



# Oregon Parks and Recreation Commission

September 14 & 15, 2021  
Zoom Meeting

## Draft Minutes

### Tuesday, September 14, 2021

Zoom Meeting

### Wednesday, September 15, 2021

Zoom Meeting

#### Executive Session: 8:30am

The commission met in executive session to discuss matters related to real estate and legal issues as permitted by ORS 192.660 (e) and (h), respectively. The meeting was closed to the public and commissioners did not take any final action or make any final decision during the executive session.

#### Business Meeting: 9:30am

• Jennifer Allen, Commission Chair	• Chrissy Curran, OPRD
• Lisa Dawson, Commission	• Tanya Crane, OPRD
• Jonathan Blasher, Commission	• JR Collier, OPRD
• Doug Deur, Commission	• Katie Gauthier, OPRD
• Steve Grasty, Commission	• Daniel Killam, OPRD
• Liz Hill, Commission	• Dennis Comfort, OPRD
• Lisa Sumption, OPRD Director	• Matt Rippee, OPRD
• Steve Shipsey, Counsel for Commission, DOJ	• Ross Kihs, OPRD
• Denise Warburton, OPRD	• Susan Bethers, OPRD
• Chris Havel, OPRD	

#### 1. Commission Business

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

**ACTION: Commissioner Blasher moved to approve the June 2021 minutes Commissioner Hill seconded. Motion passed, 5-0. Commissioner Grasty will join the meeting at 10:00. Commissioner Berger is absent. (Topic starts at 00:04:04 and ends at 00:04:30)**

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

**ACTION: Commissioner Blasher moved to approve the September 2021 agenda Commissioner Dawson seconded. Motion passed, 5-0. (Topic starts at 00:04:40 and ends at 00:05:10)**

## 2. Public Comment (Information)

*Brian Carroll*

## 3. Director's Update

- a) Agency Return to Office/Covid Update (Information)
- b) Legislative Update (Information)
- c) Fires Update (Information)
- d) Union Contract Update (Information)

## 4. Budget

- a) 2021 - 23 Budget Update (Information)

## 5. Property

- a) Oswald West – Easements to North Coast Land Conservancy (Rainforest Reserve) (Information)
- b) John Yeon SNS – Property Transfer from Clatsop County (Information)
- c) Cascadia SP – Potential Transfer to Linn County (**Action**)

**ACTION: Commissioner Grasty moved to approve the transfer deed of Cascadia State Park to Linn County with reversionary clause. Commissioner Hill seconded. Motion passed, 6-0. (Topic starts at 01:37:22 and ends at 01:55:40)**

- d) Fogarty Creek SRA – Dimick Property (Information)
- e) North Santiam SRA and Marion County Management (Information)

## 6. Community Engagement

- a) Land and Water Conservation Fund (LWCF) Planning Grant Request (**Action**)

**ACTION: Commissioner Blasher moved to approve the LWCF Planning Grant Recommendations. Commissioner Deur seconded. Motion passed, 6-0. (Topic starts at 02:05:27 and ends at 02:14:37)**

- b) Centennial and Vendor Partnerships Update (Information)

## 7. Heritage

- a) Heritage Division Updates (Information)

## 8. Park Development Division

- a) Detroit Water Reservoir (**Action**)

**ACTION: Commissioner Grasty moved to replace the 150,000-gallon Detroit Water Reservoir with the clarification of the cost. After FEMA and DAS Insurance reimbursement OPRD cost will be 70,000-90,000. Commissioner Deur seconded. Motion passed, 6-0. (Topic starts at 02:50:15 and ends at 02:54:35)**

## 9. Rulemaking

- a) Request to open 736-140-0005 to 0015 Confidentiality and Mediation (**Action**)

**ACTION: Commissioner Deur moved to open rulemaking for Confidentiality and Mediation 736-140-0005 to 0015. Commissioner Hill seconded. Motion passed, 6-0. (Topic starts at 02:55:30 and ends at 02:59:10)**

b) Request to open rules implementing 2021 legislation: 736-010-0020- General Regulations; 736-015-0006- Definitions, 736-015-0020-Overnight rentals; 736-015-0040- Miscellaneous rental products; 736-002-0170- Outdoor Recreation Advisory Council (**Action**)

**ACTION: Commissioner Grasty moved to open rules implementing 2021 legislation: 736-010-0020- General Regulations; 736-015-0006- Definitions, 736-015-0020-Overnight rentals; 736-015-0040- Miscellaneous rental products; 736-002-0170- Outdoor Recreation Advisory Council. Commissioner Deur seconded. Motion passed, 6-0. (Topic starts at 02:59:21 and ends at 03:03:50)**

## 10. Reports (Information)

- a) Actions Taken Under Delegated Authority
  - i) Contracts and Procurement

Corrected the dollar amount for Stub Stewart SP Roli Fabrication contract to 20,676.67.

- ii) Ocean Shores and Scenic Waterway Permits
- iii) Timber Harvest Revenue

## 11. Commission Planning Calendar - 2022 (Information)

Commissioner Blasher moved to adjourn, Commissioner Dawson seconded. Meeting adjourned at 1:04pm.

*The services, programs and activities of the Oregon Parks and Recreation Department are covered by the Americans with Disabilities Act (ADA). If you need special accommodations to participate in this meeting, please contact the commission assistant Denise Warburton at (503) 779-9729 or [Denise.warburton@oregon.gov](mailto:Denise.warburton@oregon.gov) at least 72 hours prior to the start of the meeting.*



## Oregon Parks and Recreation Commission

November 16 & 17, 2021  
Zoom Meeting

### Draft Agenda

**Tuesday, November 16, 2021**

*Zoom Meeting*

#### **WORK-SESSION / TRAINING: 1:00pm - 2:30pm**

- Budget 101 Training

**Wednesday, November 17, 2021**

*Zoom Meeting*

#### **Executive Session: 8:30am**

*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: 9:15am**

*The business meeting at 9:15 a.m. will be [streamed to Youtube](#). To speak during the business meeting for up to three minutes, [register online](#). Note the registration page says the meeting starts at 9 a.m., though it actually starts at 9:15.*

#### **1. Commission Business**

- a) Welcome and Introductions (Information)
- b) Approval of September 2021 Minutes (**Action**)
- c) Approval of November 2021 Agenda (**Action**)

**2. Public Comment:** Please submit written public comments no later than 5 p.m. November 12th to [chris.havel@oregon.gov](mailto:chris.havel@oregon.gov)

#### **3. Director's Update**

- a) Agency Update/Covid-19 (Information)
- b) Office of Outdoor Recreation Update (Information)

#### **4. Budget**

#### **5. Property**

- a) Utility Line at Dabney (Information)
- b) Gleason Pool and Park (**Action**)
- c) Joseph Stewart State Recreation Area lease update (Information)

#### **6. Community Engagement**

- a) RTP Grant Approvals (**Action**)

- b) RTP Achievement Award (Information)
  
- 7. Heritage**
  - a) Heritage Division Updates (Information)
  
- 8. Park Development Division**
  - a) Go Bonds List Approval (**Action**)
  - b) Silver Falls Tank Replacement (**Action**)
  
- 9. Rulemaking**
  - a) Request to adopt 736-140-0005 to 0015 Confidentiality and Mediation (**Action**)
  - b) Request to adopt rules implementing 2021 legislation: 736-010-0020- General Regulations; 736-015-0006- Definitions, 736-015-0020-Overnight rentals; 736-015-0040- Miscellaneous rental products; 736-002-0170- Outdoor Recreation Advisory Council (**Action**)
  - c) Request to open 736-010-0055 Park Resources to clarify hunting boundaries (**Action**)
  - d) Request to open 736-010-0040 and 736-021-0100 Visitor Conduct to add drone take-off and landing guidance (**Action**)
  - e) Request to adopt temporary change to 736-050-0260 Committee Procedures for Review and Approval of Nominations to the National Register (**Action**)
  
- 10. Reports (Information)**
  - a) Actions Taken Under Delegated Authority
    - i) Contracts and Procurement
    - ii) Ocean Shores and Scenic Waterway Permits
    - iii) Timber Harvest Revenue
  - b) Budget Report
  
- 11. Commission Planning Calendar**
  - a) 2022 Planning Calendar Approval (**Action**)

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DRAFT

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item: 3b

Information

Public Comment Allowed: **Yes**

Topic: Office of Outdoor Recreation update

Presented by: Lisa Sumption

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In 2017, the legislature passed a bill establish the Office of Outdoor Recreation inside OPRD to coordinate strategy and policy by bringing together business, nonprofit, and government sectors. The Governor appointed a task force to review current conditions and make recommendations aligned with three goals:

1. Support economic development in rural and urban areas.
2. Balance improved outdoor recreation access with resource protection.
3. Increase outdoor recreation participation, especially among youth and traditionally underserved communities.

This Commission approved their report in 2020, and the Governor's Office initiated legislation in 2021 to address several key issues explored by the report, and Governor Brown continues to maintain a high level of interest in making progress, especially in areas related to equity and economic development.

To assist the Governor execute her policies and work across executive branch agencies, and work closely with the Governor's Regional Solutions team to fuse the power of public and private organizations in the interest of Oregon communities, **the Office of Outdoor Recreation and its director, Cailin O'Brien-Feeney, have been assigned to work inside the Governor's Natural Resource Policy Office.** Cailin now reports to Natural Resource Policy Advisor Jason Miner. An advisory council to the Office of Outdoor Recreation will also be appointed in the coming months. The position and funding will stay in the OPRD budget.

Cailin will continue to take lead on working with OPRD and Oregon State University staff on the 2024-2028 Statewide Comprehensive Outdoor Recreation Plan, and assist with other OPRD projects related to the task force report and the Governor's outdoor recreation priorities while he works in the Governor Office.

**Prior Action by Commission:** None

**Action Requested:** None

**Attachment:** None

**Prepared by:** Chris Havel

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item: 5a Information

Public Comment Allowed: Yes

Topic: Utility line at Dabney

Presented by: Tabitha Henricksen

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Astound Broadband LLC has requested a utility easement to cross a narrow portion of State Parks' land ownership at Dabney State Recreation Area. Astound Broadband's line will be crossing the Sandy River near the SE Stark Street bridge, connecting to existing utility poles. Where the line comes ashore on the north side of the river there is need to cross approximately 46' of State Park property before entering the right of way of the Historic Columbia River Highway along this path. This is an area of the park inaccessible to visitors where a relatively steep slope exists between right of way and river's edge.

Astound Broadband has stated they will have no need for ground disturbing work within this footprint, as the line will be mounted to pre-existing poles on the south side bridge approach and in the right of way of the Historic Columbia River Highway. They have provided a survey and legal description for the easement desired – a 15' wide easement centered on the utility lines; covering approximately 700 sf.

**Prior Action by Commission:** None

**Action Requested:** None, Information only

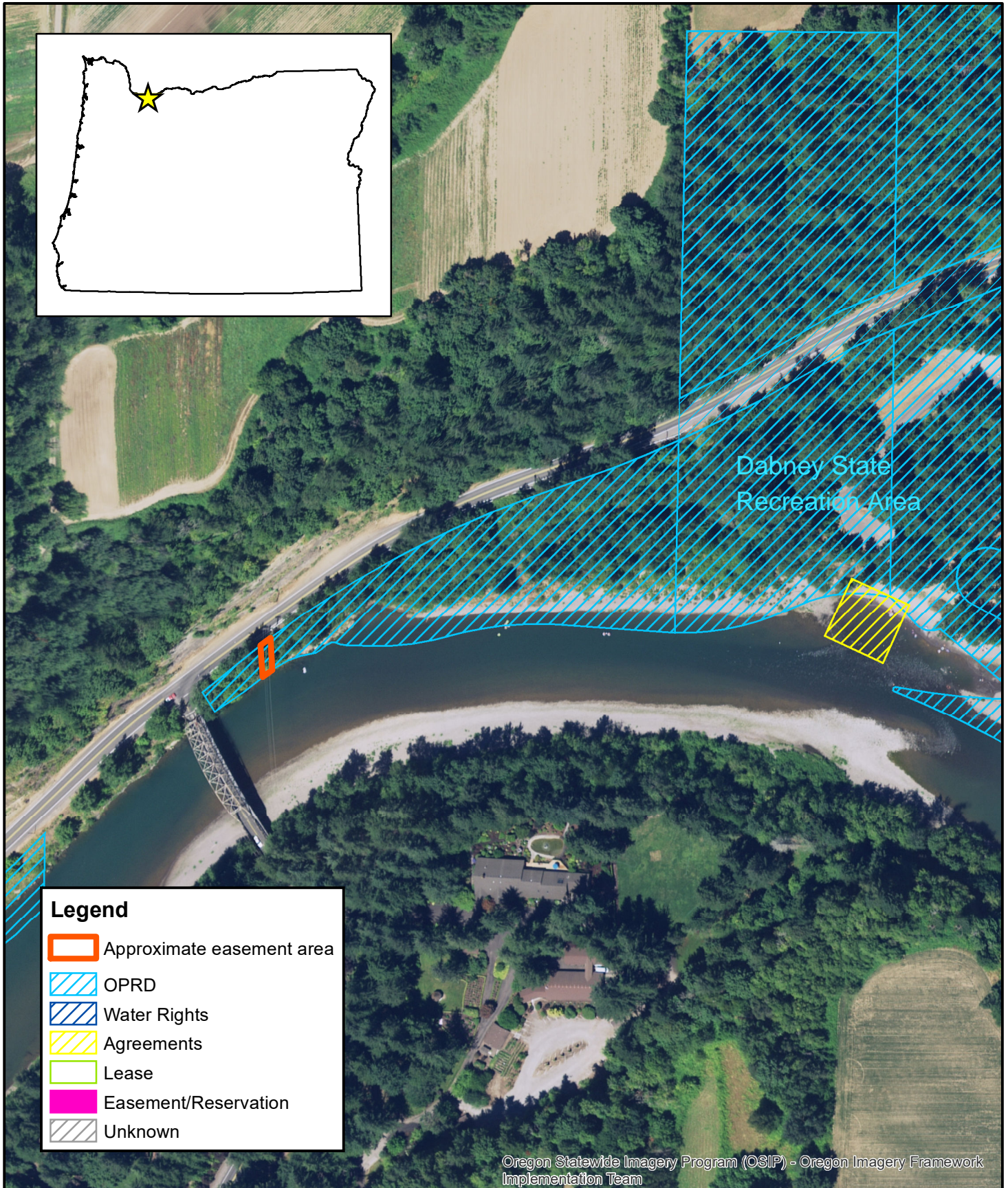
**Attachments:** 5a Attachment A - Map

**Prepared by:** Tabitha Henricksen, Property Agent

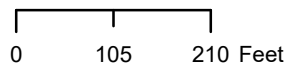


# 5a. Utility Line at Dabney SRA

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

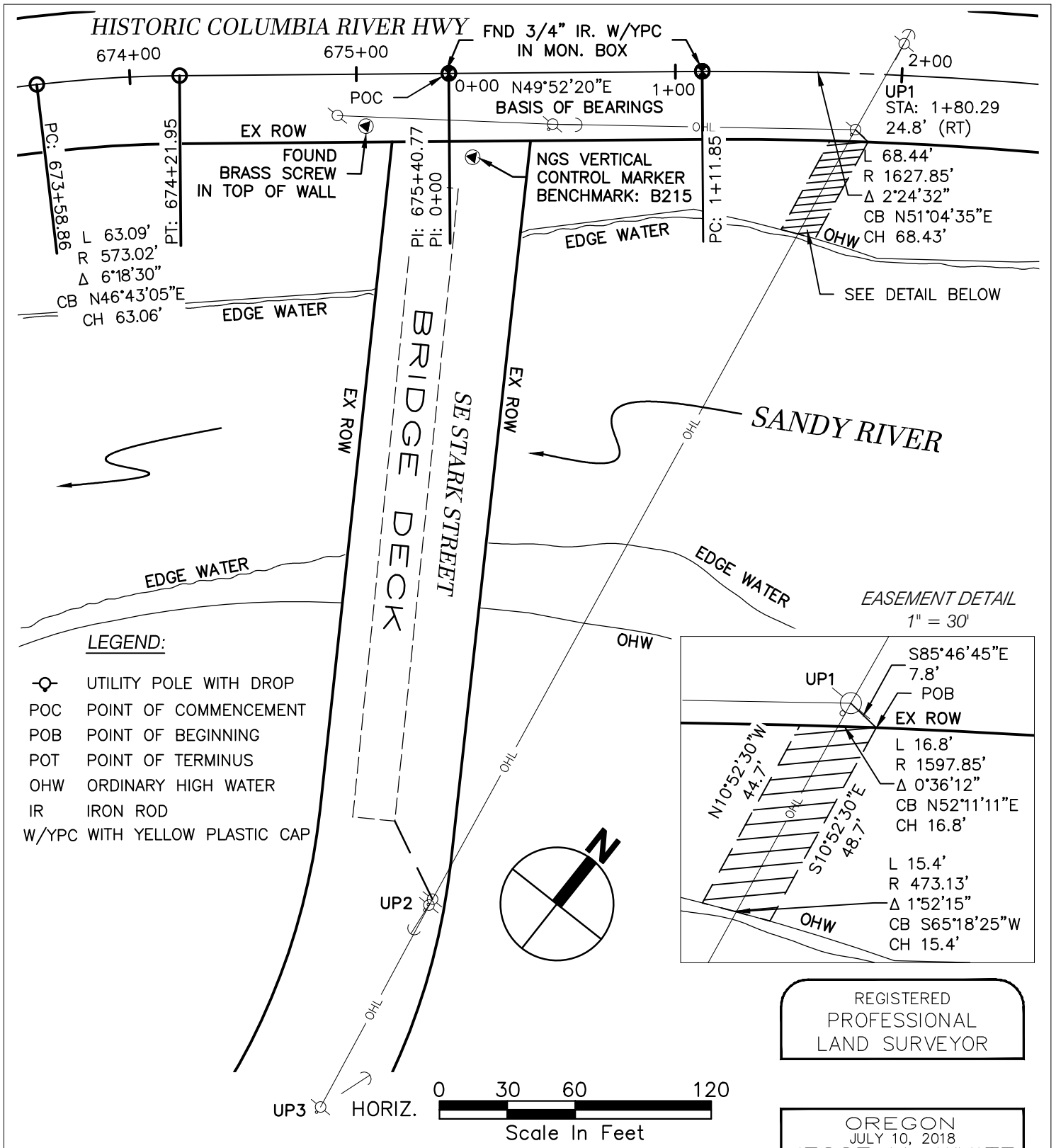


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REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 10, 2018  
 JESSE M. WHITE  
 92118

RENEWS: 6/30/2022

**EXHIBIT B**

EASEMENT SURVEY  
 508 E. MAIN STREET,  
 TROUTDALE, OREGON  
 NE1/4 SEC. 6, T1S, R4E, W.M.,  
 MULTNOMAH COUNTY, OREGON

SURVEYED FOR:  
 ASTOUND BROADBAND, LLC  
 151 E. OLIVE STREET  
 NEWPORT, OR 97365

REVISION	DATE
DATE:	AUGUST 5, 2021
JOB NO.	20855 SHEET 1 OF 1



An Engineering Services Company  
 4500 Kruse Way, Suite 250  
 Lake Oswego, OR 97035  
 p. 503.597.3222 | f. 503.597.7655  
 Civil | Structural | Planning | Survey  
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## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item:	5b	<b>Action</b>
Public Comment Allowed:	Yes	
Topic:	Gleason Park and Pool	
Presented by:	Tabitha Henricksen	

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Located in John Day (City), Gleason Pool and the surrounding green space have been managed as a city park by the JC/CC Parks and Recreation District. The City's property adjoins all of the four, smaller parcels that currently compose the state park and was identified as part of The Planning Area in the 2009 Kam Wah Chung State Heritage Site Master Plan. At 3 acres, the property connects OPRD ownership, almost triples the size of the existing ownership, provides access via Canton and Third Streets, and creates enhanced options for traffic flow and visitor services. OPRD is currently leasing off-site interpretive and artifact storage space. Acquisition of the Gleason site would allow OPRD to develop a visitor center with expanded capacity for curation, exhibit and staff facilities, as well as much needed parking.

The property was recently appraised by Aaron Still Appraisal (and reviewed by William E. Adams, MAI). The City and OPRD have negotiated potential purchase of the property by OPRD at the \$222,000.00 appraised value for the property in 'As If Vacant and Ready for Development' condition. The City will demolish existing above ground structures, pools and aprons; backfill and bring the area of demolition to grade – as well as perform any permitting or regulatory consultation necessary to perform the work. The work by the City will be completed prior to closing of the transaction and limited to the demolition area as reflected on attached map. The City and OPRD will make all good faith effort to close the transaction within 90-days of Commission approval.

The property is currently encumbered by a Land and Water Conservation Fund (LWCF) grant boundary for its pool and city park purposes. Conversations between the City and OPRD regarding acquisition and valuation have included conversion of this encumbrance to the City's new parks or pool site. This transition is likely to extend beyond the potential transfer of the land ownership to OPRD. The City will remain the sponsor of the LWCF grant but hold responsibility for its prompt conversion.

Due to proximity to the known Chinatown site, OPRD has requested the right to provide archaeological monitoring during the City's demolition with the ability to provide written notice to the City of a desire to cease demolition efforts and accept the property in as-is condition. This determination would be made by Region Management in consultation with archaeological staff or representatives if site conditions existed that would provide a significant educational or preservation opportunity otherwise lost if demolition work continues.

**Prior Action by Commission:** None

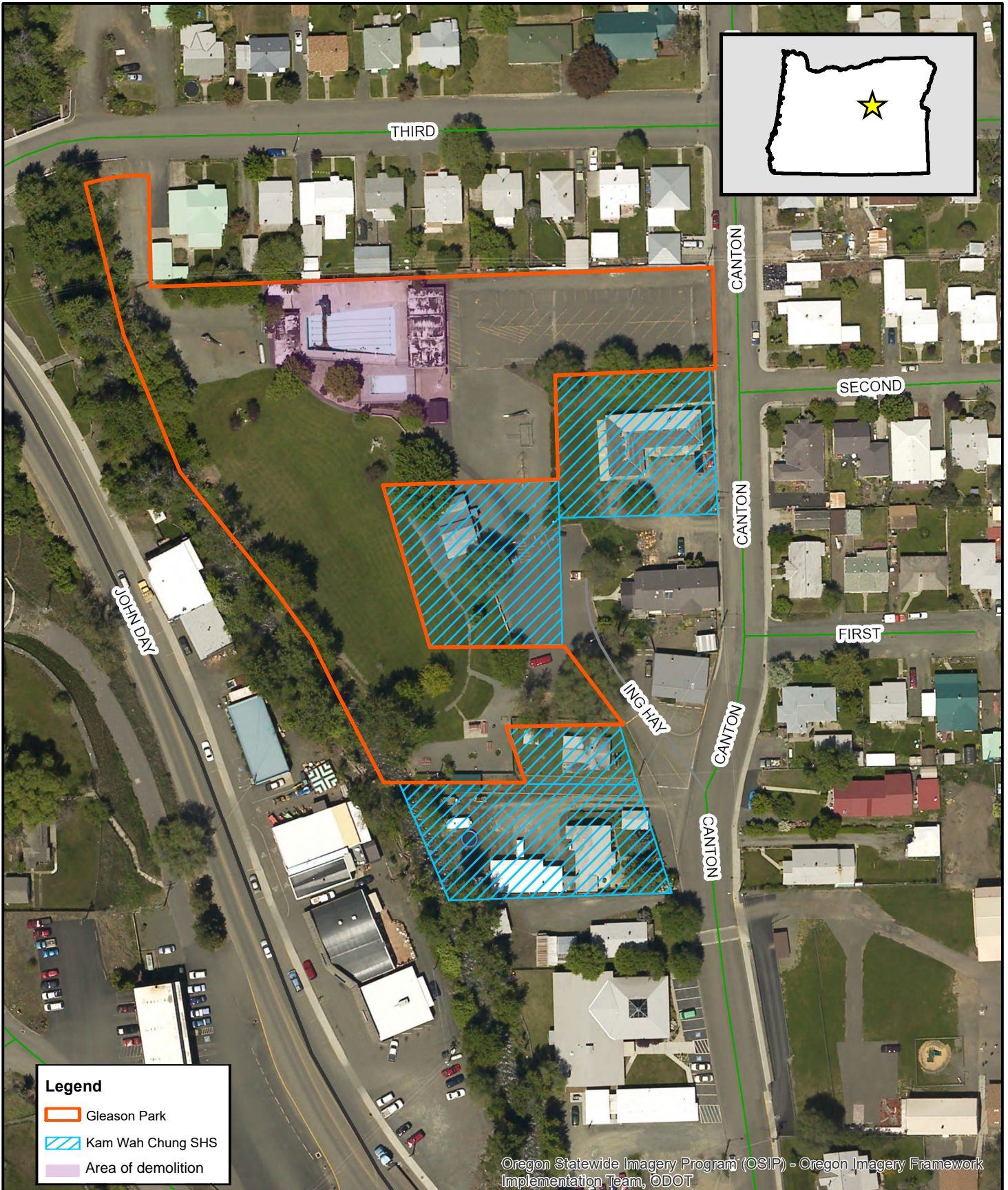
**Action Requested:** Approval of acquisition of Gleason Park from City of John Day

**Attachments:** 5a Attachment A – Map

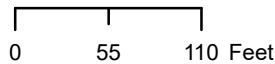
**Prepared by:** Tabitha Henricksen, Property Agent

# 5b. Gleason Pool and Park

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



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## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item: 5c Information

Public Comment Allowed: **Yes**

Topic: Joseph Stewart State Recreation Area end of lease

Presented by: JR Collier

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Joseph Stewart State Recreation Area is a 910-acre property on the shore of Lost Creek Lake, a reservoir built and maintained by the U.S. Army Corps of Engineers. The dam was built in 1977 for fishery enhancement and flood control, and the Corps owns the lakeside property. The park is leased to OPRD and offers a marina, short trails, picnicking, and a 200-site campground. The most recent 25-year lease was signed by Oregon Parks and Recreation Department Director Mike Carrier in 2001 and expires in 2025.

In the face of increasing visitor attendance, and as part of a long-term strategy to allocate state park staff without spreading them so thin it compromises service, the management team has been looking for partnership opportunities with sister agencies. The park is about an hour away from Valley of the Rogue State Park, OPRD's main center of operations in the region, and the agency signed a management agreement with Jackson County to have them operate Joseph Stewart in 2021. The county has extensive experience offering quality camping and lake-oriented recreation. Even with challenges posed by drought and wildfires, the county investment in facilities and public service was a success this season (see attached summary). A county video featuring the park went online in July: <https://www.youtube.com/watch?v=YOER9yMxdGQ>

Given the county's successful 2021 season at Joseph Stewart and the looming expiration of the federal lease in 2025, OPRD staff agreed to pursue an early end to the U.S. Army Corps of Engineers lease with the state, clearing the way for the county step in and negotiate terms with the Corps as the new lessee. OPRD Director Lisa Sumption, using authority delegated by the commission to handle lease agreements of this kind, will instruct senior field managers to begin the termination process and assist the county as needed.

This change is mostly administrative and will not disrupt recreational services at the park, and will give the county access to better funding through the County Opportunity program (funded by state recreational vehicle license plate revenue and both directly apportioned to counties and distributed through competitive grants), and other grant programs. OPRD and the county will issue a joint public announcement as lease changeover plans become firm.

**Prior Action by Commission:** None

**Action Requested:** None

**Attachment:** End of season summary from Jackson County

**Prepared by:** Chris Havel

**2021 end of season report provided by Jackson County Parks:** The transfer of Joseph Stewart Park was highly successful in the first year of operations for Jackson County, but most importantly it was seamless for park customers. Through the spirit of cooperation and service to the public, both OPRD and Jackson County invested heavily in the facility to provide tangible upgrades, including a full remodel of the park lodge. The cooperation resulted in a facility that was highly appreciated by park visitors this season and received many accolades. Jackson County contributed approximately \$55,000 towards this effort, including the reestablishment of food service at the facility, among other increases in the level of service.



In addition to the work at the lodge, the County purchased \$100,000 of new rental pontoon boats for marina customers; patrons greatly appreciated the reliability and safety of the new equipment. Roughly \$20,000 was expended by the county on upgrades to the park sewage treatment system, including replacement of controls and the addition of alarms in lift stations and the installation of a new aerator in the treatment lagoon. An estimated \$20,000 was spent on addressing electrical issues in the park campground. Jackson County invested heavily in the park during the last eight months as a commitment to the

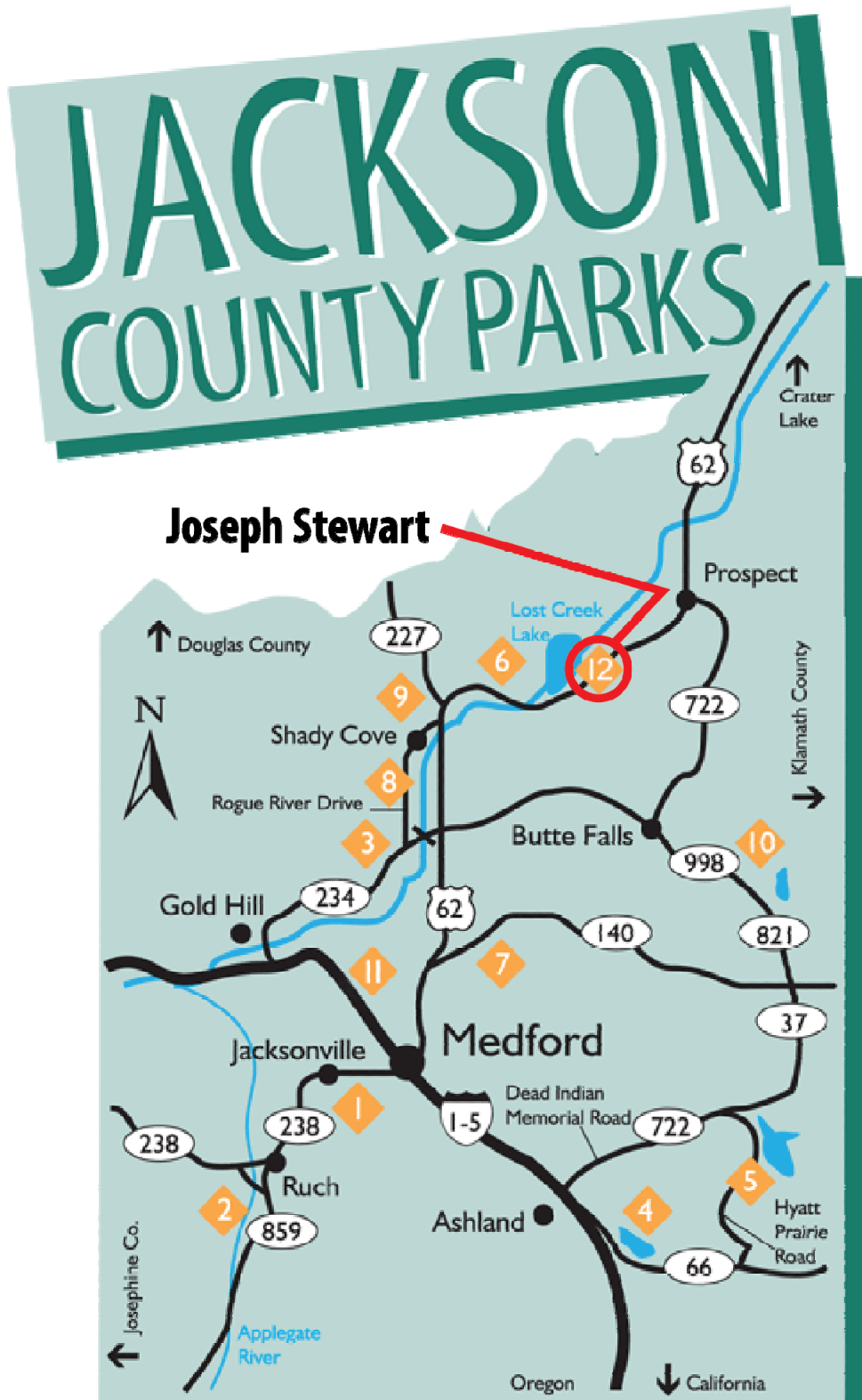
public, displaying that they value the transition and are steadfast in their effort to improve the facility at the local level.

Park guests and the US Army Corps of Engineers were largely very pleased with the transfer, with visitors providing input to Jackson County Parks such as: *"We just wanted to let you all know how impressed we were with the hard work your team did getting Joseph Stewart camp grounds and the Marina*





at Lost Creek ready for this camping season. Our annual family trip was top notch! The crew at the camp ground was so helpful and kind as we worked our way through the new processes! The grounds were beautiful and we had a great trip! We sincerely appreciate the county taking on this site and keeping our family tradition alive! Thank you from all of us! We look forward to next year! Sincerely, Pearl Hettwer.”



**Jackson County Parks:**

1. Britt Gardens
2. Cantrall Buckley
3. Dodge Bridge
4. Emigrant Lake
5. Howard Prairie
6. Rogue Elk
7. Sports Park
8. Takelma
9. Upper Rogue Regional
10. Willow Lake
11. Southern Oregon RV Park
12. Joseph Stewart

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item:	6a	<b>Action</b>
Public Comment Allowed:	Yes	
Topic:	Recreational Trails Program Grant Approvals	
Presented by:	Daniel Killam, Deputy Director of Administration	

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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 develop and enhance public 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. Applicants must provide a match of at least 20%.

The RTP Grant Advisory Committee met virtually October 26-28, 2021 for their annual review of grant requests. Applicants requesting \$50,000 or more were required to give a presentation during the meeting. The Committee scored project applications based on established criteria including needs identified in the 2016-2025 Statewide Recreation Trails Plan. Twenty-eight grant requests were submitted to OPRD, requesting a total of \$3,062,729 in funding assistance. Eighteen of these projects were recommended to receive grants with the \$2,162,830 of available funding.

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 grant approvals

**Action Requested:** Staff requests that the Commission approve the ranking and distribution of RTP grants as recommended by the RTP Grant Advisory Committee.

