP_pdf.pdf. and 1993 FEMAT Chapter V.

The contrast between current federal forest management and OFPA in terms of stream protection is alarming. Under the OFPA, no-cut buffers on fish-bearing streams are 20 feet, with more logging allowed from 20-100 feet. Under Northwest Forest Plan, Aquatic Conservation Strategy (ACS), Riparian Reserves are intended to serve two important purposes: first, to maintain and restore aquatic ecosystems, and second, to provide a network of terrestrial habitat refugia and “stepping stones” so that terrestrial wildlife can persist outside of the reserves and move across the landscape. The ACS provides for no-harvest stream buffers based on biological and hydrological criteria. Buffers are typically 340 feet for fish-bearing streams, and 170 feet for non-fish bearing streams. Under the ACS, clearcutting is not allowed inside the stream buffers, but thinning dense young forests is allowed if broad ecological objectives are met. The Oregon Forest Practices Act does not even compare favorably with the forest practice rules of other states. Forest practices compared: <http://pacificrivers.org/science-research/resources-publications/preventing-salmonextinction-forest-practices-guidelines> And 2007: <http://ddr.nal.usda.gov/bitstream/10113/39841/1/IND43930109.pdf>

Scientific studies have confirmed that stream protections under the OFPA are insufficient to meet minimal Clean Water Act requirements for stream temperature. See Jeremiah D. Groom, Liz Dent, Lisa J. Madsen, Jennifer Fleuret 2011. Response of western Oregon (USA) stream temperatures to contemporary forest management. *Forest Ecology and Management* Volume 262, Issue 8, 15. October 2011, Pages 1618-1629.

http://oregon.gov/ODF/BOARD/docs/2011_November/BOFATTCH_20111103_04_02.pdf.

There is ample on-the-ground evidence that OFPA is not meeting goals. Buchanan (2005) found

The modern forest management paradigm in west-side forests of Washington and Oregon has changed little over the last half-century (DeBell and Curtis 1993). Forestry practices during this period have emphasized short rotations, clearcut harvesting, and replanting. ... The general lack of meaningful conservation value being provided for species associated with mature forest structures on non-federal lands is an impediment to Partners in Flight conservation planning in the Pacific Northwest and elsewhere.

Buchanan, J.B. 2005. Challenges of Avian Conservation on Non-Federal Forests in the Pacific Northwest. USDA Forest Service Gen. Tech. Rep. PSW-GTR-191. 2005.

http://www.fs.fed.us/psw/publications/documents/psw_gtr191/psw_gtr191_0419-0428_buchanan.pdf.

The Independent Multidisciplinary Science Team, established by the Oregon legislature to advise the state on the Oregon Plan for Salmon and Watersheds, found —

... 94 percent of the riparian areas [on non-federal forest lands] (a potential source of future large wood in streams) are themselves ranked as poor with regard to the presence of large conifers (ODF 1999). We conclude that Oregon streams and adjacent forests currently contain much lower levels of larger wood than they did historically, and under the current management practices, the potential for recruitment will not result in its replenishment.

Independent Multidisciplinary Science Team. 1999. Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds. Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon.

http://www.krisweb.com/biblio/gen_ognro_imst_1999_1.pdf

The NW Forest Plan monitoring program found that non-federal lands managed under the OFPA suffer from degraded watershed conditions compared to watersheds with more federal land managed under the Aquatic Conservation Strategy —

[N]onfederal watersheds had the lowest [watershed] condition scores of the land use allocations. ... Watersheds that contained more than 50 percent nonfederal lands had the highest road densities of the watersheds. ... Sixty-two percent of the [non-federal] watersheds had less than 30 percent of the riparian area containing large conifers (fig. 36). ... More acres of timber were harvested on nonfederal watersheds than in any of the other land use categories (fig. 39). In general, watersheds that are predominantly nonfederal have the lowest [watershed] condition scores of all of the watersheds, notably worse than predominantly federal watersheds. ...

Gallo, K., et al. 2005. Northwest Forest Plan—the first 10 years (1994–2003): preliminary assessment of the condition of watersheds. Gen. Tech. Rep. PNW-GTR-647. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 133 p.

http://www.fs.fed.us/pnw/publications/pnw_gtr647/pnw-gtr647c.pdf

The Scenic Corridor Should be Managed for Mature Forests and Wood Recruitment.

The draft rules say “Any harvest or vegetation management within protected riparian buffers as described in the Oregon Forest Practices Act or State Forest Management Plan shall be designed to enhance the scenic view.” This should be rewritten to ensure that logging within riparian corridors protects not just scenic values, but also protects and enhances the “outstanding scenic, natural and recreational values.” Natural values includes allowing streamside forests to mature and recruit dead wood which is essential for proper ecosystem function, and adversely affected by past and on-going logging.

The Northwest Forest Plan explained the importance of protecting riparian vegetation.

Riparian areas are widely considered to be important wildlife habitat. Cool air temperatures due to the presence of cool and turbulent surface waters, typically dense vegetative canopy cover, and their location in the lowest portions of watersheds combine to maintain a distinct microclimate along stream channels and in the adjacent riparian area. Maintaining the integrity of the vegetation in these areas is particularly important for riparian-dependent species of amphibians, arthropods, mammals, birds, and bats.

...

Large quantities of down logs are an important component of many streams. Coarse woody debris influences the form and structure of a channel by affecting the profile of a stream, pool formation, and channel pattern and position. The rate at which sediment and organic matter are transported downstream is controlled in part by storage of this material behind coarse woody debris. Coarse woody debris also affects the formation and distribution of habitat, provides cover and complexity, and acts as a substrate for biological activity. Coarse woody debris in streams comes directly from the adjacent riparian area, from tributaries that may not be inhabited by fish, and from hillslopes.

1994 Northwest Forest Plan FSEIS page 3&4-61.

Similarly, the 1993 federal Forest Ecosystem Management Assessment Team said:

Large Wood

Large quantities of downed trees are a functionally important component of many streams (Swanson et al. 1976; Sedell and Luchessa, 1982; Sedell and Froggat, 1984; Harmon et al. 1986; Bisson et al. 1987; Maser et al. 1988; Naiman et al. 1992). Large woody debris influences channel morphology by affecting longitudinal profile, pool formation, channel pattern and position, and channel geometry (Bisson et al. 1987). Downstream transport rates of sediment and organic matter are controlled in part by storage of this material behind large wood (Betscha 1979). Large wood affects the formation and distribution of habitat units, provides cover and complexity, and acts as a substrate for biological activity (Swanson et al. 1982; Bisson et al. 1987). Wood enters streams inhabited by fish either directly from the adjacent riparian zone from tributaries that may not be inhabited by fish, or hillslopes (Naiman et al. 1992).

Large wood in streams has been reduced due to a variety of past and present timber harvesting practices and associated activities. Many riparian management areas on federal lands are inadequate as long term sources of wood.

...

Riparian Ecosystem Components

...

Riparian vegetation regulates the exchange of nutrients and material from upland forests to streams (Swanson et al. 1982; Gregory et al. 1991). Fully functional riparian

ecosystems have a suite of characteristics which are summarized below. Large conifers or a mixture of large conifers and hardwoods are found in riparian zones along all streams in the watershed, including those not inhabited by fish (Naiman et al. 1992). Riparian zone-stream interactions are a major determinant of large woody debris loading (House and Boehne 1987; Bisson et al. 1987; Sullivan et al. 1987). Stream temperatures and light levels that influence ecological processes are moderated by riparian vegetation (Agee 1988; Gregory et al. 1991). Streambanks are vegetated with shrubs and other low-growing woody vegetation. Root systems in streambanks of the active channel stabilize banks, allow development and maintenance of undercut banks, and protect banks during large storm flows (Sedell and Beschta 1991). Riparian vegetation contributes leaves, twigs, and other forms of fine litter that are an important component of the aquatic ecosystem food base (Vannote et al. 1980).

1993 FEMAT Report, pp V-13, V-25.

Retaining trees in stream corridors is critically needed to ensure long-term recruitment of instream wood habitat.

Large wood in streams—preferably whole trees with root wads and all—provides the randomness and dynamic environment that fish absolutely need to survive in the ever-changing waters they occupy. Wood breaks up the current and spreads water sideways across its natural floodplain, creating wonderful, dynamic and necessary diversity while also absorbing energy that could cause serious damage downstream otherwise, such as flooding or unnatural erosion. It sorts gravels during high flows, creating those beautiful spawning gravel beds laid out like blankets among bigger rock. It makes those current breaks downstream of log jams. It provides cooling shade and cover, and slow pools and edge habitat that baby fish need after emerging from those gorgeous gravels to ride out high flows, find food and hide from prying eyes. Decomposing wood and the nutrients it produces jumpstarts that the natural processes critical to insect, animal, amphibian and plant life.

Alan Moore, Why Fish Love ‘Large Woody Debris.’ Trout Unlimited. 2-4-2013.

<http://troutunlimitedblog.com/large-woody-debris-makes-for-fishy-rivers/>

There is currently a shortage of wood in coastal streams that will take decades to restore if we were doing everything right (but we’re not).

Current amounts of large woody debris in coastal streams of Oregon and Washington are a fraction of historical levels (Bilby and Ward 1991, Bisson et al. 1987, NRC 1992). ... Stream surveys by private timber companies and federal land management agencies in the Northwest reveal an overall loss of stream habitat quality (FEMAT 1993, Kaczynski and Palmisano 1993, Wissmar et al. 1994) that is strongly related to changes in riparian vegetation, especially harvest of merchantable riparian timber.

Everest, Fred H.; Reeves, Gordon H. 2006. Riparian and aquatic habitats of the Pacific Northwest and southeast Alaska: ecology, management history, and potential management strategies. Gen. Tech. Rep. PNW-GTR-692. Portland, OR: U.S. Department of Agriculture,

Forest Service, Pacific Northwest Research Station. 130 p.

http://www.fs.fed.us/pnw/pubs/pnw_gtr692.pdf. Similarly, Hudiburg et al (2009) found —

[M]ean live and dead biomass were usually higher on public lands, primarily because of the younger age class distribution on private lands ... Private land accounts for 35% of live biomass (and 44% of the forested area)... Mean stand age of publicly owned forests is 50–150 years older than privately owned forests and mean carbon stores are 30–50% higher.

Hudiburg, T. et al. 2009. Carbon dynamics of Oregon and Northern California forests and potential land-based carbon storage. *Ecological Applications*, 19(1), 2009, pp. 163–180.

<http://terraweb.forestry.oregonstate.edu/pubs2/Hudiburg2009EA.pdf>.

Looking at all this evidence together raises a concern that logging in the scenic river corridor, and especially in stream buffers, will reduce recruitment of valuable woody habitat. Some people suggest that riparian buffers can be enhanced with logging. However, new science brings into question the ecological value of commercial logging as a restoration tool in riparian reserves.

... our data suggest that mature, late-successional conifer dominated forests have well developed structural characteristics in terms of abundant large trees in the overstory, abundant large snags, and a well-developed understory of shade-tolerant trees. We modeled the growth of young conifer stands to assess whether a common restoration treatment [thinning to 150 trees per hectare] would accelerate development of structural characteristics typical of reference conditions. We found that left untreated, the stands followed a trajectory towards developing forest structure similar to the average reference condition. In contrast, the restoration treatment followed a developmental trajectory along the outside range of reference conditions.

