



OREGON PARKS AND RECREATION COMMISSION

February 21 & 22, 2018
Lake Oswego Crowne Plaza
14811 Kruse Oaks Drive
Lake Oswego, OR 97035

DRAFT MINUTES

Wednesday, February 21, 2018

Location: Ainsworth House, Oregon City

TOUR: 8:00am

WORK-SESSION / TRAINING: 1:00pm

- Inclusion
- Community Engagement Programs
- Revenue Workshop

Thursday, November 15, 2017

Location: Crowne Plaza, Lake Oswego

EXECUTIVE SESSION: 8:15am

The Commission met 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

• Cal Mukumoto, Commission Chair	• Kammie Bunes, OPRD
• Jennifer H. Allen, Commission Vice-Chair	• Chas Vangenderen, OPRD
• Lisa Dawson, Commissioner	• Scott Nebeker, OPRD
• Jonathan Blasher, Commissioner	• Tanya Crane, OPRD
• Doug Deur – Commissioner	• Tracy Loudon, OPRD
• Lisa Sumption, OPRD Director	
• MG Devereux, OPRD Deputy Director	
• Denise Warburton, OPRD	
• Chris Havel, OPRD	

1. Commission Business:

- a) Welcome and introductions (Information)
- b) Approval of November 2017 Minutes

ACTION: Commissioner Allen moved to approve the November 2018 minutes. Commissioner Blasher seconded the motion. Commissioner Allen asked for clarification and update “best management practices are utilized” is added to agenda item 3b. Steve Shipsey pointed out that all no votes need to be captured in the minutes identifying the voter. Change 6b to reflect Doug Deur as a no vote. The motion passed, 5-0. (Topic starts at 00:10:03 and ends at 00:12:30).

- c) Approval of February 2018 Agenda

Action: Commissioner Allen moved to approve the reorganization of the agenda moving action items forward as recommended. Commissioner Dawson seconded. The motion passed, 5-0. (Topic starts 00:12:06 and ends at 00:13:14).

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

*If you wish to make public comment on an item on the agenda you can choose to make your comment either when the item is heard, or during this allotted time. Although written testimony is not required, it is suggested that 15 copies be provided to the Commission Assistant prior to the meeting. **Speaking time is limited to 3 minutes.***

3. Community Engagement

- a) County Opportunity Grant awards (**Action**)

Action: Commissioner Blasher moved to approve the County Opportunity Grants awards presented. Commissioner Allen seconded. The motion passed, 5-0. (Topic starts 00:13:03 and ends at 00:25:25).

- b) Crooked River Scenic Bikeway designation (**Action**)

Action: Commissioner Allen moved to approve the Crooked River Scenic Bikeway designation. Commissioner Blasher seconded. The motion passed, 5-0. (Topic starts 00:26:10 and ends at 01:01:31).

- c) ATV Advisory Committee Member approval (**Action**)

Action: Commissioner Dawson moved to approve the ATV Advisory Committee member as recommended. Commissioner Allen seconded. The motion passed, 5-0. (Topic starts 01:03:04 and ends at 01:06:01).

4. Rulemaking

- a) Request to adopt 736-002-0042, 736-002-0052, 0058, 0070, 0102, and 0150 Criminal Background Check (**Action**)

Action: Commissioner Allen moved to adopt Criminal Background Checks as recommended. Commissioner Blasher seconded. The motion passed, 5-0. (Topic starts 01:07:49 and ends at 01:09:30).

- b) Request to adopt 736-040-0070 Allowing WAG bags on Deschutes Scenic Waterway (**Action**)

Action: Commissioner Allen moved to adopt allowing WAG bags on the Deschutes Scenic Waterway as recommended. Commissioner Dawson seconded. The motion passed, 5-0. (Topic starts 01:10:40 and ends at 01:21:47).

- c) Request to adopt 736-018-0045 adding Master Plans for Tryon Creek and Columbia Gorge (**Action**)

Action: Commissioner Blasher moved to adopt 736-018-0045 adding Master Plans for Tyron Creek and Columbia Gorge as recommended. Commissioner Allen seconded. The motion passed, 5-0. (Topic starts 01:22:30 and ends at 01:24:24).

- d) Request to adopt 736-017-0005, 736-017-0020 adding Tribes to Veterans' and War Memorial Grants (**Action**)

Action: Commissioner Allen moved to adopt adding Tribes to Veterans' and War Memorial Grants as recommended. Commissioner Deur seconded. The motion passed, 5-0. (Topic starts 01:24:24 and ends at 01:27:30).

- e) Request to go to rulemaking adding Tribes to ATV Grant Program (736-004-0015, 736-004-0020, 736-004-0085) (**Action**)

Action: Commissioner Dawson moved to approve going to rulemaking adding Tribes to ATV Grant Program (736-004-0015, 736-004-0020, 736-004-0085) as recommended. Commissioner Deur seconded. The motion passed, 5-0. (Topic starts 01:28:00 and ends at 01:31:51).

- f) Request to go to rulemaking - correcting monetary amounts to match statutory requirements in Lost and Found rules (736-010-0040, 736-021-0150) (**Action**)

Action: Commissioner Allen moved to go to rulemaking - correcting monetary amounts to match statutory requirements in Lost and Found rules (736-010-0040, 736-021-0150) as recommended. Commissioner Blasher seconded. The motion passed, 5-0. (Topic starts 01:32:54 and ends at 01:34:22).

- g) Request to go to rulemaking flexible fees (736-015-0020).

Action: Commissioner Dawson moved to go to rulemaking flexible fees (736-010-0040) as recommended. Commissioner Allen seconded. The motion passed, 5-0. (Topic starts 01:35:00 and ends at 01:41:02).

5. Park Development Division

- a) Mid-coast state park plan adoption (**Action**)

Action: Commissioner Blasher moved to approve Mid-coast state park master plan as recommended. Commissioner Allen seconded. The motion passed, 5-0. (Topic starts 01:41:00 and ends at 02:12:23).

- b) OPRD Natural Resource Assessment and Strategic Plan for the Willamette Basin (Information)
c) Park Development Division 2017 accomplishments (Information)

6. Director's Update

- a) Office of Outdoor Recreation (Information)
b) Non-recreational camping (Information)
c) Legislative update (Information)
d) Cottonwood Canyon Experience Center contract award (Information)

7. Budget

- a) Director's 2017 Expense Report (**Action**)

Action: Commissioner Allen moved to approve Director's 2017 Expense Report as recommended. Commissioner Dawson seconded. The motion passed, 5-0. (Topic starts 03:58:00 and ends at 03:59:01).

- b) 2017-19 Budget update (Information)
c) 2019-21 Budget update (Information)

8. Property

- a) Deschutes River Trail Easement to OPRD (Information)

9. Heritage

- a) Heritage Division updates (Information)
- b) 2017 National Registry Listings (Information)

10. Reports (Information)

- a) Actions taken under delegated authority
 - i) Contracts and Procurement
 - ii) Ocean Shores and Scenic Waterway Permits
- b) Rocky Shores Management Plan

11. Commission Planning Calendar (Information)

The services, programs and activities of the Oregon Parks and Recreation Department are covered by the Americans with Disabilities Act (ADA). If you need special accommodations to participate in this meeting, please contact the commission assistant Denise Warburton at (503) 986-0719 or (503)779-9729 at least 72 hours prior to the start of the meeting.

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 3a

Information

Topic: Office of Outdoor Recreation update

Presented by: Chris Havel

Staff have spent the last couple of months creating duties for an executive to head the Oregon Office of Outdoor Recreation, established in 2017 by House Bill 3350. With help from private and public partners, a recruitment attracted more than a hundred applicants, ultimately leading to interviews with three candidates. Unfortunately, as qualified as they were, their talents and skills do not exactly match the expected demands of the Office as it ramps up. No candidate was hired from this pool and the recruitment closed.

Instead of halting here and redesigning the recruitment, the Director's Office will work closely with the public, private, and nonprofit partners who supported creation of the Office to begin some of the early work:

- Establish a high-level policy-driven advisory group to develop a prioritized hotlist of top policy or statutory barriers to outdoor recreation success, and **use their expertise to guide recruitment of the Office's executive**. This could take some months.
- Cooperate with the higher education system to create a strong foundation for degrees related to outdoor recreation engagement, business development, management, and research.
- Begin work with Travel Oregon and other partners on a detailed statewide outdoor recreation economic impact study and communication plan.
- Contribute to signature trail and transportation plan strategies.
- Lay the groundwork for a recreation participation and employment diversity audit.
- Integrate all this work in the context of the Oregon Outdoor Recreation Initiative convened by Travel Oregon and supported by dozens of organizations.

We knew at the outset finding a person for this new Office would be a challenge, and while the hiring process didn't produce the ideal candidate in our first attempt, partners remain patient and supportive. This Office builds on the success of our Department's work in grants, planning, park operations, and community outreach, and staff in those units with help with projects in 2018.

Prior Action by Commission: None.

Action Requested: None.

Attachments: None.

Prepared by: Chris Havel

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 3b Information
Topic: 2018 Legislative Session Final Report
Presented by: Katie Gauthier, Legislative & Policy Coordinator

Background:

The 2018 legislative session adjourned sine die March 3, 2018. The whirlwind short session included many ideas that did not make it through and a few that did. Below is a summary of the legislation that had the most important impact on OPRD.

Enacted

HB 5201 was the end of session budget bill. It included a few items that impact OPRD. As part of an emergency board request, we received authority to spend an additional \$200,000 in other funds limitation to eradicate Sudden Oak Death found in our parks on the South Coast. We were also directed to allocate \$20,000 in a special grant to repair recreational trails damaged due to the Chetco Bar fire. This bill also contained budget limitation for our salary package.

Not Enacted

HB 4029 which as initially introduced would have required OPRD to study 3 scenic waterways each biennium, design a trail between Bend and Sun River and banned a bridge from being constructed in the Deschutes Scenic Waterway did not pass. The bill was amended to remove the requirement for studying 3 scenic waterways and moved to Ways and Means, but did not move out of the committee. During the interim, we anticipate there additional conversations specifically around the bridge and trail in Bend. It would not be surprising to see additional scenic waterways legislation introduced in the 2019 session.

As you may recall, our pro-active priority was to address a concern raised by the requirement in HB 2017 from 2017 to require OPRD to reimburse ODOT up to \$4 million for bicycle and pedestrian trail grants from our lottery funding. We sought clarification on the process and language of this requirement to ensure it meets the constitutional requirements of this dedicated funding source and requested a sunset of January 1, 2023. Our local government stakeholders were very supportive of requesting a sunset to ensure a second look at whether continued carve out of bike and pedestrian trail funding is the highest need for these grant funds. The committee chair was not supportive of a sunset and felt it was too big of a policy change to move forward in the short session, but did agree to work with OPRD, ODOT and Oregon Parks and Recreation Association during the interim to develop a solution that we can bring forward for the 2019 session.

Next Steps:

During the interim, we will continue to work with legislators and are working to schedule visits with some returning legislators so they can see parks in their districts and learn more about the impact statewide.

Prior Action by Commission: Update at the February Commission

Action Requested: Information only

Prepared by: Katie Gauthier

Attachments: None

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 3c Action
Topic: 2019 Legislative Concepts
Presented by: Katie Gauthier, Legislative & Policy Coordinator

Background:

Once again it is time to develop our proactive legislative agenda for the 2019 legislative session.

This year OPRD developed a new process for solicitation of legislative concepts. Beginning in October 2017, ideas for legislation were sought from all staff. Those ideas were then reviewed managers and culled by the executive team to select the six priority issues that we are recommending to you today. This process provided staff with a better understanding of the legislative process and brought forward ideas that will improve operations and align with the vision or mission of the agency.

Agency legislative concepts undergo an extensive review process. Once you approve a list of recommended concepts, they will be submitted to the Governor's office. The Governor will review and determine which concepts to move forward. Staff will then work with DAS and Legislative Counsel on further development of the concept over the summer.

The six concepts we are recommending include two each from the Heritage Division, Stewardship and Community and Grants program. Below are more details:

- **Special Assessment of Historic Properties:** The special assessment was established in 1975 to provide a tax incentive for residential and commercial property owners that are rehabilitating historic properties. It is set to sunset in 2020. We would like to extend the sunset and establish a new loan program to help low-income, historic residential property owners with funding for renovations. This would include \$5 million in new seed money for the loan program.
- **Heritage Commission Commemorations:** ORS 358.595 gives The Heritage Commission the authority to coordinate statewide "celebrations." The Commission has requested this be changed to "commemorations" to be more inclusive of the diversity of Oregon. Not all historic events are viewed by all participants as a cause for celebration, but commemorations offer an opportunity to share more diverse viewpoints of an event.
- **Timber Contracting Requirements:** Under public contracting requirements, forest roads built to access a timber stand are required to comply with public works project requirements. This increases the cost and complexity of OPRD timber sales and can

reduce the number of bids on our timber projects. The Department of Forestry has an exemption to this requirement under statute. OPRD would be added to that exemption.

- **Timber Appraisal Limitation.** Currently, OPRD must receive competitive bids for all timber harvests over \$15,000 in appraised value. The Oregon Department of Forestry has a limitation of \$25,000. We would like to increase OPRD's limitation to \$25,000 to match ODF.
- **Bicycle/Pedestrian Grant Fix.** In HB 2017 from 2017, OPRD was required to reimburse ODOT up to \$4 million for bicycle and pedestrian grants from lottery funds. During the 2018 session, the Joint Transportation Committee Chair agreed to bring back to the 2019 session a solution that would clarify the process to ensure it complies with constitutional requirements for the voter-dedicated lottery funding and address local stakeholder concerns.
- **ATV Safety Education Cards.** Currently safety education cards are required for operators of all ages in Class I (four-wheelers) and Class III (dirt bikes) and for those under 16 in class IV (side-by-side). This legislation would require safety education cards for all operators in all classes to reduce confusion and improve safety. Specifically, rapid class IV sales and increasing ridership on sand dunes have created more safety concerns.

Prior Action by Commission: none

Action Requested: Approval to continue working on legislative concepts for the 2019 legislative session

Prepared by: Katie

Attachments: none

Oregon Parks and Recreation Commission

March 18, 2018

Agenda Item: 3d Information
Topic: OPRD Events Schedule Summer 2018
Presented by: Lisa Sumption

OPRD 2018 Summer Event Schedule (May – September)

Date	Time	Events	Notes
May 5th	10:00am -3:00pm	175 th Anniversary – Founders Day @ Champoeg	
May 5th	6:00pm – 8:00pm	Vista House 100 th Anniversary Reception @ Vista House	
June 9 th	TBD (possibly evening)	Milo McIver 50 th Anniversary/Viewpoint Dedication @ Milo McIver	Ribbon Cutting
June 23 rd & 24th	9:00am (23) through 12:00pm (24)	Governor’s Campout @ Willamette Mission	

Action Requested: None.

Attachments: None.

Prepared by: Denise Warburton

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 4a

Information

Topic: Budget Update

Presented by: Tanya Crane, Budget Manager

The March 2018 Lottery forecast was released February 16, 2018. It reflects an increase in Lottery Fund revenue for the Department of \$2,196,302. Since the close of session (June 2017), the Lottery Fund revenue forecast has increased by \$10,578,728. The Department’s budget was built on a Lottery Fund revenue forecast of \$93.5 million and the March 2018 forecast is \$104.0 million. The table below reflects the change in the Lottery revenue forecast for the 2017-19 biennium and beyond.

Lottery Forecast History (2017-23 Biennium): OPRD's Share of PNRF						
	2017-19		2019-21		2021-23	
Forecast Date	Forecast	Change from Prior Forecast	Forecast	Change from Prior Forecast	Forecast	Change from Prior Forecast
May 2017 Forecast (released 5-16-17)	\$93,463,000		\$101,234,604		\$109,725,747	
September 2017 Forecast (released 8-23-2017)	\$101,034,075	\$7,571,075	\$104,590,505	\$3,355,901	\$113,468,086	\$3,742,339
November 2017 Forecast (released 11-29-2017)	\$101,845,425	\$811,350	\$104,933,825	\$343,320	\$113,983,224	\$515,138
March 2018 Forecast (released 2-16-2018)	\$104,041,728	\$2,196,303	\$105,850,913	\$917,088	\$114,597,003	\$613,779
Total Cumulative Change		\$10,578,728		\$4,616,309		\$4,871,256

The February 2018 Legislative session came to an end on March 3, 2018. There was one bill that impacted OPRD’s budget: HB5201 allocated funding to state agencies for negotiated changes in salaries and benefits for the 2015-17 biennium. OPRD was granted \$2,660,317 in additional limitation (\$1,510,890 LF, \$1,107,513 OF, \$32,079 FF and \$9,835 GF). Funding for this increase is available in the ending balance. In addition, OPRD received \$200,000 in Other Funds limitation requested at the January 2018 Interim Committee on Ways and Means for Sudden Oak Death eradication. Finally, OPRD received limitation to spend \$20,000 Lottery funds to offer grants for repair of recreational trails damaged due to the Chetco Bar Fire during the 2017 fire season.