**Attachments:** 6a Exhibit A) 2021 RTP Motorized Funding Recommendations  
6a Exhibit B) 2021 RTP Non-Motorized Funding Recommendations  
6a Exhibit C) Map of Recommended Projects

**Prepared by:** Jodi Bellefeuille, Program Coordinator

Oregon Parks and Recreation Department  
 November 17, 2021  
**Recreational Trails Program (RTP) Grant Approval**  
**Motorized Grant Requests**  
 \$797,144 Available

Ranking	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
1	McCubbins Gulch Development Grant*	Mt. Hood National Forest	Wasco	RTP Funds will be used to complete the development of a staging area and trail system which was identified in the 2010 Mount Hood OHV planning document.	\$ 340,810	\$ 246,810
2	Oregon Dunes National Recreation Area Motorized Trails Rehabilitation*	Siuslaw National Forest	Coos, Lane	Project is to restore the 430 Route and Coast Guard North & South Routes back to trail standards of 16' wide to improve sight lines and safer two way traffic along with repairing drainage issues at Hunters, Breach, and Hauser Beach Routes.	\$ 76,570	\$ 60,576
3	Motorized Avalanche Awareness and Education*	Wallowa Avalanche Center	Union	Purchase equipment for three new avalanche beacon training parks, to be used primarily to provide snowmobile specific avalanche training and education.	\$ 15,000	\$ 12,000
4	Tollgate Trail Groomer*	Oregon State Snowmobile Association	Umatilla	Purchase a winter trail groomer for operation by the Tollgate Trailfinders and the Oregon State Snowmobile Association (OSSA).	\$ 340,286	\$ 272,228
5	Mt. Jefferson Snowmobile Club Replacement Trail Maintenance Snowmobile*	Mt. Jefferson Snowmobile Club	Deschutes	Replace the existing MJSC 2008 trail maintenance ski-doo snowmobile with a current model four stroke snowmobile.	\$ 20,000	\$ 16,000
6	Winchester Trails Restoration*	Coos County	Coos	This project will reclaim 5 miles of trail lost logging activity over the past 5 years and return 13 miles of trail tread to a maintainable and sustainable condition, as well as improving overall trail conditions and safety.	\$ 115,875	\$ 92,455
<b>Total of Motorized Projects Recommended for Funding</b>					<b>\$ 908,541</b>	<b>\$ 700,068</b>
<b>Balance that will carry over to the 2022 grant cycle for motorized projects = \$97,076</b>						

\*Diverse use project

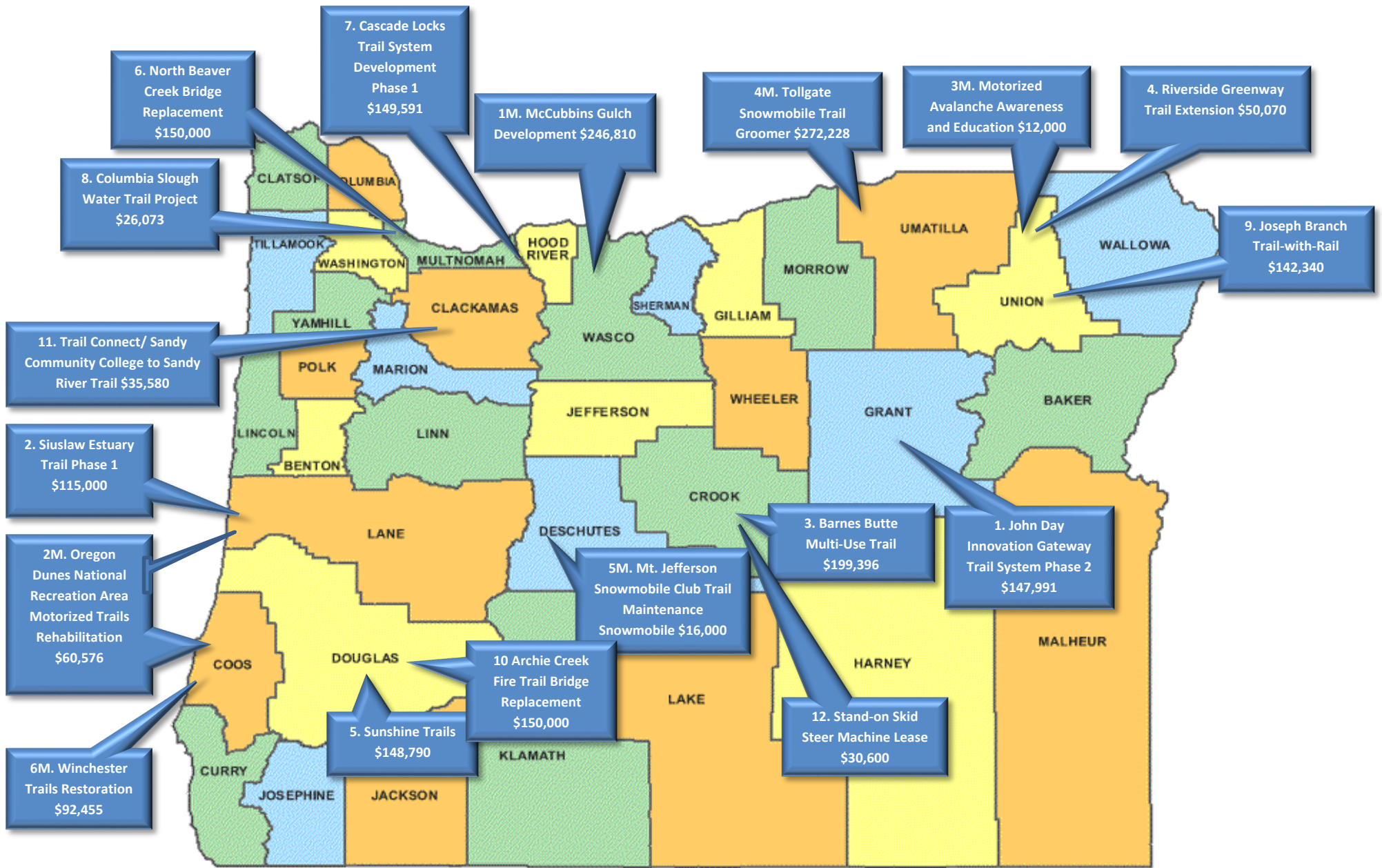
Oregon Parks and Recreation Department  
November 17, 2021  
**Recreational Trails Program (RTP) Project Ranking**  
**Non-Motorized Grant Requests**  
\$1,365,686 Available

Ranking	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
1	John Day Innovation Gateway Trail System - Phase 2*	City of John Day	Grant	Complete the trail system throughout a 100-acre complex owned by the City of John Day, including opening up over one mile of riverfront trail along the John Day River and connecting key public facilities and neighborhoods.	\$ 197,738	\$ 147,991
2	Siuslaw Estuary Trail Phase 1*	City of Florence	Lane	This project would construct a new trailhead and 1,600 feet of multi-use trail that will comply with ADA standards and connect residential neighborhoods to the Old Town District.	\$ 208,700	\$ 115,000
3	Barnes Butte Multi-Use Trail*	City of Prineville	Crook	The Barnes Butte Multi-Use Trail will provide a connection between two large residential neighborhoods with a recently acquired 460-acre recreation area, new elementary school and a commercial area of the city.	\$ 469,642	\$ 199,396
4	Riverside Greenway Trail Extension*	City of La Grande	Union	This project includes the repair and construction of a 1,600 foot, 12-foot-wide asphalt pathway extension of the existing Riverside Park Greenway Trail.	\$ 85,342	\$ 50,070
5	Sunshine Trails*	City of Roseburg	Douglas	To create a small but attractive family friendly hiking, trail running and mountain biking destination at Sunshine Park located on the eastern edge of the City of Roseburg.	\$ 276,366	\$ 148,790
6	North Beaver Creek Bridge Replacement	City of Troutdale	Multnomah	Replacement of a failed timber pedestrian bridge across Beaver Creek with a modern pre-engineered steel structure. The new free-span bridge will connect a trail system in the middle of the City of Troutdale.	\$ 697,360	\$ 150,000
7	Cascade Locks Trail System Development Phase I*	Port of Cascade Locks	Hood River	Construct Phase I (appx. 6.3 miles) of the recently approved Cascade Locks Trail System to provide a new destination-quality trail network in the Columbia River Gorge National Scenic Area adjacent to Cascade Locks.	\$ 190,379	\$ 149,591

Ranking	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
8	Columbia Slough Water Trail Project	Columbia Slough Watershed Council	Multnomah	The Council will create a print and interactive online paddlers guide to launch sites and water trail conditions along the Columbia Slough as a way to increase access, recreation, and a deeper connection to the Slough.	\$ 38,949	\$ 26,073
9	Joseph Branch Trail-With-Rail*	Joseph Branch Trail Consortium	Union	Construction of the first trailhead and initial trail segment of a proposed 63-mile Trail-With-Rail from Elgin to Joseph, Oregon. The trailhead will be located in downtown Elgin, and the trail segment will run out of town.	\$ 184,925	\$ 142,340
10	Archie Creek Fire Trail Bridge Replacement*	National Forest Foundation	Douglas	We will install a steel bridge to replace the North Umpqua Trail's Thunder Creek Bridge, destroyed in the Sept. 2020 Archie Creek Fire. The project includes bridge materials, helicopter contract, and installation costs.	\$ 187,731	\$ 150,000
11	Trail Connect/Sandy Community College to Sandy River Trail*	City of Sandy	Clackamas	Construction of a trail connection originating at the site of the future Community Campus/Park and connecting to the larger Sandy River Park trail system. Improves access from the city core and NE neighborhoods.	\$ 48,728	\$ 35,580
12	Stand-on Skid Steer Machine Lease*	Central Oregon Trail Alliance	Crook	Lease a stand-on skid steer machine for COTA volunteer use on projects in partnership with the Ochoco National Forest, Crook County Parks and Recreation District, and City of Prineville.	\$ 38,283	\$ 30,600
<b>Total of Non-Motorized Projects Recommended for Funding</b>					<b>\$ 2,624,143</b>	<b>\$ 1,345,429</b>
<p align="center"><b>Balance remaining = \$20,257 (amount will increase due to projects that were recently completed under budget)</b>  <b>The Committee recommended offering partial funding to applicants below the funding threshold in order of ranking</b></p>						
13	East Trail 3 Phase 2*	Friends of Buford Park & Mt. Pisgah	Lane	The project will re-route approximately 0.6 miles, improve 0.2 miles, and decommission 0.65 miles of pedestrian / equestrian multi-use trail while providing fire access and restoring habitat on all project trail corridors.	\$ 178,849	\$ 113,255
14	North Fork Smith River Bridge Replacements*	Siuslaw National Forest	Douglas	The project proposes to replace 2 deteriorating bridges on the North Fork Smith Trail in the Siuslaw National Forest. These bridges span tributaries to the main North Fork Smith River.	\$ 187,979	\$ 150,000

\*Diverse use project

Ranking	Project Name	Applicant	County	Brief Project Description	Total Project Cost	Grant Funds Requested
15	Mountain of the Rogue Phase 3*	Bureau of Land Management, Medford District	Jackson	Expand the trailhead parking area to accommodate a minimum of 10 additional parking spots. Construct approximately 3.3 miles of multi-use and mountain bike flow trails including a new zone for youth and beginner riders.	\$ 202,387	\$ 146,392
16	Dollar Mountain: Phase Two Trail Development*	City of Grants Pass	Josephine	Dollar Mountain will be a 25–30-mile trail system built to accommodate pedestrians and mountain bikers. The proposed RTP project will fund 1.5 miles of new trail construction, trail markers, viewpoint amenities, and a kiosk.	\$ 69,560	\$ 55,648
17	Coos County Laverne Park Trail	Coos County	Coos	Construct a two-mile native surface adaptive use trail, with a trailhead area, in the undeveloped northern portion of Laverne County Park. The site consists of old growth conifers and hardwood groves.	\$ 109,057	\$ 87,157
18	Provolt Recreation Site Development*	Bureau of Land Management, Medford District	Josephine	Recreation Site Trailhead/Parking Development	\$ 49,969	\$ 39,900
19	Jack-Ash Trail Phase II Construction*	Siskiyou Upland Trails Association	Jackson	Construct approximately 5 miles of new non-motorized trails of a larger project to expand the Jack-Ash Trail systems and new connector trails within the existing Jack-Ash and Sterling Mine Ditch Trails in Jackson Co, OR.	\$ 88,127	\$ 70,502
20	The Dalles Riverfront Trail Relocation / Restoration*	Northern Wasco County Parks and Recreation District	Wasco	Relocate and elevate a 600 foot section of The Dalles Riverfront Trail that has been severely damaged by the intrusion of poplar tree roots. Also includes the replacement of a contiguous 50 foot section of trail.	\$ 124,120	\$ 99,296
21	Mt. Ulka Trail Construction	Friends of the Columbia Gorge	Wasco	Friends of the Columbia Gorge (Friends) is requesting support in the construction of a 6-mile hiking trail connecting the Mt. Ulka Preserve to the Historic Columbia River Highway and the Discovery Center in The Dalles.	\$ 186,020	\$ 146,020
22	City of Yamhill Jane Heinrich Park Trail Improvements*	City of Yamhill	Yamhill	To improve Jane Heinrich Park Trail by widening and rehabilitating the trail with rock and geotextile fabric and adding signage for native plants and benches.	\$ 136,328	\$ 109,062
<b>Total of Non-Motorized Projects Not Recommended for Funding</b>					<b>\$ 1,332,395</b>	<b>\$ 1,017,232</b>
<b>Grand Total of Non-Motorized Funding Requests</b>					<b>\$ 2,362,661</b>	



*Exhibit C: Projects recommended for funding by the RTP Advisory Committee*

*(#M = Motorized project)*



## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item:	6b	Information
Topic:	Recreational Trails Program Achievement Award	
Public Comment Allowed:	Yes	
Presented by:	Daniel Killam, Deputy Director of Administration	

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A project supported by funds from the Recreational Trails Program (RTP) recently received a national achievement award presented by the Coalition for Recreational Trails (CRT). The City of Manzanita received an award for their construction of a hiking trail connecting to the southern Neahkahnie Mountain trailhead, completing a gap in the Oregon Coast Trail (OCT). It was one of twelve projects selected nationwide. The project was supported by an RTP grant approved by the Commission in 2016.

2021 marks the 50<sup>th</sup> anniversary of the Oregon Recreation Trails System Act. The OCT was one of the first trail plans supported by the Commission and the Oregon Recreation Trails Advisory Council. When the first 62-mile segment of the OCT was designated by the Commission as an official “Oregon Recreation Trail” in 1975, this was noted as a gap that still needed to be filled, to keep hikers off of a dangerous section of Highway 101.

This section was particularly challenging due to terrain, as well as changing and patchwork land ownership. Led by volunteer Connie Soper, the City partnered with the Lower Nehalem Community Trust, ODOT, Tillamook Peoples Utility District, Trailkeepers of Oregon, and Northwest Youth Corps to make this project possible. Partners also received assistance from ORPD staff. Trailkeepers of Oregon agreed to maintain this section of trail into the future.

CRT is an alliance of national and regional trail-related organizations. Its members work together to build awareness and understanding of the RTP. These achievement awards help build support for RTP on the congressional level.

Other [recent award recipients](#) in Oregon include:

- 2020: Willamalane Park and Recreation District, for trail development at Thurston Hills Natural Area in Springfield
- 2019: Union County, for multiple RTP projects in the Mount Emily Recreation Area

**Prior Action by Commission:** None

**Action Requested:** None

**Attachments:** None

**Prepared by:** Jodi Bellefeuille, Program Coordinator

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item:	7a	<b>Information</b>
Topic:	Heritage Division Update	
Presented by:	Christine Curran, Deputy Director, Heritage Programs	

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### Oregon Main Street Conference October 2021

Our online conference theme this year was Inviting Spaces, Friendly Faces, Authentic Places which reflects the impact our Oregon Main Street communities are having in place centered economic development that engages people from all walks for life. The conference had a total of 15 different sessions over 2.5 days including inspiring keynotes, heartwarming Excellence on Main stories, topical breakout and interactive sessions, and networking opportunities.

The conference kicked off with a keynote address and deep dive workshop by Peter Kageyama, author of *For the Love of Cities: The Love Affair Between People and Their Places*. Peter speaks about emotional engagement with PLACES – cities, towns, communities and neighborhoods. He speaks about why love matters and why it is a good thing when more people become emotionally engaged with their places, when they “fall in love” with those places. We ended the conference with a shared learning experience that included a keynote and deep dive session with Erik Dominguez, a public speaking teacher and coach. As an immigrant who grew up between two cultures and mixed messages, the familiarity Erik has with communication fears fueled him to learn and share the tools to overcome those obstacles. Erik’s keynote address, *The Required Art*, and following workshop focused on how to use public speaking to achieve personal and professional breakthroughs giving participants practical tools for confident, powerful, and joyful communication.

We also announced the 2021 “Excellence on Main” award winners via videos during the conference. Created in 2010, the annual Excellence on Main awards honor outstanding accomplishments, activities, and people making a difference in historic downtowns and traditional commercial neighborhoods across the state. Fifteen partners, projects, activities, and businesses were honored in addition to 6 Volunteer on Main recipients. Videos of the following award winners can be found [here](#).



**Oregon Main Street Grant**

The Oregon Legislature provided \$5 million dollars in both 2022 and 2023 for a total of \$10 million funded through the sale of lottery bonds to fund the Oregon Main Street program. The \$10 million investment in Oregon Main Street Network communities is a true indicator of the value of historic downtowns and the main street organizations in their communities. The grants will provide up to \$200,000 in matching funds for downtown revitalization efforts in communities participating in the Oregon Main Street Network. The funds may be used for projects in designated downtown areas statewide. Past projects include building and façade restoration, creation of new or improved residential units, facade restorations, and acquiring and improving historic theaters, including purchase of the Alger Theater in Lakeview, and rehabilitation of the Liberty Theater in La Grande, Columbia Theater in St. Helens, OK Theatre in Enterprise, and Rivoli Theater in Pendleton. Applications will open in January 2022 and will be due in spring. The Oregon Main Street Network will provide workshops and support to participating network organizations to navigate the application process.

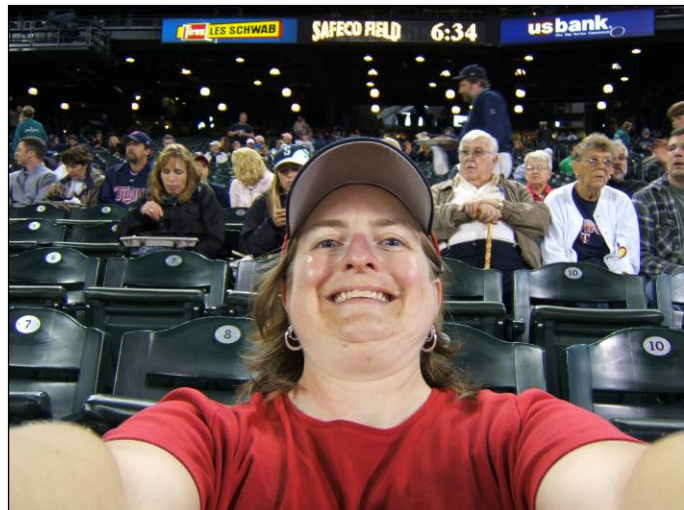
**Community Based Solutions for Historic Properties**

Portland Public Schools (PPS) and the Portland Housing Bureau (PHB) recently partnered with their communities to create meaningful projects in compliance with federal and state cultural resource laws. Benson Polytechnical High School was founded in the 1910’s by philanthropist Simon Benson to train students in the sciences and technology. The school offers an opt-in program that ranges from electrical engineering to aerospace design. In desperate need of modernization, PPS’ project plans called for preserving and restoring much of the historic school building. However, PPS and our office jointly determined that the planned select demolition and new construction would “adversely affect” this historic property under the state’s cultural resource law. PPS engaged their community of students, alumni, local residents, and representatives of the African American community with historic ties to the area and school to form an advisory committee. The group jointly developed creative and engaging mitigation measures, including on-site education displays and community events. In a separate effort, PHB worked closely with the Portland Landmarks Commission and others on a project to renovate the 1910 Joyce Hotel in Portland. The building required extensive renovations to the ground-floor storefronts and interior to convert the building to much-needed affordable housing. The Joyce Hotel was designed by one of Oregon’s foremost architects, John Virgilius Bennes. The building

was later associated with the City’s LGBTQ+ communities, within Portland’s “Gay Triangle.” The Portland Bureau of Planning and Sustainability recently received a grant from the National Park Service to document historic properties associated with these communities. PHB saw an opportunity to support this effort and provided \$17,500 in funding for the project. Federal and state cultural resource laws require federal agencies to attempt to avoid negative impacts on historic properties, and to “mitigate” negative project impacts when they cannot. These efforts demonstrate the important role of the community in creating meaningful projects when projects do negatively impact historic buildings. The Heritage Division is honored to play our part in reaching these solutions as the administrators of these laws, and expects these successes to serve as examples for other agencies seeking to reach out to their communities.

### **Joy Sears, Restoration Specialist, Returns to the Oregon Heritage**

Oregon Heritage welcomes back Joy Sears to our team in her former role as the Heritage Division’s Restoration Specialist. Joy will focus on providing outstanding technical advice and support to owners and preservation and building professionals participating in federal and state grant and tax programs administered by the office. Joy was laid off in June 2020 due to budget cutbacks resulting from the COVID-19 public health emergency. Before being reinstated in her former position, Joy most recently worked part time providing remote design review assistance for the Minnesota State Historic Preservation Office tax credit program.



**Joy Sears, Selfie at a Mariners Baseball Game, Seattle, WA**

Before moving to Oregon, Joy worked five years as the Restoration Specialist for the South Dakota State Historic Preservation Office. She received her Master of Science in Historic Preservation at the University of Oregon in 2001. Her undergraduate studies at St. Cloud State University in her native Minnesota is where she was exposed to historic preservation as a career as part of her minor in American Studies with an emphasis in Heritage Preservation. In her spare time, Joy enjoys reading, watching Major League Baseball, especially visiting Seattle to watch the Seattle Mariners play the Minnesota Twins, and hanging out with her husband and furry family members in Salem.

**Prior Action by Commission:** none

**Action Requested:** none

**Attachments:** none

**Prepared by:** Ian P. Johnson, Associate Deputy State Historic Preservation Officer  
Kuri Gill, Oregon Heritage Grants & Outreach Coordinator

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item: 8a **Action**

Topic: Article XI-Q General Obligation Bonds for Capital Improvement and Renewal – Initial Project List

Presented by: Matt Rippee, Central Park Services Manager

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**Title:** SB 5506 – General Obligation Bonds for Capital Improvement and Renewal

**Location:** System-wide

**Description:** In an incredibly generous act, the 2021 Oregon Legislature approved the issuance of \$50 million in General Obligation bonds to fund state park facility improvements. Debt Service on these bonds will be paid with state general funds instead of requiring park funding to cover this cost. This funding will focus on improving or replacing facilities and infrastructure, as well as modernizing and expanding some campgrounds.

The agency will receive two disbursements of \$25 million each, with the first occurring May 2022 and the second in March 2023. These funds must be spent within three years of payout.

Language from SB 5506:

*SB 5506 provides six-year expenditure limitation for capital construction projects. Projects in excess of \$1.0 million for the acquisition of land and the acquisition, planning, constructing, altering, repairing, furnishing, and equipping of building and facilities are categorized as capital construction projects.*

*Capital Improvement and Renewal: \$50,000,000 Other Funds (Article XI-Q Bonds) is approved to finance the capital costs of making improvements to facilities in multiple Oregon state parks. The project includes improvements or replacements to facilities and related infrastructure such as buildings, water systems, septic and sewer systems, electrical systems, restroom and shower facilities, as well as modernizing and expanding campgrounds.*

**Prior Action by Commission:** [None]

**Action Requested:** Request approval of GO Bond Initial Project List

**Attachments:** **Attachment A** Proposed Go Bonds  
**Attachment B** SB 5506; GO Bond Initial Project List

**Prepared by:** Matt Rippee, Central Park Services Manager

Attachment A Proposed Go Bonds

Project	Region	Park	Category	Current GO Bond Funded Estimate (\$M)	Project Summary
<b>Start with May 2022 Bond Sale</b>					
Beverly Parkwide Rehabilitation	Coastal	Beverly Beach	Rehabilitation	\$3 - 5M	Project focus is on upgrading antiquated electrical systems throughout the campground to comply with regulations. This project will also upgrade campsites through out the park.
Champoeg Camping Expansion	Valley	Champoeg	Enhancement	\$3 - 5M	Project is focused on the construction of an additional camping loop, riverside cabins, and restroom/shower building. Champoeg regularly sees a higher demand for camping than what is currently available due to their proximity to I-5 and the Portland metro area. This expansion is also in alignment with the parks master plan. An expansion in camping will likely require upgrades to the current drain field or the development of an additional drain field to meet increased visitation. The park also has aging electrical and water systems that should be addressed while expanding the campground to continue to meet visitor needs into the future.
Fort Stevens Guard House	Coastal	Fort Stevens	Historic Restoration	\$1 - 3M	The Guard house is one of the few historic buildings that is owned by OPRD at Fort Stevens and is in dire needs of a new roof, including the roof structure, repointing the bricks and replacing windows and doors. Additionally, the project will tackle exterior access improvements, utilities and landscape improvements to stop water infiltration of the basement and provide upgraded/new water, sewer and electrical connections.
Fort Stevens Sewer / Utilities Parkwide Upgrade	Coastal	Fort Stevens	Rehabilitation	\$6 - 8M	This project will focus on upgrading the utility services to 4 of the loops within the campground. It will be accomplished by improving electrical, water, and wastewater utilities including wastewater lift stations. Additional tasks will include replacement of a 1955 shower/restroom, upgrading other restrooms and replacing the restroom that is sinking into the sand located at the Peter Iredale day use area within the park.
Kam Wah Chung Interpretive Center/Collections building	Mountain	Kam Wah Chung	Enhancement/ Historical Restoration	\$3 - 5M	This project will focus on expanding the park with the acquisition of city park property and the construction of new facilities to house a visitor/interpretive center and collections materials.
Portland Women's Forum Parking Expansion, Sewer, & Restroom	Valley	Portland Women's Forum	Rehabilitation	\$2 - 4M	This project will provide a restroom building and expand parking at the Portland Women's Forum. This is the starting point for many who are exploring the Historic Columbia River Highway. The addition of a restroom at the Portland Women's Forum will take pressure off the Vista House and other locations along the highway. Initial design work has been completed for both a restroom and 100 stall parking lot that would meet National Scenic Area requirements.
Silver Falls Camping Expansion North Falls Complex	Valley	Silver Falls	Enhancement	\$8 - 10M	This project will begin the north gateway development of Silver Falls generally following the outline in the master plan. The intent of this development is to meet current and future visitor needs while also taking pressure off the currently overused South Falls day use area. Development will include a campground with restroom/shower facilities, a North Gateway Visitor Center, and a new North Canyon trailhead and parking lot. Infrastructure improvements such as water, electrical, and sewer systems for the north end of the park will also be part of the project including the relocation of the current RV dump station.
Smith Rock Visit Center/Congestion/Access	Mountain	Smith Rock	Rehabilitation/ Expansion	\$4 - 6M	Smith Rock regularly experiences a higher demand of visitors than the current infrastructure can accommodate. The focus of this project is the construction of a new visitor center, restroom, electrical upgrades, and parking/traffic improvements to meet current and future visitor needs taking pressure off the current parking limitations and overuse of the existing restroom. This will also include trail improvements.
<b>Start with March 2023 Bond Sale</b>					
Cape Lookout Parkwide Rehab and Camping Enhancement	Coastal	Cape Lookout	Rehabilitation	\$8 - 10M	This project will focus on relocating A & B loops to higher ground, away from breached dune. This includes many aspects such as building new roads, installing new infrastructure and restroom/shower facilities, as well as decommissioning facilities that are being lost to ocean erosion.
Milo McIver Camping Expansion	Valley	Milo McIver	Enhancement	\$3 - 5M	This project will add a second loop with restroom/shower facilities to the campground. Milo McIver is a large park along the Clackamas River offering a wide variety of recreational opportunities close to the Portland metro area. Expanding the campground will allow additional opportunity for visitors to camp overnight which was also identified in the 2013 Parks Comprehensive Plan. This project will also upgrade the park sewer and aging water systems. The current water system provides water to both the park and the Oregon Department of Fish and Wildlife fish hatchery within the park.
Nehalem Parkwide Upgrade and Yurt Loop	Coastal	Nehalem	Rehabilitation	\$5 - 8M	This project upgrades existing utilities to three loops. Project will also include adding a new cabin loop, tent sites, and new restrooms within the campground. Additionally, seasonal staff housing will be added along with upgrades to several day use facilities.

**SB 5506 BUDGET REPORT and MEASURE SUMMARY**

**Joint Committee On Ways and Means**

**Prepared By:** Jean Gabriel, Department of Administrative Services

**Reviewed By:** Amanda Beitel, Legislative Fiscal Office

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**Capital Construction – Various Agencies**

**2021-23**

**Capital Construction – Military Department and Higher Education Coordinating Commission**

**2019-21**

**Capital Construction – Military Department and Higher Education Coordinating Commission**

**2017-19**

PRELIMINARY



## **Budget Summary**

	<b>2019-21 Legislatively Approved Budget</b>	<b>2021-23 Committee Recommendation</b>	<b>Committee Change from 2019- 21 Legislatively Approved</b>	
			\$ Change	% Change
Other Funds Capital Construction	\$ 805,033,837	\$ 1,474,928,925	\$ 669,895,088	83.2%
Federal Funds Capital Construction	\$ 65,271,000	\$ 34,869,187	\$ (30,401,813)	-46.6%
<b>Total</b>	<b>\$ 870,304,837</b>	<b>\$ 1,509,798,112</b>	<b>\$ 639,493,275</b>	<b>73.5%</b>

## **2019-21 Supplemental Expenditure Limitation Adjustments**

### **Oregon Military Department**

Boardman Tactical Unmanned Aerial Vehicle Facility (Federal Funds)	\$ 3,000,000	\$ 3,000,000
Umatilla Wastewater Treatment Facility & Water Supply Line (Federal Funds)	\$ 2,075,000	\$ 2,075,000

### **Higher Education Coordinating Commission**

Blue Mtn CC - Facility for Agricultural Resource Management, Ph II (Other Funds)	\$ (1,500,000)	\$ (1,500,000)
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## **2017-19 Supplemental Expenditure Limitation Adjustments**

### **Oregon Military Department**

Camp Umatilla Regional Training Institute Re-Set (Federal Funds)	\$ 4,200,000	\$ 4,200,000
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### **Higher Education Coordinating Commission**

Blue Mtn CC - Facility for Agricultural Resource Management, Ph II (Other Funds)	\$ (5,000,000)	\$ (5,000,000)
Clatsop CC - Maritime Science Building (Other Funds)	\$ (7,996,994)	\$ (7,996,994)
Mt. Hood CC - Maywood Park Center (Other Funds)	\$ (8,000,000)	\$ (8,000,000)
Oregon Coast CC - Workforce Education & Resiliency Center (Other Funds)	\$ (8,000,000)	\$ (8,000,000)

## **Revenue Summary**

Other Fund revenues include proceeds from the issuance of general obligation bonds authorized under Article XI-Q, XI-G and XI-F(1) of Oregon's Constitution, the depreciation component of the Uniform Rent program and other deposits in the Department of Administrative Services Capital Projects Fund established by ORS 276.005, aircraft registration fees assessed in accordance with ORS 837.040 and 837.045, insurance proceeds, as well as state gasoline tax and driver and vehicle related fees. Federal Funds revenues are from the National Guard Bureau and the Federal Aviation Administration.

## **Summary of Capital Construction Subcommittee Action**

SB 5506 provides six-year expenditure limitation for capital construction projects. Projects in excess of \$1.0 million for the acquisition of land and the acquisition, planning, constructing, altering, repairing, furnishing, and equipping of building and facilities are categorized as capital construction projects. In addition, SB 5506 extends the six-year expiration dates and expenditure limitations for specified projects as well as removes or modifies expenditure limitation amounts for specified projects approved in prior biennia.

### **Oregon Department of Administrative Services**

***Deferred Maintenance:*** \$15,500,000 Other Funds (Capital Projects Fund) is approved for various capital and tenant improvements in multiple DAS-owned buildings. These improvements include: roof replacements for the Commerce Building, Salem Motor Pool, and the Agricultural Building; replacement of lighting packages and supporting electrical infrastructure for energy efficiency in multiple buildings; replacement and upgrade of elevator controls in various facilities; and upgrades to HVAC systems in multiple buildings.

***Gender Neutral Facilities and Mothers' Rooms:*** \$10,000,000 Other Funds (Capital Projects Fund) is approved to design and construct mothers' lactation rooms, wellness rooms, and gender neutral bathrooms in multiple DAS-owned buildings.

***Capitol Mall Parking Structure Improvements:*** \$2,750,000 Other Funds (Capital Projects Fund) is approved to make structural and seismic safety repairs and storm water handling system repairs to the Capitol Mall parking structure as well as irrigation system repairs in the Capitol Park above the parking structure.

***Dome Building and Yaquina Hall Improvements:*** \$1,500,000 Other Funds (Capital Projects Fund) is approved for parking lot and street improvement projects at the Dome Building and Yaquina Hall.

***Climate Adaptation and Net Zero Solutions:*** \$2,000,000 Other Funds (rent revenue) is approved to design innovative solutions to implement during capital construction projects such as heat recovery, lighting and building controls, insulation, or daylighting technologies and evaluate the return on investment for traditional solutions versus high efficiency modern technologies.

***Parking Lot Improvements and EV Charging Station Expansions:*** \$2,000,000 Other Funds (Capital Projects Fund) is approved to install electric vehicle (EV) charging stations and perform surface replacement and upgrades in multiple state-owned parking lots.

***Executive Building Interior and Seismic Renovation:*** \$45,000,000 Other Funds (Article XI-Q Bonds) is approved to renovate the Executive Building, including seismic updates and upgrades of the exterior envelope and the building systems including electrical, mechanical, plumbing, and fire sprinkler systems.

**North Valley Complex Infrastructure Upgrades/Tenant Improvements:** \$60,000,000 Other Funds (Article XI-Q Bonds) is approved to renovate the North Valley Complex in Wilsonville and make tenant improvements and related site improvements to ready the building for use by multiple agencies.

**Yellow Parking Lot Paving:** \$4,000,000 Other Funds (Article XI-Q Bonds) is approved to pave the existing gravel Yellow Parking Lot in the Capitol Mall area and make necessary site improvements related to storm water, landscaping and other site improvements. The project also includes a public electric vehicle charging component.

Oregon Military Department

**Ashland Armory Service Life Extension:** \$5,373,235 Other Funds (Article XI-Q Bonds) is approved for design and construction of additions and alterations to the Ashland Armory, including seismic upgrades. The improvements will bring the facility into conformance with current building code and will include replacing mechanical, electrical and plumbing systems as well as remodeling existing classrooms, administrative space, latrines, showers, equipment storage areas, kitchen, and assembly hall areas. In addition, the project will include emergency enhancements and replacement of failed paving areas and replacement of existing site lighting, landscaping and fencing.

**Corvallis Armory Service Life Extension:** \$4,317,605 Other Funds (Article XI-Q Bonds) is approved for design and construction of additions and alterations to the Corvallis Armory, including seismic upgrades. The improvements will bring the facility into conformance with current building code and will include replacing mechanical, electrical and plumbing systems as well as remodeling existing classrooms, administrative space, latrines, showers, equipment storage areas, kitchen, and assembly hall areas. In addition, the project will include emergency enhancements and replacement of failed paving areas and replacement of existing site lighting, landscaping and fencing.