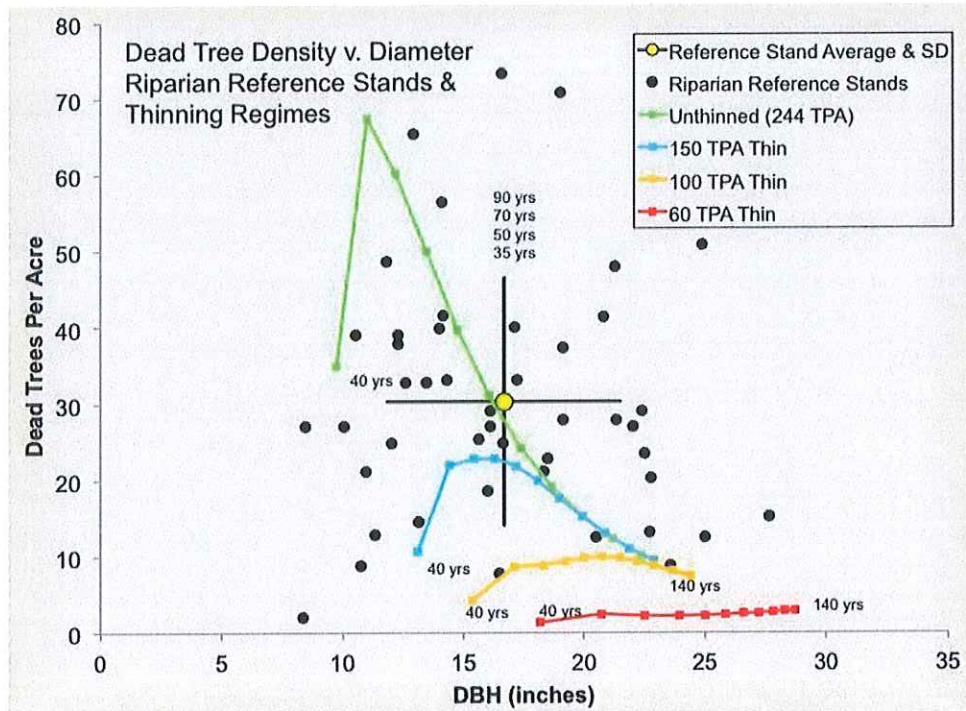
Pollock, M. M., T. J. Beechie, and H. Imaki. 2012. Using reference conditions in ecosystem restoration: an example for riparian conifer forests in the Pacific Northwest. *Ecosphere* 3(11):98.

<http://dx.doi.org/10.1890/ES12-00175.1> The following figure from this study shows that all types of thinning cause stand development to miss the reference stand trajectory for dead wood.

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To be clear, we do not take the position that there can be no logging in the scenic river corridor, but since aquatic systems are already severely degraded by logging, any further logging in riparian buffers (especially in a scenic river corridor) should be very carefully scrutinized to avoid further adverse ecological effects. Any claimed benefits of logging in riparian buffers should be clearly justified and supported by compelling scientific evidence.

Sincerely,

Doug Heiken

Doug Heiken
dh@oregonwild.org

/ s /

Kimberley Priestley
 WaterWatch of Oregon

/ s /

Mark Sherwood
 Native Fish Society

From: ORPrdSupport@egov.com
Sent: Wednesday, October 02, 2019 8:03 AM
To: PUBLICCOMMENT * OPRD
Subject: Input Received: Nehalem River Scenic Waterway Management Rules
Attachments: Nehalem River Scenic Waterway Management Rules - Entries.csv

Nehalem River Scenic Waterway Management Rules

Submitted: 10/2/2019 8:02:34 AM

Comment

I had completed a substantial comment and it appears to only partially have been transmitted. Trying again---In short, thank you to OPRD for floating the river, cancelling the sale of a timber parcel to be clear-cut near Beaver Eddy, and for all you do to protect salmon habitat and river health. I live downstream in Wheeler, where the Nehalem becomes an estuary. I am thankful for the Governor and OPRD for their role in protecting our beautiful Nehalem River. I would like the rules regarding environmental and aesthetic impact to this section of river to be as robust and comprehensive as possible. Screening and leaving trees is a small price to pay for a healthy river we can be proud of. If I were to consider buying property in the future, I'd be far more likely to purchase within a scenic waterway than I would be to choose an unprotected section. Be brave in constructing rules that truly protect the Nehalem. Thank you, Carl Whiting, PhD Wheeler, OR

GAUTHIER Katie * OPRD

From: ORPrdSupport@egov.com
Sent: Wednesday, October 02, 2019 7:52 AM
To: PUBLICCOMMENT * OPRD
Subject: Input Received: Nehalem River Scenic Waterway Management Rules
Attachments: Nehalem River Scenic Waterway Management Rules - Entries.csv

Nehalem River Scenic Waterway Management Rules

Submitted: 10/2/2019 7:52:18 AM

Comment

I am extremely proud that a section of our beautiful Nehalem River has been designated a scenic river way. I would like the rules protecting this section of river to be as robust and comprehensive as possible. I live in Wheeler where the Nehalem becomes an estuary. Every day I look out on that stretch of water and am grateful for whatever protections it has received. The salmon are disappearing, and with them, a nitrogen supply that feeds trees in the vicinity of the river. Now is our last, best chance to help our troubled ecosystem through careful management of this very special aquatic environment. I heartily applaud OPRD for floating this section and then cancelling the sale of timber to be clear-cut in the area of Beaver Eddy. That was a critical step in truly protecting this area. Any screening or other actions necessary to protect the aesthetic value of the section are a very small price to pay for living along a scenic river way. In the future, I would more likely consider purchasing property within this zone than I would if it were not protected. Thank you to OPRD for your work on this, and against a backdrop of troubling environmental news around the world, I am pleased to see us taking this step here and now in our small corner of the globe. Carl Whiting, PhD Wheeler, OR

GAUTHIER Katie * OPRD

From: Jeff Hickman <jeff@fishtheswing.com>
Sent: Tuesday, October 01, 2019 2:33 PM
To: PUBLICCOMMENT * OPRD
Subject: Nehalem River Scenic Waterway

Hello,

I am a resident, home owner and employer in Nehalem, OR. I have made my living for the last 17 years guiding catch and release fly fishing for steelhead. In the Winter and Spring months, this is the section of the Nehalem river where we work.

Our customers come from all over the world and all parts of the US to come enjoy the scenic Nehalem River. In the last several years the increase of clearcuts and logging activities has negatively impacted my business. The canyon doesn't have the same wild feel that it used to have. Ugly clearcuts are within sight in nearly every direction and there is a steady flow of logging trucks, yarder alarms, etc. This has resulted in a reduced amount of bookings for us.

The other major factor harming my business is the increase in turbidity. Increased logging activities in the watershed cause the River to be too dirty to fish after rains. We are forced to cancel booked days and we lose income.

Not to mention how much damage is done to sensitive spawning and rearing habitats, and a sense of large woody debris resulting in fewer fish returning to the basin each year.

I would greatly like to see no logging activities or development along this 17.5 mile stretch of river. It seems to me that a State Scenic Waterway designation should make ALL logging activities and road building within sight of the river not be allowed. A mere 1/4 mile is not enough protection for a Scenic Waterway in my opinion.

Thanks for your time,
-Jeff Hickman
(971) 275-2269
Owner - Fish The Swing LLC

--
-Jeff Hickman (971) 275-2269 www.fishthedean.com www.fishtheswing.com

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 9b UPDATED

Action

Topic: Request to adopt rulemaking – Bicycle/Pedestrian Grant rules (OAR 736-006-0121 and 736-009-0021)

Presented by: Katie Gauthier

Background: In 2017, the transportation package, HB 2017, required OPRD to reimburse ODOT up to four million per biennium for bicycle and pedestrian grants. HB 2592 enacted during the 2019 legislative session eliminates that requirement. Instead the department is directed to work in cooperation with ODOT to allocate up to four million per biennium for bicycle pedestrian projects that meet recreation and transportation needs.. Half of the funding is directed to come through the Local Government Grant program and the remaining portion is directed toward signature, scenic or recreation trails. HB 2592 includes a sunset eliminating funding requirements after January 2, 2025.

Proposed rules were developed to implement the provisions around bicycle/pedestrian funding in HB 2592. 736-006-0121 is a new rule within the Local Government Grant rules to specify up to \$1 million directed toward bicycle and pedestrian recreation and transportation projects, add a member of the Oregon Bicycle and Pedestrian Advisory Committee to the grant review committee and expand types of projects included to meet transportation needs. 736-009-0021 amends rules for Oregon Recreation Trails Advisory Council to add a responsibility to review department bicycle and pedestrian project priorities.

The proposed rules were developed by a Rule Advisory Committee that included local government representatives, bicycle and pedestrian stakeholders and state agencies. Public comment was opened on October 1 and closed on November 4, 2019. Comments were accepted via mail, email, or a website. A public hearing in Salem was held on October 29 to allow for public comment in person.

One comment was received regarding this rule. The comment related to electric assisted bicycle usage and not specific to the proposed rules. The comment is included in full on Attachment C.

Prior Action by Commission: September 2019 Commission approved opening rulemaking.

Action Requested:

Staff requests approval to adopt 736-006-0121 and amend 736-009-0021. The proposed rule has been reviewed by Assistant Attorney General Steve Shipsey. A copy of the proposed rule change is included in Attachment A- Bicycle and Pedestrian rule change- Clean copy.

Prepared by: Katie Gauthier

Attachments: Attachment A- propose rule changes marked copy

Attachment B- proposed rule change- clean copy

9b- Attachment A: Bicycle and Pedestrian Grant Processes- Marked Copy

736-006-0121 Bicycle and Pedestrian Projects

Until January 2, 2025, the Committee shall:

(1) Dedicate up to \$1 million per year to be awarded for bicycle and pedestrian projects that meet recreation and transportation needs, notwithstanding OAR 736-006-0125(3)(a). Bicycle and pedestrian transportation project needs may include improving walking and bicycling access in areas where no connection exists, transportation options are limited or significant safety concerns are addressed by the improvement.

(2) Include one representative from the Oregon Bicycle and Pedestrian Advisory Committee created in ORS 362.112.

(3) May consider adopted transportation system plans in application scoring in addition to criteria identified in 736-006-0145(5)(b).

Pursuant to ORS 390.962(1), the department prescribes the criteria for the designation of Oregon Scenic Trails in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(1) Oregon Scenic Trails will be comprised of routes that provide access to national, state, or regional resources of superlative quality and scenic splendor.

(2) Oregon Scenic Trails may be linear, loop, or a combination of linear and loop routes and shall generally meet these criteria:

(a) Scenic Trails will connect to other trails to the extent possible.

(b) Scenic Trails should be a minimum of one (1) mile in length.

(3) Pursuant to ORS 390.962(1), an Oregon Scenic Trail may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner of and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

(4) Until January 2, 2025, the council will annually review and provide input on investment priorities for department bicycle and pedestrian projects on signature, scenic or recreation trails proposed under requirements of ORS 491.XXX.

(a) Bicycle and pedestrian transportation projects may include improving walking and bicycling access in areas where no connection exists, transportation options are limited or significant safety concerns are addressed by the improvement.

(b) One member of the council shall be a member of the Oregon Bicycle and Pedestrian Advisory Committee created in ORS 362.112.

(5) Evaluation of Applications

(a) To be considered as an Oregon Scenic Trail, a proponent must submit to the department a complete Oregon Scenic Trail Application form in the format specified by the department, including a detailed Trail Management Plan.