The schedule for the Legislative Emergency Board has been set for the time between the short and long legislative sessions. Emergency Board meetings will be held: May 21-23, 2018, September 24-26, 2018 and December 12-14, 2018.

The accounting records for the 2015-17 biennium are officially closed. Due to prudent spending plus increased Lottery and Park User Fee revenues during the biennium, the Department closed

the biennium with more cash than anticipated. The table below shows the final cash balances and compares them to the budgeted balances.

2015-17 Biennium Ending Cash Balance			
	Budgeted Cash Balance	Actual Cash Balance	Difference
Lottery Funds:			
LGGP	5,587,531	5,407,486	(180,045)
All else	22,629,781	29,022,998	6,393,217
	28,217,312	34,430,484	6,213,172
Other Funds:			
Trust and Dedicated	7,236,661	10,461,705	3,225,044
OPMA	510,877	317,312	(193,565)
ATV	5,355,779	7,841,424	2,485,645
RV County Grants	179,491	623,801	444,310
Willamette Falls	0	23,506	23,506
Forest Park	0	4,659	4,659
Main Street	2,500,000	2,421,495	(78,505)
All else	11,171,637	18,068,751	6,897,114
	26,954,445	39,762,654	12,808,209
Grand Total	55,171,757	74,193,138	19,021,381

The “All Else” category includes funds reserved for cash flow purposes, various project funding carried over to the new biennium and any other non-dedicated funds. A positive number in the “Difference” column indicates cash balance is higher than anticipated. The additional cash is available to help with new issues arising in the 2017-19 biennium or for needs in the 2019-21 budget development process.

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

Action Requested: None.

Attachments: None.

Prepared by: Tanya Crane

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 4b

Information

Topic: 2019-21 Budget Update

Presented by: Tanya Crane, Budget Manager

Development of the 2019-21 biennium budget is underway. This multi-step process takes several months and will result in an Agency Request Budget.

Already completed steps:

1. Budget kick off meeting held by DAS for Agency Directors and Budget Directors (March 20th).
2. Adjust the current biennium budget for actions taken during the February 2018 Legislative session (salary package distribution, Sudden Oak Death, Chetco Fire grants). This becomes the starting point for the new budget.
3. Review budget structure for changes: No structure changes proposed.
4. Initial revenue forecast and narrative describing forecasting methodologies sent to DAS Budget and Management (BAM).
5. Preliminary exception requests sent to BAM (commercial rent, fuels and utilities, state government service charges, fleet).

Steps currently in process:

1. Review and finalize revenue projections
2. Review and finalize estimated beginning balances
3. Project needed ending cash balance reserves (cash flow, compensation changes)
4. Project the Current Service Level (CSL) budget including items to be phased in and phased out, standard and exceptional inflation, any need for revenue reduction package.

Next steps:

1. Key Performance Measure (KPM) approval – see Item 4c on the agenda.
2. PICS roll – scheduled for mid-April, this will estimate Personal Services costs for the biennium.
3. Determine actual need for exceptions and calculate the dollar amount to request.
4. Review, price and prioritize proposed policy packages.
5. Determine recommendations for packages, management ratio and reductions to propose to the Commission.
6. Commission approval – June meeting.

Prior Action by Commission: A budget workshop on the process was provided at the September 2017 meeting. A budget workshop on revenues was provided in February 2018 as was a timeline and action steps for budget development.

Action Requested: None.

Attachments: None.

Prepared by: Tanya Crane

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 4c

Action

Topic: 2019-21 Key Performance Measures Approval

Presented by: Tanya Crane, Budget Manager

As the 2019-21 biennium budget is built, one piece of the budget is Key Performance Measures (KPM). Each agency has a list of measures that are approved by the Legislature as part of the agency's budget bill.

The chart on the next page shows the list of currently approved measures and targets for the Department. Attachment A is the most current KPM report. The Department will develop new targets for each of the measures for 2019 and 2020.

Each budget cycle there is an opportunity to propose changes to the measures. For 2019-21, OPRD is considering several changes:

1. Adjusting KPM 3
2. Deleting KPM 5
3. Proposing a maintenance related KPM to replace KPM 5.

At the time of this writing, conversations are still ongoing about the proposed changes. The proposed changes will be available at the Commission meeting.

			2017	2017	2018
Measure:		Metric	Actual	Target	Target
1	Park Visitation - Visitors per acre of Oregon Parks and Recreation Department property.		467	450	500
2	Heritage Program Benefits - Number of properties, sites, or districts that benefits from an OPRD managed heritage program.		2,048	2,087	2,087
3	Grant Programs - Percent of Oregon communities that benefit from an OPRD managed grant program.		47	50	50
4	Property Acquisition - Recreation lands index: Park lands mad waters acquired by OPRD as a percentage of total goal. (Linked to Oregon Benchmark #91)		79%	75%	75%
5	Facilities Backlog - Percent reduction in facilities backlog since 1998.		82%	85%	85%
6	Customer Satisfaction - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customers service, timeliness, accuracy, helpfulness, expertise and availability of information.				
		Accuracy	No data	92%	95%
		Availability of Information	No data	90%	95%
		Overall	No data	94%	95%
		Helpfulness	No data	94%	95%
		Timeliness	No data	92%	95%
		Expertise	No data	92%	95%
8	Commission best practices - Percent of total best practices met by State Parks and Recreation Commission.		100%	100%	100%

Prior Action by Commission: None.

Action Requested: Approve the request to maintain the current KPMs for the 2019-21 biennium.

Attachments: Attachment A, FY 2017 Key Performance Measure Report

Prepared by: Tanya Crane

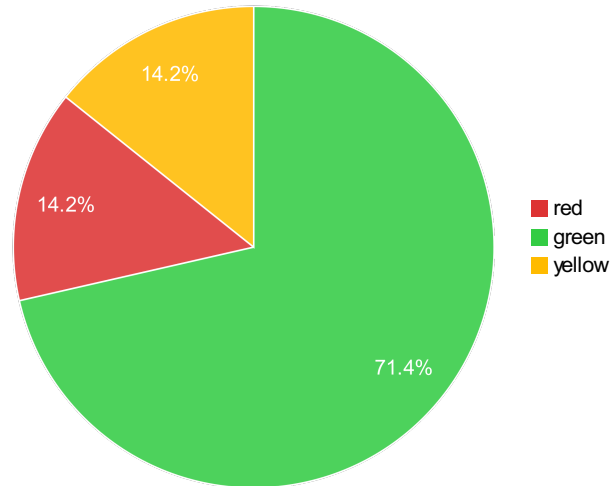
Parks and Recreation Department

Annual Performance Progress Report

Reporting Year 2017

Published: 9/15/2017 8:22:40 AM

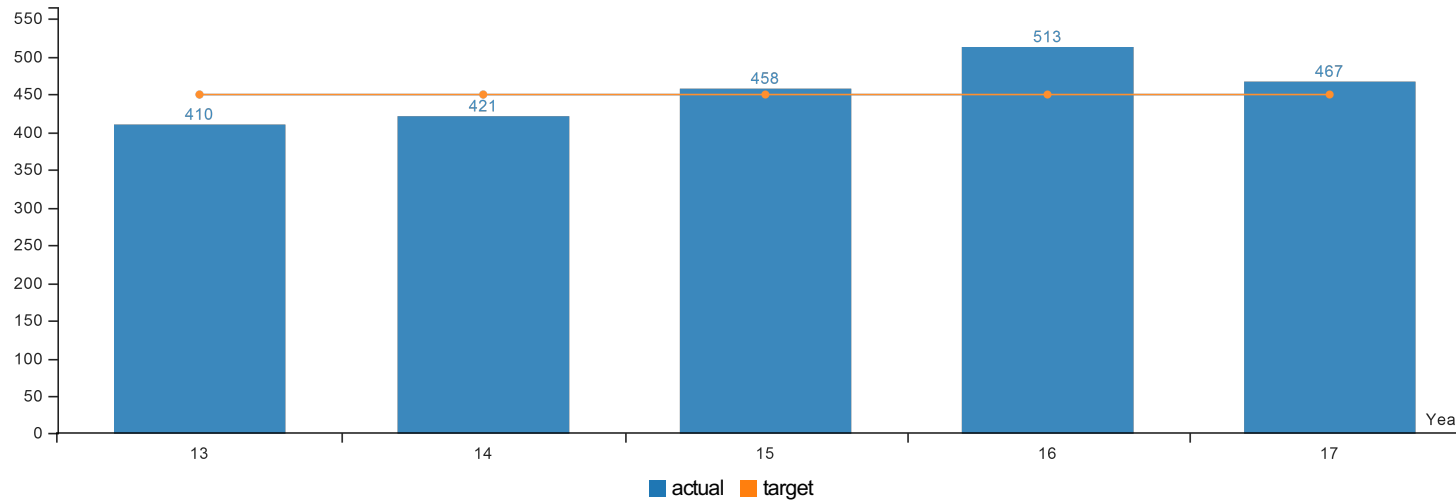
KPM #	Approved Key Performance Measures (KPMs)
1	PARK VISITATION - Visitors per acre of Oregon Parks and Recreation Department property.
2	HERITAGE PROGRAM BENEFITS - Number of properties, sites, or districts that benefit from an OPRD-managed heritage program
3	Grant Programs - Percent of Oregon communities 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.



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	71.43%	14.29%	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	2013	2014	2015	2016	2017
Visitors Per Acre of Oregon Parks and Recreation Department Property					
Actual	410	421	458	513	467
Target	450	450	450	450	450

How Are We Doing

FY 2017 results are 467 visitors per acre which is a 9.0% decrease from 513 visitors per acre in FY 2016, and is above the target of 450 per acre. The main contributing factor to this decrease is increased property acquisition (denominator) along with a slight decrease in visitation (numerator). The Department has continued to increase park acreage in order to best serve an increasing population while maintaining a quality visitor experience. The total visitation in FY 2017 was 52.8 million, a 6% decrease from FY 2016.

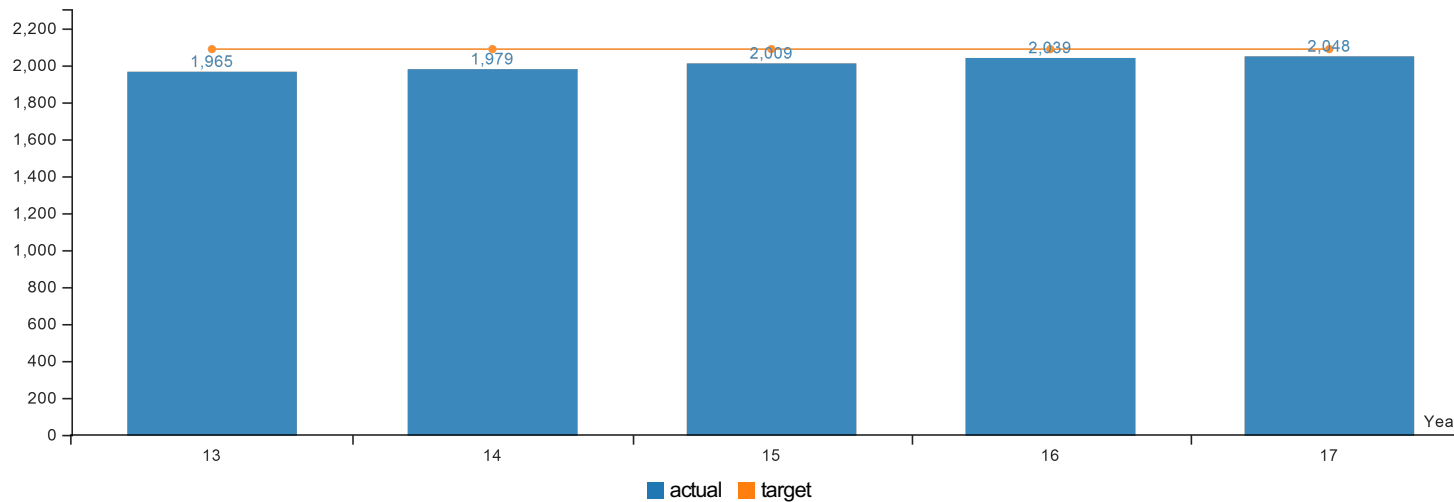
Factors Affecting Results

Factors affecting the numerator (visitor attendance) include weather, economic conditions, perceived attractiveness of the recreational offering, and park closures (e.g., due to construction, etc.).

Factors affecting the denominator (acreage) include availability of land for acquisition (e.g., willing sellers) and availability of funds for 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	2013	2014	2015	2016	2017
Number of Properties, Sites, or Districts That Benefit From an OPRD-Managed Heritage Program					
Actual	1,965	1,979	2,009	2,039	2,048
Target	2,087	2,087	2,087	2,087	2,087

How Are We Doing

Oregon continues to perform well when compared against neighboring western states, listing more properties in the National Register than either Idaho or Nevada, and a comparable number of properties to Washington, a more populous state. Priorities for the Division continue to be the identification and designation of historic resources, with a focus on ensuring geographic and cultural diversity.

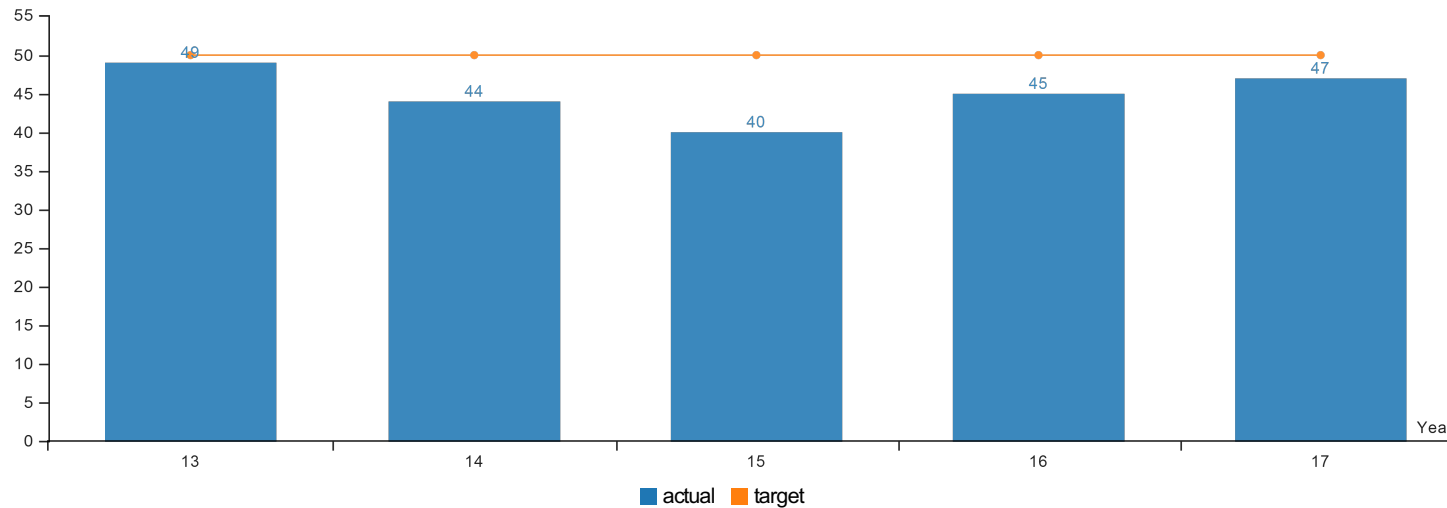
Factors Affecting Results

The overall numbers of new designations is relatively steady in comparative states for the last year, with the notable exception of Idaho, which listed a single property in 2016 and 7 in 2017. In Oregon, fewer nominations have been proposed by federal and local agencies over the last two years, which is typically a major driver for the program. Due to a vacant staff position in the National Register program, it is expected that the total number of nominations will not significantly increase in 2018.

The Heritage Division will fill the currently vacant staff position by the end of 2017, and expects to grow the total number of nominations completed by the office beginning in early 2018. Many of these projects will not be completed until after July 2018. The office will focus efforts on reaching out to local government and federal agency partners to encourage new nomination efforts. In addition, new initiatives are aimed at increasing the relevance of our programs to non-traditional customers and underrepresented populations through targeted outreach.

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	2013	2014	2015	2016	2017
Percent of Oregon communities that benefit from an OPRD-managed grant program					
Actual	49%	44%	40%	45%	47%
Target	50%	50%	50%	50%	50%

How Are We Doing

FY 2017 results include an unduplicated count of the number of communities that were awarded Department grants for FY 2016 and FY 2017. Results show that 47% of Oregon communities (130 of 277) have benefited from an OPRD-managed grant program over this time period. This year's percentage is higher than the 45% reported last year.