**Camp Umatilla Barracks Facilities:** \$8,000,000 Federal Funds (National Guard Bureau) is approved to design and construct a National Guard transient training barracks for advanced skills trainees conducting training at Camp Umatilla's Regional Training Institute. The project includes construction of a barracks and associated utility services, information systems, fire detection and alarm systems, fixtures, furnishings and equipment, hazardous waste remediation and disposal, roads, walks, curbs, gutters, storm drainage, parking areas, and site improvements. In addition, the project includes construction of a new transient training open bay enlisted barracks at Camp Umatilla. The barracks will provide billeting space for soldiers and will include building systems both within and outside of the primary facility's perimeter including latrine, showers, and laundry with minimal site development, parking, and landscaping.

**Camp Umatilla Guard Shack:** \$1,100,000 Federal Funds (National Guard Bureau) is approved to construct a new controlled entry point, gate, and guardhouse at Camp Umatilla to improve operational readiness and comply with antiterrorism force protection requirements. The project will be permanent construction and include an improved entry point for commercial activities, a new gate, identification check station building (guard house), roadway improvements, truck inspection lane and barricade system.

**Washington County Readiness Center:** \$5,300,000 Other Funds (Article XI-Q Bonds) and \$22,700,000 Federal Funds (National Guard Bureau) is approved for construction of a new National Guard Readiness Center in Washington County for the training, administrative and logistical needs of the Oregon Army National Guard as a replacement for the Hillsboro Armory. The project includes construction as well as providing utility services, information systems, fire detection and alarm systems, hazardous materials abatement and disposal, roads, walks, curbs, gutters, storm drainage, parking areas, and site improvements.

**Boardman Tactical Unmanned Aerial Vehicle Facility:** \$3,000,000 Federal Funds (National Guard Bureau) is approved as an increase to the 2019-21 capital construction expenditure limitation established for construction of a new tactical unmanned aerial vehicle facility at the Naval Bombing Range in Boardman. The additional funding will be used to construct an off-grid power system for the tactical unmanned aerial vehicle operations building at the Naval Weapons System Training Facility. The project will include use of photovoltaics with battery storage and diesel backup generator power and may include additional resiliency features such as bio-mass wood pellet heating system with propane backup. Federal funds capital construction limitation is increased from \$12,000,000 to \$15,000,000 to utilize federal funds provided for the off-grid power system.

**Umatilla Wastewater Treatment Facility and Water Supply Line:** \$2,075,000 Federal Funds (National Guard Bureau) is approved as an increase to the 2019-21 capital construction expenditure limitation established in the 2019 session and increased at the September 2020 meeting of the Emergency Board for construction of a new wastewater treatment system and a new main water supply line for potable water at Camp Umatilla. Federal funds capital construction limitation is increased from \$6,825,000 to \$8,900,000 to accommodate cost increases to complete the project.

**Camp Umatilla Regional Training Institute Re-Set:** \$4,200,000 Federal Funds (National Guard Bureau) is approved as an increase to the 2017-19 capital construction expenditure limitation established at the December 2018 meeting of the Emergency Board and increased at the September 2020 Emergency Board meeting for improvements to the Regional Training Institute at Camp Umatilla. Federal funds capital construction limitation is increased from \$20,800,000 to \$25,000,000 to utilize federal funds provided for the project.

The Subcommittee approved the extension of the project expiration date and expenditure limitation for the Youth Challenge Armory (Other Funds) to December 31, 2021 and for the Camp Umatilla Regional Training Institute (Other Funds) to December 31, 2022.

The Subcommittee also approved the proposal from the Oregon Military Department, as required by ORS 396.515 (4), for the sale of the Armory and Field Maintenance Shop in Lebanon.

#### Oregon Youth Authority

**Camp Riverbend Dorm Renovation:** \$6,867,101 Other Funds (Article XI-Q Bonds) is approved for capital improvements to renovate and expand two living units and supporting spaces at the Camp Riverbend Youth Transitional Facility, including the Riverbend building and the Hilgard building.

**Capital Improvements:** \$6,742,239 Other Funds (Article XI-Q Bonds) is approved for capital improvements to permanent structures and fixtures to address needs identified by the Facility Condition Assessment completed on OYA facilities.

**MaLaren West Cottages Renovations:** \$8,000,000 Other Funds (Article XI-Q Bonds) is approved for capital improvements to renovate and remodel two living units on the west side of the campus at MaLaren Youth Correctional Facility.

**Tillamook Dorm Renovation:** \$10,279,899 Other Funds (Article XI-Q Bonds) is approved for capital improvements to renovate and remodel two living units and supporting spaces at the Tillamook Youth Correctional Facility.

The Subcommittee approved the extension of the project expiration dates and expenditure limitations to September 30, 2021 for the following projects: Rogue Valley Facility Improvements (Other Funds); CCTV Cameras (Other Funds); Deferred Maintenance and Capital Improvements (Other Funds); and MaLaren Facility Improvements (Other Funds).

Department of Corrections

**Capital Improvement and Renewal:** \$70,000,000 Other Funds (Article XI-Q Bonds) is approved for capital improvements at multiple facilities, including replacement or improvement of roofs, HVAC, hardscaping, plumbing, electrical systems, communication and security systems, and other building elements.

**Off-Net Telephone Infrastructure:** \$3,508,206 Other Funds (Article XI-Q Bonds) is approved to design, purchase, and implement a centralized Voice over Internet Protocol (VoIP) communications system for use in multiple institutions to replace outdated legacy telephone systems.

Oregon State Police

**Central Point Office Expansion:** \$33,961,269 Other Funds (Article XI-Q Bonds) is approved to remodel and expand the Central Point Office facility to add space for the forensic lab, evidence, medical examiner and patrol functions. In addition, the project includes modernizing the existing space and adding two auxiliary buildings.

**Springfield Forensic Lab and Medical Examiner's Office:** \$61,982,733 Other Funds (Article XI-Q Bonds) is approved for the design and construction of a new forensic lab and medical examiner facility in Springfield.

**Springfield Patrol Area Command Office:** \$14,261,687 Other Funds (Article XI-Q Bonds) is approved for the design and construction of a new command office facility in Springfield, including a warehouse for storage.

Department of Transportation

**Meacham Maintenance Station:** \$12,000,000 Other Funds (fee revenue) is approved to construct a new Meacham Maintenance Station that will include heated and cold storage bays, a wash bay, and office space. The project also includes constructing a salt storage shed and an additional wash station, as well as drilling a new well.

**South Coast Maintenance Station:** \$16,200,000 Other Funds (fee revenue) is approved to design and begin site development for a new South Coast Maintenance Station to accommodate the consolidation of three obsolete maintenance stations into one location in Coos County. The sites being consolidated include two owned facilities, the Coos Bay and Davis Slough maintenance stations, and one leased facility, the Coquille construction office.

**Region 3-5 Headquarters HVAC Upgrades:** \$3,800,000 Other Funds (fee revenue) is approved to replace the HVAC systems and make other energy efficiency improvements in the region 3, region 4 and region 5 headquarters buildings and the region 4 Department of Motor Vehicles building.

The Subcommittee approved the extension of the project expiration date and expenditure limitation for the South Coast Maintenance Station (Other Funds) to June 30, 2023 and for the Meacham Maintenance Station (Other Funds) to June 30, 2024.

Department of Aviation

**Siletz Bay State Airport Runway and Electrical Rehabilitation:** \$320,000 Other Funds (aircraft registration fees) and \$3,069,187 Federal Funds (Federal Aviation Administration) is approved to conduct renovations at the Siletz Bay State Airport. This project includes rehabilitation of the runway and electrical system, which is needed to meet federal standards for safe operating conditions.

Department of Forestry

**Santiam District Office Replacement:** \$2,500,000 Other Funds (insurance proceeds) is approved to design and construct a new Santiam District Office to replace the facility that was destroyed by wildfire in 2020.

**Toledo Facility Replacement Phase II:** \$1,632,842 Other Funds (Article XI-Q Bonds) is approved to replace the Unit Office Facilities Compound located in Toledo and relocate it to a more centrally located area that will be outside of the mapped tsunami inundation zone.

Oregon Department of Fish and Wildlife

**Capital Improvement and Renewal:** \$5,000,000 Other Funds (Article XI-Q Bonds) is approved for capital improvements to replace buildings and address deferred maintenance at various facilities.

Oregon Parks and Recreation Department

**Capital Improvement and Renewal:** \$50,000,000 Other Funds (Article XI-Q Bonds) is approved to finance the capital costs of making improvements to facilities in multiple Oregon state parks. The project includes improvements or replacements to facilities and related infrastructure such as buildings, water systems, septic and sewer systems, electrical systems, restroom and shower facilities, as well as modernizing and expanding campgrounds.

Oregon Health Authority

**Oregon State Hospital, Salem Well Water Treatment Facility:** \$4,492,750 Other Funds (Article XI-Q Bonds) is approved to construct a well water treatment facility and potable water storage tank to provide a backup water supply for the Oregon State Hospital in Salem to be used in the event of disruption or contamination of the city water supply.

**Oregon State Hospital, Salem/Junction City Automated Dispensing Cabinets:** \$3,500,000 Other Funds (Article XI-Q Bonds) is approved to replace approximately 40 automated medication dispensing cabinets deployed throughout patient care areas on the Salem and Junction City campuses of the Oregon State Hospital. The project includes replacement of the computers in each cabinet.

Oregon Housing and Community Services

**Local Innovation and Fast Track (LIFT) Housing and Permanent Supportive Housing:** \$410,000,000 Other Funds (Article XI-Q Bonds) is approved to acquire, construct, remodel, repair, equip or furnish real property in which the department will take an operational or ownership interest to provide affordable housing for Oregonians with low income and citizens in historically underserved communities and communities of color, as well as affordable housing that will be combined with tenancy supports and other services for low income citizens with high needs, including persons with disabilities and persons coming out of chronic homelessness.

Oregon Liquor Control Commission

**Liquor Warehouse Conveyor System:** \$10,000,000 Other Funds (Article XI-Q Bonds) is approved to acquire and install a new conveyor system for use in the agency's new warehouse.

**Liquor Warehouse Land and Building:** \$52,537,265 Other Funds (Article XI-Q Bonds) is approved for the purchase of land and the design and construction of a new warehouse and headquarters for agency operations.

Oregon Department of Education

**Oregon School for the Deaf ADA Restrooms:** \$1,024,625 Other Funds (Article XI-Q Bonds) is approved to improve Americans with Disabilities Act (ADA) accessibility in restrooms throughout the Oregon School for the Deaf campus.

**Oregon School for the Deaf Fire Alarm System Replacement:** \$3,091,923 Other Funds (Article XI-Q Bonds) is approved to replace the fire alarm system throughout the Oregon School for the Deaf campus.

***Oregon School for the Deaf Windows Upgrade:*** \$1,383,452 Other Funds (Article XI-Q Bonds) is approved to replace windows with energy efficient windows in facilities at the Oregon School for the Deaf.

Oregon Judicial Department

***Supreme Court Building Renovation:*** \$21,700,000 Other Funds (Article XI-Q Bonds) is approved to renovate the Oregon Supreme Court building, including seismic updates, energy efficiency improvements, and various systems and safety upgrades.

Higher Education Coordinating Commission (HECC)

**HECC - Public Universities**

The Subcommittee approved a \$445,905,100 Other Funds Capital Construction six-year expenditure limitation for the Higher Education Coordinating Commission for distribution of general obligation bond proceeds to public universities. This amount corresponds to the total project amounts for 10 new university projects authorized in SB 5505. Projects are funded with proceeds from the issuance of Article XI-Q bonds, Article XI-G bonds, and Article XI-F(1) bonds and will be disbursed as grants or loans, as applicable, pursuant to grant contracts and loan agreements between HECC and each university. Project descriptions are included in SB 5505. The expenditure limitation expires June 30, 2027.

**HECC - Community Colleges**

The Subcommittee approved a \$56,496,994 Other Funds Capital Construction six-year expenditure limitation for the Higher Education Coordinating Commission for distribution of Article XI-G general obligation bond proceeds to community colleges. This amount corresponds to the total project amounts for six new community college projects authorized in SB 5505 and two reauthorized projects for which expenditure limitation from prior biennia is being removed and reestablished in 2021-23. Projects are funded with proceeds from the issuance of Article XI-G bonds and will be disbursed as grants pursuant to grant agreements between HECC and each community college. Project descriptions are included in SB 5505. The expenditure limitation expires June 30, 2027.

Other Funds (Article XI-G bonds) capital construction expenditure limitation established in 2017-19 is also removed for the following projects: Mt. Hood Community College, Maywood Park Center (\$8,000,000); Clatsop Community College, Maritime Science Building (\$7,996,994); and Oregon Coast Community College, Workforce Education and Resiliency Center (\$8,000,000). Article XI-G bonds authorized for the projects in prior biennia have not been issued and previously established limitation would expire June 30, 2023. Mt. Hood Community College did not request reauthorization of the Maywood Park Center project. Capital construction expenditure limitation is reestablished in SB 5506 for the Clatsop Community College and Oregon Coast Community College projects that are reauthorized for issuance in the 2021-23 biennium. In addition, the Subcommittee approved decreasing the 2017-19 and 2019-21 Other Funds (Article XI-G bonds) capital construction expenditure limitation for Blue Mountain Community College, Facility for Agricultural Resource Management Phase II project by \$5,000,000 and \$1,500,000, respectively, to align total expenditure limitation with bonding authorized for the project in the 2021-23 biennium.



**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

**SB 5506-A**

**Various Agencies  
Jean Gabriel 971-900-7691**

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS	FEDERAL FUNDS	TOTAL FUNDS	POS	FTE
<b><u>COMMITTEE AUTHORIZATIONS</u></b>							
<b><u>EDUCATION PROGRAM AREA</u></b>							
<b><u>Higher Education Coordinating Commission</u></b>							
All - Capital Improvement and Renewal	\$ -	\$ -	\$ 80,000,000	\$ -	\$ 80,000,000	0	0.00
EOU - Inlow Hall Renovation Phase II	\$ -	\$ -	\$ 18,265,100	\$ -	\$ 18,265,100	0	0.00
OIT - Residence Hall	\$ -	\$ -	\$ 55,000,000	\$ -	\$ 55,000,000	0	0.00
OIT - OMIC R&D Center for Additive Manufacturing Innovation	\$ -	\$ -	\$ 5,000,000	\$ -	\$ 5,000,000	0	0.00
OSU - Student Success Center	\$ -	\$ -	\$ 13,800,000	\$ -	\$ 13,800,000	0	0.00
OSU - Cordley Hall Renovation Phase II	\$ -	\$ -	\$ 86,000,000	\$ -	\$ 86,000,000	0	0.00
OSU - Reser Stadium West Grandstands	\$ -	\$ -	\$ 40,000,000	\$ -	\$ 40,000,000	0	0.00
PSU - Gateway Center Reuse and Extension	\$ -	\$ -	\$ 68,000,000	\$ -	\$ 68,000,000	0	0.00
UO - Heritage Building Renovation	\$ -	\$ -	\$ 58,500,000	\$ -	\$ 58,500,000	0	0.00
WOU - Student Success Center	\$ -	\$ -	\$ 21,340,000	\$ -	\$ 21,340,000	0	0.00
Chemeketa CC - Building 7 Remodel	\$ -	\$ -	\$ 8,000,000	\$ -	\$ 8,000,000	0	0.00
Clatsop CC - Maritime Science Building (reauthorize)	\$ -	\$ -	\$ 7,996,994	\$ -	\$ 7,996,994	0	0.00
Klamath CC - Childcare Resource Learning Center	\$ -	\$ -	\$ 1,500,000	\$ -	\$ 1,500,000	0	0.00
Linn-Benton CC - Agricultural Center	\$ -	\$ -	\$ 8,000,000	\$ -	\$ 8,000,000	0	0.00
Mt. Hood CC - Accessibility Upgrades, Dental Hygiene Lab & Def. Maint.	\$ -	\$ -	\$ 8,000,000	\$ -	\$ 8,000,000	0	0.00
Oregon Coast CC - Workforce Education and Resiliency Center (reauthorize)	\$ -	\$ -	\$ 8,000,000	\$ -	\$ 8,000,000	0	0.00
Rogue CC - Transportation Technology Center	\$ -	\$ -	\$ 7,000,000	\$ -	\$ 7,000,000	0	0.00
Tillamook Bay CC - Classroom/Office Building & Renovations	\$ -	\$ -	\$ 8,000,000	\$ -	\$ 8,000,000	0	0.00
<b><u>Oregon Department of Education</u></b>							
Oregon School for the Deaf ADA Restrooms	\$ -	\$ -	\$ 1,024,625	\$ -	\$ 1,024,625	0	0.00
Oregon School for the Deaf Fire Alarm System Replacement	\$ -	\$ -	\$ 3,091,923	\$ -	\$ 3,091,923	0	0.00
Oregon School for the Deaf Windows Upgrade	\$ -	\$ -	\$ 1,383,452	\$ -	\$ 1,383,452	0	0.00

**ADMINISTRATION PROGRAM AREA**

**Department of Administrative Services**

Deferred Maintenance	\$ -	\$ -	\$ 15,500,000	\$ -	\$ 15,500,000	0	0.00
Gender Neutral Facilities and Mothers' Rooms	\$ -	\$ -	\$ 10,000,000	\$ -	\$ 10,000,000	0	0.00
Capitol Mall Parking Structure Improvements	\$ -	\$ -	\$ 2,750,000	\$ -	\$ 2,750,000	0	0.00
Dome Building and Yaquina Hall Improvements	\$ -	\$ -	\$ 1,500,000	\$ -	\$ 1,500,000	0	0.00
Climate Adaptation and Net Zero Solutions	\$ -	\$ -	\$ 2,000,000	\$ -	\$ 2,000,000	0	0.00
Parking Lot Improvements and EV Charging Station Expansions	\$ -	\$ -	\$ 2,000,000	\$ -	\$ 2,000,000	0	0.00
Executive Building Interior and Seismic Renovation	\$ -	\$ -	\$ 45,000,000	\$ -	\$ 45,000,000	0	0.00
North Valley Complex Infrastructure Upgrades/Tenant Improvements	\$ -	\$ -	\$ 60,000,000	\$ -	\$ 60,000,000	0	0.00
Yellow Parking Lot Paving	\$ -	\$ -	\$ 4,000,000	\$ -	\$ 4,000,000	0	0.00

**Oregon Liquor Control Commission**

Liquor Warehouse Conveyor System	\$ -	\$ -	\$ 10,000,000	\$ -	\$ 10,000,000	0	0.00
Liquor Warehouse Land and Building	\$ -	\$ -	\$ 52,537,265	\$ -	\$ 52,537,265	0	0.00

**PUBLIC SAFETY PROGRAM AREA**

**Oregon Military Department**

Ashland Armory Service Life Extension	\$ -	\$ -	\$ 5,373,235	\$ -	\$ 5,373,235	0	0.00
Corvallis Armory Service Life Extension	\$ -	\$ -	\$ 4,317,605	\$ -	\$ 4,317,605	0	0.00
Camp Umatilla Barracks Facilities	\$ -	\$ -	\$ -	\$ 8,000,000	\$ 8,000,000	0	0.00
Camp Umatilla Guard Shack	\$ -	\$ -	\$ -	\$ 1,100,000	\$ 1,100,000	0	0.00
Washington County Readiness Center	\$ -	\$ -	\$ 5,300,000	\$ 22,700,000	\$ 28,000,000	0	0.00

**Oregon Youth Authority**

Camp Riverbend Dorm Renovation	\$ -	\$ -	\$ 6,867,101	\$ -	\$ 6,867,101	0	0.00
Capital Improvements	\$ -	\$ -	\$ 6,742,239	\$ -	\$ 6,742,239	0	0.00
MacLaren West Cottages Renovations	\$ -	\$ -	\$ 8,000,000	\$ -	\$ 8,000,000	0	0.00
Tillamook Dorm Renovation	\$ -	\$ -	\$ 10,279,899	\$ -	\$ 10,279,899	0	0.00

**Department of Corrections**

Capital Improvement and Renewal	\$ -	\$ -	\$ 70,000,000	\$ -	\$ 70,000,000	0	0.00
Off-Net Telephone Infrastructure	\$ -	\$ -	\$ 3,508,206	\$ -	\$ 3,508,206	0	0.00

**Oregon State Police**

Central Point Office Expansion	\$ -	\$ -	\$ 33,961,269	\$ -	\$ 33,961,269	0	0.00
Springfield Forensic Lab and Medical Examiner's Office	\$ -	\$ -	\$ 61,982,733	\$ -	\$ 61,982,733	0	0.00
Springfield Patrol Area Command Office	\$ -	\$ -	\$ 14,261,687	\$ -	\$ 14,261,687	0	0.00

**TRANSPORTATION PROGRAM AREA**

**Department of Transportation**

Meacham Maintenance Station	\$ -	\$ -	\$ 12,000,000	\$ -	\$ 12,000,000	0	0.00
South Coast Maintenance Station	\$ -	\$ -	\$ 16,200,000	\$ -	\$ 16,200,000	0	0.00
Region 3-5 Headquarters HVAC Upgrades	\$ -	\$ -	\$ 3,800,000	\$ -	\$ 3,800,000	0	0.00

**Department of Aviation**

Siletz Bay State Airport Runway and Electrical Rehabilitation	\$ -	\$ -	\$ 320,000	\$ 3,069,187	\$ 3,389,187	0	0.00
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**NATURAL RESOURCES PROGRAM AREA**

**Department of Forestry**

Santiam District Office Replacement	\$ -	\$ -	\$ 2,500,000	\$ -	\$ 2,500,000	0	0.00
Toledo Facility Replacement Phase II	\$ -	\$ -	\$ 1,632,842	\$ -	\$ 1,632,842	0	0.00

**Oregon Department of Fish and Wildlife**

Capital Improvement and Renewal	\$ -	\$ -	\$ 5,000,000	\$ -	\$ 5,000,000	0	0.00
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**Oregon Parks and Recreation Department**

Capital Improvement and Renewal	\$ -	\$ -	\$ 50,000,000	\$ -	\$ 50,000,000	0	0.00
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**HUMAN SERVICES PROGRAM AREA**

**Oregon Health Authority**

Oregon State Hospital, Salem Well Water Treatment Facility	\$ -	\$ -	\$ 4,492,750	\$ -	\$ 4,492,750	0	0.00
OSH Salem/Junction City Automated Dispensing Cabinets	\$ -	\$ -	\$ 3,500,000	\$ -	\$ 3,500,000	0	0.00

**ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAM AREA**

**Oregon Housing and Community Services**

LIFT Housing and Permanent Supportive Housing	\$ -	\$ -	\$ 410,000,000	\$ -	\$ 410,000,000	0	0.00
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**JUDICIAL PROGRAM AREA**

**Oregon Judicial Department**

Supreme Court Building Renovation	\$ -	\$ -	\$ 21,700,000	\$ -	\$ 21,700,000	0	0.00
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<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,474,928,925</b>	<b>\$ 34,869,187</b>	<b>\$ 1,509,798,112</b>	<b>0</b>	<b>0.00</b>
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**2019-21 Supplemental Expenditure Limitation Adjustments**

**Oregon Military Department**

Boardman Tactical Unmanned Aerial Vehicle Facility	\$ -	\$ -	\$ -	\$ 3,000,000	\$ 3,000,000	0	0.00
Umatilla Wastewater Treatment Facility and Water Supply Line	\$ -	\$ -	\$ -	\$ 2,075,000	\$ 2,075,000	0	0.00

**Higher Education Coordinating Commission**

Blue Mtn CC - Facility for Agricultural Resource Management, Ph II	\$ -	\$ -	\$ (1,500,000)	\$ -	\$ (1,500,000)	0	0.00
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**2017-19 Supplemental Expenditure Limitation Adjustments**

**Oregon Military Department**

Camp Umatilla Regional Training Institute Re-set	\$ -	\$ -	\$ -	\$ 4,200,000	\$ 4,200,000	0	0.00
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**Higher Education Coordinating Commission**

Blue Mtn CC - Facility for Agricultural Resource Management, Ph II	\$ -	\$ -	\$ (5,000,000)	\$ -	\$ (5,000,000)	0	0.00
Clatsop CC - Maritime Science Building	\$ -	\$ -	\$ (7,996,994)	\$ -	\$ (7,996,994)	0	0.00
Mt. Hood CC - Maywood Park Center	\$ -	\$ -	\$ (8,000,000)	\$ -	\$ (8,000,000)	0	0.00
Oregon Coast CC - Workforce Education and Resiliency Center	\$ -	\$ -	\$ (8,000,000)	\$ -	\$ (8,000,000)	0	0.00

PRELIMINARY

Oregon Parks and Recreation Commission

November 17, 2021

Agenda Item: 8b Action

Public Comment Allowed: Yes

Topic: Silver Falls State Park Water Reservoir (Construction Approval)

Presented by: Matt Rippee, Central Park Services Manager

**Title:** Silver Falls State Park Reservoir Replacement Project

**Location:** Silver Falls State Park

**Description:** Project scope is to demolish the existing 150,000 gallon redwood water reservoir, foundation and associated utilities. The existing redwood tank was constructed over 45-years ago and the timber rot is contributing to leaking around the tank base that is worsening each year. The project will construct a new steel water reservoir including foundation, plumbing, electrical and security fencing. The project plans and specifications have been submitted to the Oregon Health Authority Drinking Water Program (OHA DWP) (on 8/25/2021) for their review and approval. The project is supported by a LWCF grant.

*Project Manager:* Darrell Monk, Construction Project Manager

<i>Project Number:</i> 25906	<i>FIP Project Budget:</i>	\$350,500	
<i>Procurement Number:</i> 8953	<i>LWCF Project Budget:</i>	\$350,500	
	<i>Procurement Budget:</i>	\$700,000	

*Schedule:*

Advertise	Bid Close	Contract Award	Contract Completion
November, 2021	November, 2021	December, 2021	December, 2022*

\*Note: Tank materials are backordered approximately 6-months. Project construction is anticipated to begin in October 2022 to avoid disruption to our visitors during the 2022 summer camping season.

**Prior Action by Commission:** None.

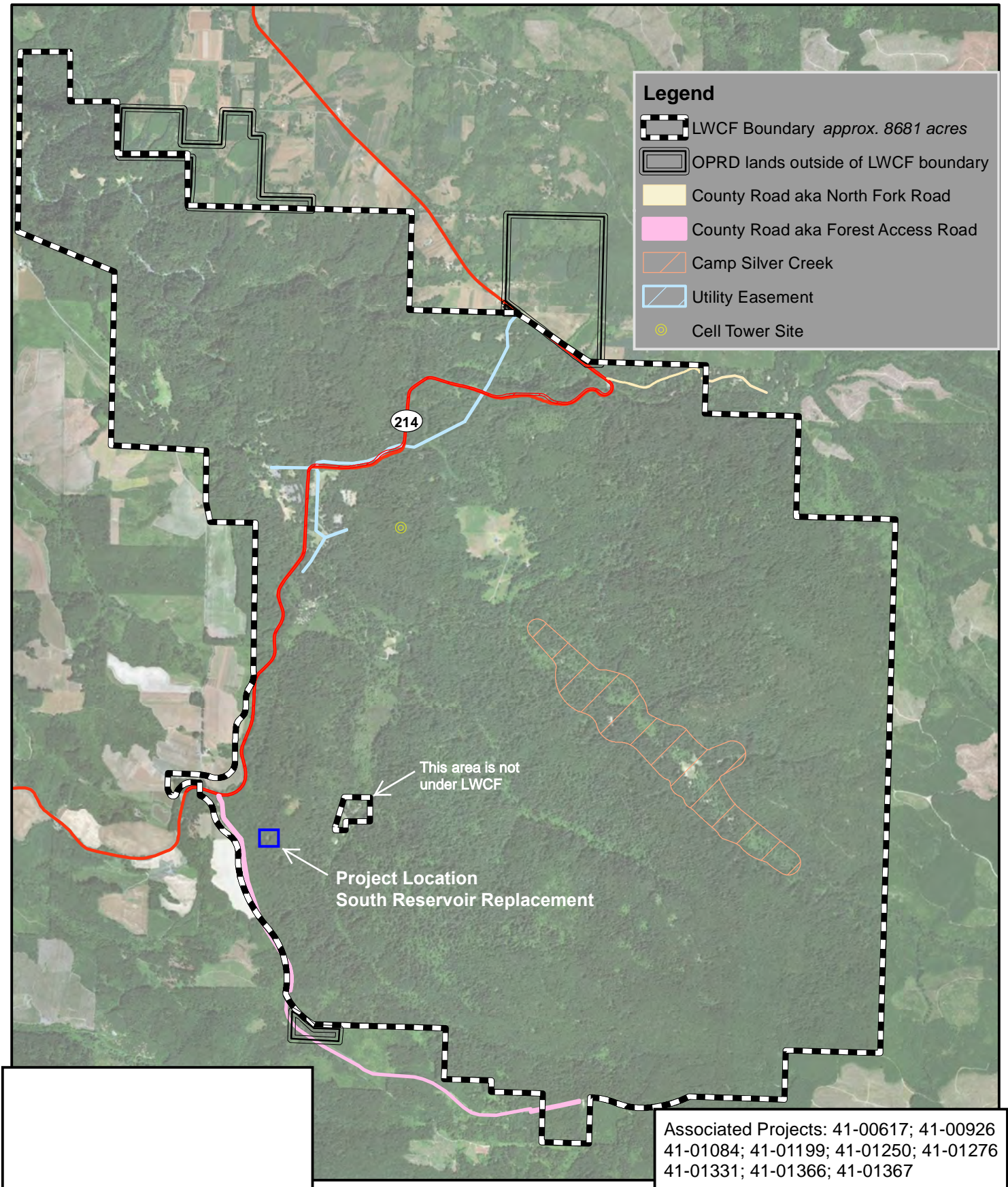
**Action Requested:** Request approval, contingent upon approval from the OHA DWP, for the demolition of the existing redwood reservoir and construction of a new steel water reservoir at Silver Falls State Park.

**Attachments:** Map

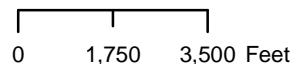
**Prepared by:** Matt Rippee, Central Park Services Manager

# Silver Falls State Park

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



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## Oregon Parks and Recreation Commission

November 18, 2021

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Agenda Item: 9a Action

Public Comment Allowed: No

Topic: Request to adopt rulemaking – Collaborative Dispute Resolution Model Rules (Chapter 736 Division 140)

Presented by: Katie Gauthier

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**Background:** The agency, at the request of Oregon DOJ and Senior Assistant Attorney General Steve Shipsey, is proposing that existing OAR Chapter 736 Division 140 be updated to reflect the DOJ's Model Rule language in OAR Chapter 137 Division 5.

Staff plan to plan to add OAR 736-140-0000, OAR 736-140-0001, OAR 736-140-0002, OAR 736-140-0003, OAR 736-140-0004 and OAR 736-140-0006. OAR 736-140-0005 will be retired and replaced with OAR 736-140-0011. OAR 736-140-0015 will have amendments. OAR 736-140-0021 and OAR 736-140-0025 will be added.

The brief during the request to open this rulemaking identified the addition of OAR 736-140-0010 and OAR 736-140-0020. However, those rule numbers have already been used in the past and were changed to OAR 736-140-0011 and OAR 736-140-0021. In addition, definitions were added back into OAR 736-140-0001(1) and 736-140-0015(1) following Steve Shipsey's recommendation to help clarify the rule.

Public comment opened October 1<sup>st</sup> and will close October 31<sup>st</sup>. As of October 22<sup>nd</sup>, there have been no public comment on this rule.

**Prior Action by Commission:** September 2021 Commission approved opening rulemaking.

**Action Requested:** Staff requests to adopt OAR Chapter 736 Division 140 changes.

**Attachments:** Attachment A – proposed rule amendments – marked copy.  
Attachment B – proposed rule amendments – clean copy

**Prepared by:** Jo Niehaus



## Chapter 736

### Division 140

## COLLABORATIVE DISPUTE RESOLUTION MODEL RULES

### ~~CONFIDENTIALITY AND INADMISSIBILITY OF MEDIATION COMMUNICATIONS~~

736-140-0000

#### Use of Collaborative Dispute Resolution Processes

(1) Unless otherwise precluded by law, the agency may, in its discretion, use a collaborative dispute resolution process in contested cases, rulemaking proceedings, judicial proceedings, and any other decision-making or policy development process or controversy involving the agency. Collaborative dispute resolution may be used to prevent or to minimize the escalation of disputes and to resolve disputes once they have occurred.

(2) Nothing in this rule limits innovation and experimentation with collaborative or alternative forms of dispute resolution, with negotiated rulemaking or with other procedures or dispute resolution practices not otherwise prohibited by law.

(3) The collaborative means of dispute resolution may be facilitated negotiation, mediation, facilitation or any other method designed to encourage the agency and the other participants to work together to develop a mutually agreeable solution. The agency may also consider using neutral fact-finders in an advisory capacity.

(4) The agency shall not agree to any dispute resolution process in which its ultimate settlement or decision making authority is given to a third party, including arbitration or fact-finding, without prior written authorization from the Attorney General.

(5) Nothing in this rule obligates the agency to offer funds to settle any case, to accept a particular settlement or resolution of a dispute, to alter its standards for accepting settlements, to submit to binding arbitration, or to alter any existing delegation of settlement or litigation authority.

736-140-0001

#### Assessment for Use of Collaborative DR Process

(1) Before instituting a collaborative dispute resolution process, the agency may conduct an assessment to determine if a collaborative process is appropriate for the controversy and, if so, under what conditions.

(2) A collaborative DR process may be appropriate if:

(a) The relationship between the parties will continue beyond the resolution of the controversy and a collaborative DR process is likely to have a favorable effect on the relationship;

(b) There are outcomes or solutions that are only available through a collaborative process;

(c) There is a reasonable likelihood that a collaborative process will result in an agreement;

(d) The implementation and durability of any resolution to the controversy will likely require ongoing, voluntary cooperation of the participants;

(e) A candid or confidential discussion among the disputants may help resolve the controversy, and OAR ~~137-005-0050~~736-140-0006 may provide for such candor or confidentiality;

(f) Direct negotiations between the parties have been unsuccessful or could be improved with the assistance of a collaborative DR provider;

(g) No single agency or jurisdiction has complete control over the issue and a collaborative process is likely to be effective in reconciling conflicts over jurisdiction and control; or

(h) The agency has limited time or other resources, and a collaborative process would use less agency resources, take less time or be more efficient than another type of process.