(b) The department will review each Oregon Scenic Trail application for completeness and eligibility, including whether the application adequately addresses the considerations provided in ORS 390.965(2). The department will provide all complete, eligible applications to the council. Incomplete or ineligible applications will be returned to the proponents with an explanation of the deficiencies.

(c) The council will consider trails for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(d) The council or designee shall conduct a field review of the proposed trail.

(e) The council shall score the trail against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and in this rule, including but not limited to:

(A) Emphasis on use of public lands,

(B) Minimizing adverse effects on adjacent landowners,

(C) Harmony with and complement to established forest, agricultural, or other use plans, and

(D) Any natural features, agriculture, forest, unusual or unique landforms, vegetation, water components, scenic beauty and interest, as well as amenities available to the route.

(f) Based on the application, field review, and scoring, the council shall determine if the trail qualifies to be recommended for designation as an Oregon Scenic Trail.

(g) If the council does not recommend designating the route as an Oregon Scenic Trail, it shall provide comments and recommendations to the proponent. The proponent may reapply to the council only after fully addressing the recommendations of the council.

(6) Designation Process:

(a) The council shall provide each recommendation for designation as an Oregon Scenic Trail to the director.

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

(c) After the public meetings required in subsection (b), the director shall either:

(A) Submit the council's recommendation to the commission for approval or denial of the proposed Oregon Scenic Trail; or

(B) Request that the council provide further consideration of issues presented in the public meeting.

(6) Trail Management:

(a) The department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to ensure that the development, signing, operation, maintenance, location or relocation of the trail meet the Oregon Scenic Trail standards.

(b) The department shall evaluate each Oregon Scenic Trail at least once every five years. The department will provide the council an evaluation and inventory of the trail features. Upon review, the council may recommend:

(A) The trail be improved to meet the standards of state designation; or

(B) Removal of Oregon Scenic Trails designation when or if the trail no longer meets the criteria.

(c) Signing and Publication of Oregon Scenic Trails.

(A) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for each trail the commission designates as an Oregon Scenic Trail.

(B) The department will publish on its web page and make available standardized route maps for all Oregon Scenic Trails.

9b- Attachment B: Bicycle and Pedestrian Grant Processes- Clean Copy

736-006-0121 Bicycle and Pedestrian Projects

Until January 2, 2025, the Committee shall:

(1) Dedicate up to \$1 million per year to be awarded for bicycle and pedestrian projects that meet recreation and transportation needs, notwithstanding OAR 736-006-0125(3)(a). Bicycle and pedestrian transportation project needs may include improving walking and bicycling access in areas where no connection exists, transportation options are limited or significant safety concerns are addressed by the improvement.

(2) Include one representative from the Oregon Bicycle and Pedestrian Advisory Committee created in ORS 362.112.

(3) May consider adopted transportation system plans in application scoring in addition to criteria identified in 736-006-0145(5)(b).

Pursuant to ORS 390.962(1), the department prescribes the criteria for the designation of Oregon Scenic Trails in this rule in addition to those provided in the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(1) Oregon Scenic Trails will be comprised of routes that provide access to national, state, or regional resources of superlative quality and scenic splendor.

(2) Oregon Scenic Trails may be linear, loop, or a combination of linear and loop routes and shall generally meet these criteria:

(a) Scenic Trails will connect to other trails to the extent possible.

(b) Scenic Trails should be a minimum of one (1) mile in length.

(3) Pursuant to ORS 390.962(1), an Oregon Scenic Trail may be located:

(a) Over public land with the consent of each governmental entity having jurisdiction over the lands designated; or

(b) Over privately-owned lands in the manner of and subject to the limitations provided in ORS 390.950 to 390.989 and 390.995(2).

(4) Until January 2, 2025, the council will annually review and provide input on investment priorities for department bicycle and pedestrian projects on signature, scenic or recreation trails proposed under requirements of ORS 491.XXX.

(a) Bicycle and pedestrian transportation projects may include improving walking and bicycling access in areas where no connection exists, transportation options are limited or significant safety concerns are addressed by the improvement.

(b) One member of the council shall be a member of the Oregon Bicycle and Pedestrian Advisory Committee created in ORS 362.112.

(5) Evaluation of Applications

(a) To be considered as an Oregon Scenic Trail, a proponent must submit to the department a complete Oregon Scenic Trail Application form in the format specified by the department, including a detailed Trail Management Plan.

(b) The department will review each Oregon Scenic Trail application for completeness and eligibility, including whether the application adequately addresses the considerations provided in ORS 390.965(2). The department will provide all complete, eligible applications to the council. Incomplete or ineligible applications will be returned to the proponents with an explanation of the deficiencies.

(c) The council will consider trails for designation based on the criteria provided in sections (1) to (3) of this rule and the Oregon Recreation Trails System Act, ORS 390.950 to 390.989 and 390.995(2).

(d) The council or designee shall conduct a field review of the proposed trail.

(e) The council shall score the trail against criteria established in the Oregon Recreation Trails System Act, ORS 390.950 through 390.989 and 390.995, and in this rule, including but not limited to:

(A) Emphasis on use of public lands,

(B) Minimizing adverse effects on adjacent landowners,

(C) Harmony with and complement to established forest, agricultural, or other use plans, and

(D) Any natural features, agriculture, forest, unusual or unique landforms, vegetation, water components, scenic beauty and interest, as well as amenities available to the route.

(f) Based on the application, field review, and scoring, the council shall determine if the trail qualifies to be recommended for designation as an Oregon Scenic Trail.

(g) If the council does not recommend designating the route as an Oregon Scenic Trail, it shall provide comments and recommendations to the proponent. The proponent may reapply to the council only after fully addressing the recommendations of the council.

(6) Designation Process:

(a) The council shall provide each recommendation for designation as an Oregon Scenic Trail to the director.

(b) The department shall hold public meetings on the recommended designation as provided in ORS 390.965(1).

(c) After the public meetings required in subsection (b), the director shall either:

(A) Submit the council's recommendation to the commission for approval or denial of the proposed Oregon Scenic Trail; or

(B) Request that the council provide further consideration of issues presented in the public meeting.

(6) Trail Management:

(a) The department will enter into written cooperative agreements with landowners, federal agencies, other state agencies, local governments, private organizations and individuals as necessary to ensure that the development, signing, operation, maintenance, location or relocation of the trail meet the Oregon Scenic Trail standards.

(b) The department shall evaluate each Oregon Scenic Trail at least once every five years. The department will provide the council an evaluation and inventory of the trail features. Upon review, the council may recommend:

(A) The trail be improved to meet the standards of state designation; or

(B) Removal of Oregon Scenic Trails designation when or if the trail no longer meets the criteria.

(c) Signing and Publication of Oregon Scenic Trails.

(A) Consistent with the requirements of ORS 390.959, the department will establish sign standards and coordinate sign placement for each trail the commission designates as an Oregon Scenic Trail.

(B) The department will publish on its web page and make available standardized route maps for all Oregon Scenic Trails.

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 9c

Action

Topic: Request to adopt rulemaking – ATV Class IV definition (OAR 736-004-0015)

Presented by: Katie Gauthier

Background: A provision included in HB 2592 enacted by the legislature earlier this year changes the definition of Class IV all-terrain vehicles. The definition in statute changes from class IV vehicles being limited to those weighing less than 1,800 pounds and 65 inches wide to now incorporate vehicles weighing up to 2,500 pounds and 80 inches wide.

All-terrain vehicle dealers requested this statutory change to accommodate new types of side-by-side vehicles now being manufactured.

Public comment on the proposed rule change was opened on October 1 and closes October 31, 2019. Comments are accepted via mail, email, or a website. Articles about the proposed rule change appeared in the Coos Bay World and Klamath Herald. Staff will present a summary of any comments received at the Commission meeting.

Prior Action by Commission: In September 2019, the Commission approved opening rulemaking.

Action Requested:

Staff requests approval to amend OAR 736-004-0015 to update the definition of a class IV ATV. The proposed rule has been reviewed by Assistant Attorney General Steve Shipsey. A copy of the proposed rules is included in Attachment A.

Prepared by: Katie Gauthier

Attachments:

Attachment A – proposed rule amendments- marked copy

Attachment B- proposed rule amendments- clean copy

9c- Attachment A. ATV Definition marked copy

For purposes of this division, the following definitions shall apply:

(1) "Acquisition" means the gaining of real property rights for public use by donation or purchase including, but not limited to, fee title or easements.

(2) "Approved Course Provider" is any individual or organization who instructs or provides an OPRD-approved Class I, III or IV ATV safety course.

(3) "ATV" or "All-Terrain Vehicle" means:

(a) Class I ATV, as defined in ORS 801.190: a motorized, off-highway recreational vehicle that:

(A) Is 50 inches or less in width;

(B) Has a dry weight of 1,200 pounds or less;

(C) Travels on three or more pneumatic tires that are six inches or more in width and designed for use on wheels with a rim diameter of 14 inches or less;

(D) Uses handlebars for steering;

(E) Has a seat designed to be straddled for the operator; and

(F) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.

(G) Class I ATV's can also be known as quads, three-wheelers, or four wheelers.

(b) Class II ATV, as defined in ORS 801.193: any motor vehicle that:

(A) Weighs more than or is wider than a Class I all-terrain vehicle;

(B) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;

(C) Is actually being operated off a highway or is being operated on a highway for agricultural purposes under ORS 821.191 and;

(D) Is not a Class IV all-terrain vehicle.

(E) Class II ATV's include, but are not limited to vehicles that can also be known as four-by-fours, pickups, jeep, sand rails, dune buggies, and SUV's.

(c) Class III ATV, as defined in ORS 801.194: a motorcycle that travels on two tires and that is actually being operated off highway. Also known as dual sport bikes, enduro, dirt bikes.

(d) Class IV ATV, as defined in ORS 801.194 means any motorized vehicle that:

(A) Travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;

(B) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;

(C) Has nonstraddle seating;

(D) Has a steering wheel for steering controls;

(E) Has a dry weight of ~~1,800~~ 2,500 pounds or less; and

(F) Is ~~65~~80 inches wide or less at its widest point.

(G) Class IV may also be known as side-by-sides, recreational off-highway vehicle (ROHV), utility vehicle (UTV).

(e) May also be referred to as an OHV or Off-Highway Vehicle.

(4) "ATV-AC" means the seventeen-member All-Terrain Vehicle Advisory Committee established by ORS 390.565 and appointed by the commission.

(5) "ATV Account" means those moneys described in ORS 390.555 and deposited in a separate account in the State Parks and Recreation Department Fund. Moneys in the ATV Account may also be called "ATV grant funds."

(6) "ATV Grant Instruction Manual" means a manual prepared by OPRD containing state and federal policies, procedures, guidelines, and instructions to assist current and potential project sponsors.

(7) "ATV Grant Subcommittee" means the seven-member subcommittee established by ORS 390.565(5)(a).

(8) "ATV Operating Permit" means a permit (decal) issued through OPRD and which is permanently affixed to the vehicle. The permit authorizes the use of ATV's on trails and within designated areas authorized by the appropriate authorities.

(9) "ATV Operating Permit Agent" means a person, business or government agency to whom OPRD consigns ATV operating permits and decals for sale as a service to the general public.

(10) “ATV Operator Permit” means the ATV Safety Education Card issued upon completion of an OPRD-approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by OPRD.

(11) “ATV Safety Checklist” is a document provided to a dealer, guide service, rental, or livery agent by OPRD that consists of selected facts about Oregon ATV laws.