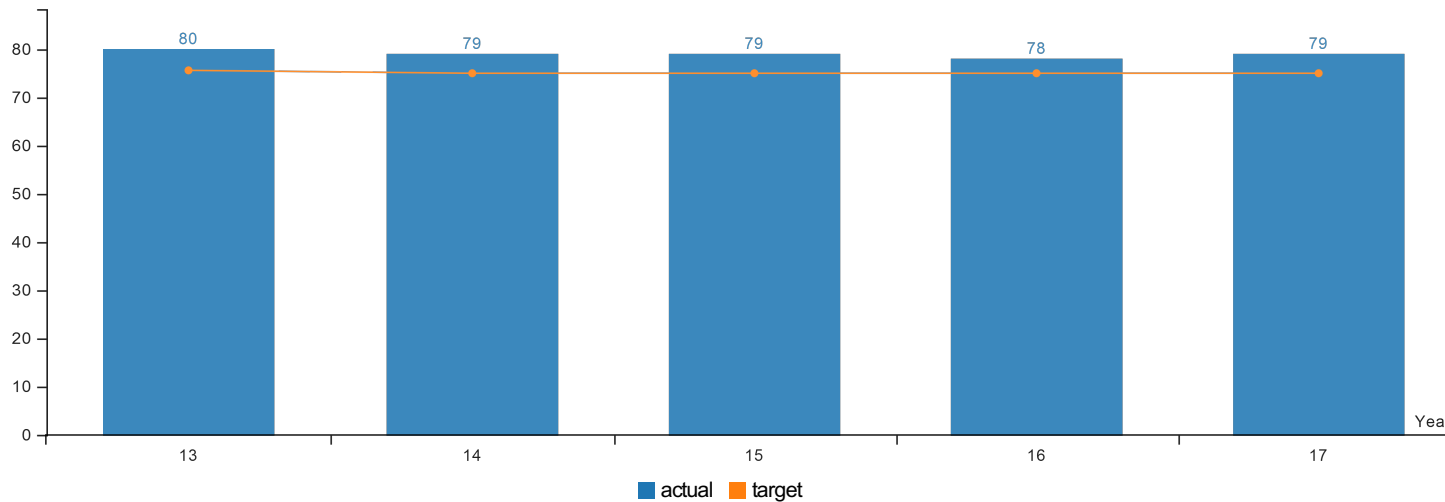
Grant projects typically take more than one fiscal year to complete, especially under grant programs that have only one round of grant awards per biennium. Therefore the "benefit" to grantee communities is not just a single year. Counting two fiscal years of grants - the most recently completed year and the previous year - provides a more accurate measurement of the extent to which the Department's grant programs reach communities throughout the state. It also provides more consistent data from year to year by moderating the "peaks"; of grant awards in the first year of a biennium and the "valleys" of second-year awards.

Factors Affecting Results

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 are the factors that affect results.

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	2013	2014	2015	2016	2017
Park Lands and Waters Acquired by OPRD as a Percentage of Total Goal					
Actual	80%	79%	79%	78%	79%
Target	75.60%	75%	75%	75%	75%

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. The data are measured and reported by Fiscal Year. The information assists the Department in making decisions about future expansion of the system as park areas reach capacity, and keeping the balance between recreation opportunities and natural resource protection.

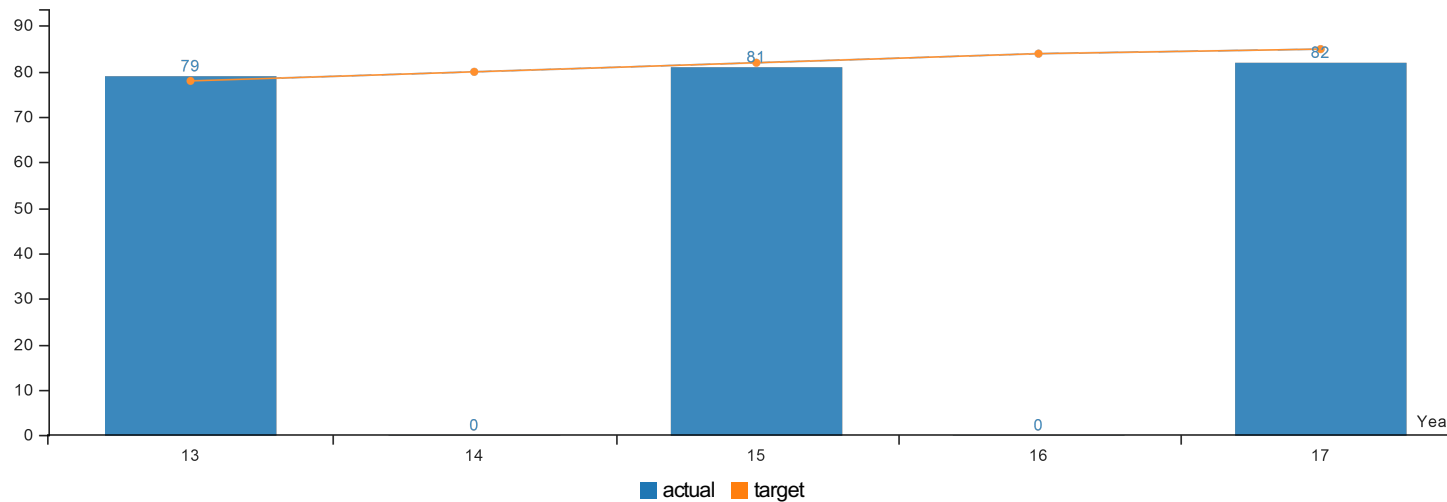
FY 2017 results indicate that the agency was at 79% of the total goal, and above the target of 75%. Results increased slightly from last year since park acreage was acquired faster than the rate that Oregon's population increased.

Factors Affecting Results

Oregon's population has been increasing at a higher rate than many states, thus impacting the denominator in calculating results. Acquisition is affected by the availability of land meeting agency criteria, the availability of adequate funds for purchase, and real estate prices.

KPM #5	FACILITIES BACKLOG - Percent reduction in facilities backlog since 1999.
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2013	2014	2015	2016	2017
Percent Reduction in Facilities Backlog					
Actual	79%	No Data	81%	No Data	82%
Target	78%	80%	82%	84%	85%

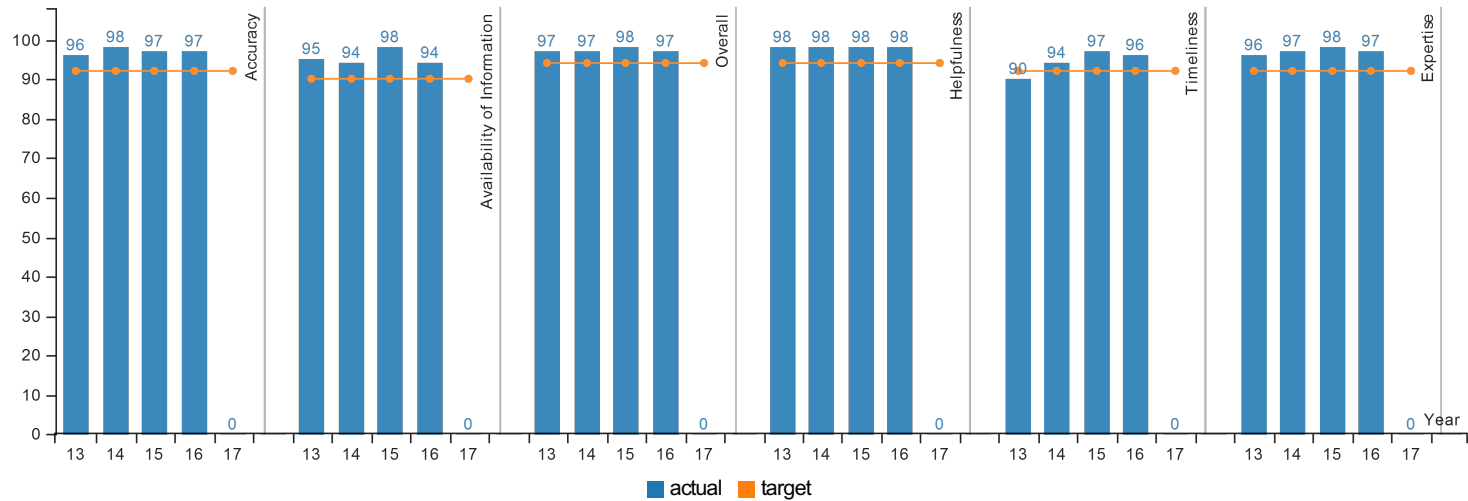
How Are We Doing

While data is tracked continuously, it is reported biennially, with FY 2017 being the most recent reporting period. FY 2017 data shows that progress continues to be made in reducing the maintenance backlog. Efforts are continuing to re-assess additional maintenance backlog and deferred maintenance that has accrued since 1999.

Factors Affecting Results

The Park Construction Priorities are funded each biennium from the Parks and Natural Resources Fund. 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 continues an emphasis on buying down of the original backlog. Emergent maintenance issues arise that compete for funding.

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	2013	2014	2015	2016	2017
Accuracy					
Actual	96%	98%	97%	97%	No Data
Target	92%	92%	92%	92%	92%
Availability of Information					
Actual	95%	94%	98%	94%	No Data
Target	90%	90%	90%	90%	90%
Overall					
Actual	97%	97%	98%	97%	No Data
Target	94%	94%	94%	94%	94%
Helpfulness					
Actual	98%	98%	98%	98%	No Data
Target	94%	94%	94%	94%	94%
Timeliness					
Actual	90%	94%	97%	96%	No Data
Target	92%	92%	92%	92%	92%
Expertise					
Actual	96%	97%	98%	97%	No Data
Target	92%	92%	92%	92%	92%

How Are We Doing

The data source for this KPM is no longer functioning, and OPRD anticipates there won't be a working replacement until 2018.

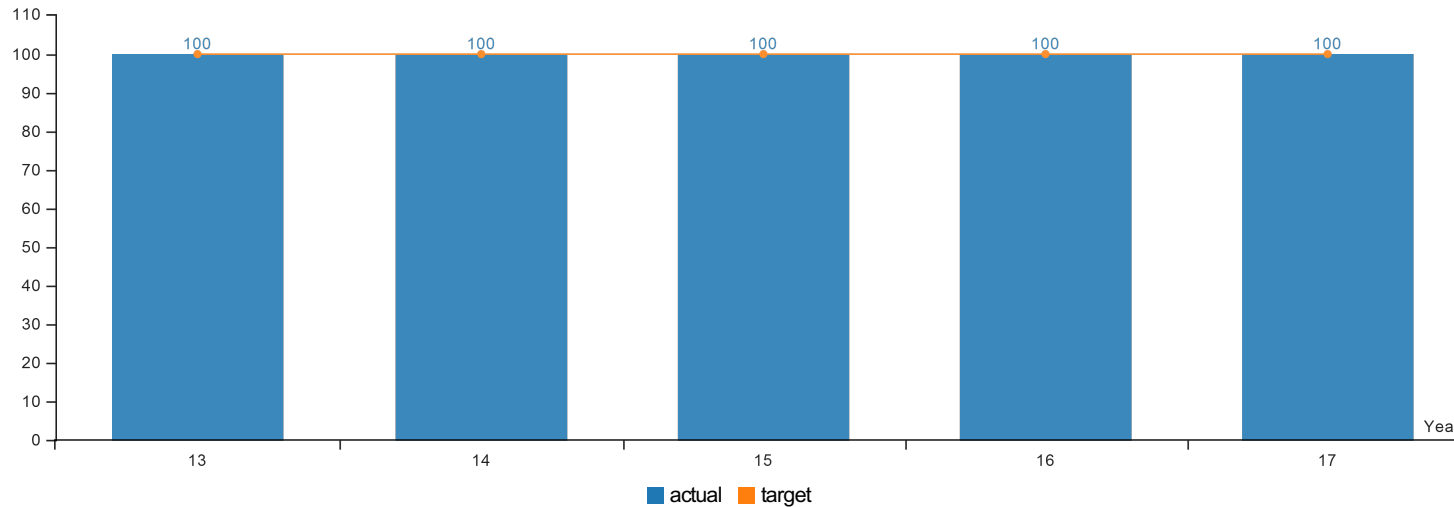
Survey results have not varied by more than 3-4% since OPRD started gathering data. Therefore, FY 2016 data is likely representative of FY 2017 data.

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	2013	2014	2015	2016	2017
Percent of Commission Best Practices Met					
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, budgeting 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 be improved over time.

The first data was available in November, 2007. The most recent data applies to FY 2017.

Factors Affecting Results

Many measures are subjective, and require experienced Commissioners to develop reasoned answers. Newly-appointed Commissioners can affect the results.

Oregon Parks and Recreation Commission

April 17, 2018

Agenda Item: 5a

Informational

Topic: D River SRS – Transfer to Lincoln City

Presented by: Kammie Bunes, Right of Way Agent

The State Highway Commission acquired this four-acre parcel of land in 1967 for beach access. It includes approximately two acres of upland, level, filled to grade and protected by a sea wall with the remainder two acres being sandy beach. At the time of the acquisition there were a miniature golf course and other amusement equipment on the property as well as an “addition” to a restaurant building on abutting property. These improvements were removed prior to the State’s acquisition. Today, the upland portion of the property consists of a restroom and a 1.8-acre parking lot with a few grassy “islands”.

The property is located approximately half way between the north and south of Lincoln City limits along the Highway 101 corridor. It is heavily used by the traveling public, much like a roadside rest area rather than a State Recreation Site. The site does provide good access to the beach and is used heavily by the local community for this purpose.

In discussions regarding the removal of the old kiosk building at this location (building was unsafe and City offered to tear it down at no cost to OPRD), the Lincoln City Manager expressed an interest in having the City assume ownership of this property. Their leadership has a vision in mind of using the D River property as a “gateway” to the entire city with a redesigned parking lot, new bathrooms and a better visitor contact station.

This transaction is in compliance with OPRD policy (Com 10-4) Transfer of Land to Other Public Agencies. A reversionary clause will be included in the deed to ensure the property comes back to OPRD if not used for park purposes. OPRD staff are supportive of transferring this property to Lincoln City with the additional restrictive covenant in the deed stating that public access to the beach must remain open.

The property was acquired with Land and Water Conservation Funds (LWCF) and later, the sea wall was refurbished utilizing LWCF funds. Use of LWCF funds results in a perpetual obligation to manage for public outdoor recreation purposes. If transferring the property is approved, OPRD will also transfer the LWCF grant obligations to the City.