(3) A collaborative DR process may not be appropriate if:

(a) The outcome of the controversy is important for its precedential value, and a collaborative DR process is unlikely to be accepted as an authoritative precedent;

(b) There are significant unresolved legal issues in this controversy, and a collaborative DR process is unlikely to be effective if those legal issues are not resolved first;

(c) The controversy involves significant questions of agency policy, and it is unlikely that a collaborative DR process will help develop or clarify agency policy;

(d) Maintaining established policies and consistency among decisions is important, and a collaborative DR process likely would result in inconsistent outcomes for comparable matters;

(e) The controversy significantly affects persons or organizations who are not participants in the process or whose interests are not adequately represented by participants;

(f) A public record of the proceeding is important, and a collaborative DR process cannot provide such a record;

(g) The agency must maintain authority to alter the disposition of the matter because of changed circumstances, and a collaborative DR process would interfere with the agency's ability to do so;

(h) The agency must act quickly or authoritatively to protect the public health or safety, and a collaborative dispute resolution process would not provide the necessary speed and authority to do this.

(i) The agency has limited time or other resources, and a collaborative process would use more agency resources, take longer or be less efficient than another type of process; or

(j) None of the factors in section (2) apply.

(4) The assessment may also be used to:

(a) Determine or clarify the nature of the controversy or the issues to be resolved;

(b) Match a dispute resolution process to the objectives and interests of the disputants;

(c) Determine who will participate in the process;

(d) Estimate the time and resources needed to implement a collaborative DR process;

(e) Assess the potential outcomes of a collaborative DR process and the desirability of those outcomes;

(f) Determine the likely means for enforcing any agreement or settlement that may result;

(g) Determine the compensation, if any, of the dispute resolution provider;

(h) Determine the ground rules for the collaborative DR process; and

(i) Determine the degree to which the parties and the agency wish, and are legally able, to keep the proceedings confidential.

(5) The agency may contract with a collaborative DR provider pursuant to OAR [137-005-0040736-140-0004](#) to assist the agency in conducting the assessment and may request that the provider prepare a written report summarizing the results of the assessment.

736-140-0002

### **Assessment for Use of Collaborative DR Process in Complex Public Policy Controversies**

(1) For the purposes of this rule, “complex public policy controversy” means a multi-party controversy that includes at least one governmental participant and that affects the broader public, rather than only a single group or individual.

(2) Before using a collaborative process to resolve a complex public policy controversy, the agency may conduct an assessment to determine if a collaborative DR process is appropriate and, if so, under what conditions. In addition to the factors in OAR [137-005-0020736-140-0001](#), the agency may use the assessment to consider if:

(a) The agency is interested in joint problem solving or in reaching a consensus among participants, and not solely in obtaining public comment, consultation or feedback, which may be addressed through other processes;

(b) The persons, interest groups or entities significantly affected by the controversy or by any agreement resulting from the collaborative DR process

(A) Can be readily identified;

(B) Are willing to participate in a collaborative process; and

(C) Have the time, resources and ability to participate effectively in a collaborative process and in the implementation of any agreement that may result from the collaborative process;

(c) The persons identified as representing the interests of a group of persons or of an organization have sufficient authority to negotiate a durable agreement on behalf of the group or organization they represent; or

(d) There are ongoing or proposed legislative, political or legal activities that would significantly undermine the value of the collaborative process or the durability of any collaborative agreement.

(3) The agency may contract with a collaborative DR provider pursuant to OAR ~~137-005-0040~~736-140-0004 to assist the agency in conducting all or part of the assessment under section (1) and may request that the provider prepare a written report summarizing the results of the assessment.

736-140-0003

### **Agreement to Collaborate**

In preparation for, or in the course of, a collaborative DR process the agency and the other participants may enter into a written agreement to collaborate. This agreement may include:

(1) A brief description of the dispute or the issues to be resolved;

(2) A list of the participants;

(3) A description of the proposed collaborative DR process;

(4) An estimated starting date and ending date for the process;

(5) A statement whether the collaborative DR provider will receive compensation and, if so, who will be responsible for its payment;

(6) A description of the process, including, but not limited to: the role of witnesses, and whether and how counsel may participate in the process;

(7) Consistent with applicable statute and rules, a statement regarding the degree to which the proceedings or communications made during the course of the collaborative DR process are confidential; and

(8) A description of the likely means of enforcing any agreement or settlement that may result.

736-140-0004

### **Selection and Procurement of Dispute Resolution Providers**

(1) The agency may select the collaborative DR provider or may opt to select the provider by consensus of the participants.

(2) A collaborative DR provider who has a financial interest in the subject matter of the dispute, who is an employee of an agency in the dispute, who has a financial relationship with any participant in the collaborative DR process or who otherwise may not be impartial is considered to have a potential bias. If, before or during the dispute resolution process, a provider has or acquires a potential bias, the provider shall so inform all the participants. Any participant may disqualify a provider who has a potential bias if the participant believes in good faith that the potential bias will undermine the ability of the provider to be impartial throughout the process.

(3) If the collaborative DR provider is a public official as defined by ORS 244.020(15), the provider shall comply with the requirements of ORS Chapter 244.

(4) If the agency procures the services of a collaborative DR provider, the agency must comply with all procurement and contracting rules provided by law. A roster of collaborative DR providers and a simplified mediator and facilitator procurement process developed by the Department of Justice may be used by the agency when selecting a collaborative DR provider.

(5) If the collaborative DR provider is a mediator or facilitator who is not an employee of the agency, the participants shall share the costs of the provider, unless the participants agree otherwise or the provider is retained solely by the agency or by a non-participant.

(6) Whenever the agency compensates a provider who is not an employee of the agency, the state must execute a personal services contract with the provider. If the agency and the other participants choose to share the cost of the collaborative DR provider's services, the non-agency participants may enter into their own contract with the provider or may be a party to the contract between the agency and the provider, at the discretion of the agency. The agency's contract with a provider must state:

(a) The name and address of the provider and the contracting agency;

(b) The nature of the dispute, the issues being submitted to the collaborative DR process and the identity of the participants, as well as is known at the time the contract is signed;

(c) The services the provider will perform (scope of work);

(d) The compensation to be paid to the provider and the maximum contract amount;

(e) The beginning and ending dates of the contract and that the contract may be terminated by the agency or the provider upon mutual written consent, or at the sole discretion of the agency upon 30 calendar days notice to the provider or immediately if the agency determines that the DR process is unable to proceed for any reason.

(7) A student, intern or other person in training or assisting the provider may function as a co-provider in a dispute resolution proceeding. The co-provider shall sign and be bound by the agreement to collaborate specified in OAR ~~137-005-0030~~736-140-0003, if any, and, if compensated by the agency, a personal services contract as specified in section (6) of this rule.

736-140-0006

### **Confidentiality of Collaborative Dispute Resolution Communications**

(1) For the purposes of this rule,

(a) “Agreement to mediate” means a written agreement to mediate executed by the parties establishing the terms and conditions of the mediation, which may include provisions specifying the extent to which mediation communications will be confidential.

(b) “Mediation” means a process in which a mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such time as a resolution is agreed to by the parties or the mediation process is terminated.

(c) “Mediation agreement” means an agreement arising out of a mediation, including any term or condition of the agreement.

(d) “Mediation communication” means:

(A) All communications that are made, in the course of or in connection with a mediation, to a mediator, a mediation program or a party to, or any other person present at, the mediation proceedings; and

(B) All memoranda, work products, documents and other materials, including any draft mediation agreement, that are prepared for or submitted in the course of or in connection with a mediation or by a mediator, a mediation program or a party to, or any other person present at, mediation proceedings.

(e) “Mediator” means a third party who performs mediation. Mediator includes agents and employees of the mediator or mediation program.

(f) “Party” means a person or agency participating in a mediation who has a direct interest in the controversy that is the subject of the mediation. A person or agency is not a party to a mediation

solely because the person or agency is conducting the mediation, is making the mediation available or is serving as an information resource at the mediation.

(2) If the agency is a party to a mediation or is mediating a dispute as to which the agency has regulatory authority:

(a) The agency may choose to adopt either or both the Model Rule for Confidentiality and Inadmissibility of Mediation Communications in OAR ~~137-050-0052~~736-140-0011 or the Model Rule for Confidentiality and Inadmissibility of Workplace Interpersonal Mediation Communications in ~~137-050-0054~~OAR 736-140-0015, in which case mediation communications shall be confidential to the extent provided in those rules. The agency may adopt the rules by reference without complying with the rulemaking procedures under ORS 183.335. Notice of such adoption shall be filed with the Secretary of State in the manner provided by ORS 183.355 for the filing of rules.

(b) If the agency has not adopted confidentiality rules pursuant to ORS 36.220 to 36.238, mediation communications shall not be confidential unless otherwise provided by law, and the agency shall inform the parties in the mediation of that fact in an agreement to collaborate pursuant to OAR ~~137-005-0030~~736-140-0003 or other document.

(3) If the agency is mediating a dispute as to which the agency is not a party and does not have regulatory authority, mediation communications are confidential, except as provided in ORS 36.220 to 36.238. The agency and the other parties to the mediation may agree in writing that all or part of the mediation communications are not confidential. Such an agreement may be made a part of an agreement to collaborate authorized by OAR ~~137-005-0030~~736-140-0003.

(4) If the agency and the other participants in a collaborative DR process other than a mediation wish to make confidential the communications made during the course of the collaborative DR process:

(a) The agency, the other participants and the collaborative DR provider, if any, shall sign an agreement to collaborate pursuant to OAR ~~137-005-0030~~736-140-0003 or any other document that expresses their intent with respect to:

(A) Disclosures by the agency and the other participants of communications made during the course of the collaborative DR process;

(B) Disclosures by the collaborative DR provider of communications made during the course of the collaborative DR process;

(C) Any restrictions on the agency's use of communications made during the course of the collaborative DR process in any subsequent administrative proceeding of the agency; and

(D) Any restrictions on the ability of the agency or the other participants to introduce communications made during the course of the collaborative DR process in any subsequent

judicial or administrative proceeding relating to the issues in controversy with respect to which the communication was made.

(b) Notwithstanding any agreement under subsection (4)(a) of this rule, communications made during the course of a collaborative DR process:

(A) May be disclosed if the communication relates to child abuse and is made to a person who is required to report abuse under ORS 419B.010 to the extent the person is required to report the communication;

(B) May be disclosed if the communication relates to elder abuse and is made to a person who is required to report abuse under ORS 124.050 to 124.095 to the extent the person is required to report the communication;

(C) May be disclosed if the communication reveals past crimes or the intent to commit a crime;

(D) May be disclosed by a party to a collaborative DR process to another person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law;

(E) May be used by the agency in any subsequent proceeding to enforce, modify or set aside an agreement arising out of the collaborative DR process;

(F) May be disclosed in an action for damages or other relief between a party to a collaborative DR process and a DR provider to the extent necessary to prosecute or defend the matter; and

(G) Shall be subject to the Public Records Law, ORS 192.311 to 192.478, and the Public Meetings Law, ORS 192.610 to 192.690.

(c) If a demand for disclosure of a communication that is subject to an agreement under this section is made upon the agency, any other participant or the collaborative DR provider, the person receiving the demand for disclosure shall make reasonable efforts to notify the agency, the other participants and the collaborative DR provider.

**736-140-0005**

**736-140-0011**

**Confidentiality and Inadmissibility of Mediation Communications** **Mediation Confidentiality**

(1) The words and phrases used in these rules have the same meaning as given to them in ORS 36.110 and 36.234. In addition, as used in this rule, unless the context requires otherwise:

(a) "Agency" or "the agency" means Oregon Parks and Recreation Department or OPRD.



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

(c) "State agency" may refer to Oregon Parks and Recreation Department or could refer to a state agency other than the Oregon Parks and Recreation Department if more than one state agency is party to the mediation.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in ORS 192.311 to 192.478~~192.410 to 192.505~~.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (~~89~~) of this rule.

(5) Mediations Excluded. Sections (6)–(~~910~~) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters; or

(c) Mediation in which the only parties are public bodies; or

(d) Mediation in which involving two or more public bodies and a private entity are parties party if the laws, rules or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential; or

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation.

(6) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) and (r)–(s) of section (8) of this rule.

~~of section (9) of this rule.~~

(7) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in sections (8)–~~(9)~~ of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding so long as:

(a) The parties to the mediation sign an agreement to mediate specifying the extent to which mediation communications are confidential; and,

(b) If the mediator is the employee of or acting on behalf of a state agency, the mediator or an authorized representative of the agency signs the agreement.

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~~(8) Written Agreement. Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be either confidential; or non-discoverable and inadmissible; or both confidential and non-discoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must be in substantially the format outlined in the OPRD form entitled: "Agreement to Participate in A Confidential Mediation" available from the agency. This form may be used separately or incorporated into an "agreement to mediate."~~

(9) Exceptions to Confidentiality and Inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any document that, before its use in a mediation, was a public record Any mediation communications that are public records, as defined in ORS 192.311(5) remains subject to disclosure to the extent provided by ORS 192.311 to 192.478 and may be introduced into evidence in a subsequent proceeding.

~~ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.~~

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation; or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS ~~192.311 to 192.478~~~~192.410-192.505~~, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege;<sup>2</sup> or

(B) Attorney work product prepared in anticipation of litigation or for trial;<sup>2</sup> or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency;<sup>2</sup> or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation;<sup>2</sup> or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Director or designee determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS ~~192.311 to 192.478~~~~192.410-192.505~~, a court has ordered the terms

to be confidential under ORS ~~17.095~~ ~~30.402~~ or state or federal law requires the terms to be confidential.

(p) In any mediation in a case that that has been filed in court or when a public body's role in a mediation is solely to make mediation available to the parties the mediator may report the disposition of the mediation to that public body or court at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency conducting the mediation or making the mediation available or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232. The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(q) An agreement to mediate is not confidential and may be introduced into evidence in a subsequent proceeding.

(r) Any mediation communication relating to child abuse that is made to a person required to report child abuse under ORS 419B.010 is not confidential to the extent that the person is required to report the communication.

(s) Any mediation communication relating to elder abuse that is made to a person who is required to report elder abuse under ORS 124.050 to 124.095 is not confidential to the extent that the person is required to report the communication.

~~(919)~~ When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

[ED. NOTE: Forms referenced are available from the agency.]

~~Statutory/Other Authority: ORS 36.224 & 390.124~~

~~Statutes/Other Implemented: ORS 36.224, 36.228, 36.230 & 36.232~~

~~History:~~

~~PRD 22-2009, f. & cert. ef. 12-8-09~~

~~736-140-0015~~ 736-140-0015

~~Confidentiality of Workplace Mediations~~ Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications

(1) This rule applies to workplace interpersonal disputes, which are disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials.

This rule does not apply to disputes involving the negotiation of labor contracts or matters about which a ~~formal grievance under a labor contract~~, a tort claim notice or a lawsuit has been filed.

(2) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234. In addition, as used in this rule, unless the context requires otherwise:

(a) “Agency” or “the agency” means Oregon Parks and Recreation Department or OPRD.

(b) “Director” means the Director of the Oregon Parks and Recreation Department.

(c) “State agency” may refer to Oregon Parks and Recreation Department or could refer to a state agency other than the Oregon Parks and Recreation Department if more than one state agency is party to the mediation.

(3) Nothing in this rule affects any confidentiality created by other law.

(4) To the extent mediation communications would otherwise compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c) or (h)–(j) of section (7) of this rule.

(6) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in section (7) of this rule, mediation communications in mediations involving workplace interpersonal disputes are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced into evidence by the parties or the mediator in any subsequent proceeding so long as:

(a) The parties to the mediation and the agency have agreed in writing to the confidentiality of the mediation; and

(b) The person agreeing to the confidentiality of the mediation on behalf of the agency:

(A) Is neither a party to the dispute nor the mediator; and

(B) Is designated by the agency to authorize confidentiality for the mediation; and

(C) Is at the same or higher level in the agency than any of the parties to the mediation or who is a person with responsibility for human resources or personnel matters in the agency, unless the agency head or member of the governing board is one of the persons involved in the interpersonal dispute, in which case the Governor or the Governor's designee.

(7) Exceptions to Confidentiality and Inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in [ORS 192.311\(5\)](#), ~~ORS 192.410(4)~~, and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(e) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(f) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(g) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(h) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(i) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.311 to 192.478~~ORS 192.410 to 192.505~~, that portion of the communication may be disclosed as required by statute.

(j) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232~~(4)~~.

(k) Any mediation communication relating to child abuse that is made to a person required to report abuse under ORS 419B.010 is not confidential to the extent that the person is required to report the communication.

(l) Any mediation communication relating to elder abuse that is made to a person who is required to report abuse under ORS 124.050 to 124.095 is not confidential to the extent that the person is required to report the communication.

(8) The terms of any agreement arising out of the mediation of a workplace interpersonal dispute are confidential so long as the parties and the agency so agree in writing. Any term of an agreement that requires an expenditure of public funds, other than expenditures of \$1,000 or less for employee training, employee counseling or purchases of equipment that remain the property of the agency, may not be made confidential.

(9) When a mediation is subject to section (6) of this rule, the agency will provide to all parties to the mediation and to the mediator a copy of this rule or an explanation of where a copy of the rule may be obtained. The mediation confidentiality agreement must also refer to this rule. Violation of this provision does not waive confidentiality or inadmissibility.

~~Statutory/Other Authority: ORS 36.224 & 390.124~~

~~Statutes/Other Implemented: ORS 36.230(4)~~

~~History:~~

~~PRD 22-2009, f. & cert. ef. 12-8-09~~

~~137-005-0060~~

~~736-140-0021~~

Mediation



(1) Unless otherwise provided by law, mediation is a voluntary process from which the agency and other participants may withdraw at any time.

(2) The mediator does not represent the interests of any of the participants or offer legal advice. Likewise, the mediator is not a judge and has no decision making power to impose a settlement on the participants or to render decisions.

(3) The person participating in the mediation on behalf of the agency shall be knowledgeable about the issues in dispute and have authority to effectively recommend settlement options to the agency.

**Statutory/Other Authority: ORS 183.341 & 183.502**

**Statutes/Other Implemented: ORS 183.502**

**History:**

**JD 3-1997, f. 9-4-97, cert. ef. 9-15-97**

**JD 1-1997, f. 3-28-97, cert. ef. 4-1-97**

**137-005-0070**

**736-140-0025**

**Contract Clauses Specifying Dispute Resolution**

(1) The agency may specify or require any form of dispute resolution except binding arbitration as a condition of a contract.

(2) The agency may specify binding arbitration by contract only if the Attorney General has approved the contract containing the clause specifying binding arbitration and the clause itself for legal sufficiency.

(3) The agency may provide for the resolution of technical, scientific or accounting matters of fact by requiring the submission of such matters to a neutral fact finder selected and appointed as specified in a contract clause.

(4) The specification of a method of dispute resolution in a contract clause does not:

(a) Remove the requirement to provide notices or filings or to meet deadlines otherwise required by law, regulation or contract provision;

(b) Constitute a waiver of the sovereign immunity of the State of Oregon; or

(c) Prohibit the participants from entering into an agreement to use any other method of dispute resolution that appears to be more suitable for the particular dispute in lieu of or in addition to the method specified by contract.

**Statutory/Other Authority: ORS 183.341 & 183.502**

**Statutes/Other Implemented: ORS 183.502**

**History:**

~~JD 1-1997, f. 3-28-97, cert. ef. 4-1-97~~

## **Chapter 736**

### **Division 140**

## **COLLABORATIVE DISPUTE RESOLUTION MODEL RULES**

736-140-0000

### **Use of Collaborative Dispute Resolution Processes**

(1) Unless otherwise precluded by law, the agency may, in its discretion, use a collaborative dispute resolution process in contested cases, rulemaking proceedings, judicial proceedings, and any other decision-making or policy development process or controversy involving the agency. Collaborative dispute resolution may be used to prevent or to minimize the escalation of disputes and to resolve disputes once they have occurred.

(2) Nothing in this rule limits innovation and experimentation with collaborative or alternative forms of dispute resolution, with negotiated rulemaking or with other procedures or dispute resolution practices not otherwise prohibited by law.

(3) The collaborative means of dispute resolution may be facilitated negotiation, mediation, facilitation or any other method designed to encourage the agency and the other participants to work together to develop a mutually agreeable solution. The agency may also consider using neutral fact-finders in an advisory capacity.

(4) The agency shall not agree to any dispute resolution process in which its ultimate settlement or decision making authority is given to a third party, including arbitration or fact-finding, without prior written authorization from the Attorney General.

(5) Nothing in this rule obligates the agency to offer funds to settle any case, to accept a particular settlement or resolution of a dispute, to alter its standards for accepting settlements, to submit to binding arbitration, or to alter any existing delegation of settlement or litigation authority.

736-140-0001

### **Assessment for Use of Collaborative DR Process**

(1) Before instituting a collaborative dispute resolution process, the agency may conduct an assessment to determine if a collaborative process is appropriate for the controversy and, if so, under what conditions.

(2) A collaborative DR process may be appropriate if:

(a) The relationship between the parties will continue beyond the resolution of the controversy and a collaborative DR process is likely to have a favorable effect on the relationship;

- (b) There are outcomes or solutions that are only available through a collaborative process;
  - (c) There is a reasonable likelihood that a collaborative process will result in an agreement;
  - (d) The implementation and durability of any resolution to the controversy will likely require ongoing, voluntary cooperation of the participants;
  - (e) A candid or confidential discussion among the disputants may help resolve the controversy, and OAR 736-140-0006 may provide for such candor or confidentiality;
  - (f) Direct negotiations between the parties have been unsuccessful or could be improved with the assistance of a collaborative DR provider;
  - (g) No single agency or jurisdiction has complete control over the issue and a collaborative process is likely to be effective in reconciling conflicts over jurisdiction and control; or
  - (h) The agency has limited time or other resources, and a collaborative process would use less agency resources, take less time or be more efficient than another type of process.
- (3) A collaborative DR process may not be appropriate if:
- (a) The outcome of the controversy is important for its precedential value, and a collaborative DR process is unlikely to be accepted as an authoritative precedent;
  - (b) There are significant unresolved legal issues in this controversy, and a collaborative DR process is unlikely to be effective if those legal issues are not resolved first;
  - (c) The controversy involves significant questions of agency policy, and it is unlikely that a collaborative DR process will help develop or clarify agency policy;
  - (d) Maintaining established policies and consistency among decisions is important, and a collaborative DR process likely would result in inconsistent outcomes for comparable matters;
  - (e) The controversy significantly affects persons or organizations who are not participants in the process or whose interests are not adequately represented by participants;
  - (f) A public record of the proceeding is important, and a collaborative DR process cannot provide such a record;
  - (g) The agency must maintain authority to alter the disposition of the matter because of changed circumstances, and a collaborative DR process would interfere with the agency's ability to do so;
  - (h) The agency must act quickly or authoritatively to protect the public health or safety, and a collaborative dispute resolution process would not provide the necessary speed and authority to do this.

(i) The agency has limited time or other resources, and a collaborative process would use more agency resources, take longer or be less efficient than another type of process; or

(j) None of the factors in section (2) apply.

(4) The assessment may also be used to:

(a) Determine or clarify the nature of the controversy or the issues to be resolved;

(b) Match a dispute resolution process to the objectives and interests of the disputants;

(c) Determine who will participate in the process;

(d) Estimate the time and resources needed to implement a collaborative DR process;

(e) Assess the potential outcomes of a collaborative DR process and the desirability of those outcomes;

(f) Determine the likely means for enforcing any agreement or settlement that may result;

(g) Determine the compensation, if any, of the dispute resolution provider;

(h) Determine the ground rules for the collaborative DR process; and

(i) Determine the degree to which the parties and the agency wish, and are legally able, to keep the proceedings confidential.

(5) The agency may contract with a collaborative DR provider pursuant to OAR 736-140-0004 to assist the agency in conducting the assessment and may request that the provider prepare a written report summarizing the results of the assessment.

736-140-0002

### **Assessment for Use of Collaborative DR Process in Complex Public Policy Controversies**

(1) For the purposes of this rule, “complex public policy controversy” means a multi-party controversy that includes at least one governmental participant and that affects the broader public, rather than only a single group or individual.

(2) Before using a collaborative process to resolve a complex public policy controversy, the agency may conduct an assessment to determine if a collaborative DR process is appropriate and, if so, under what conditions. In addition to the factors in OAR 736-140-0001, the agency may use the assessment to consider if:

(a) The agency is interested in joint problem solving or in reaching a consensus among participants, and not solely in obtaining public comment, consultation or feedback, which may be addressed through other processes;

(b) The persons, interest groups or entities significantly affected by the controversy or by any agreement resulting from the collaborative DR process

(A) Can be readily identified;

(B) Are willing to participate in a collaborative process; and

(C) Have the time, resources and ability to participate effectively in a collaborative process and in the implementation of any agreement that may result from the collaborative process;

(c) The persons identified as representing the interests of a group of persons or of an organization have sufficient authority to negotiate a durable agreement on behalf of the group or organization they represent; or

(d) There are ongoing or proposed legislative, political or legal activities that would significantly undermine the value of the collaborative process or the durability of any collaborative agreement.

(3) The agency may contract with a collaborative DR provider pursuant to OAR 736-140-0004 to assist the agency in conducting all or part of the assessment under section (1) and may request that the provider prepare a written report summarizing the results of the assessment.

736-140-0003

### **Agreement to Collaborate**

In preparation for, or in the course of, a collaborative DR process the agency and the other participants may enter into a written agreement to collaborate. This agreement may include:

(1) A brief description of the dispute or the issues to be resolved;

(2) A list of the participants;

(3) A description of the proposed collaborative DR process;

(4) An estimated starting date and ending date for the process;

(5) A statement whether the collaborative DR provider will receive compensation and, if so, who will be responsible for its payment;

(6) A description of the process, including, but not limited to: the role of witnesses, and whether and how counsel may participate in the process;

(7) Consistent with applicable statute and rules, a statement regarding the degree to which the proceedings or communications made during the course of the collaborative DR process are confidential; and

(8) A description of the likely means of enforcing any agreement or settlement that may result.

736-140-0004

### **Selection and Procurement of Dispute Resolution Providers**

(1) The agency may select the collaborative DR provider or may opt to select the provider by consensus of the participants.

(2) A collaborative DR provider who has a financial interest in the subject matter of the dispute, who is an employee of an agency in the dispute, who has a financial relationship with any participant in the collaborative DR process or who otherwise may not be impartial is considered to have a potential bias. If, before or during the dispute resolution process, a provider has or acquires a potential bias, the provider shall so inform all the participants. Any participant may disqualify a provider who has a potential bias if the participant believes in good faith that the potential bias will undermine the ability of the provider to be impartial throughout the process.

(3) If the collaborative DR provider is a public official as defined by ORS 244.020(15), the provider shall comply with the requirements of ORS Chapter 244.

(4) If the agency procures the services of a collaborative DR provider, the agency must comply with all procurement and contracting rules provided by law. A roster of collaborative DR providers and a simplified mediator and facilitator procurement process developed by the Department of Justice may be used by the agency when selecting a collaborative DR provider.

(5) If the collaborative DR provider is a mediator or facilitator who is not an employee of the agency, the participants shall share the costs of the provider, unless the participants agree otherwise or the provider is retained solely by the agency or by a non-participant.

(6) Whenever the agency compensates a provider who is not an employee of the agency, the state must execute a personal services contract with the provider. If the agency and the other participants choose to share the cost of the collaborative DR provider's services, the non-agency participants may enter into their own contract with the provider or may be a party to the contract between the agency and the provider, at the discretion of the agency. The agency's contract with a provider must state:

(a) The name and address of the provider and the contracting agency;

(b) The nature of the dispute, the issues being submitted to the collaborative DR process and the identity of the participants, as well as is known at the time the contract is signed;

(c) The services the provider will perform (scope of work);

(d) The compensation to be paid to the provider and the maximum contract amount;

(e) The beginning and ending dates of the contract and that the contract may be terminated by the agency or the provider upon mutual written consent, or at the sole discretion of the agency upon

30 calendar days notice to the provider or immediately if the agency determines that the DR process is unable to proceed for any reason.

(7) A student, intern or other person in training or assisting the provider may function as a co-provider in a dispute resolution proceeding. The co-provider shall sign and be bound by the agreement to collaborate specified in OAR 736-140-0003, if any, and, if compensated by the agency, a personal services contract as specified in section (6) of this rule.

736-140-0006

### **Confidentiality of Collaborative Dispute Resolution Communications**

(1) For the purposes of this rule,

(a) “Agreement to mediate” means a written agreement to mediate executed by the parties establishing the terms and conditions of the mediation, which may include provisions specifying the extent to which mediation communications will be confidential.

(b) “Mediation” means a process in which a mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such time as a resolution is agreed to by the parties or the mediation process is terminated.

(c) “Mediation agreement” means an agreement arising out of a mediation, including any term or condition of the agreement.

(d) “Mediation communication” means:

(A) All communications that are made, in the course of or in connection with a mediation, to a mediator, a mediation program or a party to, or any other person present at, the mediation proceedings; and

(B) All memoranda, work products, documents and other materials, including any draft mediation agreement, that are prepared for or submitted in the course of or in connection with a mediation or by a mediator, a mediation program or a party to, or any other person present at, mediation proceedings.

(e) “Mediator” means a third party who performs mediation. Mediator includes agents and employees of the mediator or mediation program.

(f) “Party” means a person or agency participating in a mediation who has a direct interest in the controversy that is the subject of the mediation. A person or agency is not a party to a mediation solely because the person or agency is conducting the mediation, is making the mediation available or is serving as an information resource at the mediation.

(2) If the agency is a party to a mediation or is mediating a dispute as to which the agency has regulatory authority:



(a) The agency may choose to adopt either or both the Model Rule for Confidentiality and Inadmissibility of Mediation Communications in OAR 736-140-0011 or the Model Rule for Confidentiality and Inadmissibility of Workplace Interpersonal Mediation Communications in OAR 736-140-0015, in which case mediation communications shall be confidential to the extent provided in those rules. The agency may adopt the rules by reference without complying with the rulemaking procedures under ORS 183.335. Notice of such adoption shall be filed with the Secretary of State in the manner provided by ORS 183.355 for the filing of rules.

(b) If the agency has not adopted confidentiality rules pursuant to ORS 36.220 to 36.238, mediation communications shall not be confidential unless otherwise provided by law, and the agency shall inform the parties in the mediation of that fact in an agreement to collaborate pursuant to OAR 736-140-0003 or other document.

(3) If the agency is mediating a dispute as to which the agency is not a party and does not have regulatory authority, mediation communications are confidential, except as provided in ORS 36.220 to 36.238. The agency and the other parties to the mediation may agree in writing that all or part of the mediation communications are not confidential. Such an agreement may be made a part of an agreement to collaborate authorized by OAR 736-140-0003.

(4) If the agency and the other participants in a collaborative DR process other than a mediation wish to make confidential the communications made during the course of the collaborative DR process:

(a) The agency, the other participants and the collaborative DR provider, if any, shall sign an agreement to collaborate pursuant to OAR 736-140-0003 or any other document that expresses their intent with respect to:

(A) Disclosures by the agency and the other participants of communications made during the course of the collaborative DR process;

(B) Disclosures by the collaborative DR provider of communications made during the course of the collaborative DR process;

(C) Any restrictions on the agency's use of communications made during the course of the collaborative DR process in any subsequent administrative proceeding of the agency; and

(D) Any restrictions on the ability of the agency or the other participants to introduce communications made during the course of the collaborative DR process in any subsequent judicial or administrative proceeding relating to the issues in controversy with respect to which the communication was made.

(b) Notwithstanding any agreement under subsection (4)(a) of this rule, communications made during the course of a collaborative DR process:

(A) May be disclosed if the communication relates to child abuse and is made to a person who is required to report abuse under ORS 419B.010 to the extent the person is required to report the communication;

(B) May be disclosed if the communication relates to elder abuse and is made to a person who is required to report abuse under ORS 124.050 to 124.095 to the extent the person is required to report the communication;

(C) May be disclosed if the communication reveals past crimes or the intent to commit a crime;

(D) May be disclosed by a party to a collaborative DR process to another person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law;

(E) May be used by the agency in any subsequent proceeding to enforce, modify or set aside an agreement arising out of the collaborative DR process;

(F) May be disclosed in an action for damages or other relief between a party to a collaborative DR process and a DR provider to the extent necessary to prosecute or defend the matter; and

(G) Shall be subject to the Public Records Law, ORS 192.311 to 192.478, and the Public Meetings Law, ORS 192.610 to 192.690.

(c) If a demand for disclosure of a communication that is subject to an agreement under this section is made upon the agency, any other participant or the collaborative DR provider, the person receiving the demand for disclosure shall make reasonable efforts to notify the agency, the other participants and the collaborative DR provider.

### **736-140-0011**

#### **Mediation Confidentiality**

(1) The words and phrases used in these rules have the same meaning as given to them in ORS 36.110 and 36.234. In addition, as used in this rule, unless the context requires otherwise:

(a) "Agency" or "the agency" means Oregon Parks and Recreation Department or OPRD.

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

(c) "State agency" may refer to Oregon Parks and Recreation Department or could refer to a state agency other than the Oregon Parks and Recreation Department if more than one state agency is party to the mediation.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in ORS 192.311 to 192.478.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (8) of this rule.

(5) Mediations Excluded. Sections (6)–(9) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters; or

(c) Mediation in which the only parties are public bodies; or

(d) Mediation in which two or more public bodies and a private entity are parties if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential; or

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation.

(6) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) and (r)–(s) of section (8) of this rule.

(7) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in sections (8) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding so long as:

(a) The parties to the mediation sign an agreement to mediate specifying the extent to which mediation communications are confidential; and,

(b) If the mediator is the employee of or acting on behalf of a state agency, the mediator or an authorized representative of the agency signs the agreement.

(8) Exceptions to Confidentiality and Inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any document that, before its use in a mediation, was a public record as defined in ORS 192.311(5) remains subject to disclosure to the extent provided by ORS 192.311 to 192.478 and may be introduced into evidence in a subsequent proceeding.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation; or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.311 to 192.478, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege, or

(B) Attorney work product prepared in anticipation of litigation or for trial, or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency, or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation, or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Director or designee determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.311 to 192.478, a court has ordered the terms to be confidential under ORS 17.095 or state or federal law requires the terms to be confidential.

(p) In any mediation in a case that has been filed in court or when a public body's role in a mediation is solely to make mediation available to the parties the mediator may report the disposition of the mediation to that public body or court at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency conducting the mediation or making the mediation available or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232.

(q) An agreement to mediate is not confidential and may be introduced into evidence in a subsequent proceeding.

(r) Any mediation communication relating to child abuse that is made to a person required to report child abuse under ORS 419B.010 is not confidential to the extent that the person is required to report the communication.

(s) Any mediation communication relating to elder abuse that is made to a person who is required to report elder abuse under ORS 124.050 to 124.095 is not confidential to the extent that the person is required to report the communication.

(9) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

[ED. NOTE: Forms referenced are available from the agency.]