(12) “ATV Safety Course” is any OPRD-approved course of instruction that is offered by an approved course provider and concludes with an examination.

(13) “ATV Safety Education” means those grant projects that include but are not limited to training programs, media with information for the public, safe riding practices, environmental ethics, or any combination thereof.

(14) “All-Terrain Vehicle Safety Education Card” is the ATV Operator’s Permit required by ORS 390.570, 390.575, and 390.577.

(15) “Certificate of Completion” is a certificate generated by OPRD indicating completion of the internet ATV Safety Course.

(16) "Commission" means the State Parks and Recreation Commission.

(17) "Conversion" means any real property acquisition or development that is later wholly or in part converted to another use other than its intended and stated use as described in the grant application and the grant agreement.

(18) “Correspondence Course and Self-Test” means a Class I, III or IV ATV safety course and examination provided by the OPRD that is taken at home without a proctor. This correspondence course and self-test will satisfy minimum standard of ATV safety education competency only for those individuals who have qualified for hardship status.

(19) “Dealer” means any person or business duly certified under ORS 822.020 and 822.040 to sell Class I, III, or IV ATVs.

(20) "Development" means the planning, design, construction and improvement of ATV recreational facilities, trails, and riding areas.

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

(22) "Dry Weight" means the unloaded weight, absent of all fluids, passengers, and any materials such as ice, snow or mud.

(23) “Emergency Medical Services” means medical services performed by certified personnel and the necessary items to perform their duties.

(24) “Endorsement Code” means an identifying color, text or mark on the ATV Safety Education Card that indicates the operator meets or exceeds OPRD’s minimum standards in an approved hands-on ATV evaluation program.

(25) “Equivalency Exam” means a comprehensive written examination created by OPRD to provide either Class I or Class III operators, who are at least 16 years of age and have five or more years operating a Class I or a Class III vehicle, the opportunity to meet the minimum standard of ATV safety education competency.

(26) “Evaluation Course” means a course that measures the ATV operator’s ability to demonstrate control of an ATV.

(27) "Grant Agreement" means an agreement between OPRD and a project sponsor describing the terms and conditions of a project and its associated grant of funds.

(28) "Grant Application" means the form and its format as developed by OPRD that the project sponsor uses to request ATV grant funds.

(29) “Hands-on Training” means any OPRD-approved evaluation course offered by an OPRD-approved course provider.

(30) “Hardship Status” means a situation or condition that prevents an individual from taking the ATV safety internet course. A hardship situation may allow an individual to use a correspondence course and self-test provided by OPRD. An individual must submit a written request for hardship status. The OPRD Director or designee has the authority to grant or deny hardship status.

(31) “Instruction Permit” is a provisional permit issued by OPRD to youth under the age of 16 upon successful completion of the OPRD internet course.

(32) “Internet Course” means an OPRD-approved course of instruction that is offered through the internet.

(33) “Law Enforcement Services” means law enforcement services performed by certified personnel and the necessary items to perform their duties.

(34) “Minimum Standards of ATV Safety Education Competency” means a standard of proficiency established by OPRD that determines whether an applicant for a Class I, III, or IV ATV Safety Education Card has met or exceeded the requirements of an ATV safety course.

(35) “Notice to Proceed” means the notification from OPRD that the Director or designee and the project sponsor have signed the grant agreement authorizing the project.

(36) "OHV" means Off Highway Vehicle, also called ATV.

(37) "Operations and Maintenance" means the preservation, rehabilitation, restoration, operation and upkeep of the facilities, riding areas, and equipment, including the purchase of equipment necessary to perform these functions.

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

(39) "Personal Property" means tangible property other than land: movable property including but not limited to items such as an ATV, trail repair equipment, or other movable property purchased through the ATV Grant Program.

(40) "Planning" means the research, design, engineering, environmental, and site survey of ATV recreation areas, trails, or facilities.

(41) "Project Sponsor" means the recipient of the grant funds and the responsible party for implementation of the project.

(42) "Public Lands" includes publicly and privately-owned land that is open to the general public for the use of all-terrain vehicles.

(43) "Real Property" means immovable property: land together with all the property on it that cannot be moved, together with any attached rights.

(44) "Rider Fit" means the minimum physical size requirements that a Class I ATV operator under 16 years of age must meet in relationship to the vehicle to be operated as established by OPRD and described in OAR 736-004-0115.

(45) "Successor" means a governmental entity that has agreed to accept the terms and conditions of the project sponsor's responsibilities as contained in the project sponsor's grant agreement and grant application should the project sponsor cease to exist; for example, if a club or non-profit organization should dissolve or disband. The successor shall agree to operate the project continuously for the public benefit and recreational purposes identified in the grant agreement and the grant application. If OPRD is a successor under OAR 736-004-0025(1)(c), OPRD may operate, sell, or qualify another successor to the project.

(46) "Sustainability" means using, developing, protecting, and managing the resource in a manner that enables people to meet current and future generation needs from the multiple perspective of environmental, economic, and community objectives.

(47) "Temporary ATV Safety Education Card" is a document issued by OPRD or an approved course provider allowing the bearer to operate a Class I, III, or IV ATV in Oregon for a period of time not to exceed 30 days.

9c- Attachment B. ATV Definition clean copy

For purposes of this division, the following definitions shall apply:

(1) "Acquisition" means the gaining of real property rights for public use by donation or purchase including, but not limited to, fee title or easements.

(2) "Approved Course Provider" is any individual or organization who instructs or provides an OPRD-approved Class I, III or IV ATV safety course.

(3) "ATV" or "All-Terrain Vehicle" means:

(a) Class I ATV, as defined in ORS 801.190: a motorized, off-highway recreational vehicle that:

(A) Is 50 inches or less in width;

(B) Has a dry weight of 1,200 pounds or less;

(C) Travels on three or more pneumatic tires that are six inches or more in width and designed for use on wheels with a rim diameter of 14 inches or less;

(D) Uses handlebars for steering;

(E) Has a seat designed to be straddled for the operator; and

(F) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.

(G) Class I ATV's can also be known as quads, three-wheelers, or four wheelers.

(b) Class II ATV, as defined in ORS 801.193: any motor vehicle that:

(A) Weighs more than or is wider than a Class I all-terrain vehicle;

(B) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;

(C) Is actually being operated off a highway or is being operated on a highway for agricultural purposes under ORS 821.191 and;

(D) Is not a Class IV all-terrain vehicle.

(E) Class II ATV's include, but are not limited to vehicles that can also be known as four-by-fours, pickups, jeep, sand rails, dune buggies, and SUV's.

(c) Class III ATV, as defined in ORS 801.194: a motorcycle that travels on two tires and that is actually being operated off highway. Also known as dual sport bikes, enduro, dirt bikes.

(d) Class IV ATV, as defined in ORS 801.194 means any motorized vehicle that:

(A) Travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;

(B) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;

(C) Has nonstraddle seating;

(D) Has a steering wheel for steering controls;

(E) Has a dry weight of 2,500 pounds or less; and

(F) Is 80 inches wide or less at its widest point.

(G) Class IV may also be known as side-by-sides, recreational off-highway vehicle (ROHV), utility vehicle (UTV).

(e) May also be referred to as an OHV or Off-Highway Vehicle.

(4) "ATV-AC" means the seventeen-member All-Terrain Vehicle Advisory Committee established by ORS 390.565 and appointed by the commission.

(5) "ATV Account" means those moneys described in ORS 390.555 and deposited in a separate account in the State Parks and Recreation Department Fund. Moneys in the ATV Account may also be called "ATV grant funds."

(6) "ATV Grant Instruction Manual" means a manual prepared by OPRD containing state and federal policies, procedures, guidelines, and instructions to assist current and potential project sponsors.

(7) "ATV Grant Subcommittee" means the seven-member subcommittee established by ORS 390.565(5)(a).

(8) "ATV Operating Permit" means a permit (decal) issued through OPRD and which is permanently affixed to the vehicle. The permit authorizes the use of ATV's on trails and within designated areas authorized by the appropriate authorities.

(9) "ATV Operating Permit Agent" means a person, business or government agency to whom OPRD consigns ATV operating permits and decals for sale as a service to the general public.

(10) “ATV Operator Permit” means the ATV Safety Education Card issued upon completion of an OPRD-approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by OPRD.

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

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(40) "Planning" means the research, design, engineering, environmental, and site survey of ATV recreation areas, trails, or facilities.

(41) "Project Sponsor" means the recipient of the grant funds and the responsible party for implementation of the project.

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(45) "Successor" means a governmental entity that has agreed to accept the terms and conditions of the project sponsor's responsibilities as contained in the project sponsor's grant agreement and grant application should the project sponsor cease to exist; for example, if a club or non-profit organization should dissolve or disband. The successor shall agree to operate the project continuously for the public benefit and recreational purposes identified in the grant agreement and the grant application. If OPRD is a successor under OAR 736-004-0025(1)(c), OPRD may operate, sell, or qualify another successor to the project.

(46) "Sustainability" means using, developing, protecting, and managing the resource in a manner that enables people to meet current and future generation needs from the multiple perspective of environmental, economic, and community objectives.

(47) "Temporary ATV Safety Education Card" is a document issued by OPRD or an approved course provider allowing the bearer to operate a Class I, III, or IV ATV in Oregon for a period of time not to exceed 30 days.

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 9d

Action

Topic: Request to adopt rulemaking – Heritage Commemorations
(OAR 736-053-0300 to 736-053-0315)

Presented by: Katie Gauthier and Chrissy Curran

Background: HB 2081 changed the responsibility of the Oregon Heritage Commission from designating statewide anniversary celebrations to commemorations to be more inclusive and reflective of the types of events that could be recognized.

The proposed amendments align rules with the new statutory language around statewide anniversary commemorations. In addition, the proposed rule change adds a rule to clarify the application process for events seeking designation.

Consistent with the Oregon Heritage Plan, statewide anniversary celebrations educate the public about historic events, communicate the value of heritage across the state, and strengthen heritage tourism. This designation signifies official state recognition, which organizations find helpful in leveraging additional participation, collaborative partnerships, funding, and outreach. Moving from designating “celebrations” to “commemorations” creates valuable educational opportunities to increase our understanding of Oregon’s past.

Public comment on the proposed rule change was opened on October 1 and closes October 31, 2019. Comments are accepted via mail, email, or a website. Staff will present a summary of any comments received at the Commission meeting.

Prior Action by Commission: In September 2019, the Commission approved opening rulemaking.

Action Requested:

Staff requests approval to adopt amendments to OAR 736-053-0300 to 736-053-0315 to change Heritage Commission recognition of anniversary events from celebration to commemoration and add an application procedure. The proposed amendments have been reviewed by Assistant Attorney General Steve Shipsey. A copy of the proposed rules is included in Attachment A.

Prepared by: Katie Gauthier

Attachments:

Attachment A – proposed rule amendments- marked copy
Attachment B- proposed rule amendments- clean copy

9d Attachment A: Heritage Commemorations

736-053-0300

Purpose

The purpose of OAR 736-053-0300 to 736-053-0325 is to adopt regulations establishing procedures that the Oregon Heritage Commission shall use when coordinating statewide anniversary ~~celebrations~~commemorations.