Prior Action by Commission: None

Action Requested: None

Attachment 1: Map

Prepared by: Alice Beals, Right of Way Agent

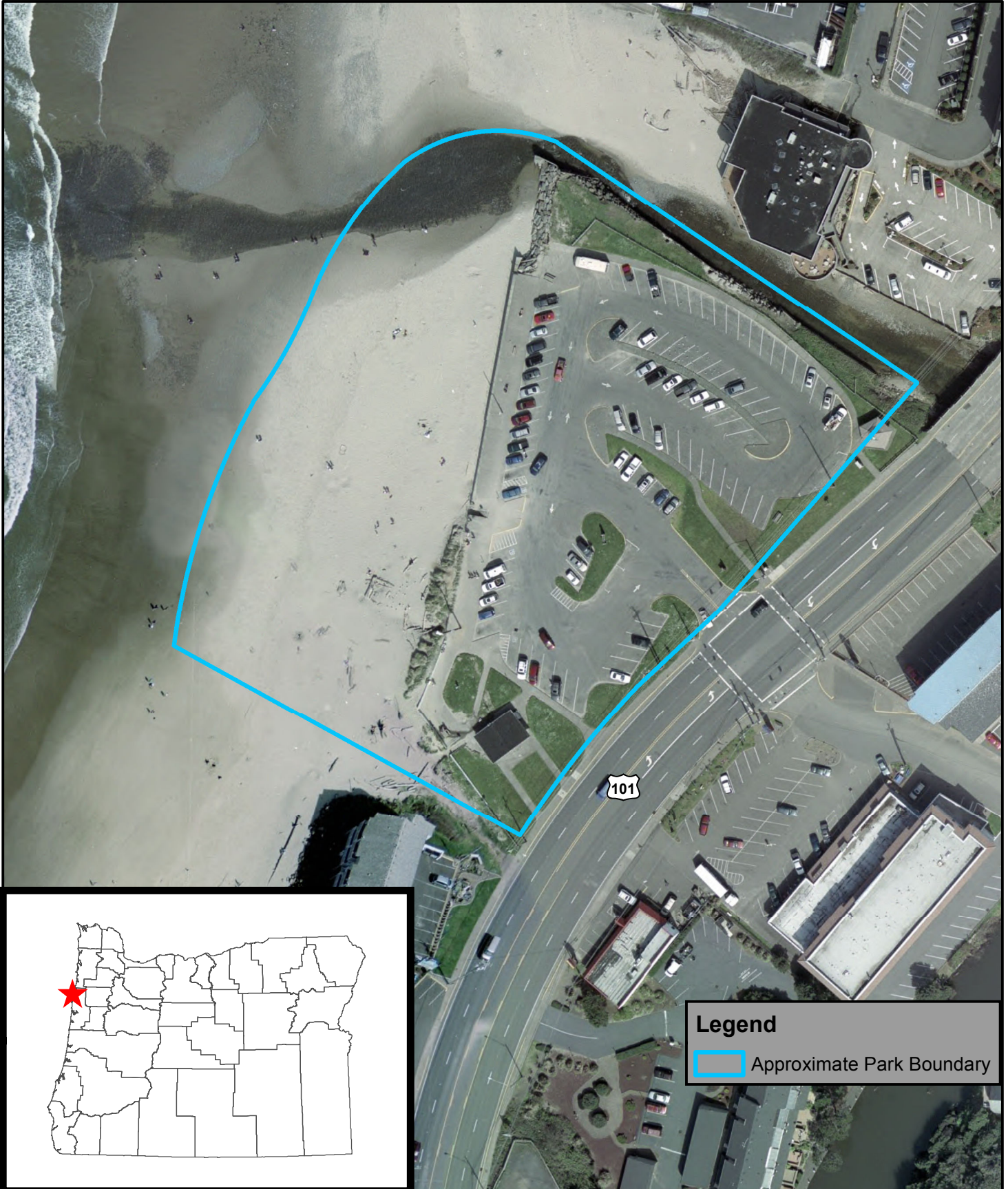
D River SRS

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

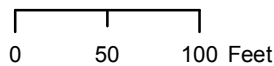


April 18, 2018

Agenda Item 5a



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amb 3/16/2018

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 5B

Informational

Topic: Driftwood Beach SRS – Easement to OSU

Presented by: Laurel Hillmann, Burke Hales of OSU, and Justin Klure of Pacific Energy Ventures, LLC.

Oregon State University (OSU) is planning to construct and operate the Pacific Marine Energy Center South Energy Test Site (PMEC-SETS or the Project), the Nation's first grid-connected wave energy test facility. The PMEC-SETS would be located in the Pacific Ocean, approximately six nautical miles off the coast of Newport, Oregon on the Outer Continental Shelf (OCS) and would occupy an area of approximately two square nautical miles. The Project would support up to 20 commercial-scale wave energy converters (WECs) and transfer power to the Central Lincoln People's Utility District (CLPUD) electrical distribution system. The Project could generate up to 20 megawatts (MW) of power that would travel through four individually buried subsea transmission cables running from the test site to a terrestrial cable landing point. A fifth, auxiliary power/data cable would also be installed. The proposed plan is to utilize Driftwood Beach State Recreation Site (Driftwood) in Seal Rock, Oregon as the underground cable landing and splicing location. At Driftwood, the underground aspects of the project would provide the critical connection (i.e. cable splice) between the subsea transmission cables and terrestrial cables that would carry the power to a utility connection and monitoring facility (UCMF) located on an OSU-owned property approximately 1/3 of a mile south down Highway 101. From the UCMF, power would then feed into the CLPUD distribution system on Highway 101.

The construction activities at Driftwood includes installation of underground infrastructure consisting of conduits, subsea cables, terrestrial cables, cable splices and five splice vaults, also known as "beach manholes" or BMHs. Underground infrastructure would be located underneath the beach, parking lot and the park access road leading to Hwy 101.

Construction operations at Driftwood would occur in two Phases (A and B), occurring over separate time periods. Approximately 6-8 months is currently anticipated between completion of Phase A and commencement of Phase B. Phase A would involve the construction work to install the underground project components noted above, utilizing Horizontal Directional Digging (HDD) and related equipment. This phase would involve significant digging and disturbance to the existing paved parking lot. Site repair and remediation would occur after completion of Phase A, representing the conclusion of major construction activities.

Phase B would involve installation of cables (both subsea and terrestrial) into the previously installed conduit and BMH infrastructure. Phase B operations are not expected to cause significant site disturbance to the newly renovated Driftwood parking lot and road and therefore remediation is not expected to be required as a result of Phase B operations.

The expected extent of disturbance would be the entire parking lot at Driftwood. Subsurface disturbance via digging and trenching would occur over the Eastern half of the parking lot to depths of approximately 12 feet for burial of the 10-foot tall BMHs and conduits. The remainder of the parking lot would be used for staging of equipment and materials during drilling work.

Drill spoils would temporarily be stored in containers on site prior to removal and disposal off site. Disturbance to the parking lot surface is expected in all areas due to use of heavy equipment. The total area of disturbance would therefore likely cover the entire parking lot area of 125 feet (north-south) and 240 feet (east-west). No disturbance to unpaved areas of the park is anticipated.

Upon completion of all construction work, all disturbed facilities would be returned to original or better condition, including grading and repaving of the parking lot and any disturbed sections of the entrance road.

Phase A construction would occur over a period of 6-7 months, commencing around April 1 and concluding October 31, 2020. Due to a need to conduct diving operations to support the shore approach drilling, construction would need to commence around April 1. There is built in contingency regarding schedule into the above time period. However, once construction begins, all major schedule risk areas will have been mitigated for.

Phase B cable installation work would be performed in concert with the timing of offshore subsea cable installation. This work would require 45 days of full site closure, with 52 days total on site. This work would be required to occur during the summer months due to the related marine activities.

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

Once installed, the only visible impact of the installed BMHs would be the five manhole covers at grade level within the parking lot itself. These would be similar to utility manhole covers used in roadways, parking lots and sidewalks. There would be no use restrictions and no impact to the public's outdoor recreation experience at the site post installation unless an emergency situation arose and an area needed to be blocked off for public safety reasons while the situation was being remedied.

This project is funded by the U.S. Department of Energy (\$35M) and Oregon State University (\$3.8M). In addition to supporting the development of new, clean energy technologies, the project will provide power for local needs. The total project boundary is within ½ mile of Driftwood, which is a Land and Water Conservation Fund property (LWCF). OPRD is evaluating whether construction impacts warrant mitigation under LWCF rules. OPRD is also discussing property rights including easements and/or rights-of-way that OSU may desire for the underground cables and vaults.

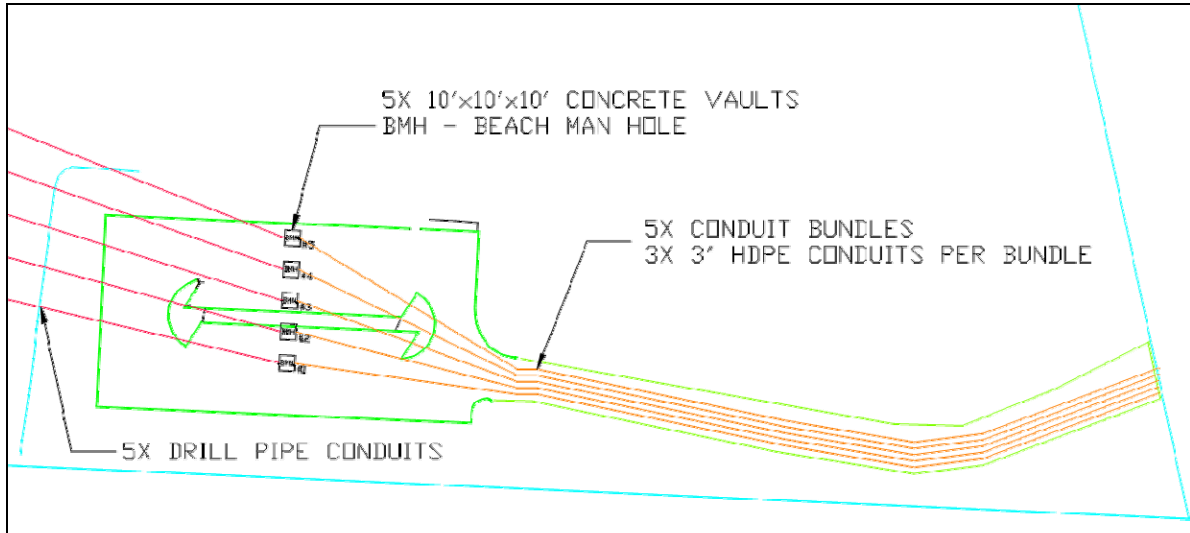
Prior Action by Commission: None

Action Requested: None.

Attachment 1: Map

Prepared by: Alice Beals, Laurel Hillmann and Justin Klure

Below is a diagram of the proposed location of the BMHs and cables out to Hwy 101. Cables from the BMHs to Hwy 101 would be installed using HDD methods, therefore, no major road disturbance is expected. OSU will develop a HDD contingency plan to address any potential emergency situations in Driftwood and surrounding areas (e.g. dune habitat).



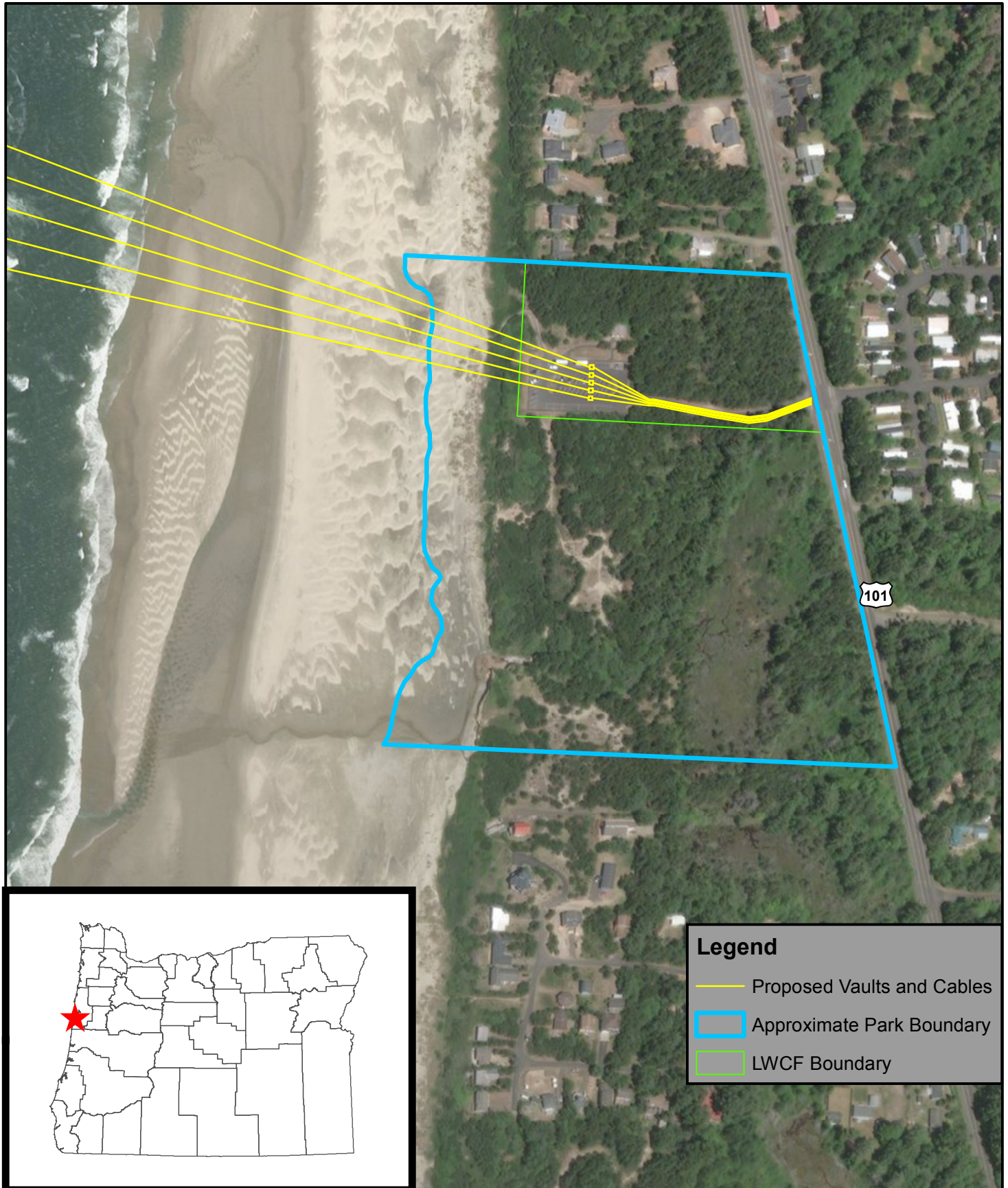
Driftwood SRS

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



April 18, 2018

Agenda Item 5b



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Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item:	5c	Action
Topic:	Deschutes River Trail Easement to OPRD	
Presented by:	Kammie Bunes, Right of Way Agent	

Tumalo State Park is located just five miles northwest of the City of Bend along the spectacular Deschutes River. The park is approximately 330 acres and offers picnicking, fishing, yurts, camping, and hiking.

The park includes two miles of the 12-mile Deschutes River Trail. The trail route will eventually connect Tumalo State Park to the City of Bend across public lands and trail easements. The Department recently completed trail improvements along approximately one-and-a-half miles of trail, linking the state park to land owned by the Bend Park and Recreation District (“BPRD” or “District”), part of BPRD’s Riley Ranch Nature Reserve. This stretch of trail includes easements across two private ownerships. One of those easements is held by the state, the other by BPRD.

The District negotiated acquisition of their trail easement from a private landowner (Elkins) as part of the Riley Ranch acquisition in 2010. This easement provides connectivity between two state park parcels. The easement allows for BPRD to assign their interest to the Oregon Parks and Recreation Department (OPRD). The exact location of the easement was recently surveyed and the updated legal description amended into the easement. Trail construction is completed. The ten-foot wide easement is approximately 1,187 feet long.

District and OPRD staff agree this is a good time for BPRD to assign the easement to OPRD. OPRD’s obligations will be to maintain the trail in a safe condition, collect trash, control erosion, and maintain signage, just as we are already doing on our trail segment. This work can be accomplished with existing staff. There is no charge to OPRD for the easement.

Prior Action by Commission: Commission Agenda Item 5a, Deschutes River Trail Easement to OPRD, February 22, 2018 (Information).

Action Requested: Approve transfer of the Elkins trail easement from Bend Park and Recreation District to Oregon Parks and Recreation Department.