**736-140-0015**

**Confidentiality of Workplace Mediations**

(1) This rule applies to workplace interpersonal disputes, which are disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials. This rule does not apply to disputes involving the negotiation of labor contracts or matters about which a tort claim notice or a lawsuit has been filed.

(2) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234. In addition, as used in this rule, unless the context requires otherwise:

(a) "Agency" or "the agency" means Oregon Parks and Recreation Department or OPRD.

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

(c) "State agency" may refer to Oregon Parks and Recreation Department or could refer to a state agency other than the Oregon Parks and Recreation Department if more than one state agency is party to the mediation.

(3) Nothing in this rule affects any confidentiality created by other law.

(4) To the extent mediation communications would otherwise compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or,

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c) or (h)–(l) of section (7) of this rule.

(6) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in section (7) of this rule, mediation communications in mediations involving workplace interpersonal disputes are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced into evidence by the parties or the mediator in any subsequent proceeding so long as:

(a) The parties to the mediation and the agency have agreed in writing to the confidentiality of the mediation; and

(b) The person agreeing to the confidentiality of the mediation on behalf of the agency:

(A) Is neither a party to the dispute nor the mediator; and

(B) Is designated by the agency to authorize confidentiality for the mediation; and

(C) Is at the same or higher level in the agency than any of the parties to the mediation or who is a person with responsibility for human resources or personnel matters in the agency, unless the agency head or member of the governing board is one of the persons involved in the interpersonal dispute, in which case the Governor or the Governor's designee.

(7) Exceptions to Confidentiality and Inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.311(5), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(e) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(f) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(g) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party,



the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(h) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(i) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.311 to 192.478, that portion of the communication may be disclosed as required by statute.

(j) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232.

(k) Any mediation communication relating to child abuse that is made to a person required to report abuse under ORS 419B.010 is not confidential to the extent that the person is required to report the communication.

(l) Any mediation communication relating to elder abuse that is made to a person who is required to report abuse under ORS 124.050 to 124.095 is not confidential to the extent that the person is required to report the communication.

(8) The terms of any agreement arising out of the mediation of a workplace interpersonal dispute are confidential so long as the parties and the agency so agree in writing. Any term of an agreement that requires an expenditure of public funds, other than expenditures of \$1,000 or less for employee training, employee counseling or purchases of equipment that remain the property of the agency, may not be made confidential.

(9) When a mediation is subject to section (6) of this rule, the agency will provide to all parties to the mediation and to the mediator a copy of this rule or an explanation of where a copy of the rule may be obtained. The mediation confidentiality agreement must also refer to this rule. Violation of this provision does not waive confidentiality or inadmissibility.

### **736-140-0021 Mediation**

(1) Unless otherwise provided by law, mediation is a voluntary process from which the agency and other participants may withdraw at any time.

(2) The mediator does not represent the interests of any of the participants or offer legal advice. Likewise, the mediator is not a judge and has no decision making power to impose a settlement on the participants or to render decisions.

(3) The person participating in the mediation on behalf of the agency shall be knowledgeable about the issues in dispute and have authority to effectively recommend settlement options to the agency.

#### **736-140-0025**

#### **Contract Clauses Specifying Dispute Resolution**

(1) The agency may specify or require any form of dispute resolution except binding arbitration as a condition of a contract.

(2) The agency may specify binding arbitration by contract only if the Attorney General has approved the contract containing the clause specifying binding arbitration and the clause itself for legal sufficiency.

(3) The agency may provide for the resolution of technical, scientific or accounting matters of fact by requiring the submission of such matters to a neutral fact finder selected and appointed as specified in a contract clause.

(4) The specification of a method of dispute resolution in a contract clause does not:

(a) Remove the requirement to provide notices or filings or to meet deadlines otherwise required by law, regulation or contract provision;

(b) Constitute a waiver of the sovereign immunity of the State of Oregon; or

(c) Prohibit the participants from entering into an agreement to use any other method of dispute resolution that appears to be more suitable for the particular dispute in lieu of or in addition to the method specified by contract.

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item: 9b

**Action**

Public Comment Allowed: No

Topic: Request to adopt rules implementing 2021 legislation: 736-010-0020- General Regulations; 736-015-0006- Definitions; 736-015-0020-Overnight rentals; 736-015-0040- Miscellaneous rental products; 736-002-0170- Outdoor Recreation Advisory Council

Presented by: Katie Gauthier, Government Relations and Policy Manager

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Legislation passed during the 2021 session necessitates an administrative rule update to implement legislative directives.

The rulemaking includes changes from three pieces of legislation: SB 289 prohibiting individuals convicted of a bias crime on public property from entering state parks; SB 794 requiring a 25% surcharge on RV sites for nonresidents and HB 2171 making changes to the Outdoor Recreation Advisory Council.

SB 289 is effective January 1, 2022. It requires individuals convicted of a bias crime committed on public property used for outdoor recreation or on a public waterway to be prohibited from entry to state park properties for up to five years. The agency will be notified by the court system when an individual qualifying under this statute is convicted. The proposed rules are necessary to establish the process for issuing exclusions.

SB 794 requires that nonresidents be charged a 25% surcharge for recreational vehicle sites. This bill is effective September 25, 2021. A portion of the registration fees Oregon residents pay to license their RV funds the department. Proposed rules outline which site types are subject to the surcharge.

HB 2171, effective September 25, 2021, includes a number of provisions implementing recommendations from the Governor's Task Force on the Outdoors. The legislation requires the director, in consultation with the Commission to establish the number of members of the Outdoor Recreation Advisory Council. The Governor will then appoint members of the council taking into consideration the geographic, racial, ethnic and gender diversity of Oregon and ensuring that a majority of the members represent historically underserved communities. Our current OAR establishing the council will meet statutory requirement to determine the number of members, but an amendment is necessary to change the appointment process to reflect the Governor's involvement.

A Rule Advisory Committee (RAC) comprised of members from diverse backgrounds who were involved in development of legislation met virtually on September 20 to discuss proposed rules. Their recommended changes to proposed rules included changing out-of-state RV rate rules references from license plate to physical address to accommodate Oregonians who rent RVs or other vehicles for camping that may have a non-Oregon license plate.

Additionally, RAC members discussed adding language in the rule for prohibiting individuals convicted of a bias crime from entering state parks to differentiate between the misdemeanor and felony crime. For 166.155, a misdemeanor, the committee recommended the rule provide the Director discretion to exclude a person for up to one year. For 166.165, a felony, the committee recommended the rule provide the Director discretion to exclude a person for up to five years. The committee also recommended adding that individuals convicted of repeat misdemeanor offenses could be excluded for up to five years.

The proposed rules opened for public comment on October 1 reflected changes recommend by the RAC. Public comment is open from October 1 through November 10. Comments received are posted on a weekly basis on the [agency rulemaking website](#). A virtual public hearing is planned for October 27 to accept additional comments. A full summary of all public comments will be made available to the commission after the comment period closes on November 10.

**Prior Action by Commission:** The Commission approved opening rulemaking at the September 2021 meeting.

**Action Requested:** Staff requests adoption of amendments to OAR 736-010-0020, 736-015-0006, 736-015-0020, 736-015-0040, and 736-002-0170 to implement changes based on legislation passed in the 2021 legislative session.

**Attachments:** Attachment A Marked Copy. Attachment B Clean Copy.

**Prepared by:** Katie Gauthier

**9b: 2021 Legislative Implementation UPDATED**  
**Attachment A: Marked Copy**

**736-002-0170**

Outdoor Recreation Advisory Council: Membership and Function

(1) ~~The State Parks and Recreation Commission (commission) may appoint an Outdoor Recreation Advisory Council (council) to the Oregon Office of Outdoor Recreation (OREC).~~ The purpose of the Outdoor Recreation Advisory Council (council) is to support the Oregon Office of Outdoor Recreation's (OREC)'s duty to promote and facilitate efforts to coordinate outdoor recreation policy and priorities across the state, and with government and nongovernmental entities, as provided in ORS 390.233 and section (7).

(2) ~~Members of t~~The council will be appointed by the Governor taking into consideration the geographic, racial, ethnic and gender diversity of the state and ensuring that a majority of the council members represent historically underserved communities. is composed ofThe membership should include:

(a) At least three outdoor recreation participants that reflect the indigenous heritage, cultural richness, varied physical ability, socioeconomic status, or geographic diversity of this state and the many forms of recreation enjoyed here;

(b) At least three representatives from Oregon's outdoor recreation sector such as brands, manufacturers, retailers, outfitters, guides and community-based organizations or non-profits;

(c) Two members from a federally-recognized Indian tribe in Oregon.

(d) Ex-officio Membership on the council is limited to those individuals and organizations that have or potentially have significant in-kind or other resources to contribute to the purpose provided in section (1). Ex-officio members may fully participate in discussions and deliberations of the council. Ex-officio membership shall include, but is not limited to, the director or the director's designee of the following agencies:

(A) One member designated by the Travel Oregon;

(B) One member designated by the Oregon Business Development Department;

(C) One member designated by the Department of Fish and Wildlife;

(D) One member designated by the Oregon State Marine Board;

(E) One member designated by the Oregon Department of Forestry;

(F) One member designated by the Oregon Department of Transportation;

(G) One member designated by the Oregon Health Authority;

(H) One member designated by the Oregon Department of State Lands

(I) One member designated by Oregon State University Extension Service;

(J) One member designated by the Association of Oregon Counties.

(e) Other members deemed necessary by the Oregon Parks and Recreation Commission (commission) in consultation with OREC.

(3) Members appointed under section (1) may serve two consecutive three-year terms on the council. Members are eligible for reappointment and the commission may fill vacancies.

(4) The commission shall appoint the chair from the council membership, considering the recommendations of the council.

(5) The council shall meet at times and places specified by the call of OREC.

(6) A majority of council members appointed under subsections (2)(a), (b), (c), and (e) constitutes a quorum for the transaction of business.

(7) Function and duties of the council. Upon the request of OREC, the council may assist in efforts to:

(a) Work with public, private and non-profit sectors to advocate for conservation and stewardship of land, air, water, and wildlife, and for public access to them.

(b) Educate and empower Oregon residents and visitors on the importance and interrelatedness of a healthy environment, outdoor recreation and a vibrant economy.

(c) Facilitate public-private partnerships to enhance public outdoor recreational access, infrastructure improvements, and conservation efforts.

(d) Coordinate outdoor recreation policy, as mandated in ORS 390.233, through a consensus-oriented approach:

(A) Within the administrative divisions of the Oregon Parks and Recreation Department (department) and between and among the department and federal, state, regional and local government entities, special districts, and nongovernmental entities.

(B) Assist in developing or updating the outdoor recreation management strategies of the department.

(C) Collaborate with Travel Oregon and the Oregon Travel Information Council to create effective forums for communicating recreation-based initiatives and for sharing best practices. Serve as a clearinghouse and information center for outdoor recreation stakeholders.

(D) Develop data, independently or through contracts with appropriate public or private agencies, on the social, economic and resource impacts of outdoor recreation in this state.

(E) Promote the health and social benefits of outdoor recreation in coordination with other related state programs and initiatives.

(e) Collaborate with the Oregon Business Development Department and Travel Oregon, representatives of regional and local governments, the outdoor recreation industry and other outdoor recreation stakeholders to promote a robust economic cluster focusing on the outdoor industry and outdoor recreation participation. In furtherance of promoting economic development, OREC may recommend, adopt or assist in the implementation of policies and initiatives that:

(A) Maximize public and private investment in outdoor recreation activities and in the outdoor recreation industry in this state.

(B) Develop and implement state policies and programs to bolster outdoor recreation for locals and visitors.

(C) Work with partners to improve, manage or develop recreational opportunities that yield economic returns through participation and travel spending.

(D) To balance improved or expanded outdoor recreation access and opportunities with resource protection.

(f) Strive to enhance quality of life and economic vibrancy in communities across the state.

(g) Aim to strike a sensitive balance between development and preservation of the unique natural experiences provided by Oregon's outdoor recreation resources, and between motorized and non-motorized outdoor recreation activities.

(h) Seek a proactive approach to enhancing regional and local outdoor recreation infrastructure.

(i) Establish one and five-year work plans within the department that involves policy guidance and strategic planning for grants, recreation trails, Engage-Relate-Adapt, Statewide Comprehensive Outdoor Recreation Plan (SCORP), and state park service delivery.

(j) Develop cooperating agreements with Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Oregon State Marine Board, Department of State Lands, Department of Land Conservation and Development, Travel Oregon, Oregon Health Authority, and Business Oregon and other entities.

(k) Make recommendations for legislation, on policies and initiatives to OREC for inclusion in an annual report submitted by OREC to the Legislative Assembly.

(8) Reporting structure:

(a) The council shall solicit and consider input from agencies and organizations that it identifies as being involved in implementing any recommendations, providing the opportunity to identify any statutory, regulatory, logistical, budgetary or staffing issues that may not be apparent.

(b) OREC will submit any final joint outdoor recreation policy, legislative, and strategic plan recommendations developed by council for review by any other affected agency or organization for a period of 30 days prior to OREC submitting recommendations for review to the commission.

(c) When commission action includes recommendations that fall under the purview of another state, local or federal government agency, it shall provide a referral to those bodies for their consideration.

(9) Expectations:

(a) Recommendations from the council are expected to help to shape outdoor recreation policy and strategy across the state without regards to jurisdiction or public/private boundaries. Council recommendations, however, are not a mandate for any government or nongovernment organization to implement joint policies, legislative agendas, or strategic plans unless the affected organization agrees to do so.

(b) All joint outdoor recreation policies, legislative concepts, and strategic plans developed through council will include analysis of additional resources that may be needed, and provide recommendations for producing those resources through public and private means.

(c) OREC shall maintain regular communications with the council around legislative considerations.

(10) Administrative Entity: OREC operates as an entity within the department, which is responsible for the administration and enforcement of the duties, functions and powers imposed by law upon OREC.

(11) By-Laws: the council shall adopt by-laws consistent with its duties to conduct its affairs. By-Laws shall be created and administered by the council, OREC and under the department and the commission. By-Laws shall reflect that the council is an advisory body to OREC.

**736-010-0020**

General Regulations

(1) The director may establish seasons, overnight lengths of stay, camper checkout times and procedures to adjust daily park property opening and closing times, and portions of a park property that are permanently closed or limited to specific uses or activities by the public. These may differ from park property to park property and from time to time, but shall be indicated on



the state park website, published maps, brochures, the current state parks guide booklet, or on posted signs at the park property.

(2) Unless otherwise specifically established by the director the following apply:

(a) The maximum length of stay for campers is 14 consecutive nights in a 17 night span. After three nights out of the park, campers may return to start a new stay.

(b) The maximum length of stay for hiker/biker sites is three consecutive nights in a seven night period per park.

(c) Unless otherwise posted or specifically open for an event or activity, the hours of operation for a day use area are dawn to dusk.

(3) The director, by written agreement, may cooperatively exercise jurisdiction and authority over a park property with a county, city, or political subdivision thereof for the purposes of enforcing state park rules, and applicable state, county or city laws.

(4) A person shall observe and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and notices and from park employees.

(5) A park manager or park employee may seek compliance from the public with any state park rule.

(6) A park manager or department enforcement officer may order any person that violates any state park rule to leave a park property.

(7) A park manager or a department enforcement officer may exclude a person that violates any state park rule from the park property or multiple park properties for a specified period of time.

(8) A peace officer may seek compliance from the public with any state park rule and may order a person who violates one or more state park rules to leave a park property.

(9) A peace officer may exclude or recommend that the park manager exclude a person who violates any state park rule; federal, state, county, or city law; or court order from a park property or multiple park properties for a specified period of time.

(10) A park manager or designated park employee may protect the safety or health of the public or protect park resources. This authority includes actions that may temporarily:

(a) Permit or limit specific activities or uses in designated portions of a park property;

(b) Designate a location within a park for a single use to avoid conflicts between users;

(c) Restrict access to or close an entire park property;

- (d) Restrict access to or close a portion of a park property; or
- (e) Exclude a person from a park property.

(11) When notified by the court of a person subject to an exclusion from park property pursuant to ~~ORS XXX.XXX~~ Oregon Laws 2021, chapter 393, section 1, the director will issue an exclusion in writing via certified mail to the individual.

(a) Individuals convicted of ORS 166.155 will be excluded for up to one year after conviction.

(b) Individuals convicted of ORS 166.165 or repeat offenders will be excluded for up to five years after conviction.

(c) Exclusions issued under ~~(11)~~ this section do not apply to the grounds of the State Capitol State Park.

(d) The director may waive an ~~e~~Exclusions may be waived while a person is performing community service.

(e) The director may revoke a person's ~~e~~Exclusions may be revoked after their successful completion of court-approved community service.

~~(11)~~12) A person excluded from a park property may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the District Manager responsible for the park where the notice of exclusion was issued.

~~(12)~~13) The following situations are criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245:

- (a) A person ordered to leave a park property that remains present as a visitor;
- (b) A person excluded from a park property that enters or remains present as a visitor;
- (c) A person enters a closed or restricted portion of a park property; and
- (d) A person engages in an activity that has been specifically prohibited or restricted at a park property or a portion of a park property.

### **736-015-0006**

#### Definitions

As used in this division, unless the context requires otherwise:

- (1) "Adoptive Foster Families" means one or more persons who have adopted one or more foster children pursuant to ORS 418.285. At least one of the children must currently be under 18 years of age and living with the Adoptive Foster Family.
- (2) "Commission" means the Oregon State Parks and Recreation Commission.
- (3) "Department" means the Oregon State Parks and Recreation Department.

- (4) "Director" means the director of the department.
- (5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.
- (6) "Foster Families" means persons with their foster children, who currently maintain:
- (a) A Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 or 443.830;
  - (b) A Foster Home certified by the Oregon Youth Authority under OAR chapter 416, division 530;
  - (c) A Foster Home certified by any of the nine federally-recognized tribal governments as listed in ORS 172.110; or
  - (d) A therapeutic Foster Home for Children with Developmental Disabilities provided through a third-party provider that has been certified by the Department of Human Services.
- (7) "In Kind Services" means a group or person who provides, at the direction of park staff, materials or services whose value to the park area equals or is greater than the normal fees.
- (8) "Marketing and Promotion" generally are agency-sponsored events that are of regional or statewide significance promoting tourism or partnerships with local communities, other agencies or economic development.
- (9) "Motor Vehicle" as defined in ORS 801.360 means a vehicle that is self-propelled or designed for self-propulsion. ORS 801.590 further defines "vehicle" as "any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means."
- (10) "Non-Profit Entity" means a group having a 501c(3) exempt status filed with the US Department of Internal Revenue Service.
- (11) "Non-resident" means individuals who resides outside the state of Oregon.
- ~~(12)~~ "Park Area" means any state park, wayside, corridor, monument, historic, or recreation area, except portions of ocean shore recreation areas not abutting a state park or wayside, under the jurisdiction of the department.
- ~~(13)~~ "Park Employee" means an employee of the department.
- ~~(14)~~ "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, meeting halls, lodges, pavilions, and other amenities of the department.

~~(415)~~ "Park Manager" means the supervisor or designated park employee in charge of a park area.

~~(4516)~~ "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

~~(4617)~~ "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

~~(4718)~~ "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

~~(4819)~~ "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

~~(4920)~~ "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

~~(2021)~~ "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

~~(2122)~~ "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

~~(2223)~~ "Fee Range" means a range of fees that may be charged for a campsite. The Director will set the actual fee for each campsite within that range.

### **736-015-0020**

#### **Overnight Rentals**

The director is authorized by the commission to include transient lodging taxes in the nightly rental rate and to increase the rental rate to the nearest whole dollar. The department shall retain the additional revenue. Campsite Rental rates (per night per site before tax):

(1) Full Hookup Campsite: Provides campsite with individual water supply, electrical and sewage hookups, table, stove, and access to a restroom. Fee Range: \$26-40. Pursuant to ORS 390.124(2)(a) non-residents will be charged a 25-percent surcharge for this site type.

(2) Electrical Hookup Campsite: Provides campsite with individual water supply and electrical hookups, table, stove, and access to a restroom. Fee Range: \$24-38. Pursuant to ORS 390.124 (2)(a) non-residents will be charged a 25-percent surcharge for this site type.

- (3) Tent Campsite: Provides campsite with water supply nearby but does not have electricity or sewage hookup. Provides table, stove, and access to a restroom. Fee Range: \$17-22
- (4) Primitive Campsite: Provides campsite with table and stove; water and sanitary facilities may be some distance away. All primitive campsites Fee Range: \$10-15.
- (5) Yurt: Rustic units provide a temporary tent structure, covered deck, heat, lights and beds along with outdoor picnic facilities. Deluxe units add kitchen facilities, bathrooms and showers.
- (a) Rustic: Fee Range: \$42-62.
- (b) Deluxe: Fee Range: \$81-99.
- (6) Cabin: Rustic units provide a hard-walled wooden structure, covered deck, heat, lights and beds along with outdoor picnic facilities. Totem units are primitive log units. Deluxe 1 units add kitchen facilities, bathrooms and showers.
- (a) Totem: Fee Range: \$26-46.
- (b) Rustic: Fee Range: \$42-62.
- (c) Deluxe 1: Fee Range: \$81-99.
- (7) Tepee: Tepee replica units vary in diameter from 18' to 26' and provide heat, lights and beds along with outdoor picnic facilities. All tepees: Fee Range: \$42-62.
- (8) Hiker/Boater/Bicyclist Campsite: Provides cleared area for campers without motor vehicles; water and sanitary facilities may be some distance away. All hiker/boater/bicyclist campsites: Fee Range: \$7-12 per camper per night.
- (9) Extra Vehicle in Campground: An additional rental rate of \$7 per vehicle is charged when an extra vehicle is driven into the campground and remains overnight.
- (10) Extra Motorcycle in Campground: If the initial campsite rental is to a person riding a motorcycle, and the first extra vehicle is a motorcycle, the second motorcycle will not be charged. Additional motorcycles in the site will be charged \$7 as an extra vehicle. The \$7 extra vehicle charge will allow up to two motorcycles per extra vehicle charge.
- (11) Pre-Registration (where available): The department may allow a person with a reservation for individual tent, electrical or full hook-up campsites to expedite the check-in process by registering on-line prior to or upon arrival at the park area.
- (12) Pursuant to ORS 105.672 to 105.696, overnight rental charges under this rule are for use of the assigned area or park facility of the state park land for camping and not for any other

recreational purpose or area of state park land. The immunities provided under ORS 105.682 apply to use of state park land for any other recreational purpose.

### **736-015-0040**

#### Miscellaneous Rentals and Products

- (1) Firewood: Where conditions permit, firewood will be sold.
- (2) Boat Moorage Facilities — \$10 per day per boat: Where boat moorage facilities are provided they may only be reserved with other campsite reservations.
- (3) Showers — \$2 per person: Charged where showers are available to non-campers in a campground.
- (4) Horse Camping Area:
  - (a) Non-hookup site: Fee Range: \$17-22 per night per camper unit;
  - (b) Hookup site: Fee Range: \$26-40 per night per camper unit; pursuant to ORS 390.124(2)(a) non-residents will be assessed a 25-percent surcharge for hookup sites.
  - (c) Group site (accommodates 3-5 units): Fee Range: \$51-66 per night;
  - (d) Double site: Fee Range: \$43-69 per night per two camper units;
  - (e) A camper unit consists of a motor home, trailer, tent or camper.
- (5) Group Tent Camps: Small group tent areas available in some parks which are designed to accommodate approximately 25 people. Water and toilet facilities are provided nearby, but shower facilities may be some distance away.
  - (a) Base rate (0-25 people): Fee Range: \$70-90 per night;
  - (b) Charges for persons in excess of the 25 person base rate will be \$3 per person per night.
- (6) Group RV Camp: Special camp area designed to accommodate RV's requiring hookups in a group setting. The camp has electrical hookups available, water, table, stove, and access to a restroom.
  - (a) Base rate (up to 10 units): Fee Range: \$100-120 per night; pursuant to ORS 390.124(2)(a) a site reserved by a non-resident will be assessed a 25-percent surcharge.
  - (b) Charges for units in excess of the 10-unit base rate: \$10 per unit per night.
- (7) Pets Staying Overnight in Facilities (Yurts, Cabins, Tepees): Not more than two pets (cat or dog only) staying overnight in facilities: \$10 per night.

(8) Youth Camp (Silver Falls): Large capacity group camp facility with cabins, commercial kitchen facilities, dining hall, showers, meeting halls and swimming facilities. Minimum fee of \$800 per night for up to 80 persons and \$10 per person per night thereafter up to a maximum occupancy of 250 persons.

(9) Lodge/Community Hall: Large meeting facility with kitchen and restroom facilities which may be reserved overnight: Fee Range \$200-250 per night.

(10) Meeting Hall: Small meeting facility, generally associated with a campground, which may have limited kitchen facilities and restrooms: Fee Range \$75-125 per day.

(11) Pavilion: A large, covered day-use facility for group use: Minimum fee range of \$100-150 per event for up to 50 people, and \$1 per person thereafter up to the maximum occupancy of the facility.

(12) Shore Acres Garden: All facility prices, no matter which facility or combination of facilities are booked, start with a minimum of 50 persons per event. Additional people beyond the minimum of 50 are \$1 per person up to a maximum of 100 people per event.

(a) Event Site: A lawn area outside the formal garden or a section of the formal garden (NOTE: sites in the garden must be booked in conjunction with another facility): Fee Range \$100-150 per event.

(b) Pavilion (inside the formal garden and must be booked with an event site or the garden house): Fee Range \$100-150 per event.

(c) Garden House (inside the formal garden and must be booked with the Pavilion): Fee Range: \$200-250 per event.

**9b: 2021 Legislative Implementation UPDATED**  
**Attachment B: Clean Copy**

**736-002-0170**

Outdoor Recreation Advisory Council: Membership and Function

(1) The purpose of the Outdoor Recreation Advisory Council (council) is to support the Oregon Office of Outdoor Recreation's (OREC)'s duty to promote and facilitate efforts to coordinate outdoor recreation policy and priorities across the state, and with government and nongovernmental entities, as provided in ORS 390.233 and section (7).

(2) Members of the council will be appointed by the Governor taking into consideration the geographic, racial, ethnic and gender diversity of the state and ensuring that a majority of the council members represent historically underserved communities. The membership should include:

(a) At least three outdoor recreation participants that reflect the indigenous heritage, cultural richness, varied physical ability, socioeconomic status, or geographic diversity of this state and the many forms of recreation enjoyed here;

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(H) One member designated by the Oregon Department of State Lands



- (I) One member designated by Oregon State University Extension Service;
- (J) One member designated by the Association of Oregon Counties.
- (e) Other members deemed necessary by the Oregon Parks and Recreation Commission (commission) in consultation with OREC.
- (3) Members appointed under section (1) may serve two consecutive three-year terms on the council. Members are eligible for reappointment and the commission may fill vacancies.
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    - (A) Within the administrative divisions of the Oregon Parks and Recreation Department (department) and between and among the department and federal, state, regional and local government entities, special districts, and nongovernmental entities.
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(j) Develop cooperating agreements with Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Oregon State Marine Board, Department of State Lands, Department of Land Conservation and Development, Travel Oregon, Oregon Health Authority, and Business Oregon and other entities.

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### **736-010-0020**

#### General Regulations

(1) The director may establish seasons, overnight lengths of stay, camper checkout times and procedures to adjust daily park property opening and closing times, and portions of a park property that are permanently closed or limited to specific uses or activities by the public. These may differ from park property to park property and from time to time, but shall be indicated on the state park website, published maps, brochures, the current state parks guide booklet, or on posted signs at the park property.

(2) Unless otherwise specifically established by the director the following apply:

(a) The maximum length of stay for campers is 14 consecutive nights in a 17 night span. After three nights out of the park, campers may return to start a new stay.

(b) The maximum length of stay for hiker/biker sites is three consecutive nights in a seven night period per park.

(c) Unless otherwise posted or specifically open for an event or activity, the hours of operation for a day use area are dawn to dusk.

(3) The director, by written agreement, may cooperatively exercise jurisdiction and authority over a park property with a county, city, or political subdivision thereof for the purposes of enforcing state park rules, and applicable state, county or city laws.

(4) A person shall observe and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and notices and from park employees.

(5) A park manager or park employee may seek compliance from the public with any state park rule.

(6) A park manager or department enforcement officer may order any person that violates any state park rule to leave a park property.

(7) A park manager or a department enforcement officer may exclude a person that violates any state park rule from the park property or multiple park properties for a specified period of time.

(8) A peace officer may seek compliance from the public with any state park rule and may order a person who violates one or more state park rules to leave a park property.

(9) A peace officer may exclude or recommend that the park manager exclude a person who violates any state park rule; federal, state, county, or city law; or court order from a park property or multiple park properties for a specified period of time.

(10) A park manager or designated park employee may protect the safety or health of the public or protect park resources. This authority includes actions that may temporarily:

(a) Permit or limit specific activities or uses in designated portions of a park property;

(b) Designate a location within a park for a single use to avoid conflicts between users;

(c) Restrict access to or close an entire park property;

(d) Restrict access to or close a portion of a park property; or

(e) Exclude a person from a park property.

(11) When notified by the court of a person subject to an exclusion from park property pursuant to Oregon Laws 2021, chapter 393, section 1, the director will issue an exclusion in writing via certified mail to the individual.

(a) Individuals convicted of ORS 166.155 will be excluded for up to one year after conviction.

(b) Individuals convicted of ORS 166.165 or repeat offenders will be excluded for up to five years after conviction.

(c) Exclusions issued under this section do not apply to the grounds of the State Capitol State Park.

(d) The director may waive an exclusion while a person is performing community service.

(e) The director may revoke a person's exclusion after their successful completion of court-approved community service.

(12) A person excluded from a park property may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the District Manager responsible for the park where the notice of exclusion was issued.

(13) The following situations are criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245:

(a) A person ordered to leave a park property that remains present as a visitor;

(b) A person excluded from a park property that enters or remains present as a visitor;

(c) A person enters a closed or restricted portion of a park property; and

(d) A person engages in an activity that has been specifically prohibited or restricted at a park property or a portion of a park property.

### **736-015-0006**

#### Definitions

As used in this division, unless the context requires otherwise:

(1) "Adoptive Foster Families" means one or more persons who have adopted one or more foster children pursuant to ORS 418.285. At least one of the children must currently be under 18 years of age and living with the Adoptive Foster Family.

(2) "Commission" means the Oregon State Parks and Recreation Commission.

(3) "Department" means the Oregon State Parks and Recreation Department.

(4) "Director" means the director of the department.

(5) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations, and to issue oral or written warnings or citations to enforce park area rules.

(6) "Foster Families" means persons with their foster children, who currently maintain:

(a) A Foster Home, a Relative Home for Children or a Foster Home for Children with Developmental Disabilities, as described in ORS 418.625 or 443.830;

(b) A Foster Home certified by the Oregon Youth Authority under OAR chapter 416, division 530;

(c) A Foster Home certified by any of the nine federally-recognized tribal governments as listed in ORS 172.110; or

(d) A therapeutic Foster Home for Children with Developmental Disabilities provided through a third-party provider that has been certified by the Department of Human Services.

(7) "In Kind Services" means a group or person who provides, at the direction of park staff, materials or services whose value to the park area equals or is greater than the normal fees.

(8) "Marketing and Promotion" generally are agency-sponsored events that are of regional or statewide significance promoting tourism or partnerships with local communities, other agencies or economic development.

(9) "Motor Vehicle" as defined in ORS 801.360 means a vehicle that is self-propelled or designed for self-propulsion. ORS 801.590 further defines "vehicle" as "any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means."

(10) "Non-Profit Entity" means a group having a 501c(3) exempt status filed with the US Department of Internal Revenue Service.

(11) "Non-resident" means individuals who resides outside the state of Oregon.

(12) "Park Area" means any state park, wayside, corridor, monument, historic, or recreation area, except portions of ocean shore recreation areas not abutting a state park or wayside, under the jurisdiction of the department.

(13) "Park Employee" means an employee of the department.

(14) "Park Facility" includes but is not limited to individual and group campsites, day use areas and shelters, cabins, yurts, tepees, meeting halls, lodges, pavilions, and other amenities of the department.

(15) "Park Manager" means the supervisor or designated park employee in charge of a park area.

(16) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(17) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(18) "Reduced Service Level" means a reduction in the normal level of service that a person may reasonably expect due to the department's action/inaction or park facility failure lasting longer than 24 hours.

(19) "Reservation Cancellation" means the person requests an existing reservation be ended without the creation of a new reservation.

(20) "Reservation Change" means a modification to an existing reservation by a person that changes the arrival or departure dates, a complete change to reservation dates, or changes the type of site from the original request.

(21) "Special Events" may be an activity sponsored or co-sponsored by the department, an event that provides entertainment to park visitors, or other activities that promote the mission of the department or Oregon tourism.

(22) "Traditional Tribal Activities" generally means traditional, spiritual, natural and cultural resource practices that would have been or which still are conducted by a federally recognized tribe or its members.

(23) "Fee Range" means a range of fees that may be charged for a campsite. The Director will set the actual fee for each campsite within that range.

### **736-015-0020**

#### **Overnight Rentals**

The director is authorized by the commission to include transient lodging taxes in the nightly rental rate and to increase the rental rate to the nearest whole dollar. The department shall retain the additional revenue. Campsite Rental rates (per night per site before tax):

(1) Full Hookup Campsite: Provides campsite with individual water supply, electrical and sewage hookups, table, stove, and access to a restroom. Fee Range: \$26-40. Pursuant to ORS 390.124(2)(a) non-residents will be charged a 25-percent surcharge for this site type.

(2) Electrical Hookup Campsite: Provides campsite with individual water supply and electrical hookups, table, stove, and access to a restroom. Fee Range: \$24-38. Pursuant to ORS 390.124(2)(a) non-residents will be charged a 25-percent surcharge for this site type.

(3) Tent Campsite: Provides campsite with water supply nearby but does not have electricity or sewage hookup. Provides table, stove, and access to a restroom. Fee Range: \$17-22

(4) Primitive Campsite: Provides campsite with table and stove; water and sanitary facilities may be some distance away. All primitive campsites Fee Range: \$10-15.

(5) Yurt: Rustic units provide a temporary tent structure, covered deck, heat, lights and beds along with outdoor picnic facilities. Deluxe units add kitchen facilities, bathrooms and showers.

(a) Rustic: Fee Range: \$42-62.

(b) Deluxe: Fee Range: \$81-99.

(6) Cabin: Rustic units provide a hard-walled wooden structure, covered deck, heat, lights and beds along with outdoor picnic facilities. Totem units are primitive log units. Deluxe 1 units add kitchen facilities, bathrooms and showers.

(a) Totem: Fee Range: \$26-46.

(b) Rustic: Fee Range: \$42-62.

(c) Deluxe 1: Fee Range: \$81-99.

(7) Tepee: Tepee replica units vary in diameter from 18' to 26' and provide heat, lights and beds along with outdoor picnic facilities. All tepees: Fee Range: \$42-62.