Statutory/Other Authority: ORS 358.585

Statutes/Other Implemented: ORS 358.595(2f)

History:

PRD 3-2013, f. & cert. ef. 7-19-13

PRD 3-2001, f. & cert. ef. 2-23-01

736-053-0305

Definitions

As used in OAR 736-053-0300 to 736-053-0325, the following terms shall have the following meanings:

- (1) "Commission" means the Oregon Heritage Commission.
- (2) "Statewide anniversary ~~celebrations~~commemorations" means celebrations and other commemorations of anniversaries of events of statewide significance to Oregon's heritage.
- (3) "Oregon's heritage" means the array of significant things, thoughts, and activities associated with the human experience in Oregon.
- (4) "Coordinate" means serving as a source of information on resources, a source of technical assistance, a source of financial assistance when funds have been appropriated for that purpose by the Legislative Assembly, and as a clearinghouse for information and activities for designated ~~celebrations~~ commemorations.

Statutory/Other Authority: ORS 358.585

Statutes/Other Implemented: ORS 358.595(2f)

History:

PRD 3-2013, f. & cert. ef. 7-19-13

PRD 3-2001, f. & cert. ef. 2-23-01

736-053-0315

Qualification as a Statewide Anniversary ~~Celebration~~Commemoration

An event or episode may qualify for designation as a statewide anniversary ~~commemoration~~celebration if its impacts are proven to have significance in Oregon beyond the actual event or episode being celebrated or commemorated. Upon demonstration of significance,

the Commission may designate the event or episode a statewide anniversary ~~celebration~~commemoration.

[736-053-0320](#)

[Application Procedure](#)

[To apply for an event to be designated a statewide anniversary commemoration, an application must be submitted by the specified deadline. Applications must meet the format and criteria prescribed by the Commission.](#)

Statutory/Other Authority: ORS 358.585

Statutes/Other Implemented: ORS 358.595(2f)

History:

PRD 3-2013, f. & cert. ef. 7-19-13

PRD 3-2001, f. & cert. ef. 2-23-01

[736-053-0325](#)

Commission Coordination of Statewide Anniversary ~~Celebrations~~ Commemorations

Commission coordination of statewide anniversary ~~celebrations~~commemorations designated under OAR 736-053-0315, may include providing communication, technical and financial assistance to government and non-profit organizations that implement the ~~celebrations~~commemorations.

Statutory/Other Authority: ORS 358.585

Statutes/Other Implemented: ORS 358.595(2f)

History:

PRD 3-2013, f. & cert. ef. 7-19-13

PRD 3-2001, f. & cert. ef. 2-23-01

9d Attachment B: Heritage Commemorations, Clean Copy

736-053-0300

Purpose

The purpose of OAR 736-053-0300 to 736-053-0325 is to adopt regulations establishing procedures that the Oregon Heritage Commission shall use when coordinating statewide anniversary commemorations.

Statutory/Other Authority: ORS 358.585

Statutes/Other Implemented: ORS 358.595(2f)

History:

PRD 3-2013, f. & cert. ef. 7-19-13

PRD 3-2001, f. & cert. ef. 2-23-01

736-053-0305

Definitions

As used in OAR 736-053-0300 to 736-053-0325, the following terms shall have the following meanings:

- (1) "Commission" means the Oregon Heritage Commission.
- (2) "Statewide anniversary commemorations" means celebrations and other commemorations of anniversaries of events of statewide significance to Oregon's heritage.
- (3) "Oregon's heritage" means the array of significant things, thoughts, and activities associated with the human experience in Oregon.
- (4) "Coordinate" means serving as a source of information on resources, a source of technical assistance, a source of financial assistance when funds have been appropriated for that purpose by the Legislative Assembly, and as a clearinghouse for information and activities for designated commemorations.

Statutory/Other Authority: ORS 358.585

Statutes/Other Implemented: ORS 358.595(2f)

History:

PRD 3-2013, f. & cert. ef. 7-19-13

PRD 3-2001, f. & cert. ef. 2-23-01

736-053-0315

Qualification as a Statewide Anniversary Commemoration

An event or episode may qualify for designation as a statewide anniversary commemoration if its impacts are proven to have significance in Oregon beyond the actual event or episode being

celebrated or commemorated. Upon demonstration of significance, the Commission may designate the event or episode a statewide anniversary commemoration.

736-053-0320

Application Procedure

To apply for an event to be designated a statewide anniversary commemoration, an application must be submitted by the specified deadline. Applications must meet the format and criteria prescribed by the Commission.

Statutory/Other Authority: ORS 358.585

Statutes/Other Implemented: ORS 358.595(2f)

History:

PRD 3-2013, f. & cert. ef. 7-19-13

PRD 3-2001, f. & cert. ef. 2-23-01

[736-053-0325](#)

Commission Coordination of Statewide Anniversary Commemorations

Commission coordination of statewide anniversary commemorations designated under OAR 736-053-0315, may include providing communication, technical and financial assistance to government and non-profit organizations that implement the commemorations.

Statutory/Other Authority: ORS 358.585

Statutes/Other Implemented: ORS 358.595(2f)

History:

PRD 3-2013, f. & cert. ef. 7-19-13

PRD 3-2001, f. & cert. ef. 2-23-01

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 9e

Action

Topic: Request to adopt rulemaking – Heritage Grant programs
(OAR 736-057-0000 to 736-057-0160)

Presented by: Katie Gauthier and Chrissy Curran

Background: Two longstanding grant programs within OPRD's Heritage Division have operated without guidance in administrative rule. Proposed rules would establish procedures and criteria for application processes, eligibility determination and grant awards for the Certified Local Government grants and Preserving Oregon Grant programs.

The Certified Local Government (CLG) program offers matching grants to cities and counties that have been "certified" as historic preservation partners with both the state and the federal governments. These grants can be used for a wide-range of preservation projects, including National Register nominations, historic resource surveys, preservation education, preservation code development, building restoration, and preservation planning. Between roughly \$65,000 - \$200,000 is available per year, depending on federal allocation and state priorities. Funding for this program comes from federal National Park Service.

The State Historic Preservation Office (SHPO) offers matching grants for rehabilitation work that supports the preservation of historic resources listed in the National Register of Historic Places or for significant work contributing toward identifying, preserving and/or interpreting archaeological sites. Currently, \$250,000 per biennium is available, and grant funds may be awarded for amounts up to \$20,000. This program is funded with lottery proceeds.

Public comment on the proposed rule change was opened on October 1 and closes October 31, 2019. Comments are accepted via mail, email, or a website. Staff will present a summary of any comments received at the Commission meeting.

Prior Action by Commission: In September 2019, the Commission approved opening rulemaking.

Action Requested:

Staff requests approval to add OAR 736-057-0000 to 736-057-0160 to add guidelines around grant eligibility, application and evaluation for Certified Local Government and Preserving Oregon Grant programs. The proposed rule has been reviewed by Assistant Attorney General Steve Shipsey. A copy of the proposed rules is included in Attachment A.

Prepared by: Katie Gauthier

Attachments:

Attachment A – proposed rule amendments- clean copy

9e Attachment A. Heritage Grants Clean Copy

736-057-0000

Purpose

The purpose of this division is to establish the procedures and criteria that the State Parks and Recreation Department will use when distributing federal Historic Preservation Fund monies to Certified Local Governments and awarding the Preserving Oregon Grant Program Funds to qualified applicants.

Statutory/Other Authority: 390.124, 358.475, 358.605, 358.612(2) and (12)

Statutes/Other Implemented: 390.124

736-057-0010

Federal Requirements

The Historic Preservation Fund Act of 1966, as amended, was established is to help fund the programs engendered by the National Historic Preservation Act (NHPA). The National Historic Preservation Act (NHPA; Public Law 89-665; 16 U.S.C. 470 et seq.) is legislation intended to preserve historical and archaeological sites in the United States of America. All HPF-assisted activities must meet standards set by the Secretary of the Interior.

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

736-057-0020

Definitions

The definitions provided in ORS and apply to this division, unless the context requires otherwise. In addition, the following definitions apply:

- (1) "Department" means the Oregon Parks and Recreation Department (OPRD) as provided in.
- (2) "Grant" means an award from the Preserving Oregon Grant or Certified Local Government Grant Program.
- (3) "Grantee" means an eligible applicant legally capable of executing and which has executed a grant agreement for project awarded a Preserving Oregon Grant or Certified Local Government Grant Program.
- (4) "Grant Review Committee" means the committee that reviews grant applications and makes funding recommendations to the State Advisory Committee on Historic Preservation.
- (5) "Project completion" means satisfaction of all requirements of a grant agreement as determined after review or inspection by the department.

736-057-0030

Qualifications to be a Certified Local Government

Certification requirements include, but are not limited to:

- (1) Have a historic preservation commission of interested and qualified members.

- (2) To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.
- (3) Have a preservation ordinance that outlines how the local government will address historic preservation issues.
- (4) Participation in updating and expanding the state's historic building inventory program.
- (5) Review and comment on and allow for public comment on any National Register of Historic Places nominations of properties within the local government boundaries.
- (6) Fulfill its obligation to enforce existing state preservation laws.
- (7) Maintain the certification as reviewed at audits every four years.

736-057-0040

Eligible Projects

Any project eligible for funding through the Historic Preservation Fund for the purpose of the preservation of historic properties, including but not limited to:

- (1) Historic property survey including archaeology.
- (2) Nominations for local landmark designation and the National Register of Historic Places.
- (3) Development projects on properties listed in the National Register of Historic Places.
- (4) Incentive programs for historic preservation.
- (5) Preservation plan, structural plans, feasibility studies and design plans for historic properties.
- (6) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.

736-057-0050

Application Procedure and Process

- (1) The department shall announce to Certified Local Governments the availability of, procedures for, deadlines, and other information for applying for Certified Local Government Grants.
- (2) To apply for Certified Local Government Grants, applicants must submit their applications in a format prescribed by the department by the specified deadline.
- (3) Applications for historic property projects of the Preserving Oregon Grant must meet the requirements of the Historic Preservation Fund and the Certified Local Government program.
- (4) Certified Local Governments are eligible for funding once in a two year period and are not awarded two consecutive years.

736-057-0060

Evaluation of Applications

- (1) Eligible applications received by the announced deadlines shall be evaluated by the department.
- (2) The department shall include review criteria in grant guidelines, manual, or application for each new grant cycle.

(3) Applications will be reviewed for:

(a) Adherence to the Historic Preservation Funds Grant Manual, Certified Local Government Program requirements, State Historic Preservation Office Guidelines, and state and federal law.

(b) Ability to complete the project during the grant period, including reasonable budget estimates.

(4) Grants are award to all eligible applications.

736-057-0070

Award of Grants

(1) The State Historic Preservation Office shall award the grants.

(2) The department will establish maximum and minimum grant award limitations. These will be published in grant guidelines, manual, or application for each new grant cycle.

(3) All awards will be subject to binding agreements between the department and grantee.

(4) Grant agreements shall specify the terms and conditions of the grant award, generally including:

(a) The total project costs, the match or share to be provided, and the amount of the grant;

(b) A statement of work to be accomplished;

(c) The products to be delivered;

(d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;

(e) The process to complete reimbursement requests;

(f) The measures of project impact at project completion; and

(g) The requirement that grantee comply with applicable local, state, and federal law and obtain all necessary permits.

736-057-0080

Disbursement of Grant Funds

The department will distribute grant funds to grantees on a reimbursable basis 736-057-0090

Suspension or Termination of Agreement and Recovery of Grant Funds

(1) Notice of suspension or termination of grant agreement shall be sent by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for grantee to remedy project deficiencies.