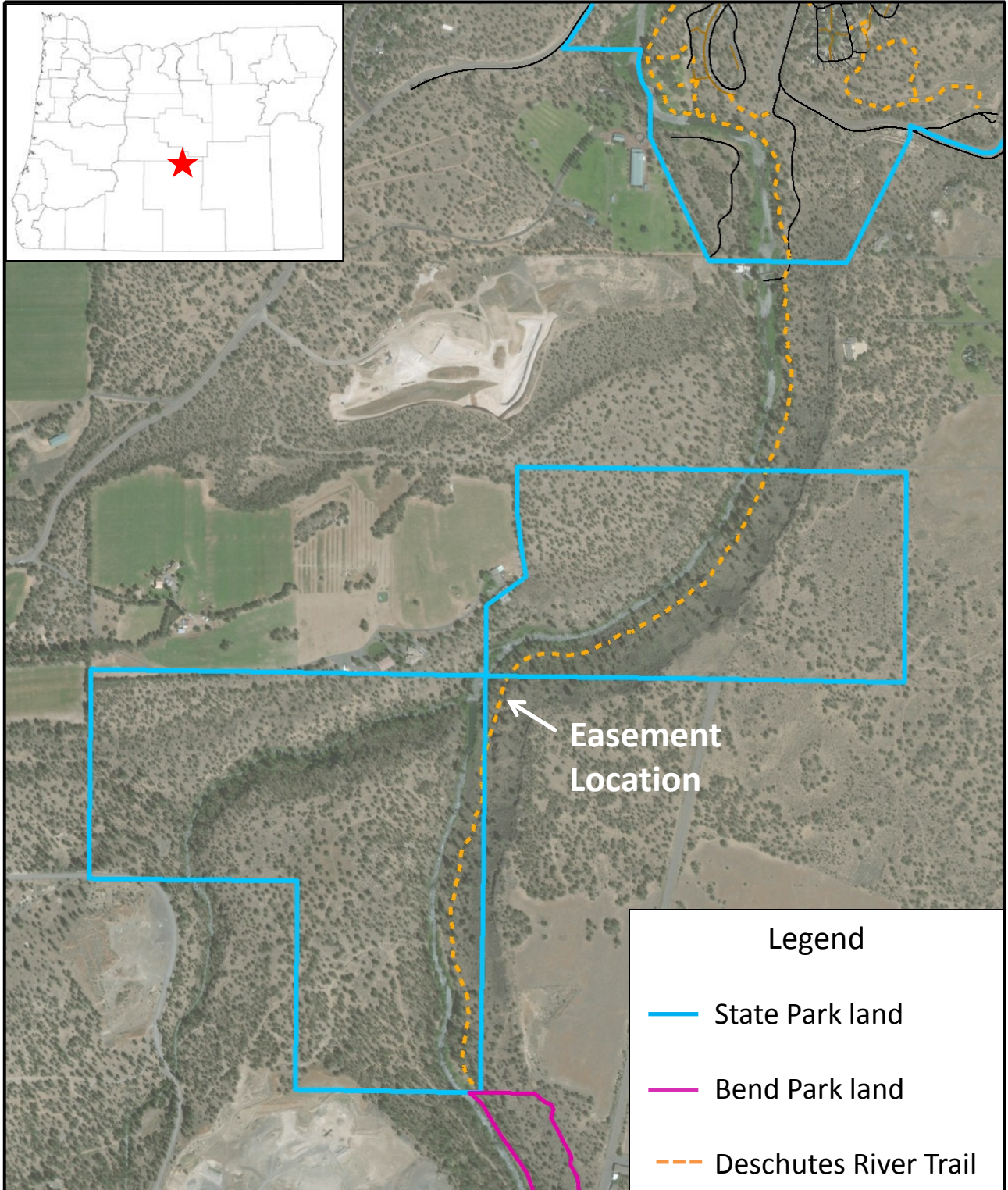
Attachments: A: Map

Prepared by: Kammie Bunes

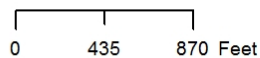
Tumalo State Park

Bend Park Department Trail Easement

Commission Agenda Item 5c; April 18, 2018



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Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item:	5d	Information
Topic:	Bates State Park, Water Right Division	
Presented by:	Scott Nebeker, Park Development Administrator Dennis Bradley, Manager, Clyde Holliday MU Matt Rippee, Manager, Eastern District	

Acquisition of property for Bates State Park was approved by the Oregon Parks and Recreation Commission in January 2008, with park opening occurring in 2011. Eight water rights accompanied the acquisition of this property. After consultation with the local Water Master, a plan discussing the status and recommended action for the water rights was completed. All of these actions have been completed for 6 of the 8 water rights.

Two water rights are associated with municipal use for the former community of Bates. These two water rights are shared between OPRD and a long time area ranch, Ricco Ranch. Ricco Ranch and OPRD separately own portions of the original Bates Mill property and the community of Bates. The water rights are municipal rights and as such are not subject to forfeiture due to lack of beneficial use. The current issue under consideration is how best to separate these water rights and avoid the potential for conflict over use since there is no formal percentage split of the water between OPRD and Ricco Ranch.

OPRD does not currently use nor foresee using the water from these sources at Bates State Park. Soon after the mill closed in 1975, the subject artesian well and spring water has been used for irrigation and stock watering by Ricco Ranch. Work to control these water sources, provide any improvements at the source, and any other required metering will be done after the shared water right division is complete.

In meetings with the local Water Master, OPRD has found there is no predetermined methodology for determining ways to split the water right in this case because the original intent of the water (municipal water usage) does not exist. Typically, acreage would be used to determine water right split when water rights are associated with irrigation or general agricultural uses.

In the case of a municipal water right, a more relevant measure was felt to be Equivalent Residential Unit's or ERU's. ERU's are a measure of the average amount of water a typical residence uses in a month. It is a common tool in the municipal water world. A residence by definition is 1 ERU. Non-residential users are assigned an ERU number based on water usage. As an example, a business that used twice the amount of water as an average residence would be assigned 2 ERU's.

OPRD staff used the ERU method to determine a proposed water right split. Historic pictures and interviews with past residents were used to estimate how many and what type of buildings were historically located on property owned by OPRD and Ricco Ranch. Estimates were made for non-residential uses based on number of rooms or students in the case of a hotel or school. This method resulted in a percentage split of 21% for OPRD and 79% for Ricco Ranch.

Staff are proposing that OPRD enter into an agreement with Ricco Ranch with negotiated terms to split water rights based on ERU's and transfer that portion of the water rights in question to Ricco Ranch with certain restrictions on use. These restrictions would likely include language that placed restrictions on activities that were detrimental to park operation or visitation. This option will be discussed in more detail as part of the business meeting for this information item.

Prior Action by Commission: None.

Action Requested: None.

Attachments: A: None

Prepared by: Scott Nebeker

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item:	6a	Information
Topic:	Nehalem Scenic Waterway Candidate Study	
Presented by:	Alexandra Phillips, Bikeways and Waterways Coordinator	

BACKGROUND

The Oregon Parks and Recreation Department (OPRD) is responsible for administering the State Scenic Waterways Program, which is designed to protect the existing scenic, natural and recreation values of the 22 designated waterways throughout the state. OPRD is directed by statute (ORS 390.855) to periodically study new waterways for potential inclusion in the program.

This Oregon Scenic Waterway study, conducted by OPRD, serves as the statutorily required first step in the process to possibly designate a new Oregon Scenic Waterway. That process, established by ORS 390.855, allows for the governor to designate new state scenic waterways following study and recommendation of the Oregon Parks and Recreation Commission and concurrence of the Oregon Water Resources Commission. This study, covering approximately 17.5 miles of the Nehalem River, was done to accomplish three objectives:

- 1) Determine if the river segment meets the qualification criteria for designation as an Oregon Scenic Waterway (ORS 390.855).
- 2) If the qualification criteria are met, outline in general what type of management designation would be appropriate for the waterway.
- 3) Summarize the public comments received.

WATERWAY QUALIFICATION CRITERIA

In May of 2017, OPRD evaluated 17.5 miles of the Nehalem River during a field visit using qualification criteria established by ORS 390.855. Representatives from Oregon's Department of Forestry and Water Resources Department were in attendance. Based on the field visit and public input, the entire study area met the criteria qualifications for an Oregon Scenic Waterway.

- The study area is completely free-flowing as determined by the Water Resources Department.
- The scenic quality of the study area meets or exceeds the standard of "pleasing" with areas where the scenery is outstanding in nature. The study area is a rural landscape and with a variety of geologic, plant and wildlife features visible from the river. There are

cultural modifications such as a few homes, the road, two bridges, a small rail line and evidence of logging. The cultural modifications are localized and do not detract noticeably from the pleasing scenic views of the area. Most of the visual signs of logging are beyond the ¼ mile study corridor or not viewable from the river.

- It appears that current recreation use is such that the river and its setting are able to maintain existing natural and recreational values without undue impairment and able to sustain current recreation use.

PUBLIC INPUT FINDINGS

The public was notified of the study and the opportunity to comment via individual letters sent to all landowners listed on tax lot data, emails sent to approximately 160 interested parties and a media release announcing the study and the upcoming public meeting was covered by several local newspapers. Approximately 40 people attended the September 12th public meeting in Nehalem.

The following findings summarize public input received thus far in the process:

- Public comment received at the public meeting and through written comments indicates there is strong support for designating the study area.
- The Clatsop County Board of Commissioners support designation. The Tillamook County Board of Commissioners oppose the designation.
- A total of 1,409 comments were received. Ten were in opposition. 1,327 form emails were received generated from approximately three conservation groups that sent email alerts to their membership. Eighty-two were unique letters.
- Some comments indicated that the program did not offer enough protection.
- Three commenters indicated that they are landowners within the study area; two opposed and one in support. The opposition was over concern for more government regulation and that it would not allow property owners to make improvements to their property.
- There was general agreement that the study area did meet the criteria (i.e., free-flowing, scenic views from the river, outstanding recreational and natural values). Most also indicated that the study area could sustain substantial recreation use without undue impairment, though a few commenters stated the study area could not sustain more recreation use than currently exists. A few commenters indicated that the scene was not primitive or rural pastoral due to logging.
- There seemed to be confusion about what the program does and does not do and confusion with adjudicated navigable rivers, promotional “water trail” programs and federally designated wild and scenic rivers. Some of the comments seemed to indicate that the program would address water quality issues. Other comments indicated an assumption that the designation would either stop timber harvest or greatly curtail it and would not allow any future development.

WATERWAY STUDY CONCLUSIONS

The Nehalem River study area is a strong candidate for the State Scenic Waterway program. The vast majority of comments received support the designation, including support from Clatsop County Board of Commissioners. There is some opposition from landowners and others including the Tillamook County Board of Commissioners.

CURRENT HAPPENINGS

Staff is currently identifying and selecting interested stakeholders to begin working on the draft management plan. The first group meeting will likely occur in late April.

NEXT STEPS

Staff is scheduled to submit the completed study report at the June OPRD Commission meeting for a vote on the recommendation. If the OPRD Commission approves the recommendation, staff will continue to work with the stakeholder group to create and finalize the draft management plan. The public will have opportunities to comment on the plan once the draft is developed.

During the 2016 scenic waterway studies, the OPRD Commission decided that it was best to develop the management plan before the report is forwarded to the governor. The management plan is developed according to ORS chapter 183 and includes public meetings and hearings. OPRD is also required to consult with the State Board of Forestry, the State Department of Agriculture and the affected counties.

The results of the public meeting and the draft management plan is tentatively scheduled to be presented to the OPRD Commission at their September meeting for a vote to forward the recommendation and proposed management plan to the governor's office.

Prior Action by Commission: The Commission received an informational report on Scenic Waterways potential candidates in June 2017.

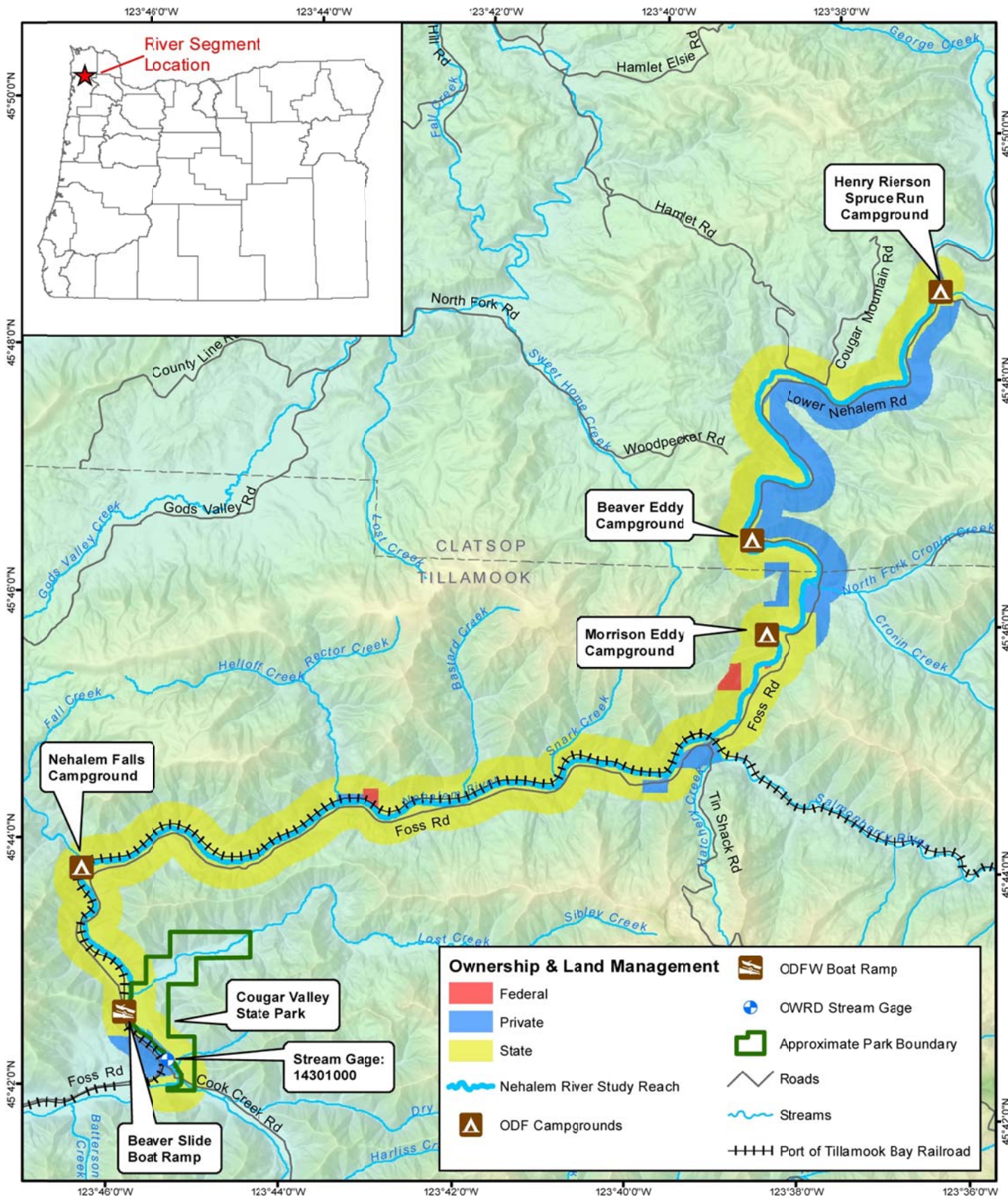
Action Requested: None

Attachments: Nehalem River study area map

Prepared by: Alexandra Phillips

Nehalem Scenic Waterway Study Segment

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



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NMOB-03299 9/18/2017
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Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item:	6b	Action
Topic:	Land and Water Conservation Fund (LWCF) Grant Requests	
Presented by:	Jan Hunt, Grants and Community Programs Manager Michele Scalise, Lead Grant Program Coordinator	

Background:

Congress established the LWCF in 1964 to create parks and open space; protect wilderness; wetlands and refuges; preserve habitat; and enhance recreational opportunities. The federal funds for this program come primarily from Outer Continental Shelf revenues derived from leasing oil and gas sites in coastal waters. Over time, Oregon has received approximately \$65 million from this source.

Categories of eligible projects include acquisition, development, and rehabilitation. Eligible applicants are cities, counties, park and recreation districts, metro, port districts, tribes, and Oregon State agencies. Funds are allocated 60% to local agencies and 40% to state agencies. Project Sponsors must provide at least 50% funding match. Funded projects must be maintained in perpetuity.

All project applications for 2018 are listed on the attached spreadsheet. OPRD staff first conducted a technical review. The Oregon Outdoor Recreation Committee (Grant Advisory Committee) meets April 12, 2018 in Salem and after listening to presentations and using criteria established in the Statewide Comprehensive Outdoor Recreation Plan (SCORP), they will rank the state and local projects.

There were sixteen grant applications received requesting a total of \$3,657,036. There were thirteen local agency applications and three State agency applications. There is an estimated \$2,577,339 available from the National Park Service. The Oregon Outdoor Recreation Committee ranking of the projects was not available until after the Commission meeting material deadline (March 16), the official ranking will be given to the Commission under separate cover.

Prior Action by Commission: Prior annual LWCF approvals through time.

Action Requested: Staff requests that the commission approve the ranking and distribution of LWCF grants as recommended by the Oregon Outdoor Recreation Committee and award funds as they are available. Be advised that final grant award amounts may be adjusted pending pre-award project inspections.

Attachments: 2018 LWCF grant requests.