(8) Hiker/Boater/Bicyclist Campsite: Provides cleared area for campers without motor vehicles; water and sanitary facilities may be some distance away. All hiker/boater/bicyclist campsites: Fee Range: \$7-12 per camper per night.

(9) Extra Vehicle in Campground: An additional rental rate of \$7 per vehicle is charged when an extra vehicle is driven into the campground and remains overnight.

(10) Extra Motorcycle in Campground: If the initial campsite rental is to a person riding a motorcycle, and the first extra vehicle is a motorcycle, the second motorcycle will not be charged. Additional motorcycles in the site will be charged \$7 as an extra vehicle. The \$7 extra vehicle charge will allow up to two motorcycles per extra vehicle charge.

(11) Pre-Registration (where available): The department may allow a person with a reservation for individual tent, electrical or full hook-up campsites to expedite the check-in process by registering on-line prior to or upon arrival at the park area.

(12) Pursuant to ORS 105.672 to 105.696, overnight rental charges under this rule are for use of the assigned area or park facility of the state park land for camping and not for any other recreational purpose or area of state park land. The immunities provided under ORS 105.682 apply to use of state park land for any other recreational purpose.

**736-015-0040**



## Miscellaneous Rentals and Products

- (1) Firewood: Where conditions permit, firewood will be sold.
- (2) Boat Moorage Facilities — \$10 per day per boat: Where boat moorage facilities are provided they may only be reserved with other campsite reservations.
- (3) Showers — \$2 per person: Charged where showers are available to non-campers in a campground.
- (4) Horse Camping Area:
  - (a) Non-hookup site: Fee Range: \$17-22 per night per camper unit;
  - (b) Hookup site: Fee Range: \$26-40 per night per camper unit; pursuant to ORS 390.124(2)(a) non-residents will be assessed a 25-percent surcharge for hookup sites.
  - (c) Group site (accommodates 3-5 units): Fee Range: \$51-66 per night;
  - (d) Double site: Fee Range: \$43-69 per night per two camper units;
  - (e) A camper unit consists of a motor home, trailer, tent or camper.
- (5) Group Tent Camps: Small group tent areas available in some parks which are designed to accommodate approximately 25 people. Water and toilet facilities are provided nearby, but shower facilities may be some distance away.
  - (a) Base rate (0-25 people): Fee Range: \$70-90 per night;
  - (b) Charges for persons in excess of the 25 person base rate will be \$3 per person per night.
- (6) Group RV Camp: Special camp area designed to accommodate RV's requiring hookups in a group setting. The camp has electrical hookups available, water, table, stove, and access to a restroom.
  - (a) Base rate (up to 10 units): Fee Range: \$100-120 per night; pursuant to ORS 390.124(2)(a) a site reserved by a non-resident will be assessed a 25-percent surcharge.
  - (b) Charges for units in excess of the 10-unit base rate: \$10 per unit per night.
- (7) Pets Staying Overnight in Facilities (Yurts, Cabins, Tepees): Not more than two pets (cat or dog only) staying overnight in facilities: \$10 per night.
- (8) Youth Camp (Silver Falls): Large capacity group camp facility with cabins, commercial kitchen facilities, dining hall, showers, meeting halls and swimming facilities. Minimum fee of

\$800 per night for up to 80 persons and \$10 per person per night thereafter up to a maximum occupancy of 250 persons.

(9) Lodge/Community Hall: Large meeting facility with kitchen and restroom facilities which may be reserved overnight: Fee Range \$200-250 per night.

(10) Meeting Hall: Small meeting facility, generally associated with a campground, which may have limited kitchen facilities and restrooms: Fee Range \$75-125 per day.

(11) Pavilion: A large, covered day-use facility for group use: Minimum fee range of \$100-150 per event for up to 50 people, and \$1 per person thereafter up to the maximum occupancy of the facility.

(12) Shore Acres Garden: All facility prices, no matter which facility or combination of facilities are booked, start with a minimum of 50 persons per event. Additional people beyond the minimum of 50 are \$1 per person up to a maximum of 100 people per event.

(a) Event Site: A lawn area outside the formal garden or a section of the formal garden (NOTE: sites in the garden must be booked in conjunction with another facility): Fee Range \$100-150 per event.

(b) Pavilion (inside the formal garden and must be booked with an event site or the garden house): Fee Range \$100-150 per event.

(c) Garden House (inside the formal garden and must be booked with the Pavilion): Fee Range: \$200-250 per event.

## **9b 2021 Legislative Implementation Attachment C: Summary of Comments**

The 2021 Legislative Implementation rules were open from October 1 through November 10. The agency received 93 comments during that period. The full text of comments received is available on the [agency rulemaking website](#). Additionally, a public hearing was held virtually on October 27. No one chose to submit an oral comment at the hearing.

It is important to note that this rulemaking implements legislative direction. Many of the comments received expressed opinions on the substance of the requirements already enacted by the Legislature. As an agency, we do not have the ability to change the substance of the requirements. The proposed rule amendments are intended to implement the new statutes enacted by the Legislature.

An additional note, many commenters expressed thoughts on more than one bill, so the numbers shared below will not add up to the total number of comments received.

### **HB 2171**

- 14 comments received included opinions on the amended rules adding that Outdoor Recreation Advisory Council members would be appointed by the Governor.
- 5 comments were in support of the change.
  - Commenters were generally supportive and expressed that allocation of the council positions appeared balanced and embracing Oregon's diversity.
- 8 comments were opposed.
  - Commenters raised concerns about the members of the council being appointed by the Governor. One suggested council members should be appointed by the Legislature with equal representation from Democrats and Republicans. Commenters also expressed concern over too many business interests included on the council.
- 1 comment suggested an amendment to the proposal to add Veterans and off-highway motorcyclists to the council.

### **SB 289 Comments**

- 14 of the comments received included thoughts on implementation of a requirement to exclude individuals convicted of a bias crime from state parks for up to five years.
- 6 of the comments were supportive.
  - Commenters expressed that all people should feel safe in state parks and they were supportive of an up to five-year exclusion for someone convicted of a bias crime. One commenter who was supportive also questioned how excluded individuals would be identified.
- 8 of the comments were opposed.
  - Individuals expressed concern over how park staff would identify individuals excluded from a park and whether limiting access to public land is part of the state parks mission. There were also concerns about limits to free speech and how a bias crime is determined. A commenter also questioned why a bias crime committed on public land should have a different sentence than one committed on

private property. Commenters also shared a belief that once an individual as served their sentence, they shouldn't have another penalty added.

### **SB 794 Comments**

- 80 of the comments received included opinions about the out-of-state resident surcharge for RV sites.
- 27 of the comments were supportive of the change.
  - Commenters believed the surcharge would help out-of-state residents pay their fair share. They mentioned other states that charge an out-of-state resident fee or more for their sites. Commenters hoped the additional revenue could be used to improve camping facilities and increase camping options. Some of the supporters noted they were non-residents and didn't mind paying an additional fee. Other commenters would like to see the fee larger, cover more site types or add a resident preference in reservations.
- 46 of the comments were opposed to adding an out-of-state resident surcharge.
  - Commenters mentioned that Washington does not have a fee. They expressed concern over the difficulty of reserving multiple sites for residents and non-residents. Commenters felt the additional fee was unwelcoming and didn't account for the tourism benefit local communities enjoy when out-of-state residents visit Oregon. Suggestions from commenters included raising campsite fees for all visitors if new revenue is necessary. Some commenters said they would not travel to Oregon if this fee were instituted.
- 7 of the comments suggested an amendment to the proposal.
  - One commenter requested that the fee be based on out-of-state license plates instead of location of the visitor. Another commenter wanted the fee only charged to individuals who camp with an RV and not to anyone who reserves a full or partial hook up site. Another commenter would like to save 25% of sites for Oregon residents for up to 30 days before opening them to all visitors. One commenter suggested that a 25% surcharge was too high, but would support a 10% surcharge. Another commenter was concerned this fee would encourage neighboring states to charge a similar fee and Oregonians would end up losing out.

Summary of comments received on 2021 Legislative Implementation.  
Full comments available on agency rulemaking website.

Type	Name		topic(s)	Opinion	Summary of Comment
web	Beni Diaz	<a href="mailto:benicia.diaz@yahoo.com">benicia.diaz@yahoo.com</a>	289	support	People should feel safe in a park and not preyed upon by offenders of a bias crime. There should be consequences for committing these types of crime in public places.
web	Anita Huffman	<a href="mailto:Glitteredcrow@gmail.com">Glitteredcrow@gmail.com</a>	794	amend	language would be clearer if it was for vehicles registered outside of Oregon rather than residents. Concerned about where RVs are registered vs where someone lives.
web	Karen Klokkevold	<a href="mailto:karen.klokkevold@gmail.com">karen.klokkevold@gmail.com</a>	794	amend	support surcharge for rv campers, but not tent campers in rv sites especially in campgrounds without tent sites.
web	Jean Westerlund-Rice	<a href="mailto:Regirice@hotmail.com">Regirice@hotmail.com</a>	794	oppose	Live across border in Washington and love OR State Parks. Fees are already high, please don't penalize Washington residents. WA doesn't charge OR residents more.
web	Lotelei Jossart	<a href="mailto:Lorelei@wildcatphotography.com">Lorelei@wildcatphotography.com</a>	794	oppose	would like to see OR and WA work together. Would like to see people banned from campgrounds for log off leash or have barking dogs or screaming kids.
web	Ellen Marchand	<a href="mailto:sweetcatkins@yahoo.com">sweetcatkins@yahoo.com</a>	794	support	fully support. Our neighbors to north and south have much higher rates and we should follow suit.
web	Bettie Wright	<a href="mailto:Wrightushere@gmail.com">Wrightushere@gmail.com</a>	794	support	great idea; paid surcharge in other states including WA. OR citizens pay for parks; out-of-state do not. RV fees at OR state parks are too low and sites are falling into disrepair.
web	Michael Walle	<a href="mailto:mwaller468@gmail.com">mwaller468@gmail.com</a>	794	support	Other states charge non-residents a higher fee, Oregon should do the same.
web	Toby Watts	<a href="mailto:Toby4watts@yahoo.com">Toby4watts@yahoo.com</a>	794	support	out of state campers should pay fair share.
web	Ben Fisher	<a href="mailto:ben@toadly.com">ben@toadly.com</a>	794	support	support; hope revenue will be used to add camping facilities, build new campgrounds, add field staff. Support surcharge for yurts, cabins and other facilities, except hiker/biker.
web	Jon Nelson	<a href="mailto:Jdnelson995@gmail.com">Jdnelson995@gmail.com</a>	794	support	supports surcharge; could be higher and parks would be busy. Should go to assist with maintenance and protection of natural resources.
web	Shawn Dachtler	<a href="mailto:dachman1@yahoo.com">dachman1@yahoo.com</a>	2171	amend	ORAC should include Veterans and off highway motorcyclists.

Summary of comments received on 2021 Legislative Implementation.

Full comments available on agency rulemaking website.

web	Ken Word	<a href="mailto:kenword@bendbroadband.com">kenword@bendbroadband.com</a>	289, 794, 2171	support	support all three
web	Lori Woods	aquawoods,@yahoo.com	289; 2171	oppose	289 would discriminate whenever someone simply doesn't like another person. 2171 would be chosen by one biased person rather than voted on fairly.
web	Stefanie Manack	<a href="mailto:Stefanie.manack@gmail.com">Stefanie.manack@gmail.com</a>	289; 794; 2171	support	support all three
email		lvivnative@yahoo.com	794, 289, 2171	oppose	No on all three
email		<a href="mailto:snobrdhideout@aol.com">snobrdhideout@aol.com</a>		none	doesn't say anything about disabled veterans, assuming no change with this.
web	Noah Winchester	<a href="mailto:noah.winchester@gmail.com">noah.winchester@gmail.com</a>	794	support	heavy user of state parks. Out-of-staters should pay fair share. No different than out-of-state paying higher fishing or hunting fees.
web	Joyce Caudell	<a href="mailto:Joycecaudell@yahoo.com">Joycecaudell@yahoo.com</a>	794	oppose	10 years as a full-time RV traveler and interpretive volunteer. Out-of-state park fees are annoying, but Oregon should join in other states to provide funding needed in parks. Concerned fee increase might prevent families with children from camping in parks and children need to experience nature.
web	Janice Roderick	<a href="mailto:rrroderick@msn.com">rrroderick@msn.com</a>	794	oppose	family has been camping for 30 years. Has a family reunion with people coming from OR, WA, and CA. One person makes reservation, but people are residents of different states. This will be a nightmare to manage. Out-of-state residents spend money in state traveling and shopping.
email	Carol Pettigrew	Carol Pettigrew <capfatty@hotmail.com>	289, 794, 2171	support	agrees with all proposed changes.
email	Bruce Affsprung	Bruce Affsprung <beaffsprung@gmail.com>	289, 794, 2171	oppose	289- individuals convicted of a crime have received a punishment. Determining who is worthy of enjoying public land is not State Parks mission. 794- provide funding through a progressive tax system not by soaking out of state visitors. Government should tax corporations and very wealthy. 2171. Council should be socially and economically diverse with strong environmental component and not skewed toward business interest. Likes camping type at Smith rock and would like to see more affordable yurts and more first-come-first serve options.

Summary of comments received on 2021 Legislative Implementation.

Full comments available on agency rulemaking website.

web	Joy Ragsdale	<a href="mailto:Ragsdale7@comcast.net">Ragsdale7@comcast.net</a>	794	support	I fully support the 25% increase in Oregon state park Rv fees for out of state campers. In fact, I think 35% might be better. It will help balance the fact the Oregonians pay the license plate fee.
web	Cathy Crandall	<a href="mailto:cesc.outdoors@gmail.com">cesc.outdoors@gmail.com</a>	794	amend	I and my husband are Oregon residents. We own an RV and often camp in Oregon and other states. Regarding the 25% surcharge, I would like to see this rule changed to exclude imposing the fee on residents from states that either don't charge an out of state fee or have reciprocity. In other words, if the RVer is from a state that doesn't charge Oregonians out of state fees, then Oregon should not impose the fee on that RVer. This would be fair as the other state's residents are likewise carrying the cost of us camping there, so we can bear the burden of them camping in Oregon
email	Todd Call	<a href="mailto:tcall23403@me.com">tcall23403@me.com</a>	794	support	I would 100% support increase of Out of State RV fee's.
email	Gary Lease	Gary Lease <elkhunter8108@gmail.com>	794	oppose	It is my opinion you no longer want out of state visitors. If you pass this plan, I for one will not visit your state. I will also insure every RV Facebook group I follow will receive a post monthly advising of this law.  It is not only going to reduce the RV visitors but is showing prejudice towards out of state visitors.  Oregon has always been friendly towards visitors. Has something changed?  If this law is passed, include your own RV owners in the fee across the board.
web	Ken Stobie	<a href="mailto:Ken_Stobie@yahoo.com">Ken_Stobie@yahoo.com</a>	794	support	I totally agree with the 25% increase in fees for out of state users of Oregon state parks. I have felt for many years that it was unfair to Oregon taxpayers that out of state users didn't pay there fair share to use our parks. Hopefully this increase may slow down out of state users and increase the number of available days for Oregon residents to use Oregon State Parks!

Summary of comments received on 2021 Legislative Implementation.

Full comments available on agency rulemaking website.

web	Don Gasser	<a href="mailto:gassman18@juno.com">gassman18@juno.com</a>	794	oppose	This is the most irresponsible thing I could think of .You will be loosing a lot of business by adding a 25% out of state fee on RV reservations for out of state travelers. We camp a lot in Oregon but will not of this legislation goes through. I cant understand why Oregon cant get there shit together and use the money they have. I work in Oregon so I pay state taxes just like a person that lives here. Come on Oregon get it together!
web	Debra Glitz	<a href="mailto:giltski@gmail.com">giltski@gmail.com</a>	794	support	My husband and I are 100% in favor of the fee increase for out of state campers.
email	Dave	<a href="mailto:davemc47@gmail.com">davemc47@gmail.com</a>	794	oppose	What a terrible idea! Many Oregon businesses depend heavily on tourism to support their business. Why would we want to discourage out of state campers from coming to Oregon and shopping in our stores, eating in our restaurants and spending money for other essentials while visiting?
web	Ann Schofield	<a href="mailto:lakeshoreann@gmail.com">lakeshoreann@gmail.com</a>	794	oppose	We are Nevada seniors on a budget. We use your absolutely wonderful state parks to affordably enjoy your beautiful state. A 25% surcharge would be a hardship for us. We recently returned from a month of travel between Oregon state parks. We noticed that the majority of license plates were from Oregon. The ill will this proposal will cause is not worth the revenue it will generate. Please reconsider this action. Price increases and inflation are already hurting seniors.
web	Audie Adams	<a href="mailto:atoejam@gmail.com">atoejam@gmail.com</a>	794	oppose	I think the state of oregon should not raise rates for rv'ers from out of state the proposed 25%.....Go ahead and raise the fees 50% then you won't have hire new employees ,in fact you can go ahead and let some of the employees go and they can collect unemployment from the state, because you will be running off that many more out of state rv'ers .....sounds like a win-win situation to me.....



Summary of comments received on 2021 Legislative Implementation.

Full comments available on agency rulemaking website.

email	Clair and Jogn Coy	<a href="mailto:claircoy@gmail.com">claircoy@gmail.com</a>	289, 794, 2171	support	<p>We agree that out of state campers should assist in paying for the upkeep of our parks and a higher camping fee be assessed to them.</p> <p>We agree that people convicted of crimes on public property or water ways should not be allowed back for 5 years.</p> <p>And we also agree that members should be appointed for 3rd amendment.</p>
email	Maxine Leagjeld	Maxine Leagjeld <mleagj@gmail.com>	289, 794, 2171	oppose	<p>Senate Bill 289: NO. WHY?? Do "bias individuals" commit more bias crimes on State Park Properties then any other place?? If a person is convicted of a bias crime act in a grocery store and hasn't corrected their ways, are they going to head to a State Park Property to do it again?? What I'm saying is, isn't the punishment for a CRIME done to change the individuals behavior? And if so, bias crimes can and do happen everywhere and you can't ban a person from "everywhere".</p> <p>Senate Bill 794: NO. There's a clear delinear between Licensing of vehicles which USE our roads versus the maintenance of State Park Properties. If State Parks Properties wants extra from out of State users to maintain its properties why wouldn't the entire State take advantage of this type of fee and charge everyone from out of State who comes here a fee to maintain their agency?? To me, this is just a money grab by the State Parks. Plus, tourism is one of Oregon's great income earners and we don't want to discourage Tourism.</p> <p>House Bill 2171: NO. Individuals appointed to the OPAD must be done</p>
email	Terry Folen	<a href="mailto:t.folen@gmail.com">t.folen@gmail.com</a>	289, 794, 2171	support	<p>All three of these proposals make sense and I would support all three of them.</p> <p>I am concerned about how the first one concerning folks that have violated State Park rules would be identified? But I will leave that up to you all.</p> <p>Thanks</p>

Summary of comments received on 2021 Legislative Implementation.

Full comments available on agency rulemaking website.

email	Phil Kirk	<a href="mailto:lih716@aol.com">lih716@aol.com</a>	794	oppose	Raising prices on out of state campers is just going to cause bordering states to do the same to us, I think if its a matter of money, raise the camping fees for all campers in state as well as out of state.
email	Phil Kirk	<a href="mailto:lih716@aol.com">lih716@aol.com</a>	2171	oppose	Outdoor Advisory Council- The appointments are a joke! We should have qualified Management and qualified employees that know the business better then some strangers appointed by the governor. They would have access to surveys etc. if they need public opinion. It would be a great big waste of time .
email	Renee Davis	<a href="mailto:reneegade1958@gmail.com">reneegade1958@gmail.com</a>	2171	oppose	Please dont allow the governor to choose a person. She wl hire her friends and be biased. Put a republican in the position. Our state has too many Dems ruining Oregon and we the people are not happy with her at all. Bring back the polls coz we dont like the mail in ballots. Too much cheating and you know it. Our votes are suppressed.
email	Richard Ragsdale	<a href="mailto:mr.rags7@gmail.com">mr.rags7@gmail.com</a>	7494, 289	support	Dear officials, I am very much in favor of increasing the out of state fees for campers in our state parks. As a RV owner I have resented for several years that I have been subsidizing out is state campers. If I could pick a rate it would be more than the 25% proposed.  I also agree that individuals convicted of a bias crime on public lands be banned from state parks for at least 5 years.  Thank you very much for considering these changes.
email	Steve Wray	<a href="mailto:steveumpqua@gmail.com">steveumpqua@gmail.com</a>	289, 794, 2171	oppose	I don't agree with all 3 of the bills
email	Pam Jost	<a href="mailto:jost4kicks@gmail.com">jost4kicks@gmail.com</a>	794	oppose	Why would you want to discourage out of staters to visit your parks by raising fees for non-residenrs.  The surge in RVers is temporary. It will pass when the pandemic passes.

Summary of comments received on 2021 Legislative Implementation.

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web	Greg Leo	<a href="mailto:greg@theleocompany.com">greg@theleocompany.com</a>	2171	support	For the record, my name is Greg Leo, I live at 9318 Champoeg Road NE in Northern Marion County adjacent to Champoeg State Heritage Area. I am testifying in support of Rule 736-002-0170 which implements HB 2171 making permanent the Oregon Outdoor Recreation Advisory Council. Establishment of this permanent Council will coordinate state policy concerning our growing and vital Oregon Recreation economy by having a permanent Council to advise the Department on policy question and a staff to implement a coordinate program to support this diverse and growing segment of Oregon's recreation economy. The allocation of positions on the council appear balanced and embraces Oregon's diversity. I support passage of this rule as noticed and published.
web	BJ Weaver		794	support	Impose the 25% fee increase for out of State and restrict the number of Out Of State site reservations. We own Oregon Registered RVs and boats and pay taxes and can't get into our own Oregon Parks!
email	Mike and Jennifer Blair	<a href="mailto:gypsyblairs@gmail.com">gypsyblairs@gmail.com</a>	794	support	As Oregon residents for 48 years who have faithfully paid our state taxes and utilized our incredible state parks every year, we support this change whole-heartedly. Just wish it could have been done earlier. It was both sad and frustrating to see so many out-of-state campers adding to the hot mess that was this last Oregon camping season. Patently unfair to Oregon residents. Would also be helpful to lessen the time periods for out-of-staters to camp in one site. So many CA and WA folks can work remotely that they are able to move from campsite to campsite every 14 days or less. A smaller percentage of Oregonians are able to do that, it seems. We also agree with the other two provisions of the proposed bill. May it pass and go into effect as soon as possible.  Sincerely, Mike and Jennifer Blair Bend, OR 541-480-7400

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email	Diana Grimm	<a href="mailto:dgrimmk9@hotmail.com">dgrimmk9@hotmail.com</a>	794	support	It is my understanding there are 3 proposed rule changes. Charging extra RV fees to out of state residents seems to even the field, as we Oregonians are already paying hidden additional fees.
email	Diana Grimm	<a href="mailto:dgrimmk9@hotmail.com">dgrimmk9@hotmail.com</a>	2171, 289	oppose	The other 2 rule changes seem like just political posturing. What exactly is a “bias crime” and how would the fee collectors know a persons criminal history. They will just come in under another name or with another person. Just more work for State Parks staff... We ABSOLUTELY DO NOT need another council. And it absolutely DOES NOT need to be appointed by the Governor. Just a waste of money to come up with more rule changes. We love the Oregon State Parks, and they need HELP/FUNDING, not more rules and regulations.
web	Mark Whitham	<a href="mailto:markwhitham97701@gmail.com">markwhitham97701@gmail.com</a>	794	support	I support increasing out of state rv park fees. I feel they should be increased more than 25%. Out of state campers have flooded our campgrounds the last few years, making it impossible for Oregon residents to try and use our own services on short notice. Unless you plan to camp 4-6 months in advance, the campsites at most parks are full from June through October. I have noticed that almost half of these are out of state campers, many driving \$500,000 -1,000,000 diesel pushers. It would be great to discourage some out of staters from visiting Oregon, if they are coming anyways, they can more robustly support our state parks

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web	Jeff Gallemore	<a href="mailto:jeff.gallemore@oregon.gov">jeff.gallemore@oregon.gov</a>	794	oppose	I am sad that these decisions to go down these "rabbit-holes" of complicated fairness. I appreciate that it's factored in that out of state folks don't pay some fees that Oregonians do and this is an effort to "balance" it out. I suggest that instead of thinking this way, drawing further divisions is not a solution. We instead need to make the fees the same for all. It's the Oregon Way, show the world the true meaning of equal. Think of the poor Ranger on the front lines having to explain why you are different than them. The double talk rationalization as to why, when, who, what, and then followed by "I'm sorry". I love when asked if there are any discounts, to say "no,,,,, just one discounted price for everybody". Schemes, like this always end-up sounding punitive and leave customers with a bad taste. As a Ranger I can attest that we are too busy to have yet another thing to explain, over and over. It has been done and did not work then either don't do this to us.. The other comment is (i think I speak for a lot of field staff) PLEASE, make the fees make sense i.e. \$40 not \$43, \$10 not \$7 new could be \$30- \$40-\$50-\$10, what we hear from customers all the time is OR. is cheap compared to other states. We waste more time and money chasing the \$1 change differences, it is frustrating. The beauty
email	Sam Gibson	<a href="mailto:cygnusftk@yahoo.com">cygnusftk@yahoo.com</a>	794	oppose	NO! This is a horrible idea. I think Oregonians want to encourage people to visit our state. This will discourage tourism - not encourage it. BAD! VERY BAD LEGISLATORS!  Sam Gibson 971-645-6371
mail	Larry Woodurck	100 Carlson Dr., Klamath Falls, OR 97603	794	amend	Something needs to be done to assure Oregonians can make reservations at the most popular campgrounds, like Harris Beach in Brookings.  Save 25% of the park for Oregonians up to 30 days before opening them up to outside

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web	Ed K	<a href="mailto:avah2@nqcialis.com">avah2@nqcialis.com</a>	794	oppose	I am not happy with the proposal to charge out of State Campers a surcharge. I have visited several states that do this and after the first night I leave as I feel I am being treated as a second class citizen. My home state does this also and I encourage my out of state friends and family to park in the National and county parks when visiting. I had plans on visiting the West Coast in 2022 on my way to Alaska and will now be re-planning this trip to avoid Western Oregon. Still have not investigated Washington yet.
web	Eric Elliott	<a href="mailto:es99cobra@hotmail.com">mailto:es99cobra@hotmail.com</a>	794	oppose	Re: Senate Bill 794, is you intent to keep out of state RVers from visiting your state? The Pacific northwest is on our list to travel to in the very near future, but I can bypass Oregon entirely if it costs me my arm AND my leg to camp there. A 25% 'fee' on out-of-staters? Wouldn't you want to attract people to your state? I don't see the logic in that bill at all
web	Pete Morris	<a href="mailto:peterb4u@msn.com">peterb4u@msn.com</a>	794	oppose	Senate Bill 794. NO I lived in Oregon for 20 years and love it. I still vacation there often; I'll not pay an extra 25% surcharge!!!
web	Leonard Rempel	<a href="mailto:leonardrempel@gmail.com">leonardrempel@gmail.com</a>	794	support	As a Canadian spending my winters in the beautiful Southern U.S., I understand the need to increase revenues. If you need to charge us out of Staters more for camping, I have ZERO issue with it. Let's be real for a minute; RV'ing is truly a first world problem. If I (or anyone else) can afford an RV or an RV lifestyle, we can afford campground fee's, whatever they are. There are a lot more pressing issues that we all face than a few bucks more for a campground site. Cheers, Stay safe.
web	Gary	<a href="mailto:Glwcell@hotmail.com">Glwcell@hotmail.com</a>	794	oppose	Bill 794 Against - Raising out of state registration fees. Discouraging out of state tourism is a bad idea. Out of state visitors spend money and support all of our local businesses that many of the small communities depend on.
web	Joe Petro	<a href="mailto:joegpetro@msn.com">joegpetro@msn.com</a>	794	support	I believe the 25% surcharge for out of state campers to be fair and I am an out of state camper.

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web	Gary Gilmore	<a href="mailto:garygilmore@gmail.com">garygilmore@gmail.com</a>	794	oppose	If you raise out of state RV rates 25%, I will NEVER vacation in Oregon again. You will lose my camping dollars, and supporting businesses will too.
web	Marybeth Almand	<a href="mailto:mbalmand@yahoo.com">mbalmand@yahoo.com</a>	794	support	OPRD has been operating under a 20+ dollar deficit. They really need the money for equipment used in the day to day operations of the properties. With rv sales skyrocketing, first time campers are clogging up parks nationwide. Residents already pay their fair share for their parks, but the quantity of out of state campers use the same resources, just more. Many of the "No Shows" are out of state people. No Show reservations should hurt. No refunds should be the norm. I also think that ALL DAY USE designated areas should pay a day use fee. Even an entry fee to the park property itself should be considered. The ones that don't, have a contingent of daily regulars that fill up parking spaces, use the toilet paper, dump their trash in (and out) of the trash cans, using resources that others pay for.
web	Thomas Anderson	<a href="mailto:tande12506@comcast.net">tande12506@comcast.net</a>	794	oppose	For more than 40 years I have been visiting your state and staying in various state campgrounds. Is you add a 25% surcharge for out of state campers I will never stop and visit Oregon again.
web	Linda Candreva	<a href="mailto:lcandreva@aol.com">lcandreva@aol.com</a>	794	oppose	Do this, and Oregon will be a easy state to bypass for RV'rs. Is this classified as discrimination??
web	Doug McGrew	<a href="mailto:doug.mcgregw@yahoo.com">doug.mcgregw@yahoo.com</a>	794	oppose	I am against the change that requires out of state campers to pay more than in state campers. I am from Idaho and we also pa an additional fee to access state campgrounds. I believe the number of Oregon campers using our state would also then need to pay additional fees when using our campgrounds, This simply creates an increase in user fees for all campers. I wonder if the next money grab will be to charge out of state vehicles a fee to use your roads?

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web	Tom Mauldin	<a href="mailto:tcmaldin2@gmail.com">tcmaldin2@gmail.com</a>	794	oppose	I was in Oregon a few years ago in my RV. I stayed a few of your park which were nice, but if you make me pay 25% more than a resident, I won't be staying in them any more. The price increase will bring the cost of staying in the park close to the cost of staying in a private park. So why should I pay for a park that give me less amenities than a private park.
web	Frank Erlitz	<a href="mailto:fderlitz@yahoo.com">fderlitz@yahoo.com</a>	794	oppose	Senate Bill 794 Increasing the rate discourages people with RV'S from using state camping sights and will cause a lost of revenue in camping plus other purchases in the state such as gas, food, and fees for many other items. Not very smart to discourage people from vising your state
web	Bill and Abby	<a href="mailto:abjergins@hotmail.com">abjergins@hotmail.com</a>	794	oppose	Dear Oregon Parks and Recreation, we are planning to travel Oregon, to view the many sites. in the near future. Our plans may change depending on how expensive it will be to stay at RV parks while there. Limited budgets are the normal these days for all retired couples. Adding a 25% surcharge to RV camping may be a deal breaker for us and so many like us. Thank you Billy and Abby Jergins
web	Philip Sponable	<a href="mailto:speedyshor@aol.com">speedyshor@aol.com</a>	794	support	I am a non-resident. Extra 25% fee is fine.
web	Al Lehman	<a href="mailto:al.lehman@icloud.com">al.lehman@icloud.com</a>	794	oppose	Senate bill 794 regarding 25% surcharge for out of state visitors. My wife and I have been Oregon State Parks for the last 24 years and have been a park volunteer since 2015. For the past 10 years we have spent four to five months each summer mostly along the Oregon coast. If this new rule passes we will no longer visit Oregon nor volunteer at the parks. We will take our money to a state that does not discriminate against out of state visitors.
web	Phil Strong	<a href="mailto:philstrong1959@gmail.com">philstrong1959@gmail.com</a>	794	oppose	Charging out of state campers more then posted rate sends the message that Oregon does not want out of state visitors. It is the message not the amount. I think the legislature is overlooking the overall impact of tourism dollars spent.



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web	Jerry Lyszak	<a href="mailto:jliszak@msn.com">jliszak@msn.com</a>	794	oppose	I understand Oregon will charge a 25% surcharge for out of state campers at Oregon state parks. Part of the reason I hear is because Oregon residents already pay a fee with their auto license fees to support Oregon state parks. I live in Washington State and in Washington we residents also help pay for our state parks through taxes and an annual pass. So I suppose if you raise fees for out of state residents other states will have to start doing the same thing. I love camping in both Washington and Oregon every summer but this will put a damper on my Oregon camping since I am a senior citizen living on Social Security. If this law passes, I will encourage our state to pass a similar law. Thank you for your consideration.
web	Mike Cornell	<a href="mailto:roadking@grimjack.com">roadking@grimjack.com</a>	794	oppose	While I understand the need to generate revenue along with ensuring that state residents have a priority to facilities, I am opposed to the 25% surcharge for out of state residents. Many multi-state travelers like me will go to other states instead, resulting in a reduction in revenue. I please hope you would reconsider this negative approach.
web	Gene Richardson	<a href="mailto:gene940@msn.com">gene940@msn.com</a>	794	amend	I understand why you would want for out of state rvs to pay an additional fee for camping but 25% may be a little steep, But I do not know your fees. I think perhaps 10% may be accepted better than 25%. You do not want your upcharge to be so high that it discourages RVers to your state. Just my personal thoughts
web	Jessica Burkhart	<a href="mailto:Burkhart_family4@hotmail.com">Burkhart_family4@hotmail.com</a>	794	oppose	I'm not understanding the out of state stipulation. Is this to discourage out of state visitors. Not only will the up cost in out of state residents deter visitors, it will take away from the locals. More money spent on camping, less money spent in the community. Treating out of state locals differently is not very welcoming. Highly recommend this portion be dismissed.

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web	Jim Christian	<a href="mailto:s.Christian@Hotmail.com">s.Christian@Hotmail.com</a>	289	oppose	1. The proposed bias crime discriminates against me being allowed to say what I am thinking or believing is one that should be stricken from this and other laws. I am allowed to have 1st amendment rights and as such be able to express my opinion. I am a Christian and I can see the hand writing on the wall that says I will be restricted from speaking the Word of God because it violates some ones feelings. Well, I have feelings also and I can be offended by what someone says but I am not going to restrict their right to speak their mind. We all have so far the 1st amendment freedom of most speech to an extent. I can see my rights being stripped from me and I completely am against it. Besides, if one is convicted of the crime, they have already paid the penalty for their crime and it is over and done with. Be wise and think ahead to more than just yourself but also the rights of others.
web	Mitch Davis	<a href="mailto:cruiser3023@gmail.com">cruiser3023@gmail.com</a>	794	oppose	It sounds like Oregon doesn't want my tourism dollars. We make 2-3 trips to Oregon each year in our 5th wheel.the money we spend a lot of money on fuel, food, and lodging which helps local businesses. Maybe from now on I well think about another state.
web	Cheryl Taylor		794	oppose	We have been traveling to Oregon since the 70's in our RV and have always loved staying at Oregon SP's. We spend at least a month in the state during each trip. One of our favorite CG's is Beverly Beach SP and I am disappointed to see how the bathrooms and showers have deteriorated due to lack of maintenance. And now you want to charge me a 25% surcharge to occupy an RV site because I am an out-of-state resident. We contribute to Oregon economy each month we spend in your state. I am
web	Judy Sterling	<a href="mailto:Sterling.judy@gmail.com">Sterling.judy@gmail.com</a>	794	oppose	The extra vehicle fee is so unfair. I pay more for two people to camp in a van with extra car, yet a single 45 foot class A bus with 6 people in it pays nothing extra. My combined vehicles are 25 ft and we put much less strain on park resources.