(2) If grantees have received funds in advance but are unable to complete approved projects to the department's satisfaction or within the three-year timeframe, the department shall require the grantees to return all unexpended grant funds.

(3) Grantees shall maintain records adequate for audit purposes for a period of not less than five years after project completion and shall reimburse the department for any costs disqualified through audit findings after submission of billings on approved schedules specified in grant agreements. When requested by the department, grantees shall supply additional information to substantiate billings. The department may disburse grant funds in advance if grantees can demonstrate a compelling need.

736-057-0100

Preserving Oregon Grant Types

(1) Two subcategories exist in the Preserving Oregon Grant Program. Preserving Oregon Grants are to be used for:

- (a) rehabilitation work on properties listed in the National Register of Historic Places, or
- (b) significant work contributing to identifying, preserving and/or interpreting archaeological sites.

(2) Diamonds in the Rough Grants are to be used for restoration or reconstruction of the facades of buildings that have lost historic character.

736-057-0110

Eligible Projects

(1) In order to be eligible for a Preserving Oregon Grant, projects must:

- (a) Be listed on the National Register of Historic Places; or
- (b) Be field-based research projects concerning the documentation, study, designation, or preservation of archaeological sites, structures, and artifacts are eligible; and
- (c) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.
- (d) Remodeling, new additions and solely cosmetic efforts are not eligible.

(2) In order to be eligible for a Diamonds in the Rough Grant, projects must:

- (a) Be historic; and
- (b) Have lost historic character; and
- (c) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.

736-057-0120

Application Procedure and Process

(1) The department shall announce through a variety of media the availability of, procedures for, deadlines, and other information for applying for Preserving Oregon Grants.

(2) To apply for Preserving Oregon Grants, applicants must submit their applications in a format prescribed by the department by the specified deadline.

(3) Applications for historic property projects of the Preserving Oregon Grant must demonstrate the following:

- (a) The proposed project is significant to the structure's integrity.
- (b) The proposed project preserves character defining features.
- (c) The proposed project will meet the Secretary of the Interior's Standards for Rehabilitation of Historic Properties.
- (d) The applicant is capable of carrying out the proposed project.
- (e) The proposed property is historically significant.

(4) Applications for archaeology projects of the Preserving Oregon Grant must demonstrate the following:

- (a) The proposed project is significant to the field of archaeology.
- (b) The proposed project demonstrates technically sound methodology.

- (c) The proposed project includes a principle investigator who is a professional archaeologist.
- (d) The proposed project disseminates results effectively.
- (e) The site of the proposed projects is historically significant.
- (f) The applicant is capable of carrying out the proposed project.
- (5) Applications for Diamonds in the Rough grants of the Preserving Oregon Grant programs must demonstrate the following:
 - (a) The level of preservation of character-defining features.
 - (b) The work plan is well developed and described and the corresponding cost estimates.
 - (c) Demonstrated project readiness and the matching dollar share in-hand commitment.
 - (d) Demonstrated community need for and benefit from the project.

736-057-0130

Evaluation of Applications

- (1) Eligible applications received by the announced deadlines shall be evaluated by the department.
- (2) The department shall include review criteria in grant guidelines, manual, or application for each new grant cycle.
- (3) The department will establish a Grant Review Committee to review grant applications and provide recommendations for funding to the State Advisory Committee on Historic Preservation. The committee may include representatives of the State Advisory Committee on Historic Preservation, historic preservation specialists or other appropriate experts.
- (4) The Grant Review Committee shall score the applications based on the evaluation criteria and then rank applications in order of priority based on a formula considering:
- (5) For properties listed in the National Register of Historic Places projects of the Preserving Oregon Grant:
 - (a) Higher priority will be given to publicly owned resources and private nonprofit resources, and properties that offer the greatest public benefit through visual access and interpretive/educational value.
 - (b) Properties that are not publicly owned or nonprofit-owned must have exceptional significance and/or extraordinary public benefit to compete.
 - (c) Geographic distribution.
 - (d) Additional evaluation will be based on demonstrated project readiness and the matching dollar share in-hand commitment.
- (6) For archaeology projects of the Preserving Oregon Grant:
 - (a) Projects that discover or study previously untold perspectives and histories of people frequently excluded from historic interpretation.
 - (b) Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates.
 - (c) Geographic diversity.
 - (d) Project readiness, including matching dollar share in-hand.
 - (e) Shows that it is part of a larger project, or has far reaching results and uses beyond the submission of the product to SHPO.
- (7) For the Diamonds in the Rough Grant of the Preserving Oregon Grant Program:
 - (a) Commercial or public buildings in Certified Local Government communities, designated Main Street areas, or local or National Register historic districts.

- (b) Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates.
- (c) Projects that will generate dramatic "before-and-after" results, a high level of transformation.
- (d) Geographic diversity.
- (e) Project readiness, including matching dollar share in-hand.

736-057-0140

Award of Grants

- (1) The State Advisory Committee on Historic Preservation shall award the grants.
- (2) The department will establish maximum and minimum grant award limitations. These will be published in grant guidelines, manual, or application for each new grant cycle.
- (3) All awards will be subject to binding agreements between the department and grantee.
- (4) Grant agreements shall specify the terms and conditions of the grant award, generally including:
 - (a) The total project costs, the match or share to be provided, and the amount of the grant;
 - (b) A statement of work to be accomplished;
 - (c) The products to be delivered;
 - (d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;
 - (e) The process to complete reimbursement requests;
 - (f) The measures of project impact at project completion; and
 - (g) The requirement that grantee comply with applicable local, state, and federal law and obtain all necessary permits.

736-057-0150

Disbursement of Grant Funds

The department will distribute grant funds to grantees on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. When requested by the department, grantees shall supply additional information to substantiate billings. The department may disburse grant funds in advance if grantees can demonstrate a compelling need.

736-057-0160

Suspension or Termination of Agreement and Recovery of Grant Funds

- (1) Notice of suspension or termination of grant agreement shall be sent by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for grantee to remedy project deficiencies.
- (2) If grantees have received funds in advance but are unable to complete approved projects to the department's satisfaction or within the three-year timeframe, the department shall require the grantees to return all unexpended grant funds.
- (3) Grantees shall maintain records adequate for audit purposes for a period of not less than five years after project completion and shall reimburse the department for any costs disqualified through audit findings.

Oregon Parks and Recreation Commission

November 20, 2019

Agenda Item: 9f

Action

Topic: Request to open rulemaking – Fee waiver calendar month (OAR 736-015-0035)

Presented by: Katie Gauthier

Background: OPRD provides Special Access Passes to service-connected disabled veterans and adoptive and foster families. The Special Access Passes provide participants with a free day use and a limited number of free nights of camping. Service-connected disabled veterans receive 10 nights per 30 day period and foster families receive 14 nights in the same period.

In February 2016, a number of Special Access Pass program rules were changed including allowing for online reservations with a pass, adding showers and imposing penalties for cancelations. At that time, stay limits moved to a rolling period based on an assertion from the reservation contractor that the change was necessary to electronically track usage. This change has been difficult to explain and caused confusion for program participants. Based on user feedback and recent changes in the reservation vendors capabilities, staff are recommending moving back to a calendar month system for tracking stay limitations.

Staff request permission to open rulemaking to move fee waiver stay limits from a 30 day rolling period to a calendar month to assist participants and staff in ensuring program compliance.

Prior Action by Commission: February 2016 commission approved changes to Special Access Pass rules including stay limits.

Action Requested:

Staff requests approval to open rulemaking to amend OAR 736-015-0035 to change fee waiver limitations from a 30 day rolling window to a calendar month. A copy of the proposed rules is included in Attachment A.

Prepared by: Katie Gauthier

Attachments:

Attachment A – proposed rule amendments- marked copy

9f Attachment A. Fee waiver calendar month

736-015-0035

Fee Waivers and Refunds

(1) The director, at the direction of the commission, may waive, reduce or exempt fees established in this division under the following conditions:

(a) A person or group provides in-kind services or materials equal to or greater than the value of the applicable rate, as determined by criteria approved by the director;

(b) Marketing or promotional considerations, including but not limited to special events and commercial filming, that promote the use of park areas and Oregon tourism;

(c) Traditional tribal activities in accordance with policy adopted by the Commission;

(d) Reduced service levels at a park, campsite or other facility as determined by the park manager.

(2) Reservation Facility Deposit Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The facility deposit fee is waived for reservations on State Parks Day (first Saturday of June). All other fees apply.

(b) The facility deposit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider must be present with the foster children. All other fees apply.

(c) The facility deposit fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel as provided in ORS 390.124. All other fees apply.

(d) The person making the reservation must pay the \$8 non-refundable transaction fee at the time the reservation is made. This fee is not included in the fee waiver.

(3) Overnight Rental Fee Waivers for individual primitive, tent, electric, full hook-up or horse camp campsites only:

(a) The overnight rental fee, including any extra vehicle fees, is waived for all persons on the night of State Parks Day (first Saturday of June). All other fees apply.

(b) The overnight rental fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The fee waiver is limited to the first two campsites, and an adult care provider with one or more foster children must be present. The overnight rental fee waiver is limited to no more than fourteen nights total in a ~~30-day period~~ calendar month. All other fees and rules apply.

(c) The overnight rental fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124. The overnight rental fee waiver is limited to no more than ten nights total in a ~~30-day period~~ calendar month. The qualifying veteran or active duty military personnel on leave must be present in the site to qualify for the waiver. All other fees and rules apply.

(d) The director may waive the overnight rental fee for volunteer hosts traveling to or from an

assignment at a park area.

(4) Day Use Parking Permit Fee Waivers:

(a) The day use parking permit fee is waived for all persons on State Parks Day (first Saturday of June).

(b) The day use parking permit fee is waived for U.S. veterans with a service connected disability or active duty U.S. military personnel on leave as provided in ORS 390.124.

(c) The day use parking permit fee is waived for foster families and adoptive foster families as defined in OAR 736-015-0006. The waiver shall be valid until the expiration date of the Certificate of Approval to Provide Foster Care or the adopted foster child turns 18 years of age.

(d) All other fees apply.

(5) At those parks offering showers to non-campers, the shower use fee is waived for individuals with an OPRD Special Access Pass.

(6) Proof of Eligibility for Fee Waivers

(a) The department will issue Veterans and Foster families who have provided the department valid proof of eligibility an OPRD Special Access Pass. Pass holders must use the pass to identify themselves as a qualified recipient of fee waivers at state park campgrounds and day use areas. They must also provide valid government-issued picture identification that matches the name on the pass. Proof of eligibility must be provided through an application process outlined on the OPRD web site at www.oregonstateparks.org or by calling the OPRD Information Center at 1-800-551-6949 for instructions.

(b) The department will accept the following forms of proof to qualify for fee waivers as a U.S. veteran with a service connected disability:

(A) Disabled Veteran's license plate issued by the Oregon DMV;

(B) A current Disabled Veteran Permanent Hunting/Angling License issued by the Oregon Department of Fish and Wildlife;

(C) A Washington State Parks Disabled Veteran's ID card;

(D) A United States Department of Veterans Affairs (VA) photo identification card bearing the words "service connected";

(E) A letter issued by the VA stating eligibility for any of the above programs, or bearing the words "service-connected disability."

(c) The department will accept the following forms of proof to qualify for fee waivers as an adoptive foster family, as defined in OAR 736-015-0006, with an adopted foster child under 18 years of age or a foster family, as defined in OAR 736-015-0006:

(A) Certificate of Approval to Maintain a Foster Home for Children with Developmental Disabilities;

(B) Certificate of Approval to Maintain a Foster Home for Children;

(C) Certificate of Approval to Maintain a Relative Home for Children;

(D) Written certification from Department of Human Services identifying the applicant as an adoptive or guardian foster family.