Prepared by: Michele Scalise

2018 Land and Water Conservation Fund Applications

Applicant	Project Name	Project Description	Funds Requested	Total Cost
City of Madras	Madras Spray Park	Wet play area and approximately nine aquatic play features including a touch and go system.	\$136,800.00	\$275,000.00
City of Corvallis	Central Park Playground Improvements	Rehabilitation of existing playground that has outlived its useful lifespan and is not ADA compliant.	\$175,000.00	\$450,000.00
City of Sutherlin	Ford's Pond Community Park (Project 1)	Project 1 - fully accessible 10-foot wide paved path extending around the pond's 1.7 mile perimeter.	\$225,128.00	\$451,128.00
fDouglas County Parks Department	River Forks Park - Restroom Restoration	Replacement of (2) Restrooms that service the highest used park in Douglas County.	\$287,125.00	\$574,250.00
OPRD	Honeyman Restroom/Shower Building Rehabilitation	Two 1960-era wood restroom facilities will be replaced by a new, ADA-compliant facility with upgraded water, electrical and plumbing systems, and the sites repurposed for firewood services and expanded hiker/biker facilities.	\$665,000.00	\$1,330,000.00
City of Baker City	Quail Ridge Golf Course: Irrigation Renovation	Rehabilitation of the irrigation system on Quail Ridge Golf Course.	\$107,500.00	\$930,000.00
City of Sublimity	Early Settlers Park Improvements	Restroom facilities that are ADA compliant with connecting ADA sidewalks to access the rest of Early Settlers park.	\$124,500.00	\$252,000.00
Confederated Tribes of Warm Springs	Warm Springs Ballfields Rehabilitation project	Rehabilitation of 2 adult and 4 Little League ballfields.	\$360,500.00	\$721,000.00
Josephine County Parks	Whitehorse Park Renovation: Phase 1	New infrastructure, restrooms/showers and replacing outdated tent sites with Full Hook Up Sites for the modern RV.	\$300,000.00	\$1,420,449.81
OPRD	Silver Falls Water System Rehabilitation	Upgrade a 58-year-old, 150,000 gallon redwood water tank to a steel plate water tank of equal size and rehabilitate the plumbing and electrical systems.	\$350,500.00	\$701,000.00
OPRD	Minam Water System Rehabilitation	Rehabilitate a 40-year-old water system and enhance the electrical service at the park's 22 campground sites.	\$187,500.00	\$375,000.00
City of Prineville	Barnes Butte Recreational Complex Racetrack	Rehabilitate a 1/2 mile horse racetrack with multiple surfaces.	\$135,570.00	\$297,315.00
Hillsboro Parks and Recreation	Frances Street Park Improvements	Development of an existing 9-acre neighborhood park including a picnic shelter and a sand volleyball court among other ADA improvements.	\$90,000.00	\$180,625.00
Tualatin Hills Park & Recreation District	Crowell Woods - A New Neighborhood Park	Develop a new 7.5-acre neighborhood park and natural area in an underserved area of the Tualatin Hills Park & Recreation District (THPRD)	\$384,104.00	\$1,200,310.00
Tualatin Hills Park & Recreation District	Commonwealth Lake Park Bridge Replacement	Replace a 40-year old deteriorating, non-compliant pedestrian bridge with a newer and safe bridge.	\$60,554.00	\$121,108.00
City of Wood Village	Park Trail Head, Wetland and Natural Playground	Trail head to connect to the City Park and Regional trails, wetland and natural parks.	\$61,639.00	\$123,278.00

Total Grant Requests \$3,651,420.00

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 6c

Information

Topic: ATV Highway Access Routes (SB 344)

Presented by: Ian Caldwell

BACKGROUND

Senate Bill 344 (SB344), effective January 1, 2018, directs the Oregon Transportation Commission (OTC) to designate ATV access routes on state highways throughout Oregon in consultation with the All-Terrain Vehicle (ATV) Highway Access Route Committee (committee). OPRD, in partnership with Oregon Department of Transportation (ODOT), was tasked with creating and providing staff resource for the committee.

The Committee consists of seven members:

- Two representatives of ATV users
- One representative of a city or county
- One representative of a law enforcement agency
- One member of the public
- One non-voting OPRD member
- One non-voting ODOT member

OPRD and ODOT Directors have appointed all committee positions as directed by SB344.

The purpose of SB344 is to link communities, via incidental use of state highways, with nearby ATV riding opportunities on public lands and link existing trails to create long-distance trail connections for ATV riders. These Highway Access Routes will benefit local communities by providing enhanced recreational opportunities and encouraging tourism.

The first committee meeting was held on Thursday, January 25th in Salem. Committee accomplishments during the first meeting include:

- Finalizing factors (e.g., site of distance, road speed, amount of traffic, local support/opposition, need, etc.) for consideration
- Finalizing an ATV State Highway Access Route Application
- Establishing a process for recommendations

Prior Action by Commission: None

Action Requested: None.

Prepared by: Ian Caldwell

Attachments:

Attachment A – ATV Highway Access Route Process

Attachment B – Considerations List



Application Process

- 1) Proponent calls or emails Oregon State Park Staff to discuss project and obtain application and ODOT contact information.
- 2) Proponent calls or emails ODOT District Manager to discuss proposal. ODOT is not giving approval at this time, but discuss proposal and identify potential/real issues.
- 3) Proponent submits application and all required documents for proposed route(s) to OPRD Representative.

Application Acceptance

- 1) Staff reviews the application for completeness and feasibility.
- 2) Committee will review the application. Depending on Staff and committee time, application will be initiated into a project, prioritized, returned for more information or denied.

Review Process

- 1) Staff and 1-2 Committee members meet individually with Stakeholders: County Commissioner, Sheriff's Office, road authority, ATV Club, city rep.
- 2) Full Committee (if possible) conducts a site visit of the proposed ATV access route and surrounding conditions (does not require quorum).
- 3) OPRD conducts public meeting to explain the proposed ATV access route and receive comments.

Report

- 1) Committee meets to discuss proposal and make a recommendation to Oregon Transportation Commission (OTC) for approval.
- 2) OPRD and ODOT will prepare a report for the Commission including findings, issues and concerns. Committee must approve report.
- 3) OTC will review at Commission meeting and either approve, deny or request further action or more information.

Implementation

- 1) Upon Approval, ODOT and OPRD will proceed with designation and signage. OPRD will be responsible for costs associated with: signage, other improvements to the route, maintenance and upkeep. ODOT will be responsible for actual installation, maintenance and upkeep and will bill parks. OPRD and ODOT will develop an Intergovernmental agreement.

**State Highway ATV Access Routes
Considerations for Applications
Attachment B**

Broad categories per SB 344

- Create connections
 - Adjacent Landowners
 - Road Conditions
 - Desire of Community
 - Consistency with local ATV use on local roads
 - Safety
-

Creates Connections by:

- Promoting tourism and economic development by providing access to local hotels, restaurants, fuel, stores and general services.
- Improving trail and riding area access between areas when separated by short stretches of state highway.
- Improving city or county road connectivity between roads when separated by short stretches of state highway. For example, when crossing a bridge or lack of local roads.
- Providing rider/user convenience between staging areas by reducing the number of times ATV transportation is required.

Minimize affects to Local Landowners:

- Consider if land is residential, business or farm/ranch.
- Number of riders using the route.
- Options for Mitigation?

Road Conditions:

- Volume of highway traffic – Preferred access routes include those with light traffic and very low usage by large trucks.
- Posted road speed – Lower speed limits preferable, but speed is one variable to be considered as part of the larger picture.
- Line of sight – Consider how far riders and oncoming traffic can see each other. Straight, flat stretches of road are preferred.
- Types of current users - Preferred access routes include those with limited volumes of pedestrians and bicyclists.
- Location of route – Are ATVs staying on pavement, gravel shoulder or dirt right-of-way? Where are ATVs entering and exiting State Highway?
- Width of road – How wide is the paved surface, shoulder and right-of-way? Are there guardrails or steep drop offs on the sides of the road?
- Distance travelled on/along highway – Shorter distances are preferred. Use of county or city roads where available are preferred.
- Will upgrades to existing facility need to be made, or anticipated regular maintenance required due to ATV use? Costs should be estimated and considered.

Desire of community:

- Public meetings, letters, discussions with stakeholders
- Have local jurisdictions passed ordinances to allow ATV use?
- Support from community members.
- Promotes a positive future for ATV recreation, statewide.

Consistency with city and county roads:

- Other county, city, USFS/BLM roads needed for the route must first be designated as open to ATV use.
- Provide a connection or missing link with city streets where the highway passes through town.

Safety:

- Risk to rider – How to minimize?
- Risk to others – How to minimize?
- Road or path conditions.
- Number of accesses to cross – potential traffic conflicts.

Environmental Impacts:

- Sensitive plants or animals – are there impacts?
- Invasive or Noxious weeds – Are there weed issues in area? Might need to look at soil disturbance and spreading of weeds.
- Erosion – Are there soil conditions, gravel shoulders or slopes that could be impacted by ATV use or can it be mitigated?
- Archeological or historic sites – Are there sites that need protection?
- Dust – Will there be excessive dust? Prevailing winds? Can dust abatement be used or gravel route?

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 6d Action

Topic: ATV Advisory Committee New Member Recommendations

Presented by: Jan Hunt, Grants and Community Programs Manager
Ian Caldwell, ATV Program Lead

GUIDANCE:

The All-Terrain Vehicle (ATV) Program currently has one vacant Law Enforcement Representative position that serves on the ATV Advisory Committee. The ATV Advisory committee is made up of sixteen voting members and one nonvoting member representing various disciplines.

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

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

Recommended Law Enforcement Representative: Sergeant Nick Hansen

Sergeant Nick Hansen has been with the Douglas County Sheriff's Office for over 10 years and would bring extensive Dune Patrol experience to the ATV Advisory Committee. Nick grew up riding ATV's in the Florence area as well as Central Oregon. After graduating with a degree in Criminal Justice, Nick received further training in Criminal Investigations and is a certified Drug Recognition Expert. Nick was on Dunes Patrol as a Deputy from 2009 -2012, and currently is the Sergeant supervising the Dunes Program. Nick brings his experience, training and dedication to the ATV Program and will have the needed time and support from the Douglas County Sheriff's Office to perform his duties as a Law Enforcement Representative.

Prior Action by Commission: None

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

Attachments: None

Prepared by: Ian Caldwell

Oregon Parks and Recreation Commission

April 18, 2018 Meeting

Agenda Item: 6e

Action

Topic: Oregon Recreation Trails Advisory Council Appointment

Presented by: David Stipe, Planning + Design Manager

Background:

Consistent with ORS 390.977 the Oregon Recreation Trails Advisory Council (ORTAC) consists of seven members, at least one from each congressional district and not less than two members from separate counties bordering upon the ocean shore. Members of the council are appointed by the commission, serve four-year terms and are eligible for reappointment. The Council currently has one vacancy to fill and three positions requesting reappointment.

The Congressional District 5 representative, Becky Wolf, completed her term in November of 2017. OPRD conducted a 60 day solicitation to recruit a Congressional District 5 representative. We received 1 nomination before the deadline and two following. The timely application was reviewed and as the candidate was deemed qualified for the position the late nominations were dismissed. These finalist were reviewed by the ORTAC and a nominee was selected for your consideration.

Del Scharffenberg is being recommended as the Congressional District 5 representative. Del has served for 10 years on the Clackamas County Pedestrian and Bicycle Advisory Committee. He is a lifelong cyclist, daily cycling commuter, ride leader for the Portland Wheelman and a frequent trail runner. Del works in the Tech industry and makes an approximately 20 mile one way commute to work nearly daily on his bicycle.

Prior Action by Commission: Approved previous recommendations in June, 2016.

Action Requested: Approve ORTAC Recommendations for ORTAC Congressional District 5 representative.

Attachments: None

Prepared by: David Stipe

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item:	7a	Information
Topic:	Heritage Division Update	
Presented by:	Christine Curran, Heritage Division Director, Deputy SHPO	

Haskel Building in Baker City Rehabilitated with Heritage Division Grant

Located in the heart of Baker City's Downtown Historic District, the Haskel Building recently underwent a transformative rehabilitation of its ground-level storefront. Incompatible modern material was removed to reveal the historic cast-iron columns and transom windows, and compatible storefronts were installed to bring back the building's original, inviting appearance. The \$65,000 project was funded in part with a \$20,000 grant from OPRD's Diamonds in the Rough Grant Program. The Program seeks to enhance restore or reconstruct the facades of buildings that have been heavily altered over the years to return them to their historic appearance. These grants are part of the SHPO's Preserving Oregon Grant Program for the 2017-19 biennium. These grants are funded in part by the Oregon Cultural Trust.

Haskel Building Before Rehabilitation:



Haskel Building After Rehabilitation:



2018 – 2023 Oregon State Historic Preservation Plan

The Heritage Division recently published the 2018-2023 Oregon State Historic Preservation Plan. The Plan defines the Division's philosophy and approach to preserving Oregon's special, historic places. The document emphasizes cooperation across agencies, disciplines, and interest groups to pursue goals in education and outreach, advocacy and networking, historic resource identification and preservation, and funding, grants, and economic development that result in the commemoration and preservation of Oregon's shared past. The creation of the Plan was driven

by a robust public outreach effort. More than 170 Oregonians participated in a series of six public workshops and 348 people participated in an online survey. Staff also hosted sessions with key state commissions and work groups with special interest or expertise in cultural sites or heritage issues, including the State Advisory Committee on Historic Preservation, Oregon Heritage Commission, Oregon Cemetery Commission; Oregon Historic Trails Advisory Commission; and the Intergovernmental Cultural Resources Council, a working group of federal and state agencies and tribal governments. The Plan is a requirement of the National Park Service for continued funding for Division activities.

Prior Action by Commission: none

Action Requested: none

Attachments: none

Prepared by: Ian Johnson and Kuri Gill

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item:	8a	Information
Topic:	Update on Local Government Approval of Draft Brian Booth State Park Comprehensive Plan	
Presented by:	David Stipe, Planning + Design Manager Ian Matthews, Planner	

Background: OPRD creates and updates master plans for state parks in accordance with Oregon Administrative Rules Section 736-018. A Draft Master Plan was produced for Brian Booth State Park (located 7 miles south of Newport in Lincoln County) in 2014. The Draft Plan was formulated between 2012 and 2014 with extensive public input. It outlines natural resource management and development proposals for the newly established park, including plans for the new 164 campsite Chester Armstrong Campground. The Draft Plan was approved by the Commission in its February 2014 meeting, allowing OPRD to move forward with state rulemaking and Lincoln County land use approval.

Following Commission approval of the Draft Plan, Lincoln County formulated and adopted a new land use zone specific to parks with master plans, with the intent to allow OPRD to apply for a zone change and apply the new zone to Brian Booth State Park. The County process to update their zoning code took several years. In 2016, following the County's adoption of the new zone type, OPRD submitted an application to the County for approval of the Draft Brian Booth Master Plan and zone change to Park Master Plan Zone (the new zone adopted by the County).

OPRD appeared before the Lincoln County Planning Commission at a public hearing in November 2016, but a recommendation on the application was postponed because of concerns voiced by several neighbors at the hearing.

OPRD worked to resolve the issues with park neighbors and has requested a second hearing in order to move forward with the application for zone change and approval of the Draft Plan. OPRD and Lincoln County Planning staff will provide the Commission with an update on the status of that application.

Prior Action by Commission: The Commission approved the Draft Brian Booth State Park Comprehensive Plan on February 4, 2014.

Action Requested: None

Attachments: Draft Plan Figure 9.5, Park Facilities Development Plan

Prepared by: Ian Matthews

Oregon Parks and Recreation Commission

April 18, 2018 Meeting

Agenda Item: 8b

Information

Topic: Oregon Coast Trail Update

Presented by: Robin Wilcox and David Stipe, Planning + Design

Background:

In the 79th legislative session HB 3149 was introduced and signed into law. The bill directs Oregon Parks and Recreation Department to develop an Action Plan in cooperation with Oregon Department of Transportation to address the ‘gaps’ in the Oregon Coast Trail (OCT). HB3149 was drafted in recognition of the 50th anniversary of the Oregon Beach Bill which established the public’s right to uninterrupted use of Oregon’s shoreline and beaches.

The OCT was first conceived in 1971 by the State’s Trails Coordinator at OPRD kicking off efforts to develop sections of the trail, primarily in Oregon State Parks, In 1988, following numerous trail construction efforts over the years the trail was declared hikeable. At that time there were still numerous sections of the trail that required walking/hiking on local streets and Highway 101. These ‘gap’ sections were not improved by OPRD primarily because they were beyond park boundaries. The gaps were necessary trail sections to cross waterways, avoid high tide issues at rocky outcrops and to traverse around significant headlands.

In 2011, the State’s Trails Coordinator developed a connection strategy plan that formally identified the gaps in the OCT and provided some options to enhance hiker experience but no budget or coordination with local agencies or ODOT were pursued at that time.

OPRD is working collaboratively with the Association of Oregon Counties (AOC), Oregon Solutions, ODOT and Oregon Coast Visitor Association in a public outreach effort to assess the public involvement, local interest and ‘state of the trail’. The initial information gathering effort is intended to inform the development of a plan, the Action Plan, to address the ‘gaps’ in the OCT. The action plan will include alternatives to the current roadway sections, planning level cost estimates and prioritized list of projects.

Prior Action by Commission: No prior action

Action Requested: None

Attachments: HB 3149

Prepared by: David Stipe, Planning + Design Manager

Enrolled
House Bill 3149

Sponsored by Representatives SMITH DB, GOMBERG, BUEHLER; Representatives HEARD, HOLVEY, KENNEMER, MCKEOWN, WHISNANT, WILSON, WITT, Senators DEVLIN, HANSELL, ROBLAN

CHAPTER

AN ACT

Relating to the Oregon Coast Trail; and prescribing an effective date.