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web	Tom Gutzke	<a href="mailto:tomgutzke@yahoo.com">tomgutzke@yahoo.com</a>	794	support	While many may not consider charging an out-of-state camper "fair" I would say that it is fair. Residents pay taxes to the state and part of that money is used for State Parks, including campsite development. As I have NOT paid anything to develop these sites but just pay to "rent" them for a night's stay I fully understand why there should be a two-tire system for payment - resident and non-resident. While I would not want to pay more for a campsite than anyone else, it could be considered fair to charge me more as I don't pay any tax dollars in the form of income taxes. Sure, sites are basically identical, but a person has to look at the overall cost and who is paying part of that cost without even going camping. I say "thank you" for developing campsites in state parks. By the way, I'm approaching my 77th birthday early next year.
web	Dan Rucker	<a href="mailto:drucker4917@gmail.com">drucker4917@gmail.com</a>	794	oppose	I think 25% is too high, but I think 10% would be fair. If you need more revenue try opening more or expanding existing campgrounds. I have camped in Oregon but in the past 3 years, I have not been able to get into a state park.
web	Eric Resweber	<a href="mailto:eresweber@gmail.com">eresweber@gmail.com</a>	794	oppose	As a non-Oregon citizen of another state I see the rate increase for out of state visitors as something other states will adopt also. It lessens my desire to visit Oregon. Our state charges its citizens other fees that go to our parks and campgrounds and so far we don't make our of state visitors pay more. So go ahead and raise fees for out of state visitors, just don't expect me and my family to visit or spend any other money in Oregon.
web	Ray Moreland	<a href="mailto:PVSman@juno.com">PVSman@juno.com</a>	794	oppose	RE: RV 25% surcharge for out of state. It is sad when states decide to price as if we are not one nation of US citizens. If McDonald's priced higher for out of state patrons, most would say it is not fair so please price each citizen the same at RV parks. Thank you
web	Blank	Blank	794	oppose	Stop trying to charge more money and manage the money you do have properly.

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web	Blank	Blank	794	oppose	I don't agree with the proposed increase for out of state RV fees. I personally will avoid overnight or any extended stays in Oregon due to this fee increase. Tourism will suffer due to this rule which will negatively affect restaurants, fast food, grocery stores, fuel sales and many other business establishments in Oregon. You will find that this will lose money for Oregon state instead of increasing which is the ultimate goal.
web	Millicent Butterworth	<a href="mailto:millicentbutterworth@yahoo.com">millicentbutterworth@yahoo.com</a>	794	oppose	I am surprised that with all the volunteer hours provided by out-of-state volunteers working at the Oregon State Parks that you would penalize out-of-staters with added fees. We stay & pay at your campgrounds other than the ones where we volunteer.
web	Jackie Bourdin	<a href="mailto:ronjac@mymts.net">ronjac@mymts.net</a>	794	oppose	We are frequent visitors to Oregon and feel that if there is a 25% surcharge for us to come and camp we will probably camp in other states instead. I question if this decision will discourage others from travelling to Oregon. This decision would impact the tourism trade for the small businesses and in my opinion it would be an unwise decision for the state.
email	Sherman Burkhead, Sr.	<a href="mailto:burkheads@gmail.com">burkheads@gmail.com</a>	794	oppose	That is ok so I can make sure not to visit or spend money in Oregon. I am sure I will not be the only one. Will go to states that like us spending money in their states and not punish us for visiting.
email	Morris Weisbart	<a href="mailto:mkweis@gmail.com">mkweis@gmail.com</a>	794	oppose	As a California resident I find your proposal both prejudiced and very poorly thought out. Many people that own rv's and do not reside in Oregon enjoy your State Parks. While they are in your State Parks, they patronize your local economies. Many of us from outside Oregon are not willing to camp in your state with the increased surcharge. This act or bill will not help your state parks, but will, in fact hurt their local economies. If it is necessary to raise fees, raise fees for everyone. Penalizing out of state campers sets a precedent and will hurt tourism in Oregon.

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email	Gerald Quinn	<a href="mailto:rvquinn2@aol.com">rvquinn2@aol.com</a>	794	oppose	<p>Dear Mr. or Ms.</p> <p>I, as a Canadian, will not be staying at any state parks any more, it's not the 25% surcharge. It's that I am being discriminated against not being a person from your state. I feel that we share our parks with others at the same price I pay. It's too bad that people in power think that we are different than you.</p> <p>Thanks for reading,</p> <p>Gerald Quinn. Retired camper being priced out of the market.</p>
email	Arlene Hansen	<a href="mailto:nana4r8@yahoo.com">nana4r8@yahoo.com</a>	794	oppose	<p>THAT DOES SEEM ANTI-FRIENDLY! ANTI-TOURIST? WE HAVE ENJOYED YOUR PARKS EVERY TIME WE GO THRU OREGON.</p> <p>FOR US SENIORS, IT SEEMS A BIT UNFAIR, CUZ OUR SOCIAL SECURITY DOES NOT KEEP UP WITH ALL THE VARIED PRICE INCREASES</p> <p>EVERY TIME WE TURN AROUND. IT IS NO WONDER SO MANY SENIORS JUST STAY AT HOME &amp; DEHYDRATE! SAD. SAD. SAD!!!</p> <p>I CERTAINLY DON'T HAVE THE ANSWERS FOR SOLVING THE REPAIRS NEEDED, INCREASED PRICES OF SUPPLIES ETC, SO ...</p> <p>GUESS THE ONLY ANSWER IS TO INCREASE THE ENTRY FEE/SITE FEE. BUT I MIGHT BE GRUMBLING.... Arlene Hansen</p>
web	Daniel		794	oppose	<p>I've camped many times at the Oregon State Parks, and they are very nice looking. However, adding an "Out of State" user fee or tax is counter productive as it focuses on charging more for not being a resident. A better approach would be to have a resident discount instead. I am willing to pay for these nicely maintained State Parks, but not a 25% non-resident tax.</p>

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web	Mary		794	support	<p>Regarding increasing fees for RV campsites by 25% for out-of-state residents. High time on addressing out of state campers paying their share to utilize Oregon State Parks and Recreation. It's sad to walk the park and see 80+% being out-of-state campers who are not contributing as in-site campers are toward maintaining Oregon parks and recreation areas. I have seen first hand where some, stressing some not all, of these out-of-state campers not cleaning up after themselves or are destructive to the vegetation during their stay, causing additional clean-up, replacing, repairing or replanting. Which can result in increase cost to site rates and or RV license plate fees. If Oregonians go to other States to camp you will typically see out-of-state fees added to their cost. I've heard many times from out-of-state campers how they appreciate what Oregon's parks and recreation offers and how they would rather camp in Oregon versus anywhere else. It's time for them to help maintain what they use while here.</p>
web	Jana Tindall	<a href="mailto:jl.tindall@comcast.net">jl.tindall@comcast.net</a>	794	amend	<p>I strongly urge the commission to modify their approach for implementing SB 794. I believe the intent of the bill is to provide benefit to Oregon residents who own recreational vehicles. However, implementing a surcharge to out of state campers will only create animosity. It would be better increase all the fees and to provide a discount to Oregon residents. Historically, a small surcharge was applied to out of state campers back in the late 1980s-early 1990s. The result was anger from the out of state campers and those states reciprocated by applying a surcharge to Oregon residents camping in their states. This angered Oregonians and the surcharge was removed at the request of the legislature. I am a retired OPRD employee and very much remember what happened before. Thank you.</p>

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web	Jerry Mann	<a href="mailto:mchickenfarm@aol.com">mchickenfarm@aol.com</a>	289	oppose	I am writing to comment on the policy you are considering related to Senate bill 289. I find it quite hypocritical that you are planning to exclude individuals that have been convicted of a "Bias" crime from participating in the enjoyment of the park system. Why that crime and not others? How is that not Bias? If they have paid their debt to society they should be able to enjoy the parks and waterways. I'm sure they still have to pay their taxes and fees, part of which go to pay for the park system. Please re-think this wrong headed, completely bias and exclusionary policy. Sincerely, Jerry Mann Dundee, Oregon 11-10-2021
web	Anthony Meno	<a href="mailto:slopemeno@comcast.net">slopemeno@comcast.net</a>	N/A	N/A	Hello- I've recently heard about the proposed legislation to ban "drones" or unmanned aerial vehicles on Oregon beaches. Please pause. I have visited coastal Oregon for twenty years to fly my radio controlled unpowered sailplanes at Oregon beaches. Cape Blanco, Newport, Gold beach, Seaside, etc. If I can't fly- my tourist dollars won't show up. Spinners and TuTuTin Lodge in Gold beach will not get my business. Georgie's and Local Ocean in Newport will not get my business. That Thai place that I love so much in Seaside won't get my business. Slope flying with gliders is clean, quiet fun that leaves no trace. I don't like drones, myself, but you are punishing ME for THEIR issues, do you see? If a drone is a problem- deal with the drone operator. You could draft legislation about "unsafe operation" etc, etc, but don't exclude me from Oregon slopes. A great example of Parks cooperating with slope flyers can be found at Sunset State beach near Santa Cruz, CA. The park department made a landing zone for us, they even put some benches out for us- very nice. I would hope you were able to appreciate that WE (slope flyers) don't want to be your problem. The Drone community is so "new" that it hasn't yet developed the community culture to say "hey, maybe that move isn't the best idea" yet. Thank You

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web	Don Haga	<a href="mailto:douwe@comcast.net">douwe@comcast.net</a>	N/A	N/A	I vacation at Cape Blanco every year to participate in a slope glider event. I bring my California money and spend it in Oregon. If the proposed drone rules take that event away I will no longer be spending money in Oregon. Please look more closely at how Slope Soaring Gliders are different from "drones". Thank You.
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## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item:	9c	<b>Action</b>
Topic:	Request to open rulemaking of OAR 736-010-0055 Park Resources to clarify hunting boundaries	
Presented by:	Helena Kesch	

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### **Background:**

Hunting is permitted in several state parks within Oregon Department of Fish and Wildlife (ODFW) rules and regulations. Access to hunt on OPRD lands is provided in state parks where public safety is low risk and the activities meet agency wildlife goals.

The current rule specifies each area within a park that is open to hunting. For the Willamette River Greenway, some of those properties have changed management or are inaccurately described.

The proposed rule change will clarify hunting boundaries within state parks by referring to an OPRD hunting map that will be located on the agency website. The rule will direct people to adhere to ODFW rules and regulations when hunting on park properties.

Clarifying the hunting boundaries within this rule will help protect visitors and hunters alike. A hunting map will be created and made available on the agency website for hunters to refer to in identifying hunting boundaries at each park where hunting is available per this rule.

OPRD will convene a Rules Advisory Committee (RAC) to help inform the discussion around clarifying hunting boundaries within state parks. The RAC will include members of the hunting community that frequently hunt in permissible state park locations as well as conservationists. The RAC will also include ODFW, Oregon State Police Fish and Game Division and OPRD park managers and staff members to add expertise on the operational implication of this clarification. The committee will discuss clarifying hunting boundaries within state parks and the creation of an OPRD hunting map that will clearly identify hunting areas within park boundaries.

**Prior Action by Commission:** July 2013, Commission adopted rule broad rule changes to OAR 736 Division 10 that included minor amendments to hunting rules.

**Action Requested:** Staff requests approval to open rulemaking to amend OAR 736-010-0055 to clarify hunting boundaries within state parks and also refer hunters to OPRD's hunting map on the agency website. Hunters are required to comply with ODFW rules and regulations regarding hunting of game species.

**Prepared by:** Helena Kesch

**Attachments:** Attachment A marked copy

**Chapter 736**  
**Parks and Recreation Department**

**736-010-0055**  
**Park Resources**

(1) A person may not excavate, injure, disturb, destroy, alter or remove any archaeological, cultural, or historical site, object, or material from a park property, unless authorized by the director as defined in ORS 390.235 and OAR 736-051-0060 to 736-051-0080.

(2) A visitor may only conduct the following activities with the written permission of the director, manager, or designated park employee unless the activity is specifically allowed by other sections of this rule:

- (a) Dig up, or remove any sand, soil, rock, historical, or fossil materials;
- (b) Place, remove, roll, or move any stones, logs or other objects that may endanger a person or damage park resources;
- (c) Pick, cut, mutilate, trim, uproot, or remove any living vegetation;
- (d) Harass, disturb, pursue, injure or kill wildlife; or
- (e) Introduce or release animals onto the park property.

(3) A person may remove small quantities of natural materials from a park property for personal use without written permission of the department, but only if done in accordance with the following provisions:

- (a) Collection is done at a park property or portion of a park property at which the department has not specifically prohibited the removal of natural products either by location or time of year through the posting of signs, publishing of maps or brochures, or indicating on the state park website; and
- (b) Collection is for souvenirs that may serve as a reminder of a person's park visit and includes only a small quantity of agates and other rocks, driftwood, or similar non-living items collected for non-commercial, personal use.

(4) Notwithstanding section (2) or (3), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on state and federal lands.

(5) Unless otherwise posted a person may gather for personal consumption berries, fruits, mushrooms, or similar edibles in quantities not to exceed ~~five-one~~ gallons per person per day.

(6) A person may not uproot living plants or collect roots, tubers, flowers, and stems except with written permission of the park manager or designated park employee and only for scientific collection or research purposes, or by a member of a federally recognized Oregon tribe for personal consumption as part of their traditional religious, medicinal, or other customary cultural heritage practices.

Driftwood may be taken in small amounts in accordance with OAR 736-026-0010.

(7) A person may only give or offer food items to wildlife within a park property when authorized by the park manager.

(8) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department shall post safety zone signs at designated park entrances.

~~(98) Discharging of firearms is prohibited in park properties except while A person or handler may only hunting and trapping ,pursue, trap, kill, injure, molest, or remove any wildlife or disturb their habitats within a park property \_~~ under the following provisions:∴

(a) In compliance with Oregon Department of Fish and Wildlife (ODFW) hunting rules and regulations, and

(b) ~~(a)~~ In those park properties where hunting of game species and unprotected species and trapping is specifically allowed by this rule, but and

(c) Trapping is permitted only at Willamette Greenway parcels open to hunting with written authorization by the park manager, and

(d) Unprotected species can only be hunted during authorized hunting season, except as authorized by the park manager, and

(e) ~~In areas only~~ In areas identified on OPRD Hunting Map found at the department website.

(f) Hunting shall be permitted with shotguns or bows and arrows only during ODFW authorized seasons in designated parks. Refer to OPRD Hunting Map for location and details on game species permitted for hunting at each park location.

(g) Hunting shall be permitted with rifle in LaPine State Park only during ODFW authorized seasons. Refer to OPRD Hunting Map for location and details on game species permitted within the park.

~~(d) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department shall post safety zone signs at designated park entrances. in compliance with the rules and regulations of the Oregon Department of Fish and Wildlife. In ~~(d)~~ (e) Hunting waterfowl is allowed in a portion of the following park boundaries: parks that allow hunting in a portion of the boundaries include:-~~

(A) Benson State Recreation Area

(B) Bowers Rock State Park

(C) Elijah Bristow State Park

(D) Fort Stevens State Park

(E) Government Island State Recreation Area

(F) Mayer State Park

(G) Rooster Rock State Park

(H) Starvation Creek State Park

(I) Succor Creek State Park

(J) Grand Island in Yamhill County

(f) Hunting of game species and unprotected species is allowed in a portion of the following park boundaries:

(A) Willamette River Greenway

(B) Luckiamute State Natural Area

(C) Cottonwood Canyon State Park

(D) Deschutes River State Recreation Area

(E) LaPine State Recreation Area

~~(g) In those park areas where hunting is allowed, dogs being used for hunting game birds or unprotected wildlife or being trained for hunting or tracking shall be in the handler's control at all times. Dogs used for hunting shall be kept on a leash, except:~~

~~(A) While accompanied by and in control of a licensed hunter when being used to hunt game birds, including going to or coming from hunting locations;~~

~~(B) In a posted dog training area.~~

~~(e) While seasonally hunting waterfowl at the following park properties:~~

~~(A) Bowers Rock State Park;~~

~~(B) That portion of Elijah Bristow State Park located north of the main channel of the Middle Fork of the Willamette River;~~

~~(C) Portions of Fort Stevens State Park adjacent to Trestle Bay as posted;~~

~~(E) That portion of Government Island State Recreation Area including the perimeter of both Government and Lemon Islands, not above the mean high water mark as posted;~~

~~(F) That portion of Rooster Rock State Park which includes Sand Island as well as the bank which runs parallel to the south of the island, except during the special waterfowl hunting season which starts in September, as posted;~~

~~(G) That portion of Benson State Recreation Area at Dalton Point, north of I 84, starting 300' east of the boat ramp running to the eastern most tip of the property at river mile 134 as posted;~~

~~(H) That portion of Starvation Creek State Park, north of I 84, river mile 159.6 to 160.2 as posted;~~

~~(f) That portion of Mayer State Park including the entire Salisbury Slough area and the pond 800' Northwest of the boat ramp as posted.~~

~~(d) Seasonal hunting of game wildlife is allowed within Deschutes River State Recreational Area south of the stream gauge cable crossing line and parallel extensions of the cable crossing line to the east and west park boundaries.~~

~~(e) Seasonal hunting of deer, upland birds, and waterfowl is allowed within Luckiamute State Natural Area, except within 500 feet of parking lots and posted Safety Zones.~~

~~(fe) Seasonal hunting of deer is allowed in portions of La Pine State Recreation Area north of the east-west power line road, approximately one mile north of the campground booth.~~

~~(gf) Seasonal hunting of game wildlife and upland game birds is allowed on department property at Cottonwood Canyon State Park except:~~

~~(A) Hunting is not allowed within the 200 yard area surrounding the boat launch at the J.S. Burres site at Cottonwood Bridge, and~~

~~(B) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department will post such closures at designated park entrances.~~

~~(hg) Seasonal hunting of upland game birds is allowed in Succor Creek State Park, except within 500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.~~

~~(i) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department will post Safety Zones signs around such areas.~~

~~(hj) Trapping is allowed only by special permit from the department in Bowers Rock State Park, Deschutes State Recreation Area, Elijah Bristow State Park, and Willamette Mission State Park.~~

~~(ki) Hunting is allowed permitted for deer, upland birds and waterfowl with shotguns or bows and arrows only, during authorized seasons in parks.all Willamette River Greenway on game species permitted for hunting at each park location parcels, except in those parcels described below, where all hunting is prohibited:~~

~~(h) OPRD Hunting Map will detail species open to hunting at each park location.~~

~~(A) Wapato Access (Virginia Lake), River Mile 17.0-18.0, Multnomah Channel, Right bank when facing downstream;~~

~~(B) Oswego Creek Outlet Access, River Mile 21.3, Main Channel, Left Bank when facing downstream;~~

~~(C) Merrell OPRD W07 (Mary S. Young State Park), River Mile 23.6, Main Channel, Left Bank when facing downstream;~~

~~(D) Willamette Shores, Inc. OPRD W07 (Mary S. Young State Park), Main Channel, River Mile 24.0- Main Channel, Left Bank when facing downstream;~~

~~(E) Rock Island Landing, River Mile 29.75-30.2, Main Channel, Left Bank when facing downstream; hunting prohibited due to lease agreement with METRO, a portion of the property is a designated State Natural Area Reserve under OAR 736-045-XXX and proximity to development~~

~~(FH) Coalea Landing, River Mile 30.67, Main Channel, Right Bank when facing downstream;~~

~~(GJ) Pete's Mountain Landing, River Mile 30.68, Main Channel, Left Bank when facing downstream;~~

~~(KH) Peach Cove Landing, River Mile 301.85, Main Channel, Left Bank when facing downstream;~~

~~(I) OPRD W12 River Mile 31.5, Main Channel, Left Bank when facing downstream;~~

~~(JL) OPRD W13, River Mile 312.80, SideMain Channel, Left Bank when facing downstream;~~

~~(KM) OPRD W15, River Mile 34.1, Main Channel, Left Bank when facing downstream;~~

~~(L) OPRD W16, River Mile 34.4, Main Channel, Left Bank when facing downstream;~~

~~(M) OPRD W17, River Mile 34.6, Main Channel, Left Bank when facing downstream;~~

~~(NN) Molalla River State Park, River Mmile 34.6–36.1, Main Channel, Right Bank when facing downstream NOTE: hunting is not allowed along the Molalla River within the park property.~~

~~(O) Molalla Landing, River Mile 35.5, Main Channel, Left Bank when facing downstream; hunting prohibited due to proximity of adjacent homes and small size~~

~~(OP) Willamette Meridian Landing, River Mile 37, Main Channel, Left Bank when facing downstream;~~

~~(PQ) French Prairie Access, River Mile 41.0, Main Channel, Right Bank when facing downstream;~~

~~(R) OPRD W22, River Mile 41.7, Main Channel, Left Bank when facing downstream;~~

~~(SQ) Parrett Mountain Access, River Mile 45.5–46.0, Main Channel, Left Bank when facing downstream;~~

~~(RT) Hess Creek Landing, River Mile 53, Main Channel, Left Bank when facing downstream;~~

~~(U) OPRD W26, River Mile 56.4, Main Channel, Left Bank when facing downstream;~~

~~(V) Spring Valley Access, River Mile 74.7, Main Channel, Left Bank when facing downstream;~~

~~(SW) Lincoln Access, River Mile 76.2–77.0, Main Channel, Left Bank when facing downstream;~~

~~(XT) Doak's Ferry Access, Mile 77.6, Main Channel, Left Bank when facing downstream;~~

~~(YU) Darrow Bar Access, River Mile 78.1, Main Channel, Left Bank when facing downstream; hunting prohibited due to developed trails, proximity to adjacent homes and small size;~~

~~(Z) Darrow Rocks Landing, River Mile 78.7, Main Channel, Left Bank when facing downstream; hunting prohibited due to small size;~~

~~(AA) McLane Island Landing, River Mile 82.8, Main Channel, Middle of River when facing downstream;~~

~~(WBB) Hall's Ferry Access, River Mile 91.3, Main Channel, Right Bank when facing downstream;~~

~~(CC) Springhill Access, River Mile 113.8, Main Channel, Left Bank when facing downstream;~~

~~(DD) OPRD W52, River Mile 119.9, Main Channel, Left Bank when facing downstream;~~

~~(EE) OPRD W53, River Mile 120.1, Main Channel, Left Bank when facing downstream;~~

~~(FF) OPRD W54, River Mile 120.3, Main Channel, Left Bank when facing downstream;~~

~~(GG) Truax Island Access, River Mile 128, Main Channel, Right Bank when facing downstream  
(closed only for 500 feet west of parking area);~~

~~(HH) River Jetty Landing, River Mile 135.9, Main Channel, Left Bank when facing downstream;  
hunting prohibited due to the fact that it is less than 3 acres above water, it is about 300 feet across,  
and is within shooting distance of a Corvallis neighborhood;~~

~~(II) Browns Landing, River Mile 167.25, Main Channel, Left Bank when facing downstream;~~

~~(KK) Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing  
downstream;~~

~~(LL) Christensen Landing, River Mile 168.7, Main Channel, Right Bank when facing downstream;  
hunting prohibited due to its size of less than 3 acres. Also, if you examine the properties that allow  
hunting most of them are boat in only. Christensen has a road in and a boat ramp;~~

~~(MM) Glassbar Island: River Mile 187.2, Main Channel, Left Bank when facing downstream:-~~

~~(NN) Log Jam Landing, River Mile 194, Middle Fork, Left Bank when facing downstream;~~

~~(OO) Log Jam Access, River Mile 194.4-194.8, Middle Fork, Left Bank when facing downstream;~~

~~(ZPP) Jasper Bridge Access, River Mile 195.2, Middle Fork, Right Bank when facing downstream;~~

~~(AA) OPRD W52, River Mile 119.9, Main Channel, Left Bank when facing downstream;~~

~~(BB) OPRD W53, River Mile 120.1, Main Channel, Left Bank when facing downstream;~~

~~(CC) OPRD W54, River Mile 120.3, Main Channel, Left Bank when facing downstream;~~

~~(DD) Browns Landing, River Mile 167.25, Main Channel, Left Bank when facing downstream;~~

~~(EE) Truax Island Access, River Mile 128, Main Channel, Right Bank when facing downstream  
(closed only for 500 feet west of parking area);~~

~~(FF) Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing  
downstream;~~

~~(GG) Log Jam Access, River Mile 194.4-194.8, Middle Fork, Left Bank when facing downstream;~~

~~(HHQQ) Pengra Access, River Mile 195-200.2, Middle Fork, Right Bank when facing downstream;~~

~~(HRR) Cougar Mountain Access, River Mile 15.5, Coast Fork, Right Bank when facing downstream;~~

~~(JJSS) Lynx Hollow Access, River Mile 16.5, Coast Fork, Left Bank when facing downstream;~~



~~(i) Glassbar Island: hunting prohibited due to its proximity to housing, the interstate, and the Eugene/Springfield UGB;~~

~~(j) Christensen Landing: hunting prohibited due to its size of less than 3 acres. Also, if you examine the properties that allow hunting most of them are boat in only. Christensen has a road in and a boat ramp;~~

~~(k) River Jetty (downstream parcel): hunting prohibited due to the fact that it is less than 3 acres above water, it is about 300 feet across, and is within shooting distance of a Corvallis neighborhood;~~

~~(l) Spring Valley: hunting prohibited due to designated trail development throughout the property and adjacent homes;~~

~~(m) Molalla Landing: hunting prohibited due to proximity of adjacent homes and small size;~~

~~(n) OPRD W26, W22, W17, W16, W12: hunting prohibited due to proximity to adjacent homes and small size. Some properties under lease with METRO; and~~

~~(o) Rock Island Landing: hunting prohibited due to lease agreement with METRO, a portion of the property is a designated State Natural Area Reserve under OAR 736-045-XXX and proximity to development~~

~~(p) Trapping is allowed only with written authorization from the department in the Willamette River Greenway parcels closed to hunting, as listed above. Trapping is allowed in all other Willamette River Greenway parcels.~~

~~(q) When hunting on those properties allowed by this rule hunters Hunters may not erect structures or blinds with the exception of portable blinds and tree stands that must be removed daily.~~

**Statutory/Other Authority:** ORS 390.124

**Statutes/Other Implemented:** ORS 390.111, 498.002, 498.006

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item: 9d **Action**

Public Comment Allowed: Yes

Topic: Request to open rulemaking guiding take-off and landing of drones

Presented by: Katie Gauthier, Government Relations and Policy Manager

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As unmanned aircraft activities have increased across the state with operations by both commercial pilots and recreational hobbyists, OPRD has faced increasing questions and conflicts among and between visitors.

For drone pilots and hobbyists, it is often confusing to know where operations are allowed and appropriate. State Parks are often contacted with questions from drone enthusiasts about where they can fly. For some park visitors, there is a frustration that State Parks have not prohibited drone operations.

As an agency, we are caught in the middle. The flights of unmanned aircraft are regulated by the Federal Aviation Administration (FAA). At national parks, drone flights are prohibited. Visitors who travel to Crater Lake or one of our National Wildlife Refuges will find those areas closed to drone operations and often wonder why it is not the same with state parks. As a state agency we do not have the ability to ban drone operations at the state level. However, with the passage of SB 109 during the 2021 legislative session, the legislature has provided the permission necessary for OPRD to work with the community to adopt fair, sensible rules that address the location of take-off and landings on state park properties and the ocean shore.

OPRD told legislators we would have a public conversation during rulemaking about regulating the take-off and landing of drones within a state park. We said would that would start with a Rule Advisory Committee (RAC) bringing together commercial drone pilots, recreational hobbyists and conservation advocates to help craft a rule that provides clarity to drone operators while protecting the natural, cultural and scenic resources within state parks and the ocean shore.

With your permission, we will begin this process. Members of the RAC include commercial and recreational UAV pilots, a UAS industry professor, state and federal agency partners and OPRD park managers and program staff with experience working in our most sensitive places. The RAC will be meeting in November and December with public comment anticipated to open in January.

The proposed rule language in Attachment A is a beginning draft for the RAC to consider and will be developed further based on their recommendation prior to opening public comment. The proposed rule change would amend 736-010-0040 the visitor conduct rule for park properties and 736-021-0100 the visitor conduct rule for the ocean shore. Both amendments are modeled after current rules for metal detecting in state parks. Metal detecting is allowed in some parks. In other parks it is only allowed with manager permission. While, in some places it is strictly prohibited to protect cultural, natural or scenic resources. Individuals interested in metal detecting are directed to the state parks website to find locations available.

The goal of this rulemaking will be to articulate places in state parks and along the ocean shore where drone operations can be managed as any other recreational use, the places with a special use permit, drone operations may be appropriate and separate the places that for the protection of natural, cultural or scenic resources drones are not appropriate, some or all of the time. These rules will provide the clarity needed for drone pilots, hobbyists and the general public to know where drone take-off and landing is allowed and prohibited within a state park and along the ocean shore.

**Prior Action by Commission:** In April 2020, the Commission approved introduction of legislative concept seeking permission to write rules for drone operations that became SB 109.

**Action Requested:** Staff requests permission to open rulemaking to clarify where UAV take-off and landing will be allowed, restricted and prohibited in state park properties and along the ocean shore by amending 736-010-0040 and 736-021-0100.

**Attachments:** Attachment A Marked Copy.

**Prepared by:** Katie Gauthier

**9d: Take-off and landing of Drones**  
**Attachment A Marked Copy**

**736-010-0040**  
**Visitor Conduct**

(8) While many activities are allowed on park property, the following activities are specifically prohibited at park properties, and a person may not engage in:

(a) Using or operating any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park visitors except as allowed in section 10 below;

(b) Using a public address system or similar device without written permission of the park manager;

(c) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar materials or substances without the written permission of the park manager or designated park employee;

(d) Using a metal detector or similar device without written permission of the park manager or designated employee at any park property or portion of a park property not listed on the “Detecting Allowed” list, published on the state park website;

(e) Taking-off or landing an unmanned aerial vehicle, drone or similar device without written permission of the park manager or designated employee at any park property or portion of a park property not listed on the “UAS operation zone” map published on the state park website;

(~~e~~f) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;

(~~f~~g) Entering or occupying any building, facility or portion of a park property that has been closed to public access; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(~~g~~h) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(~~h~~i) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(~~i~~j) Fighting; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the physical well-being of any person at the park property;

(~~j~~k) Smoking tobacco products except:

(A) In vehicles and personal camping units in accordance with all applicable laws governing smoking in vehicles;

(B) In designated campsites in developed overnight camping areas, unless temporarily suspended by the park manager due to high fire hazard conditions;

(C) In day use areas managed as Safety Rest Areas through agreements with the Oregon Department of Transportation; and

(D) Where allowed by the park manager for personal use by a member of a federally recognized Oregon tribe as part of their traditional religious, medicinal, or other customary cultural heritage practices;

(~~k~~) Activities or conduct which constitutes a public nuisance or hazard;

(~~l~~) Public indecency as defined in ORS 163.465;

(~~m~~) Base-jumping, hang gliding, paragliding or similar activities without written permission from the park manager except that the use of hang gliders is allowed at Cape Kiwanda State Natural Area;

(~~n~~) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except at those park property locations and for those purposes specified in OAR 736-010-0055(7);

(~~o~~) Placing a sign, marker or inscription of any kind, except in designated areas within a park property, without written permission from the park manager;

## **736-021-0100**

### **Visitor Conduct**

(4) A person may only engage in the following activities on the ocean shore state recreation area as authorized in a special use permit that they obtain from the department pursuant to OAR chapter 736, division 16 or written permission from the park manager:

(a) Use or operation of any noise or light-producing machine, vehicle, device or instrument in a manner that may disturb persons or wildlife;

(b) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, or fireworks or other substances;

(c) Using a metal detector or similar device in any property not listed on the "Detecting Allowed" list, published on the department website;

(d) Taking-off or landing an unmanned aerial vehicle, drone or similar device on any property not listed on the “UAS operation zone” map published on the department website;

~~(de)~~ Blocking, obstructing or interfering with pedestrian or vehicular traffic;

~~(ef)~~ Descending, scaling or technical rock climbing on rock formations and cliffs;

~~(fg)~~ Entering or occupying any portion of the ocean shore state recreation area that has been closed to public access, including fenced areas; and

~~(gh)~~ Constructing a structure or sign.

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item: 9e

**Action**

Public Comment Allowed: No

Topic: Request to adopt temporary change to OAR 736-050-0260 Committee Procedures for Review and Approval of Nominations to the National Register

Presented by: Chris Havel

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On October 21, 2021, an online meeting of the State Advisory Committee on Historic Preservation (SACHP) was interrupted when a public attendee began typing racial and homophobic slurs, directed at members of the committee. The meeting was open to the public, as required by Oregon Administrative Rule 736-050-0260(9). The staff administrator ended the meeting and the matter was referred to the Oregon State Police, who are conducting a criminal investigation, and the Oregon Department of Justice Bias Incident Hotline.

The public meeting is a necessary step in state consideration of nominations to the federal National Register of Historic Places. A replacement meeting will be held in the next 90 days or fewer. By rule, after the nomination is presented to the SACHP by the National Register Program Coordinator, public comment must be taken during the meeting. To protect the health and safety of committee members as they fulfill their duty to consider nominations to the National Register, the Oregon Parks and Recreation Department is requesting a temporary change to administrative rules that will allow the committee chair to accept public comments during the meeting in writing, designating the OPRD staff meeting administrator to receive the comments and display them for the committee members' consideration. Comments not material to the nomination would not be displayed.

This amendment would be active for the next 180 days, after which the rule language would revert to its current form.

**Prior Action by Commission:** Adoption of amendments to OAR 736-050-0220 to -0260, June 2021, Agenda Item 9c.

**Action Requested:** Amend OAR 736-050-0260(9) as presented for 180 days, reverting to language as adopted in June 2021 at the end of that period.