(d) The department will not issue an Active Duty Military on official leave a Special Access Pass. Such customers must pay any applicable fee and may contact the department after their visit to request a refund. The department may request supporting documentation in the form of a letter from the commanding officer on official letterhead stating that the person was on leave for the dates they camped and the camping receipt. Refund requests must be received within 30 days after departure date of the stay. A refund of applicable fees will be sent within three weeks of the receipt of their valid request.

(7) There will be no charge for issuing a Special Access Pass or renewing an expired pass. There will be a processing fee of \$5.00 for replacement of a lost pass that is still valid.

(8) The department may revoke or temporarily suspend an OPRD Special Access Pass issued under section (6) if:

(a) The pass is used to waive fees beyond the allowable limits in a ~~30-day period~~ calendar month;

(b) The pass holder does not occupy a site when fees have been waived under authority of their pass;
or

(c) The pass holder transfers their pass to another person to use.

(9) Pass holders must cancel their reservation three days prior to arrival to avoid a penalty. Cancellations made within the three day period will reduce the benefit by one night in the applicable ~~30-day period~~ calendar month.

(10) Pass holders who make a reservation and do not check in at the park or notify park staff that they will be delayed, prior to 1:00 p.m. of the second day of the reservation, will be considered a “no show” and the entire reservation will be cancelled. The pass holder’s benefit will be reduced by one night in the applicable ~~30-day period~~ calendar month.

(11) If a pass holder vacates their site one or more days prior to checkout without notifying park staff, any days remaining on the reservation will be counted against their monthly waiver limit.

(12) A person may request a refund under the following circumstances.

(a) The Oregon State Parks Reservation Center may refund a reservation fee when the department has made a reservation error.

(b) The Oregon State Parks Reservation Center may refund a facility deposit and may waive the cancellation or change rules when requested by the person due to the following emergency situations:

(A) Emergency vehicle repair creates a late arrival or complete reservation cancellation;

(B) A medical emergency or death of a family member creates a late arrival or complete reservation cancellation;

(C) Acts of nature create dangerous travel conditions; or

(D) Deployment of military or emergency service personnel creates a late arrival or complete reservation cancellation.

(c) The director or his/her designee may approve a refund under other special circumstances.

(d) The department will accept refund requests via phone through the Oregon State Parks Reservation Center, email, fax or surface mail. The department may ask for supporting documentation to help determine if a refund is warranted.

(e) The department will issue refunds for specific site or park area closures and no customer request is required.

(f) The park manager may only issue a refund at the park due to the person leaving earlier than expected, and while the person is present and has signed for the refund. Once the person has left the park, refund requests must be sent to the department for processing.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.111, 390.121, 390.124

Oregon Parks and Recreation Commission
November 19, 2019

Agenda Item: 10a (i)

Information

Topic: Procurement Report

Presented by: Daniel Killam, Deputy Director of Administrations

The attached report includes:

- 3 New agreement for a total of \$287,392
- 11 New contracts for total of \$502,439
- 30 Amendments for a total of \$747,223

Action Requested: None.

Attachments: Procurement Report

Prepared by: Sarah Santos

OREGON PARKS AND RECREATION DEPARTMENT

Procurement Report
August and September 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
GOODS AND/OR SERVICES CONTRACTS									
08/14/19	Statewide Contract Services, LLC	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$1,000			\$1,000	New contract
08/27/19	CXT	LaPine State Park in Deschutes County	Setting CXT Building in place	X	\$39,724	\$9,067	\$9,067	\$48,791	Amendment 1 increases budget and task to pick up and set the CXT Building.
08/29/19	Fextex Systems Inc	Champoeg State Heritage Area in Marion County	Purchase septic tank and components	X	\$129,506	\$852	\$852	\$130,358	Amendment 1 increases budget to allow for purchase of additional .
08/29/19	Fextex Systems Inc	Champoeg State Heritage Area in Marion County	Purchase septic tank and components	X	\$129,506	\$15,979	\$16,831	\$146,337	Amendment 2 increases budget to allow for purchase of additional .
08/29/19	Topper Industries, Inc.	Bullards Beach State Park in Coos County	Fabricate and deliver debris deflection boom	X	\$122,637			\$122,637	New contract
09/10/19	Fextex Systems Inc	Champoeg State Heritage Area in Marion County	Purchase septic tank and components	X	\$129,506		\$16,831	\$146,337	Amendment 3 reinstates the contract expire date to complete the project.
09/20/19	Integrated Resource Management	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region – Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler, Wallowa Counties	On-Call Vegetation Management Services		\$13,000			\$13,000	New contract
PERSONAL SERVICES CONTRACTS									
08/09/19	Marin Aurand dba MEA Historical Consulting	Statewide	Administrative history manuscript		\$70,000			\$70,000	New contract
08/12/19	Mia Nolting dba Mia O'Meara LLC	Statewide	Wordmark placement and design refinements for park identities		\$10,000	\$2,500	\$2,500	\$12,500	Amendment adds refinements to the designs and illustrations.
09/12/19	Marin Aurand dba MEA Historical Consulting	Statewide	Cataloging historical objects		\$96,000			\$96,000	New Contract
09/20/19	Shift Yes	Statewide	Leadership Culture workshop		\$42,500			\$42,500	New Contract
PUBLIC IMPROVEMENTS CONTRACTS									
08/06/19	Weatherguard, Inc.	Fort Stevens State Park in Clatsop County	Wargames/Museum and Restroom Building Roofing		\$103,281	\$46,988	\$50,008	\$153,289	Change Order 2 adds materials and labor to rebuild the restroom roof structure due to rot and provide portable restrooms during work period.

OREGON PARKS AND RECREATION DEPARTMENT

Procurement Report
August and September 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
PUBLIC IMPROVEMENTS CONTRACTS (Continued)									
08/07/19	7 Peaks Paving, LLC	LaPine State Park in Deschutes County	Day Use Area Roadway Improvements	X	\$211,111	\$10,695	\$140,485	\$351,596	Change Order 3 adds realigning office entrance road, catch basin, culvert, pavement markings, improved electrical, boulders for landscape barriers, removes trail improvement from work and adjusts unit cost pay items for close out.
08/13/19	Woodburn Construction CM/CG, LLC	Silver Falls State Park in Marion County	North Falls Visitor Complex	X	\$618,381	\$0	\$48,913	\$667,294	Change Order 3 extends the final completion date.
08/19/19	Tapani, Inc.	Cottonwood Canyon State Park in Gilliam and Sherman Counties	Experience center development	X	\$1,744,098	\$13,820	\$1,045,867	\$2,789,965	Change Order 6 adjusts actual quantities of rock for roadway and trails.
08/19/19	R & G Excavation, Inc.	Beverly Beach State Park in Lincoln County	Water Treatment Plant Replacement	X	\$504,590	\$1,705	\$233,190	\$737,780	Change Order 6 adds a sump basin overflow drain, clear well overflow and air supply line.
08/21/19	R & G Excavation, Inc.	Beverly Beach State Park in Lincoln County	Water Treatment Plant Replacement	X	\$504,590	\$11,708	\$244,898	\$749,488	Change Order 7 adjusts actual quantities of waterlines and gravel surfacing.
08/26/19	7 Peaks Paving, LLC	LaPine State Park in Deschutes County	Day Use Area Roadway Improvements	X	\$211,111	\$164,700	\$305,185	\$516,296	Change Order 4 extends the completion date and adds civil development at the Water Trail access.
08/27/19	Trask Design & Construction, LLC	Champoeg State Heritage Area in Marion County	Bank Stabilization Projects	X	\$236,265	\$3,146	\$3,146	\$239,411	Change Order 1 extends the completion date for site restoration and adds concrete abutment support.
08/28/19	Bateson Enterprises, LLC	Whale Watching Center in Lincoln County	Sewer System Replacement	X	\$340,000	\$0	\$0	\$340,000	Change Order 1 extends the completion date due to lead time on equipment.
09/03/19	Bateson Enterprises LLC	TouVelle State Recreation Site in Jackson County	Sewer Lift Station Replacement	X	\$266,759	\$89,905	\$103,205	\$369,964	Change Order 4 modifies equipment type due to sediment rock, adds tree and stump removal due to location of pressure line, a tuff shed to house pump control panels, sewer and water line to camp host and tuff shed along with associated work.
09/05/19	Big River Construction, Inc.	Fort Stevens State Park in Clatsop County	Coffenburg Lift Stations Replacement North and South	X	\$233,219	\$60,000	\$116,681	\$349,900	Change Order 4 extends the final completion date and adds replacing steel wet wells with concrete wet wells, installation of a tuff shed, generator and auto switch, repaving of foot trails to restroom and a by pass port.
09/27/19	Big River Construction, Inc.	Fort Stevens State Park in Clatsop County	Coffenburg Lift Stations Replacement North and South	X	\$233,219	\$21,322	\$138,004	\$371,223	Change Order 5 adds electrical work and parts for pump operation and additional chain-link fence.
ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS									
08/01/19	Landis Corporation	Fort Stevens State Park in Clatsop County	Design services for electrical plans	X	\$18,077	\$9,935	\$9,935	\$28,012	Amendment 2 reinstated and extended the contract expire date to allow completion of services. Increases budget and adds tasks to services.
08/01/19	BLRB Architects, P.C.	Tumalo State Park in Deschutes County	Design Services for Robert W. Sawyer Office Remodel Project	X	\$28,835			\$28,835	New Contract
08/07/19	Cascade Earth Sciences, LTD	Tumalo State Park in Deschutes County	Water Pollution Control Facilities Permit Document preparation	X	\$15,000			\$15,000	New Contract
08/05/19	Willamette Cultural Resources Ltd	Thompson's Mills State Heritage Site in Linn County	Archaeological testing at tree tipping site.		\$38,695	\$5,335	\$5,335	\$44,030	Amendment 1 increases the budget and adds tasks to the services.
08/16/19	The Wallace Group, Inc.	LaPine State Park in Deschutes County	Design level geotechnical exploration		\$36,720	\$0	\$0	\$36,720	Amendment 2 reinstated and extended the contract expire date to allow completion of services.