Whereas 2017 marks the 50th anniversary of the Oregon Beach Bill, House Bill 1601 (1967), in which the Legislative Assembly established the public’s right to uninterrupted use of Oregon’s shoreline and beaches; and

Whereas the Oregon Coast Trail spans more than 350 miles of Oregon coastline from the south jetty of the Columbia River on the north to the Oregon-California border on the south, taking advantage of the publicly owned beaches and providing connections between the beaches; and

Whereas the State Parks and Recreation Division began development of the Oregon Coast Trail in 1971 and declared it hikeable in 1988, and the State Parks and Recreation Department has a target date of 2021 for completion of the trail system; and

Whereas numerous trail segments or “gaps” require trail users to walk along the shoulder of US Highway 101 or on other roads not designed for pedestrian use; and

Whereas closing the gaps in the Oregon Coast Trail system will increase the safety of trail users and motorists alike; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The State Parks and Recreation Department shall, in cooperation with the Department of Transportation, other interested state agencies, local governments, nonprofit organizations and other stakeholders, develop an action plan to complete the Oregon Coast Trail. The plan shall identify and address:

(a) A preferred option for the development, maintenance and operation of each new trail segment intended to address a gap in the trail system, including the costs associated with the development, maintenance and operation, that:

(A) Takes into account the existing uses of the land where trail segments are to be constructed, including public highway right-of-way, private or public ownership and active rail use;

(B) Ensures that the designation of trail segments will not conflict with surrounding private property rights, including rights of way and easements; and

(C) Takes into account the concerns of the public and other interested parties;

(b) Prioritization of new trail segment construction based on resulting improved safety, immediacy of implementation, potential project sponsors and sources of funding;

(c) Potential sources of funding for implementation of the plan, including but not limited to federal, state and private sources; and

(d) Options for designation of final state agency or other responsible entities for the development, maintenance and operation of the trail and trail facilities as identified in the plan.

(2) The State Parks and Recreation Department may coordinate with nonprofit organizations to raise funds and to develop, maintain and operate the trail and trail facilities as necessary to implement the plan.

(3) The State Parks and Recreation Department shall submit an annual report to the Legislative Assembly on the progress made toward developing and implementing the plan required by this section.

SECTION 2. This 2017 Act takes effect on the 91st day after the date on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

Passed by House July 5, 2017

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate July 7, 2017

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 9a

Action

Topic: Request to adopt Rulemaking – adding Tribes to ATV Grant Programs

Presented by: Katie Gauthier

Background:

Currently, ATV grants are awarded to municipal agencies, federal agencies, other local and regional governments, private land managers, non-profit organizations and registered OHV clubs. This proposed rule would add tribal governments in Oregon as an eligible entity to apply. The rule also clarifies that all funds must be expended on lands in Oregon. As is the case with all ATV grantees, if a tribe were to receive an ATV grant, the land would need to be open for public ATV access.

In addition to the tribal access, the proposed rule changes would add 2 members to the ATV advisory committee based on a statutory change passed by the Legislature in 2015.

Public comment was open from March 1 thru March 31, 2018. Rulemaking notices were posted on our website, shared with interested parties, and posted on the Oregon Secretary of State's Bulletin, as well. In addition, a public news release inviting public comment was sent to statewide media outlets. A public hearing will be held in Salem on March 28 to provide an opportunity for in person comment. An outline of any public comments received will be provided to the Commission at the meeting.

Below is a summary of the proposed changes:

736-004-0015- Definitions. Corrects statutory references and changes membership of the All-Terrain Vehicle Advisory Committee from 15 members to 17. The additional two members were added by the Legislature in 2015.

736-004-0025- ATV Grant Program- Adds tribes to the list of public agencies that can apply for grants under the ATV grant program for ATV services on lands in Oregon.

736-004-0085- ATV Safety Education Card- Removes a date of "Effective January 1, 2012".

Prior Action by Commission: In February 2018, the Commission approved opening rulemaking.

Action Requested:

Staff requests adoption of amendments to 736-004-0015, 736-004-0025 and 736-004-0085. These revisions have been reviewed and approved by Assistant Attorney General Steve Shipsey.

Prepared by: Katie Gauthier

Attachments:

Attachment A – clean copy of propose rule

Attachment B- marked copy of proposed rule

9a Attachment A: Clean Copy

736-004-0015

Definitions

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

- (1) "Acquisition" means the gaining of real property rights for public use by donation or purchase including, but not limited to, fee title or easements.
- (2) "Approved Course Provider" is any individual or organization who instructs or provides an OPRD-approved Class I, III or IV ATV safety course.
- (3) "ATV" or "All-Terrain Vehicle" means:
 - (a) Class I ATV, as defined in ORS 801.190: a motorized, off-highway recreational vehicle that:
 - (A) Is 50 inches or less in width;
 - (B) Has a dry weight of 1,200 pounds or less;
 - (C) Travels on three or more pneumatic tires that are six inches or more in width and designed for use on wheels with a rim diameter of 14 inches or less;
 - (D) Uses handlebars for steering;
 - (E) Has a seat designed to be straddled for the operator; and
 - (F) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.
 - (G) Class I ATV's can also be known as quads, three-wheelers, or four wheelers.
 - (b) Class II ATV, as defined in ORS 801.193: any motor vehicle that:
 - (A) Weighs more than or is wider than a Class I all-terrain vehicle;
 - (B) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;
 - (C) Is actually being operated off a highway or is being operated on a highway for agricultural purposes under ORS 821.191 and;
 - (D) Is not a Class IV all-terrain vehicle.
 - (E) Class II ATV's include, but are not limited to vehicles that can also be known as four-by-fours, pickups, jeep, sand rails, dune buggies, and SUV's.
 - (c) Class III ATV, as defined in ORS 801.194: a motorcycle that travels on two tires and that is actually being operated off highway. Also known as dual sport bikes, enduro, dirt bikes.
 - (d) Class IV ATV, as defined in ORS 801.194 means any motorized vehicle that:
 - (A) Travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;
 - (B) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;
 - (C) Has nonstraddle seating;
 - (D) Has a steering wheel for steering controls;
 - (E) Has a dry weight of 1,800 pounds or less; and
 - (F) Is 65 inches wide or less at its widest point.
 - (G) Class IV may also be known as side-by-sides, recreational off-highway vehicle (ROHV), utility vehicle (UTV).
 - (e) May also be referred to as an OHV or Off-Highway Vehicle.
- (4) "ATV-AC" means the -seventeen-member All-Terrain Vehicle Advisory Committee established by ORS 390.565 and appointed by the commission.
- (5) "ATV Account" means those moneys described in ORS 390.555 and deposited in a separate account in the State Parks and Recreation Department Fund. Moneys in the ATV Account may also be called "ATV grant funds."
- (6) "ATV Grant Instruction Manual" means a manual prepared by OPRD containing state and federal policies, procedures, guidelines, and instructions to assist current and potential project sponsors.

- (7) "ATV Grant Subcommittee" means the seven-member subcommittee established by ORS 390.565(5)(a).
- (8) "ATV Operating Permit" means a permit (decal) issued through OPRD and which is permanently affixed to the vehicle. The permit authorizes the use of ATV's on trails and within designated areas authorized by the appropriate authorities.
- (9) "ATV Operating Permit Agent" means a person, business or government agency to whom OPRD consigns ATV operating permits and decals for sale as a service to the general public.
- (10) "ATV Operator Permit" means the ATV Safety Education Card issued upon completion of an OPRD-approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by OPRD.
- (11) "ATV Safety Checklist" is a document provided to a dealer, guide service, rental, or livery agent by OPRD that consists of selected facts about Oregon ATV laws.
- (12) "ATV Safety Course" is any OPRD-approved course of instruction that is offered by an approved course provider and concludes with an examination.
- (13) "ATV Safety Education" means those grant projects that include but are not limited to training programs, media with information for the public, safe riding practices, environmental ethics, or any combination thereof.
- (14) "All-Terrain Vehicle Safety Education Card" is the ATV Operator's Permit required by ORS 390.570, 390.575, and 390.577.
- (15) "Certificate of Completion" is a certificate generated by OPRD indicating completion of the internet ATV Safety Course.
- (16) "Commission" means the State Parks and Recreation Commission.
- (17) "Conversion" means any real property acquisition or development that is later wholly or in part converted to another use other than its intended and stated use as described in the grant application and the grant agreement.
- (18) "Correspondence Course and Self-Test" means a Class I, III or IV ATV safety course and examination provided by the OPRD that is taken at home without a proctor. This correspondence course and self-test will satisfy minimum standard of ATV safety education competency only for those individuals who have qualified for hardship status.
- (19) "Dealer" means any person or business duly certified under ORS 822.020 and 822.040 to sell Class I, III, or IV ATVs.
- (20) "Development" means the planning, design, construction and improvement of ATV recreational facilities, trails, and riding areas.
- (21) "Director" means the director of the Oregon Parks and Recreation Department.
- (22) "Dry Weight" means the unloaded weight, absent of all fluids, passengers, and any materials such as ice, snow or mud.
- (23) "Emergency Medical Services" means medical services performed by certified personnel and the necessary items to perform their duties.
- (24) "Endorsement Code" means an identifying color, text or mark on the ATV Safety Education Card that indicates the operator meets or exceeds OPRD's minimum standards in an approved hands-on ATV evaluation program.
- (25) "Equivalency Exam" means a comprehensive written examination created by OPRD to provide either Class I or Class III operators, who are at least 16 years of age and have five or more years operating a Class I or a Class III vehicle, the opportunity to meet the minimum standard of ATV safety education competency.
- (26) "Evaluation Course" means a course that measures the ATV operator's ability to demonstrate control of an ATV.
- (27) "Grant Agreement" means an agreement between OPRD and a project sponsor describing the terms and conditions of a project and its associated grant of funds.
- (28) "Grant Application" means the form and its format as developed by OPRD that the project sponsor uses to request ATV grant funds.

- (29) "Hands-on Training" means any OPRD-approved evaluation course offered by an OPRD-approved course provider.
- (30) "Hardship Status" means a situation or condition that prevents an individual from taking the ATV safety internet course. A hardship situation may allow an individual to use a correspondence course and self-test provided by OPRD. An individual must submit a written request for hardship status. The OPRD Director or designee has the authority to grant or deny hardship status.
- (31) "Instruction Permit" is a provisional permit issued by OPRD to youth under the age of 16 upon successful completion of the OPRD internet course.
- (32) "Internet Course" means an OPRD-approved course of instruction that is offered through the internet.
- (33) "Law Enforcement Services" means law enforcement services performed by certified personnel and the necessary items to perform their duties.
- (34) "Minimum Standards of ATV Safety Education Competency" means a standard of proficiency established by OPRD that determines whether an applicant for a Class I, III, or IV ATV Safety Education Card has met or exceeded the requirements of an ATV safety course.
- (35) "Notice to Proceed" means the notification from OPRD that the Director or designee and the project sponsor have signed the grant agreement authorizing the project.
- (36) "OHV" means Off Highway Vehicle, also called ATV.
- (37) "Operations and Maintenance" means the preservation, rehabilitation, restoration, operation and upkeep of the facilities, riding areas, and equipment, including the purchase of equipment necessary to perform these functions.
- (38) "OPRD" means the Oregon Parks and Recreation Department.
- (39) "Personal Property" means tangible property other than land: movable property including but not limited to items such as an ATV, trail repair equipment, or other movable property purchased through the ATV Grant Program.
- (40) "Planning" means the research, design, engineering, environmental, and site survey of ATV recreation areas, trails, or facilities.
- (41) "Project Sponsor" means the recipient of the grant funds and the responsible party for implementation of the project.
- (42) "Public Lands" includes publicly and privately-owned land that is open to the general public for the use of all-terrain vehicles.
- (43) "Real Property" means immovable property: land together with all the property on it that cannot be moved, together with any attached rights.
- (44) "Rider Fit" means the minimum physical size requirements that a Class I ATV operator under 16 years of age must meet in relationship to the vehicle to be operated as established by OPRD and described in OAR 736-004-0115.
- (45) "Successor" means a governmental entity that has agreed to accept the terms and conditions of the project sponsor's responsibilities as contained in the project sponsor's grant agreement and grant application should the project sponsor cease to exist; for example, if a club or non-profit organization should dissolve or disband. The successor shall agree to operate the project continuously for the public benefit and recreational purposes identified in the grant agreement and the grant application. If OPRD is a successor under OAR 736-004-0025(1)(c), OPRD may operate, sell, or qualify another successor to the project.
- (46) "Sustainability" means using, developing, protecting, and managing the resource in a manner that enables people to meet current and future generation needs from the multiple perspective of environmental, economic, and community objectives.
- (47) "Temporary ATV Safety Education Card" is a document issued by OPRD or an approved course provider allowing the bearer to operate a Class I, III, or IV ATV in Oregon for a period of time not to exceed 30 days.

Statutory/Other Authority: ORS 390.180 & 390.585

Statutes/Other Implemented: ORS 390.180

736-004-0025

Grant Application Eligibility and Requirements

(1) Eligibility for funding assistance:

(a) Public agencies: Federal land managers, state agencies, **Tribes** and local governments that have the responsibility, or are capable of, providing a service to ATV users **on lands in Oregon**;

(b) Private land owners or managers: Private land owners or managers who offer public OHV recreation opportunities **in Oregon** and will provide open public ATV recreation for a minimum prescribed period of daily or seasonal time and who will maintain the opportunity for a prescribed period of time as determined by OPRD;

(c) Clubs and non-profit organizations: ATV clubs and non-profit organizations registered with the State of Oregon for a minimum of three consecutive years;

(A) Clubs and non-profit organizations shall have in place, prior to receipt of any funding, a written agreement with a successor in which the successor agrees to operate the facility as described in the grant agreement and the grant application should the club or non-profit organization cease to exist, for example, due to disbanding or dissolution; or

(B) OPRD shall be listed on the title as successor to the property:

(i) OPRD may sell the property and shall deposit the net revenue from the sale into the ATV Account;

(ii) OPRD may operate the project; or

(iii) OPRD may qualify and assign another successor to the project.

(2) ATV projects or components not eligible for funding:

(a) Overtime is generally not eligible for funding except for an identified emergency situation;

(b) Overhead items such as office or building rent, insurance, depreciation and other fixed costs associated with the normal everyday operation of a business, agency or group;

(c) ATV projects that have no way to measure completion or specific intent are not eligible;

(d) Portions of projects completed prior to an ATV agreement or after the expiration of an ATV agreement;

(e) ATV projects that do not meet the goals of the ATV Grant Program, OAR 736-004-0020 to 736-004-0030, or are not in the best interest of ATV recreation;

(f) Vehicle or other personal property usage unrelated to the scope of the ATV project.

(3) Requirements for Match:

(a) The minimum match required for eligible ATV projects is 20 percent of the total project cost except for land acquisitions;

(b) For land acquisitions and when unusual circumstances exist, public agencies may request a partial or full waiver of the 20 percent match requirement. Consideration for the waiver will be based upon the following criteria:

(A) The public agency is able to demonstrate due diligence was exercised in obtaining other funds and that the following limitations, among others, are present:

(i) Budget authority does not exist;

(ii) Budget appropriations cannot be obtained in a reasonable time yet public support does exist; and

(iii) No saleable assets, such as conservation easements, exist from which to generate the full cash match requirement.

(B) The public agency is able to demonstrate their ability to operate and maintain the project property for ATV recreational purposes:

(i) By having budgeted funds in place; or

(ii) Having identified other resources such as volunteers or contracted services.

(C) The public agency is able to demonstrate that time is of the essence:

- (i) The seller of the real property has placed time limits in which the public agency can affect a purchase, such as the expiration of an Option to Purchase or a First Right of Refusal; or
 - (ii) The public agency can identify the possible loss of other existing matching funds such as grants from other entities that may have an expiration date.
- (D) If a waiver to the required partial or full match is approved, the public agency shall be limited in all future grant requests to receiving ATV grant funds in an amount of 50 percent or less of the total costs for any development projects located on the acquired property.
- (c) Match may include, but is not limited to, cash funds, labor, either force account or volunteer, materials, and equipment;
 - (d) Grants from other sources may be used as match provided the sponsor can certify the funds will be available within 120 days from the beginning date of the grant agreement;
 - (e) Eligible volunteer labor will require a log that includes the volunteer's name, date volunteer performed work, location volunteer performed work, the hours worked, and the hourly rate of compensation used for their contribution of labor.
- (4) Conversions:
- (a) It is the intent of the ATV Grant Program that all real property acquisitions or easements shall be retained and used for the project's intended and stated use as described in both the grant application and the grant agreement;
 - (b) The director has authority to disapprove conversion requests, reject proposed substitutions, or both;
 - (c) The project sponsor shall submit requests for conversions to OPRD in writing. OPRD may consider the request if the following prerequisites are met:
 - (A) All practical alternatives to a conversion have been evaluated and rejected on a sound basis;
 - (B) The project sponsor has established the fair market value of the property to be converted and the property proposed for substitution is of at least equal fair market value as established by a state-approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures or facilities that will not directly enhance its ATV recreation utility;
 - (C) The project sponsor proposes a replacement property that is of reasonably equivalent usefulness and location as that being converted.
 - (d) If the project sponsor is unable to provide replacement property within 24 months of either the approved request for conversion or after the fact of conversion, the project sponsor shall pay OPRD a current amount equal to OPRD's original percentage of contribution to the project. As an example, if the OPRD provided an original grant of 80 percent for the project's acquisition costs, the project sponsor shall reimburse OPRD 80 percent of the real property's value at the time of conversion or discovery of conversion, whichever is later;
 - (e) In the case of development, rehabilitation, and equipment purchases, the project sponsor shall operate the improvements or equipment for its established useful life. Guidelines established by the IRS will be used by the project sponsor to define useful life per each item. If the facility is closed, service is terminated and the facility or equipment has not reached its useful life, it will be made available to other agencies or organizations. If a facility is closed, service is terminated, or land is closed, or the facility or equipment has not reached its useful life, the project sponsor will return a percentage of the allocated funds to OPRD equal to the percentage of useful life remaining in the funded facility or equipment.