**Attachments:** Attachment A Marked Copy.

**Prepared by:** Chris Havel

Oregon Administrative Rule 736-050-0260

***State Advisory Committee on Historic Preservation: Committee Procedures for Review and Approval of Nominations to the National Register***

(1) The committee must review all National Register nomination forms except for those prepared under OAR 736-050-0250(19)(a)(A) to (E) and when a CLG objects to a National Register nomination form as provided under OAR 736-050-0250(13).

(2) The committee must make a recommendation to the SHPO whether the National Register nomination form meets the following criteria:

- (a) All procedural requirements are met;
- (b) The National Register nomination form is adequately documented;
- (c) The National Register nomination form is technically and professionally correct and sufficient; and
- (d) The National Register nomination form demonstrates that the nominated property meets the National Register criteria for evaluation.

(3) Neither the SHPO nor the committee chairperson or vice chairperson will consider a National Register nomination form submitted after the opening of the public comment period.

(4) The owner(s) and chief elected official may waive the CLG comment opportunity described in OAR 736-050-0250(13) by each submitting a written statement to the SHPO at least 15 calendar days before a scheduled committee meeting. The remaining provisions of OAR 736-050-0250 must be met.

(5) Committee members must disclose actual and potential conflicts of interest in accordance with ORS 244.120 to ORS 244.130.

(6) Committee members must not recuse themselves for a potential conflict of interest.

(7) A quorum of 5 committee members are required to conduct business. The committee retains a quorum if by the removal of committee members for declared actual conflicts of interest the committee falls below 5 present, voting committee members.

(8) For each National Register nomination form presented to the committee, the National Register Program Coordinator must provide a summary of:

- (a) The argument presented in the National Register nomination form, and
- (b) Public comment received prior to the committee meeting pursuant to OAR 736-050-0250(12).



(9) The chairperson must call for comments from the proponent(s), opponent(s), and other interested parties present following the National Register Program Coordinator's presentation. The comments must address one or more of the criteria in section (2) and may suggest an action under section (11). The total time allowed for comments must be determined by the chairperson or by practices adopted by the committee. Notwithstanding OAR 736-050-0250(12), the chairperson may direct that comments provided under this section be submitted in writing to the committee assistant who will provide the comments to the committee.

(10) The SHPO, Deputy SHPO, Associate Deputy SHPO, and Oregon SHPO staff may participate in committee discussions, but are not voting committee members.

(11) The committee must take one of the following actions when considering a National Register nomination form based on the committee's deliberations and comments received during the public comment period:

(a) Recommend that the SHPO find that the National Register nomination form meets the criteria in subsections (2)(a) to (d) as presented to the committee with no revisions;

(b) Recommend that the SHPO find that the National Register nomination form meets the criteria in subsections (2)(a) to (d) after making less than a major revision(s) to the National Register nomination form;

(c) Defer making a recommendation until a future committee meeting to allow the proponent to make revision(s) or for any other reason deemed appropriate by the committee related to the criteria in subsections (2)(a) to (d); or

(d) Recommend that the SHPO find that the National Register nomination form does not meet the criteria in subsections (2)(a) to (d). The committee must provide reasons for the recommendation. The committee may re-consider a recommendation at a later committee meeting after the SHPO determines that the proponent resolved the committee's objections.

(12) The committee must defer making a recommendation until a future committee meeting if the National Register nomination form requires a major revision.

(13) The SHPO must take action on a National Register nomination form reviewed by the committee as described in 36 CFR § 60.6(k) to (w) (2020).

(14) The committee may provide courtesy comments on a National Register nomination form submitted to the Oregon SHPO by a federal agency or Tribe for properties administered by a federal agency or on lands held in trust by the United States of America on behalf of a Tribe or an individual allotment held by a tribal member. Reviews completed under section (14) are subject to the procedures described in OAR 736-050-0260(2)(b), (c), and (d), and sections (3), and (5) through (10).

**Oregon Parks and Recreation Commission**

**November 16, 2021**

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Agenda Item: 10a(i)

Information

Topic: Contracts and Procurement Report

Presented by: Daniel Killam, Deputy Director of Administrations

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The attached report includes:

- 0 New agreements for a total of \$0
- 5 New contracts for total of \$895,232
- 19 Amendments for a total of \$1,049,121

**Action Requested:** None

**Attachments:** 10a(i) Attachment A Contracts and Procurement

**Prepared by:** Jayme Jones

## OREGON PARKS AND RECREATION DEPARTMENT

### Contracts and Procurement Report August and September 2021

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
<b>GOODS AND/OR SERVICES CONTRACTS</b>									
08/04/21	Silver Fox Pond and Lake Management	Coastal Region in Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook Counties Mountain Region in Baker, Crook, Deschutes, Gillam, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Malheur, Sherman, Union, Umatilla, Wasco, Wheeler and Wallowa Counties	On-call vegetation management services		\$4,000	\$4,500	\$4,500	\$8,500	Amendment 2 extends contract through 12/31/2022 with approved price changes.
08/06/21	Maksimum Inc.	Tou Velle State Recreation Site and Valley of the Rogue State Park in Jackson County	Security patrol services		\$312,000			\$312,000	New contract
08/10/21	Heart of Oregon, Inc.	Prineville Reservoir State Park in Crook County	Park and trail maintenance		\$10,000			\$10,000	New cooperative agreement with youth job development organization.
08/11/21	Wireless Watchdogs	Statewide	Rate plan optimization for corporate wireless accounts		\$122,112			\$122,112	New service order
08/12/21	Alpenglow Forestry Consulting, LLC	Ben and Kay Dorris State Recreation Area in Lane County	Fire salvage timber sale		\$1	\$0	\$0	\$1	Amendment 1 extends term of this timber sale with an estimated value of \$750,000.
09/13/21	DW Retail Services, LLC	Statewide	Online store fulfillment services		\$125,000	\$50,000	\$75,000	\$200,000	Amendment 2 adds donation stickers and day use parking permit fulfillment services.
09/28/21	KPDD, Inc.	Silver Falls State Park in Marion County	Trailhead engineering survey		\$51,920	\$20,000	\$20,000	\$71,920	Amendment 1 extends term, increases funding and adds services.
<b>PERSONAL SERVICES CONTRACTS</b>									
09/14/21	The Public LLC	Wolf Creek Inn State Heritage Site in Josephine County	Hospitality services and concession		\$55,000	\$0	\$0	\$55,000	Amendment 1 adds contractor's assumed business name, updates contractor's authorized representative and key persons, updates OPRD's contract administrator, waives concession fees for 2020 and updates remittance email addresses for monthly reporting.
<b>CONSTRUCTION SERVICES CONTACTS (not Public Improvements)</b>									
08/12/21	Cascade Civil Corp.	Oregon Coast Trail, Amanda's Trail in Lincoln County	Amanda's bridge construction project	X	\$434,277			\$434,277	New contract
<b>ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS</b>									
08/10/21	Westech Engineering, Inc.	Statewide	Professional engineering services		\$50,000	\$0	\$0	\$50,000	Amendment 1 adds ordering language and extends term.
09/09/21	Architectural Resources Group INC	Viento State Park in Hood River County	Restroom and maintenance buildings design		\$61,000	\$12,060	\$30,760	\$91,760	Amendment 3 extends the contract, adds funding and tasks.
<b>ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (RELATED SERVICES)</b>									
08/02/21	Wallowa Resources	Wallowa Lake State Park in Wallowa County	Biological assessment		\$16,050	\$0	\$0	\$16,050	Amendment 2 extends contract term.
08/04/21	Corvallis Cadd Services, LLC	Statewide	Drafting services	x	\$24,000	\$0	\$0	\$24,000	Amendment 1 adds ordering language and extends term.

## OREGON PARKS AND RECREATION DEPARTMENT

### Contracts and Procurement Report August and September 2021

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments
08/05/21	Carlson Testing, Inc.	Oregon Coast Trail, Amanda's Trail in Lincoln County	Inspection and testing services		\$16,843			\$16,843	New contract
08/13/21	Valley Science and Engineering, Inc.	Crown Point State Scenic Corridor in Multnomah County	Sewage treatment upgrade design	x	\$23,000	\$0	\$1,397	\$24,397	Amendment 4 extends contract term, updates contract representatives and updates fee schedule.
<b>ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS (RELATED SERVICES) (Continued)</b>									
08/19/21	Mayer/Reed, Inc.	Silver Falls State Park in Marion County	Trailhead landscape design	x	\$57,269	\$15,000	\$15,000	\$72,269	Amendment 1 extends term, modifies compensation and services.
09/02/21	North Fork John Day Watershed Council Inc	Bates State Park in Grant County	Water quality monitoring		\$27,036	(\$14,041)	\$10,454	\$37,490	Amendment 2 extends contract term, decreases award and revises statement of work.
<b>INTERGOVERNMENTAL AGREEMENTS</b>									
08/03/21	Oregon State Police	Statewide	Law enforcement services		\$132,000	\$0	\$162,000	\$294,000	Amendment 5 extends contract term, modifies compensation and updates rates.
08/09/21	City of Manzanita	Nehalem Bay State Park and Oswald West State Park in Clatsop and Tillamook Counties	Law enforcement services		\$41,400	\$17,000	\$112,600	\$154,000	Amendment 3 increases budget for final invoice.
08/20/21	Yamhill County	State Park Locations in Yamhill County	Minimum security work crews		\$15,000	\$0	\$0	\$15,000	Amendment 1 extends the contract and updates contract language.
08/25/21	Coquille Watershed Association	William M. Tugman State Park in Coos County	Native plant nursery		\$34,989	\$0	\$0	\$34,989	Amendment 1 extends contract term.
09/07/21	Oregon State Police	Statewide	ATV law enforcement		\$590,377	\$894,602	\$2,769,717	\$3,360,054	Amendment 4 Restates the agreement, extends the contract term and increases funding.
09/08/21	Portland State University	Bandon State Natural Area in Coos County	Western snowy plover monitoring on the south coast		\$40,000	\$50,000	\$100,000	\$140,000	Amendment 3 extends term and increases compensation to continue service.
09/20/21	University of Oregon	Statewide	African American multiple property document		\$59,984	\$0	\$0	\$59,984	Amendment 1 amends and restates the existing agreement.

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item: 10 a (ii,iii)

**Informational**

Public Comment Allowed: **Yes**

Topic: Actions taken under Delegated Authority from August 19, 2021 through October 22, 2021.

Presented by: Trevor Taylor, Central Park Resource Manager

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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**

On August 20, 2021, a Notification of Intent 2B-1082-21 was approved for Steven Miles for the construction of a new pole barn structure. The project was approved because the structure will be 450 feet from the ordinary high-water line. This distance coupled with existing mature native landscape will help to screen the structure from view of the river.

On August 27, 2021, a Notification of Intent 2A-279-21 was approved for Terri Dill-Simpson for the addition and remodel of an existing residential house. The work was approved because it is within the existing footprint of the house and complies with the rimrock setbacks and height limitations from the Scenic Waterway. The house is finished with materials that blend in with the surrounding environment.

On August 29, 2021, a Notification of Intent 2A-280-21 was approved for Central Oregon Electric to replace existing powerlines with upgraded lines. The project was approved because the replacement upgrade resulted in fewer poles that were finished in materials that blend in with the surrounding environment and they are further away from the Middle Deschutes Scenic Waterway than the original power poles.

On September 14, 2021, a Notification of Intent 2B-1082-21 was approved for Deborah Ludwig to construct a single-family residence, garage, driveway and landscaping on their property. The project was approved because it exceeds the setback limitations, is below the height limitation, will be finished natural colors to help it blend in with the surrounding environment. This home is on the opposite side of the street from the river with a row of homes between it and the river, so visibility is limited.

On September 27, 2021, a Notification of Intent 4-209-21 was approved to Dale Smith for the replacement and upgrade to an existing septic system. The work was improved because the new septic system will be setback further from the river, it will not be visible from view of the river and no loose soil will remain when the project is complete.

On October 5, 2021, a Notification of Intent 2B-1084-21 was approved to Pat and Cindy Ferguson for a remodel of an existing structure. The work was approved because it will stay within the footprint of the original home and complies with all state scenic waterway regulations, including maintaining vegetation on site, using muted exterior materials, not exceeding height limitations and meet setback requirements.

On October 20, 2021, a Notification of Intent 2-216-21 was approved to Oregon State Parks for parking lot improvements at the Warm Springs State Recreation Site. The project was approved because the work involved maintenance of the existing facilities and the maintenance work of the parking lot and boat launch does not increase visibility of the parking area from view of the river.

### **OCEAN SHORES ALTERATION DECISIONS**

On August 23<sup>rd</sup>, 2021, Ocean Shore Permit #2977-21 was approved for North Cheatham, to allow for the conversion of riprap placed under Emergency Permit #2950 to a permanent riprap permit, and to also allow the construction of a new, engineered, permanent riprap and compacted rock back fill structure. The approved project is located on the ocean shore at 18 Ocean Colwell Lane in the Salishan development near Gleneden Beach. The emergency permit was granted on January 12<sup>th</sup>, 2021, allowing the placement of riprap and rock fill materials after a large landslide destroyed a retaining wall and severely damaged a deck at the top of the bluff. Continuing landslide activity now threatens the home on the subject property. The riprap project will extend along approximately 200 feet of shoreline, with a height of approximately 50 feet, a width of 100-130 feet, and a slope of 2W:1H (width:height), and includes 9,100 cubic yards of armor stone and rock backfill materials. The project area above the severe wave splash zone (elevation 30 feet NAVS 88) shall be covered with beach sand and plantings of beach grass or native coastal vegetation. The subject property is further identified on Lincoln County Assessor's map #8-11-9DD as tax lot 156.

On September 7<sup>th</sup>, 2021, Ocean Shore Permit #2973-21 was approved for Jack Higgins, to allow the conversion of riprap placed under Emergency Permit #2947 to a permanent riprap permit. The approved project is located on the ocean shore at 5330 SW Pacific Coast Highway, near Waldport. The emergency permit authorization was granted on January 12<sup>th</sup>, 2021, allowing the temporary placement of riprap to prevent severe damage or destruction of the Permittee's septic system and home, after the property suffered from rapid erosion during the 2020-2021 winter season. The riprap is part of a larger riprap project involving a total of four (4) adjacent properties (see Permit #2974, #2975, and #2976) extending along 180 feet of shoreline. The permanent permit authorizes riprap extending along 40 feet of shoreline, with a height of approximately 13 feet, a width of approximately 25 feet, and a slope of 2H:1V (horizontal:vertical) and includes a total volume of 327 cubic yards of armor stone and backing material. The new riprap project will tie-in to existing riprap to the south of, and adjacent to, the Higgin's property. The project will be covered with a topping of beach sand and planted with

beach grass or other native coastal vegetation. The subject property is further identified on Lincoln County Assessors map #14-12-2AB as Tax Lot 900.

On September 7<sup>th</sup>, 2021, Ocean Shore Permit #2974-21 was approved for Pamela Berns, to allow the conversion of riprap placed under Emergency Permit #2940 to a permanent riprap permit. The approved project is located on the ocean shore at 5318 SW Pacific Coast Highway, near Waldport. The emergency permit authorization was granted on January 12<sup>th</sup>, 2021, allowing the temporary placement of riprap. The property suffered from rapid erosion during the 2020-2021 winter season, causing damage to their septic system and threatening the home on the property. The riprap is part of a larger riprap project involving a total of four (4) adjacent properties (see Permit # 2973, #2975, and #2976) extending along 180 feet of shoreline. The permanent permit authorizes riprap extending along 39 feet of shoreline, with a height of approximately 13 feet, a width of 25 feet, and a slope of 2H:1V (horizontal:vertical) and includes approximately 319 cubic yards of material. The project will tie-in to Permit #2973 and #2975 and will include a covering of beach sand and plantings of beach grass or other native coastal vegetation. The subject property is further identified on Lincoln County Assessor's Map #14-12-2AB as Tax Lot 800.

On September 7<sup>th</sup>, 2021, Ocean Shore Permit #2975-21 was approved for Edward and Laura Brawley, to allow conversion of riprap placed under Emergency Permit #2942 to a permanent riprap permit. The approved project is located on the ocean shore at 5304 SW Pacific Coast Highway, near Waldport. The emergency permit authorization was granted on January 12<sup>th</sup>, 2021, allowing the temporary placement of riprap to prevent severe damage or destruction of the Permittee's septic system and home, after the property suffered from rapid erosion during the 2020-2021 winter season. The riprap is part of a larger riprap project involving a total of four (4) adjacent properties (see Permit #2973, #2974, and #2976) extending along 180 feet of shoreline. The permanent permit authorizes riprap extending along 45 feet of shoreline, with a height of approximately 13 feet, a width of 25 feet, and a slope of 2H:1V (horizontal:vertical) and includes approximately 368 cubic yards of material. The project will tie-in to Permit #2974 and #2976 and will include a covering of beach sand and plantings of beach grass or other native coastal vegetation. The subject property is further identified on Lincoln County Assessor's Map #14-12-2AB as Tax Lot 500.

On September 7<sup>th</sup>, 2021, Ocean Shore Permit #2976-21 was approved for Mer Wiren and Jesse Ford, for their property located on the ocean shore at 5290 SW Pacific Coast Highway, near Waldport. The subject property suffered from rapid erosion during the 202-2021 winter season, threatening damage to the septic system and to the home. No Emergency Permit was issued for the Wiren/Ford property however, they requested an individual alteration permit in order to be part of the larger riprap project involving the three (3) other adjacent properties (see Permit #2973, #2974, and #2975). The permit authorizes riprap extending along 54 feet of shoreline with a height of approximately 13 feet, a width of 25 feet, and a slope of 2H:1V (horizontal:vertical) and includes approximately 437 cubic yards of armor stone and backing material. The project will tie-in to Permit #2975 and will include a covering of beach sand and plantings of beach grass or other native coastal vegetation. The permit also authorizes a narrow, poured concrete stairway over the riprap, and a granted easement from the owner, in order to provide a safe pedestrian beach access for the local community as an alternative to the existing

Wakonda Beach public access that is in disrepair. The subject property is further identified on Lincoln County Assessor's Map #14-12-2AB as Tax Lot 500.

On September 14<sup>th</sup>, 2021, Ocean Shore Permit #2978-21 was approved for Craig Bell to replace an existing, damaged riprap structure constructed in the 1970's along the western end of the property, located at 10 Colwell Lane in the Salishan development near Gleneden Beach. This is part of a larger project which includes two properties (see Permit #2984). The original structure was authorized under OPRD Permit Number #BA-073-73. The proposed riprap project would extend along 220 feet of shoreline fronting the property. As proposed, the new riprap will be approximately 28 feet in height, 64 feet in width, and have a slope of approximately 2H:1V (horizontal:vertical), with a total volume of 1,200 cubic yards of material. The project area would be covered with a topping of beach sand and planted with beach grasses or native coastal vegetation. The subject property is further identified on Lincoln County Assessor's Map #8-11-9DD as Tax Lot 120.

On September 14<sup>th</sup>, 2021, Ocean Shore Permit #2984-21 was approved for Deborah and Larry Litberg to replace an existing, damaged riprap structure constructed in the 1970's along the western end of the property, located at 15 Ocean Crest Road in the Salishan development near Gleneden Beach. This is part of a larger project which includes two properties (see Permit #2978). The original structure was authorized under OPRD Permit Number #BA-073-73. The proposed riprap project would extend along approximately 118 feet of shoreline, with a height of approximately 31-35 feet, a width of approximately 64 feet, and a slope of 2H:1V (horizontal:vertical), with a total volume of 1,200 cubic yards of material. The project area above beach level shall be planted with beach grass and/or native coastal vegetation. The subject property is further identified on Lincoln County Assessor's Map #8-11-9DD as Tax Lot 120.

On September 27<sup>th</sup>, 2021, five (5) simultaneous Ocean Shore Permits (see below) were approved to allow for construction of one new, contiguous, permanent shoreline protection structure using angular basalt armor stone in order to protect the lower portions of five (5) different properties. Between January 10<sup>th</sup> and 12<sup>th</sup>, 2021, a large destabilizing landslide occurred at this location affecting all the applicant's properties. The slide was caused by wave action and resulted in significant damage to several structures. Multiple Ocean Shore Emergency permits (#2949, #2951, and #2952) were granted on January 12<sup>th</sup>, 2021, in order to minimize the loss and damage sustained from the slide event. The material placed at the sites under the Emergency Permits will be integrated into the revetment project, and will not need to be removed. The slope remains unstable and continued erosion and property damage is likely unless it is stabilized. This combined project along 5 linear tax lots will extend along 330 feet of shoreline, measuring approximately 44 feet high, with a width of 100-130 feet, and a total construction material volume of 16,090 cubic yards. Each of the individual property owners applied for their own permit under Ocean Shore rules, as outlined below:

- #2979-21, was approved for Nesbitt Durr Elmore, to allow for the conversion of riprap placed under Emergency Permit #2949 to a permanent riprap permit, and to allow the construction of the new contiguous riprap structure. The approved project is located on a No Situs lot, west of 7345 Neptune Avenue near Gleneden Beach, and is further identified on Lincoln County Assessor's Map #08s-11W-9DD as Tax Lot 4600.



- #2980-21, was approved for Vivid Investments, LLC, to allow for the conversion of riprap placed under Emergency Permit #2952 to a permanent riprap permit, and to allow the construction of the new contiguous riprap structure. The approved project is located on a No Situs lot, west of 7365 Neptune Avenue near Gleneden Beach, and is further identified on Lincoln County Assessors Map #08s-11W-9DD as Tax Lot 9001.
- #2981-21, was approved for Jason Anderson, to allow for the conversion of riprap placed under Emergency Permit #2951 to a permanent riprap permit, and to allow the construction of the new contiguous riprap structure. The approved project is located on a No Situs lot, west of 7375 Neptune Avenue near Gleneden Beach, and is further identified on Lincoln County Assessor's Map #08s-11W-9DD as Tax Lot 4201.
- #2982-21, was approved for Dale and Sherry Rutledge, to allow the construction of the new contiguous riprap structure. The approved project is located on a No Situs lot, west of 7385 Neptune Avenue near Gleneden Beach, and is further identified on Lincoln County Assessor's Map #08s-11W-9DD as Tax Lot 4101.
- #2983-21, was approved for Dale and Sherry Rutledge, to allow the construction of the new contiguous riprap structure. The approved project is located on a No Situs lot, west of 7385 Neptune Avenue near Gleneden Beach, and is further identified on Lincoln County Assessor's Map #08s-11W-9DD as Tax Lot 4000.

### **TIMBER HARVEST REVENUE**

On October 1, 2021, OPRD received \$148,458 in timber revenue for 25% of estimated timber volume to be salvaged from Silver Falls State Park.

**Prior Action by the Commission:** None

**Action Requested:** None

**Attachments:** None

**Prepared by:** Central Park Resource Section Staff

## Oregon Parks and Recreation Commission

November 17, 2021

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Agenda Item: 10b Information

Public Comment Allowed: Yes

Topic: Key Performance Measures

Presented by: Tanya Crane, Budget Manager

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During each budget development cycle, the Commission approves the Oregon Parks and Recreation Department's (OPRD) Key Performance Measures (KPMs). As part of the agency's budget bill, the Legislature approves the Department's KPMs. OPRD annually prepares a report on its KPMs.

Attached is OPRD's 2021 Key Performance Measure Report. The report covers the period July 1, 2020 – June 30, 2021. It was completed, reviewed by Director Sumption and submitted to the Legislative Fiscal Office (LFO) and the Department of Administrative Services, Chief Financial Office (DAS CFO) on August 27, 2021. It is also published on OPRD's website.

**Prior Action by Commission:** The 2019-21 Key Performance Measures were approved by the Commission in April 2018. The 2020 KPM report was included in the Reports section of the Commission packet for the November 2020 meeting.

**Action Requested:** None.

**Attachments:** Attachment A KPM Report.

**Prepared by:** Tanya Crane, Budget Manager

# Parks and Recreation Department

Annual Performance Progress Report

Reporting Year 2021

Published: 8/26/2021 1:14:34 PM

<b>KPM #</b>	<b>Approved Key Performance Measures (KPMs)</b>
1	PARK VISITATION - Visitors per acre of Oregon Parks and Recreation Department property.
2	HERITAGE PROGRAM BENEFITS - Number of properties, sites, or districts that benefit from an OPRD-managed heritage program.
3	Grant Programs - Percent of Oregon communities that benefit from an OPRD-managed grant program.
4	PROPERTY ACQUISITION - Recreation lands index: Park lands and waters acquired by OPRD as a percentage of total goal. (Linked to Oregon Benchmark #91)
5	FACILITIES BACKLOG - Percent reduction in facilities backlog since 1999.
6	CUSTOMER SATISFACTION - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
7	COMMISSION BEST PRACTICES - Percent of total best practices met by the State Parks and Recreation Commission.

<b>Performance Summary</b>	<b>Green</b>	<b>Yellow</b>	<b>Red</b>
	= Target to -5%	= Target -5% to -15%	= Target > -15%
<b>Summary Stats:</b>	57.14%	28.57%	14.29%

KPM #1	PARK VISITATION - Visitors per acre of Oregon Parks and Recreation Department property.
	Data Collection Period: Jul 01 - Jun 30

\* *Upward Trend = negative result*

Report Year	2017	2018	2019	2020	2021
<b>Visitors Per Acre of Oregon Parks and Recreation Department Property</b>					
Actual	467	480	486	391	493
Target	450	500	510	450	450

### How Are We Doing

FY 2021 results are 493 visitors per acre, a 26.0% increase from the 391 visitors per acre in FY 2020 and above the FY 2021 target of 450. The main contributing factor to this increase is a large growth in visitation, with overnight and day use attendance returning to pre-COVID numbers. The Department continues to selectively purchase additional park properties in order to serve an increasing population while maintaining a quality visitor experience. Total visitation in FY 2021 was 55.8 million, a 26.1% increase from FY 2020.

### Factors Affecting Results

Typically, factors affecting the numerator (visitor attendance) include weather, economic conditions, perceived attractiveness of the recreational offering, and park closures (for construction, storm damage, etc.), with factors affecting the denominator (acreage) including availability of land for acquisition (from willing sellers), and availability of funds for the purchase.

KPM #2	HERITAGE PROGRAM BENEFITS - Number of properties, sites, or districts that benefit from an OPRD-managed heritage program.
	Data Collection Period: Jul 01 - Jun 30

\* *Upward Trend = positive result*

Report Year	2017	2018	2019	2020	2021
<b>Number of Properties, Sites, or Districts That Benefit From an OPRD-Managed Heritage Program</b>					
Actual	2,048	2,064	2,052	2,065	2,106
Target	2,087	2,087	2,087	2,107	2,130

### How Are We Doing

Oregon continues to perform well when compared against neighboring western states, listing more properties in the National Register than Idaho and Nevada combined, and six more properties than Washington, a more populous state with similar historic resources.

19 new properties were added to the list in Oregon, including the 1927 Williams Avenue YWCA, a gathering place for the African American Community, and the Darcelle XV club, a prominent landmark for the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) community, both located in Portland. Other notable properties listed in the National Register include a segment of the Oregon Trail in Union County, a former rail bridge in Mill City now rehabilitated as a pedestrian crossing, and Forest Grove’s downtown historic district. Two properties were removed from the National Register due to extensive alterations over time.

A total of 2,106 properties, including 163 historic districts, located across the state's 36 counties and representing many aspects of our rich history, are now listed in the National Register.

### **Factors Affecting Results**

The overall numbers of new designations are relatively steady in comparative states over the last several years, with the notable exception of a jump in total listings in California. Despite a 30% cutback in staff and budget during the last fiscal year, the total number of nominations in Oregon increased from 11 for FY 2020 to 19 for FY 2021. Primary drivers for program participation included increasing public interest and OPRD grant-funded projects that enabled local governments to identify, document, and list properties in the National Register.

Efforts over the last several years under the Oregon Historic Preservation Plan and Oregon Heritage Plan focused on reaching out to underrepresented populations to achieve greater geographic and thematic diversity in the stories represented by our recognized historic places. This effort will continue into the next fiscal year, supported by agency grants to local jurisdictions and office-led efforts. The agency recently completed a study for the Oregon Trail, and will complete documents identifying properties associated with African American history and historic properties associated with the 1930s New Deal federal programs. The agency is also supporting an effort to list four rural, historic movie theaters in Oregon using a grant from the National Park Service. These theaters are often the architectural and business center of their communities, and their recognition will bring attention to their importance and investment to these places.

KPM #3	Grant Programs - Percent of Oregon communities that benefit from an OPRD-managed grant program.
	Data Collection Period: Jul 01 - Jun 30

\* *Upward Trend = positive result*

Report Year	2017	2018	2019	2020	2021
<b>Percent of Oregon communities that benefit from an OPRD-managed grant program</b>					
Actual	47%	52%	53%	55%	60%
Target	50%	50%	50%	54.70%	57.10%

### How Are We Doing

FY 2021 results include an unduplicated count of the number of communities that were awarded Department grants for FY 2020 and FY 2021. Results show that 60% of Oregon communities (165 of 277) have benefited from an OPRD managed grant program over this time period, up from the 55% reported the previous year.

Success in meeting this measurement is attributed to continued outreach efforts and education. In addition, a number of grant advisory committee members, as well as staff, reach out to unsuccessful grant applicants in an effort to provide direct education and assistance.

All grant awards approved by the Oregon Parks and Recreation Commission are included; however, some awards may be canceled due to reduced funding as a result of the COVID-19 pandemic.

### Factors Affecting Results

Factors affecting results include the availability of grant funding, grant program requirements for local match and other local commitments, maximum allowable grant award amounts, number of grant applicants, and geographic distribution of grant applicants.



KPM #4	PROPERTY ACQUISITION - Recreation lands index: Park lands and waters acquired by OPRD as a percentage of total goal. (Linked to Oregon Benchmark #91)
	Data Collection Period: Jul 01 - Jun 30

\* *Upward Trend = positive result*

Report Year	2017	2018	2019	2020	2021
<b>Park Lands and Waters Acquired by OPRD as a Percentage of Total Goal</b>					
Actual	79%	78%	77%	76%	76%
Target	75%	75%	75%	82%	83%

### How Are We Doing

Targets for this measure indicate the desire of moving towards a total goal of approximately 35 acres per 1,000 population, with the data measured and reported by fiscal year. As park areas reach capacity, this information assists the Department in making decisions about future expansion of the system in keeping the balance between recreation opportunities and natural resource protection.

FY 2021 results indicate that the agency was at 76% of the total goal and below the target of 83%. Results remain flat from last year as Oregon's population increased at a slightly higher rate than the growth in park acreage.

## **Factors Affecting Results**

Oregon's population continues to increase at a higher rate than other states, impacting the denominator of the calculation.

Acquisition of property is affected by the availability of land meeting agency criteria, availability of adequate department funds to purchase property, and real estate prices. The COVID-19 pandemic has also limited available funding to purchase new properties.

KPM #5	FACILITIES BACKLOG - Percent reduction in facilities backlog since 1999.
	Data Collection Period: Jul 01 - Jun 30

\* *Upward Trend = positive result*

Report Year	2017	2018	2019	2020	2021
<b>Percent Reduction in Facilities Backlog</b>					
Actual	82%	0%	82%	0%	83%
Target	85%	85%	86%	85%	85%

### How Are We Doing

While data is tracked continuously, it is reported on a biennial basis, with FY 2021 being the most recent reporting period. FY 2021 data shows that progress continues to be made in reducing the maintenance backlog. Efforts are continuing to re-assess additional maintenance backlog and all deferred maintenance that has accrued since 1999.

### Factors Affecting Results

Park Construction priorities are funded each biennium from the Parks and Natural Resources Fund (Lottery); current financial implications have reduced this funding source. Investments are made in two areas:

1. Major maintenance to reduce backlogged repairs and deferred maintenance including improvements in efficiency and sustainability; and.

2. Enhancements to meet future needs. The backlog reduction could be impacted by decisions to increase or decrease the focus of resources on the enhancement projects.

The Department is evaluating the continued emphasis on buying down of the original backlog and ensuring that the priorities are the most current and necessary. Emergent maintenance issues continue to arise that require more immediate funding with the Department feeling this list should be evaluated and updated more frequently.

KPM #6	CUSTOMER SATISFACTION - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
	Data Collection Period: Jul 01 - Jun 30

Report Year	2017	2018	2019	2020	2021
<b>Accuracy</b>					
Actual		0%	0%	0%	0%
Target	92%	95%	95%	95%	95%
<b>Availability of Information</b>					
Actual		0%	0%	0%	0%
Target	90%	95%	95%	95%	95%
<b>Overall</b>					
Actual		0%	0%	0%	0%
Target	94%	95%	95%	95%	95%
<b>Helpfulness</b>					
Actual		0%	0%	0%	0%
Target	94%	95%	95%	95%	95%
<b>Timeliness</b>					
Actual		0%	0%	0%	0%
Target	92%	95%	95%	95%	95%
<b>Expertise</b>					
Actual		0%	0%	0%	0%
Target	92%	95%	95%	95%	95%

**How Are We Doing**

The original data source for the KPM is no longer functioning and OPRD anticipates there won't be a working replacement until FY 2022. OPRD is in the process of identifying appropriate data sources including a web-based survey and other sources to capture a wide array of agency customers.

There will be a gap in the data until the new system starts producing results.

### **Factors Affecting Results**

Satisfaction dips when parks are crowded, even if the quality of service remains high.

KPM #7	COMMISSION BEST PRACTICES - Percent of total best practices met by the State Parks and Recreation Commission.
	Data Collection Period: Jul 01 - Jun 30

\* *Upward Trend = positive result*

Report Year	2017	2018	2019	2020	2021
<b>Percent of Commission Best Practices Met</b>					
Actual	100%	100%	100%	100%	100%
Target	100%	100%	100%	100%	100%

### How Are We Doing

This measure is required of all agencies by the Department of Administrative Services. A list of 15 mandated best practices include business processes, oversight duties, budget and financial planning, and training.

Annual self-evaluation by members of the Oregon State Parks and Recreation Commission where commissioners independently evaluate group performance, then collectively discuss their findings to produce a consensus report. The process for self-evaluation and discussion will improve over time.

The first data was available in November 2007, with the most recent data applying to FY 2021.

### **Factors Affecting Results**

Many measures are subjective and require experienced Commissioners to develop reasoned answers. Newly appointed Commissioners can affect results.



# 2022

## Oregon Parks and Recreation Commission DRAFT - Planning Dates

### January

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

### February

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

### March

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### April

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### May

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

### June

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

### July

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

### August

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### September

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

### October

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

### November

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

### December

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

#### 2022 Commission Meeting

February - Willamette Valley  
 April - Coos Bay  
 June - Central Oregon  
 September - Gorge  
 November - TBD

Contact: Denise Warburton 503-779-9729

Revision Date: 10/27/21

Huddle Meetings	
Packet Materials DUE!	
Agenda & Packet Posted to OPRD Site	
Mail Out Packets	
State Holidays	
Presentation Material Due/Business Meeting	
All Managers Meeting	
Leadership Group Meeting	
Legislative Days	
Legislative Session	February 1st - March 7th