OREGON PARKS AND RECREATION DEPARTMENT

Procurement Report
August and September 2019

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (Continued)									
08/29/19	Bradford Consulting Engineers, Inc	Champoeg State Heritage Area in Marion County	Electrical Engineering for sewer pump station	X	\$16,986	\$0	\$0	\$16,986	Amendment 1 reinstates and extends the expire date to allow continuation of services.
08/30/19	Architectural Resources Group, Inc.	Viento State Park in Hood River County	Design new restroom building and improvements to existing maintenance building		\$60,335			\$60,335	New Contract
09/06/19	Willamette Cultural Resources Ltd	Tumalo State Park in Deschutes County	Survey for Robert W. Sawyer Office Remodel Project	X	\$23,132			\$23,132	New Contract
09/12/19	Terry Hsu, LLC	Banks-Vernonia State Trail in Washington County	Design fish passage culvert		\$23,067	\$0	\$0	\$23,067	Amendment 1 extends the expire date to allow continuation of services.
09/20/19	Project Delivery Group, LLC	Milo Mclver State Park in Clackamas County	Engineering Services for Water Distribution proposal	X	\$29,700	\$0	\$0	\$29,700	Amendment 2 reinstates the contract and extends the contract period.
09/20/19	Project Delivery Group, LLC	Silver Falls State Park in Marion County	Design services for utility infrastructure	X	\$32,317	\$0	\$25,203	\$57,520	Amendment 5 reinstates the contract and extends the contract period and updates the current business name.
09/25/19	Sue L Licht	Cape Blanco State Park in Curry County	Lighthouse preservation plan	X	\$30,000			\$30,000	New Contract
09/25/19	Project Delivery Group, LLC	Banks-Vernonia State Trail in Washington County	Trail slide repair	X	\$7,300	\$0	\$10,790	\$18,090	Amendment 2 extends the contract expire date to allow completion of project.
09/30/19	BLRB Architects, P.C.	Tumalo State Park in Deschutes County	Design Services for Robert W. Sawyer Office Remodel Project	X	\$23,835	\$0	\$0	\$28,835	Amendment 1 reinstates the contract and extends the contract period.
INTERGOVERNMENTAL AGREEMENTS									
07/01/19	Clatsop County	Fort Stevens Management Unit, Clatsop County	Law enforcement		\$193,040	\$50,000	\$50,000	\$243,040	Amendment 1 update OPRD Park contact information, increase funding and update Statement of Work to allow continuation of services.
08/01/19	Oregon Water Resources Department	Statewide	Scenic Waterways		\$198,403			\$198,403	New Agreement
08/05/19	Luckiamute Watershed Council	Luckiamute State Natural Area in Polk and Benton Counties	Floodplain connection and vegetation restoration		\$88,989			\$88,989	New agreement (Value: \$714,228 - includes \$13,920 in-kind services)
08/06/19	Metro	Oxbow Regional Park in Multnomah County	OPRD is providing Metro campground reservation services		\$5,000	\$0	\$0	\$5,000	Amendment 3 extends the term and modifies the agreement to allow continuation of services.
08/12/19	Oregon Department of Forestry	Willamette Office Management Unit in Tillamook County, Oregon	Funded positions for the Tillamook Forest Center		\$142,511	\$217,566	\$217,566	\$360,077	Amendment 1 increase funding due to increase cost for seasonal employees.
08/13/19	Oregon Department of Transportation	Minam State Recreation Area in Wallowa County	Material storage		\$0			\$0	New agreement
08/30/19	Josephine County	Valley of the Rogue State Recreation Area in Josephine County	Inmate work crews	X	\$5,000	\$12,000	\$12,000	\$17,000	Amendment 1 reinstates the expired agreement, extends the expire date and increases the funding to allow continuation of services.

Oregon Parks and Recreation Commission
November 19-20, 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 August 13, 2019, through October 17, 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:

SCENIC WATERWAYS NOTIFICATION

August 21, 2019 approved Notification of Intent 7-716-19 (Rogue River Scenic Waterway) for Jeremiah Fear for additions to existing residence, including an 8' wide, 40' long, 9.5' high steel connex shipping container for storage and a 500 sq. ft. addition to the home that measures 30'4" long, 16'5" wide, and 14'. The approval was given because the NOI complied with all State scenic waterway regulations.

August 22, 2019 approved Notification of Intent 4-204-19 to Oregon State Parks and Recreation for the maintenance and regrading of an existing boat launch within the John Day Scenic Waterway. This work will be done for continued recreation use along the river corridor and does not involve obtrusive infrastructure or vegetation removal.

August 26, 2019 approved Notification of Intent 2B-1043-19 to Rose Kemper and Charles Crowell for the construction of a residential home within the Upper Deschutes Scenic Waterway. The approval was given because the house meets set back distance and the exterior colors and materials will blend in with the surrounding environment. Existing vegetation is on site and additional screening will be added to ensure the property blends in to the natural environment.

August 26, 2019 approved Notification of Intent 2B-1044-19 to Andy Pansini for the construction of the residential home within the Upper Deschutes Scenic Waterway. Approval was given because the proposal exceeds set back distance and will be screened from view of the scenic waterway by natural vegetation.

August 26, 2019 approved Notification of Intent 2B-1045-19 to Seth Mills and Ruby Guardia for the construction of a residential home within the Upper Deschutes Scenic Waterway. Approval was given because the proposal exceeds setback distance, will be finished with exterior colors and materials that blend in with the surrounding environment and will be below 30 feet in height.

August 26, 2019 approved notification of Intent 2B-1047-19 to Stuart Schmaltz for the removal of nine trees within the Upper Deschutes Scenic Waterway. This approval was given because the tree removal does not affect screening of the homesite and it was also complimented by the installation of additional native vegetation screening between the home and the river.

September 6, 2019 approved Notification of Intent 2B-1046-19 to Kirk and Christina Cushing for the construction of a residential home within the Upper Deschutes Scenic Waterway. This approval was given because all vegetation between the back of the house and the river will remain and as such there will be no visibility of the structure from the river.

September 19, 2019 approved Notification of Intent 9-401-19 within the Clackamas Scenic Waterway. Oregon Department of Fish and Wildlife proposes to perform tree tipping and constriction of large wood habitat structures to enhance fish habitat on U.S. Forest Service land. Conditions of approval include minimizing erosion and limiting height of the structures. The project, as proposed, will meet all applicable scenic waterway OARs.

October 14, 2019 approved Notification of Intent 9-402-19 within the Clackamas Scenic Waterway. Portland General Electric proposes to upgrade gravel surface trails and parking, provide new interpretive signage, and construct a new overlook adjacent to Carter Bridge near Carter Rapids on U.S. Forest Service land. Conditions of approval include retention of screening vegetation, use of natural and non-reflective materials. The project, as proposed, will meet all applicable scenic waterway OARs.

OCEAN SHORES ALTERATION DECISIONS

On August 16, 2019 Ocean Shore Permit #2911 was approved for Eastgate, LLC. The proposed project involves the construction of private concrete beach access steps, to replace wooden steps which were destroyed by king tides and high surf during the winter of 2018 - 2019. The proposed concrete steps have a length of 3 feet along the shoreline, a width of 3 feet, and a base below beach level of 4 feet by 4 feet. The proposed project is located at 4960 SW Surf Pines Lane, Waldport.

On September 4, 2019 Ocean Shore Alteration Permit #2912 was approved for William Hatch. The proposed project involves the construction of an engineered, concrete seawall to serve as a shoreline protection structure. The proposed seawall is approximately 90 feet in length, 50 feet in height above beach level, with a thickness of 5 feet at its beach-level base. The project will include approximately 883 cubic yards of high-strength, reinforced concrete material, which will be treated with a cover of color-dyed shotcrete material intended to mimic the colors of the surrounding native materials in order to minimize impacts to shoreline scenery. The project location is on common area within the Fishing Rock Subdivision, directly fronting 120 Fishing Rock Drive, Depoe Bay.

On October 10, 2019 Ocean Shore Alteration Permit #2913 was approved for Todd and Christy Ward, for a shoreline protection project involving a total of five properties extending along 177 feet of shoreline. This permit authorizes riprap extending along approximately 44 feet of shoreline, with a total height of approximately 17 feet, a width of approximately 29 feet, and a slope of 2H:1V (horizontal:vertical) with a curved and tapered north end. The project will include a total of approximately 245 cubic yards of armor stone and backing material. The project design includes a cover of beach sand over the riprap, to be planted with beach grass. The project is located at 5346 SW Pacific Coast Highway, Waldport.

On October 10, 2019 Ocean Shore Alteration Permit #2914 was approved for Edward and LuAnn Finn, for a shoreline protection project involving a total of five properties extending along 177 feet of shoreline. This permit authorizes riprap extending along 34 feet of shoreline, with a total height of approximately 17 feet, a width of approximately 29 feet, and a slope of 2H:1V (horizontal:vertical). The project will include a total of approximately 189 cubic yards of armor stone and backing material, and the design includes a cover of beach sand over the riprap, to be planted with beach grass. The project is located at 5362 SW Pacific Coast Highway, Waldport.

On October 10, 2019 Ocean Shore Alteration Permit #2915 was approved for Colt and Christy Gill for a shoreline protection project involving a total of five properties extending along 177 feet of shoreline. This permit authorizes riprap extending along 25 feet of shoreline, with a total height of approximately 17 feet, a width of approximately 29 feet, and a slope of 2H:1V (horizontal:vertical). The project will include a total of approximately 139 cubic yards of armor stone and backing material, and the design includes a cover of beach sand over the riprap, to be planted with beach grass. The project is located at 5368 SW Pacific Coast Highway, Waldport.

On October 10, 2019 Ocean Shore Alteration Permit #2916 was approved for Anne and Don DeZarn for a shoreline protection project involving a total of five properties extending along 177 feet of shoreline. This permit

authorizes riprap extending along 38 feet of shoreline, with a total height of approximately 17 feet, a width of approximately 29 feet, and a slope of 2H:1V (horizontal:vertical). The project will include a total of approximately 211 cubic yards of armor stone and backing material, and the design includes a cover of beach sand over the riprap, to be planted with beach grass. The project is located at 5378 SW Pacific Coast Highway, Waldport.

On October 10, 2019 Ocean Shore Permit #2917 was approved for Russell Bowers for a shoreline protection project involving a total of five properties extending along 177 feet of shoreline. This permit authorizes riprap extending along 25 feet of shoreline, with a total height of approximately 17 feet, a width of approximately 29 feet, and a slope of 2H:1V (horizontal:vertical) with a curved and tapered south end . The project will include a total of approximately 256 cubic yards of armor stone and backing material, and the design includes a cover of beach sand over the riprap, to be planted with beach grass. The project is located at 5392 SW Pacific Coast Highway, Waldport.

On October 17, 2019 Ocean Shore Alteration Permit #2918 was approved for Salishan Leaseholders, Inc. for a beach access improvement. The project involves the construction of a new concrete stairway to the beach, from an existing community path intended to provide beach access to Salishan residents and guests. The improvement would have a width of approximately 5 feet, a height of approximately 13 feet, and a length of approximately 33 feet from the top of the bank to its base below beach level. The proposed project is located at a community beach access pathway between residential properties at 11 and 12 Sea Dunes Rd. in Salishan, near Gleneden Beach.

On October 17, 2019 Ocean Shore Alteration Permit #2919 was approved for Salishan Leaseholders, Inc. for a beach access improvement. The project involves the construction of a new concrete stairway to the beach, from an existing community path intended to provide beach access to Salishan residents and guests. The improvement would have a width of approximately 5 feet, a height of approximately 24 feet, and a total length of approximately 70 feet from the top of the bank to its base below beach level. The proposed project is located at the end of a community beach access pathway between residential properties at 20 S. Lagoon Dr. and 265 Salishan Dr. in Salishan, near Gleneden Beach.

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

2020

Oregon Parks and Recreation Commission

DRAFT - Planning Dates

January

S	M	T	W	T	F	S
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5	6	7	8	9	10	11
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February

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November

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December

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2020 Commission Meeting

February - Tualatin/Hillsboro
 April - Astoria
 June - Pendleton
 September - Madras/Bend
 November - TBD

Contact: Denise Warburton 503-986-0719

Revision Date: 08/20/19

Huddle Meetings

Packet Materials DUE!

Agenda & Packet Posted to OPRD Site

Mail Out Packets

State Holidays

Presentation Material Due/Business Meeting

Legislative Days

All Managers Meeting

Leadership Group Meeting

Legislative Session

Feb. 3rd - March 8th, 2020