Statutory/Other Authority: ORS 390.180 & 390.585

Statutes/Other Implemented: ORS 390.180

736-004-0085

ATV Safety Education Card (ATV Operator Permits)

- (1) To operate a Class I or Class III ATV on public lands in Oregon, a person must obtain an ATV Safety Education Card (ATV operator permit).

(2) To operate a Class IV ATV on public lands in Oregon, a person under 16 years of age must obtain an ATV Safety Education Card (ATV operator permit).

(3) The criteria for obtaining an ATV Safety Education Card are:

(a) Attain a test score of at least 80 percent on an OPRD-approved internet safety course;

(b) Attain a test score of at least 80 percent on a correspondence course and self-test provided by OPRD;
or

(c) Be at least 16 years of age and have five or more years of experience operating a Class I or Class III all-terrain vehicle and successfully pass an equivalency examination with a score of at least 80 percent.

(d), Operators under 16 years of age must:

(A) Successfully demonstrate ATV proficiency, and

(B) Pass either an OPRD-approved:

(i) Hands-on training course, or

(ii) Evaluation course.

(e) A person under 16 years of age will receive a Certificate of Completion upon passing the ATV internet safety course. The certificate of completion will also be an Instruction Permit which shall be valid for 180 days.

(4) To obtain an ATV Safety Education Card, the applicant must provide to the OPRD a completed application on a form provided by the OPRD with the following information: the applicant's name, address, date of birth, hair color, eye color, and gender. The applicant must also sign a statement declaring that the information is true and correct.

(5) ATV Safety Education Cards are not transferable.

(6) ATV Safety Education Cards shall contain a unique number and endorsement code that corresponds to the individual named on the permit.

(7) A person is considered in violation of the provisions of ORS 821.170, 821.172, and 821.176 and subject to penalties prescribed by law when they:

(a) Provide a false statement or information or assist another person in giving a false statement or information on any application, affidavit, document or statement used to obtain an ATV Safety Education Card or replacement ATV Safety Education Card;

(b) Exhibit to a law enforcement officer an altered Oregon ATV Safety Education Card or any ATV Safety Education Card other than the one issued to them;

(c) Alter an ATV Safety Education Card or replacement card issued by the OPRD or its authorized agent;

(d) Produce or possess an unauthorized replica of an ATV Safety Education Card or replacement card;

(e) Operate a Class I or Class III ATV on public lands without a valid ATV Safety Education Card in their possession; or

(f) If under the age of 16, operate a Class IV ATV on public lands without a valid ATV Safety Education Card in their possession.

(8) In addition to any penalties that may result from a violation of ORS 821.170, 821.172, and 821.176, the ATV Safety Education Card is null and void for any person who provides a false statement or information or obtains a permit to which the person is not entitled.

(9) In accordance with ORS 821.174, when a person's driving privileges are suspended or revoked, the person may not operate a Class I, III, or IV all-terrain vehicle.

Statutory/Other Authority: ORS 390.570 & 390.575

Statutes/Other Implemented: ORS 390.570, 390.575 & 821.174

9a Attachment B: Marked Copy

736-004-0015

Definitions

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

- (1) "Acquisition" means the gaining of real property rights for public use by donation or purchase including, but not limited to, fee title or easements.
- (2) "Approved Course Provider" is any individual or organization who instructs or provides an OPRD-approved Class I, III or IV ATV safety course.
- (3) "ATV" or "All-Terrain Vehicle" means:
 - (a) Class I ATV, as defined in ORS 801.190: a motorized, off-highway recreational vehicle that:
 - (A) Is 50 inches or less in width;
 - (B) Has a dry weight of 1,200 pounds or less;
 - (C) Travels on three or more pneumatic tires that are six inches or more in width and designed for use on wheels with a rim diameter of 14 inches or less;
 - (D) Uses handlebars for steering;
 - (E) Has a seat designed to be straddled for the operator; and
 - (F) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.
 - (G) Class I ATV's can also be known as quads, three-wheelers, or four wheelers.
 - (b) Class II ATV, as defined in ORS 801.193: any motor vehicle that:
 - (A) Weighs more than or is wider than a Class I all-terrain vehicle;
 - (B) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;
 - (C) Is actually being operated off a highway or is being operated on a highway for agricultural purposes under ORS 821.191 and;
 - (D) Is not a Class IV all-terrain vehicle.
 - (E) Class II ATV's include, but are not limited to vehicles that can also be known as four-by-fours, pickups, jeep, sand rails, dune buggies, and SUV's.
 - (c) Class III ATV, as defined in ORS 801.194: a motorcycle that travels on two tires and that is actually being operated off highway. Also known as dual sport bikes, enduro, dirt bikes.
 - (d) Class IV ATV, as defined in ORS 801.~~xxx~~194 means any motorized vehicle that:
 - (A) Travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;
 - (B) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;
 - (C) Has nonstraddle seating;
 - (D) Has a steering wheel for steering controls;
 - (E) Has a dry weight of 1,800 pounds or less; and
 - (F) Is 65 inches wide or less at its widest point.
 - (G) Class IV may also be known as side-by-sides, recreational off-highway vehicle (ROHV), utility vehicle (UTV).
 - (e) May also be referred to as an OHV or Off-Highway Vehicle.
- (4) "ATV-AC" means the ~~fifteen-seventeen~~-member All-Terrain Vehicle Advisory Committee established by ORS 390.565 and appointed by the commission.
- (5) "ATV Account" means those moneys described in ORS 390.555 and deposited in a separate account in the State Parks and Recreation Department Fund. Moneys in the ATV Account may also be called "ATV grant funds."
- (6) "ATV Grant Instruction Manual" means a manual prepared by OPRD containing state and federal policies, procedures, guidelines, and instructions to assist current and potential project sponsors.

- (7) "ATV Grant Subcommittee" means the seven-member subcommittee established by ORS 390.565(5)(a).
- (8) "ATV Operating Permit" means a permit (decal) issued through OPRD and which is permanently affixed to the vehicle. The permit authorizes the use of ATV's on trails and within designated areas authorized by the appropriate authorities.
- (9) "ATV Operating Permit Agent" means a person, business or government agency to whom OPRD consigns ATV operating permits and decals for sale as a service to the general public.
- (10) "ATV Operator Permit" means the ATV Safety Education Card issued upon completion of an OPRD-approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by OPRD.
- (11) "ATV Safety Checklist" is a document provided to a dealer, guide service, rental, or livery agent by OPRD that consists of selected facts about Oregon ATV laws.
- (12) "ATV Safety Course" is any OPRD-approved course of instruction that is offered by an approved course provider and concludes with an examination.
- (13) "ATV Safety Education" means those grant projects that include but are not limited to training programs, media with information for the public, safe riding practices, environmental ethics, or any combination thereof.
- (14) "All-Terrain Vehicle Safety Education Card" is the ATV Operator's Permit required by ORS 390.570, 390.575, and ~~xxx.xxx~~ [390.577](#).
- (15) "Certificate of Completion" is a certificate generated by OPRD indicating completion of the internet ATV Safety Course.
- (16) "Commission" means the State Parks and Recreation Commission.
- (17) "Conversion" means any real property acquisition or development that is later wholly or in part converted to another use other than its intended and stated use as described in the grant application and the grant agreement.
- (18) "Correspondence Course and Self-Test" means a Class I, III or IV ATV safety course and examination provided by the OPRD that is taken at home without a proctor. This correspondence course and self-test will satisfy minimum standard of ATV safety education competency only for those individuals who have qualified for hardship status.
- (19) "Dealer" means any person or business duly certified under ORS 822.020 and 822.040 to sell Class I, III, or IV ATVs.
- (20) "Development" means the planning, design, construction and improvement of ATV recreational facilities, trails, and riding areas.
- (21) "Director" means the director of the Oregon Parks and Recreation Department.
- (22) "Dry Weight" means the unloaded weight, absent of all fluids, passengers, and any materials such as ice, snow or mud.
- (23) "Emergency Medical Services" means medical services performed by certified personnel and the necessary items to perform their duties.
- (24) "Endorsement Code" means an identifying color, text or mark on the ATV Safety Education Card that indicates the operator meets or exceeds OPRD's minimum standards in an approved hands-on ATV evaluation program.
- (25) "Equivalency Exam" means a comprehensive written examination created by OPRD to provide either Class I or Class III operators, who are at least 16 years of age and have five or more years operating a Class I or a Class III vehicle, the opportunity to meet the minimum standard of ATV safety education competency.
- (26) "Evaluation Course" means a course that measures the ATV operator's ability to demonstrate control of an ATV.
- (27) "Grant Agreement" means an agreement between OPRD and a project sponsor describing the terms and conditions of a project and its associated grant of funds.
- (28) "Grant Application" means the form and its format as developed by OPRD that the project sponsor uses to request ATV grant funds.

- (29) "Hands-on Training" means any OPRD-approved evaluation course offered by an OPRD-approved course provider.
- (30) "Hardship Status" means a situation or condition that prevents an individual from taking the ATV safety internet course. A hardship situation may allow an individual to use a correspondence course and self-test provided by OPRD. An individual must submit a written request for hardship status. The OPRD Director or designee has the authority to grant or deny hardship status.
- (31) "Instruction Permit" is a provisional permit issued by OPRD to youth under the age of 16 upon successful completion of the OPRD internet course.
- (32) "Internet Course" means an OPRD-approved course of instruction that is offered through the internet.
- (33) "Law Enforcement Services" means law enforcement services performed by certified personnel and the necessary items to perform their duties.
- (34) "Minimum Standards of ATV Safety Education Competency" means a standard of proficiency established by OPRD that determines whether an applicant for a Class I, III, or IV ATV Safety Education Card has met or exceeded the requirements of an ATV safety course.
- (35) "Notice to Proceed" means the notification from OPRD that the Director or designee and the project sponsor have signed the grant agreement authorizing the project.
- (36) "OHV" means Off Highway Vehicle, also called ATV.
- (37) "Operations and Maintenance" means the preservation, rehabilitation, restoration, operation and upkeep of the facilities, riding areas, and equipment, including the purchase of equipment necessary to perform these functions.
- (38) "OPRD" means the Oregon Parks and Recreation Department.
- (39) "Personal Property" means tangible property other than land: movable property including but not limited to items such as an ATV, trail repair equipment, or other movable property purchased through the ATV Grant Program.
- (40) "Planning" means the research, design, engineering, environmental, and site survey of ATV recreation areas, trails, or facilities.
- (41) "Project Sponsor" means the recipient of the grant funds and the responsible party for implementation of the project.
- (42) "Public Lands" includes publicly and privately-owned land that is open to the general public for the use of all-terrain vehicles.
- (43) "Real Property" means immovable property: land together with all the property on it that cannot be moved, together with any attached rights.
- (44) "Rider Fit" means the minimum physical size requirements that a Class I ATV operator under 16 years of age must meet in relationship to the vehicle to be operated as established by OPRD and described in OAR 736-004-0115.
- (45) "Successor" means a governmental entity that has agreed to accept the terms and conditions of the project sponsor's responsibilities as contained in the project sponsor's grant agreement and grant application should the project sponsor cease to exist; for example, if a club or non-profit organization should dissolve or disband. The successor shall agree to operate the project continuously for the public benefit and recreational purposes identified in the grant agreement and the grant application. If OPRD is a successor under OAR 736-004-0025(1)(c), OPRD may operate, sell, or qualify another successor to the project.
- (46) "Sustainability" means using, developing, protecting, and managing the resource in a manner that enables people to meet current and future generation needs from the multiple perspective of environmental, economic, and community objectives.
- (47) "Temporary ATV Safety Education Card" is a document issued by OPRD or an approved course provider allowing the bearer to operate a Class I, III, or IV ATV in Oregon for a period of time not to exceed 30 days.

Statutory/Other Authority: ORS 390.180 & 390.585
Statutes/Other Implemented: ORS 390.180

736-004-0025

Grant Application Eligibility and Requirements

(1) Eligibility for funding assistance:

(a) Public agencies: Federal land managers, state agencies, [Tribes](#) and local governments that have the responsibility, or are capable of, providing a service to ATV users [on lands in Oregon](#);

(b) Private land owners or managers: Private land owners or managers who offer public OHV recreation opportunities [in Oregon](#) and will provide open public ATV recreation for a minimum prescribed period of daily or seasonal time and who will maintain the opportunity for a prescribed period of time as determined by OPRD;

(c) Clubs and non-profit organizations: ATV clubs and non-profit organizations registered with the State of Oregon for a minimum of three consecutive years;

(A) Clubs and non-profit organizations shall have in place, prior to receipt of any funding, a written agreement with a successor in which the successor agrees to operate the facility as described in the grant agreement and the grant application should the club or non-profit organization cease to exist, for example, due to disbanding or dissolution; or

(B) OPRD shall be listed on the title as successor to the property:

(i) OPRD may sell the property and shall deposit the net revenue from the sale into the ATV Account;

(ii) OPRD may operate the project; or

(iii) OPRD may qualify and assign another successor to the project.

(2) ATV projects or components not eligible for funding:

(a) Overtime is generally not eligible for funding except for an identified emergency situation;

(b) Overhead items such as office or building rent, insurance, depreciation and other fixed costs associated with the normal everyday operation of a business, agency or group;

(c) ATV projects that have no way to measure completion or specific intent are not eligible;

(d) Portions of projects completed prior to an ATV agreement or after the expiration of an ATV agreement;

(e) ATV projects that do not meet the goals of the ATV Grant Program, OAR 736-004-0020 to 736-004-0030, or are not in the best interest of ATV recreation;

(f) Vehicle or other personal property usage unrelated to the scope of the ATV project.

(3) Requirements for Match:

(a) The minimum match required for eligible ATV projects is 20 percent of the total project cost except for land acquisitions;

(b) For land acquisitions and when unusual circumstances exist, public agencies may request a partial or full waiver of the 20 percent match requirement. Consideration for the waiver will be based upon the following criteria:

(A) The public agency is able to demonstrate due diligence was exercised in obtaining other funds and that the following limitations, among others, are present:

(i) Budget authority does not exist;

(ii) Budget appropriations cannot be obtained in a reasonable time yet public support does exist; and

(iii) No saleable assets, such as conservation easements, exist from which to generate the full cash match requirement.

(B) The public agency is able to demonstrate their ability to operate and maintain the project property for ATV recreational purposes:

(i) By having budgeted funds in place; or

(ii) Having identified other resources such as volunteers or contracted services.

(C) The public agency is able to demonstrate that time is of the essence:

- (i) The seller of the real property has placed time limits in which the public agency can affect a purchase, such as the expiration of an Option to Purchase or a First Right of Refusal; or
- (ii) The public agency can identify the possible loss of other existing matching funds such as grants from other entities that may have an expiration date.
- (D) If a waiver to the required partial or full match is approved, the public agency shall be limited in all future grant requests to receiving ATV grant funds in an amount of 50 percent or less of the total costs for any development projects located on the acquired property.
- (c) Match may include, but is not limited to, cash funds, labor, either force account or volunteer, materials, and equipment;
- (d) Grants from other sources may be used as match provided the sponsor can certify the funds will be available within 120 days from the beginning date of the grant agreement;
- (e) Eligible volunteer labor will require a log that includes the volunteer's name, date volunteer performed work, location volunteer performed work, the hours worked, and the hourly rate of compensation used for their contribution of labor.
- (4) Conversions:
 - (a) It is the intent of the ATV Grant Program that all real property acquisitions or easements shall be retained and used for the project's intended and stated use as described in both the grant application and the grant agreement;
 - (b) The director has authority to disapprove conversion requests, reject proposed substitutions, or both;
 - (c) The project sponsor shall submit requests for conversions to OPRD in writing. OPRD may consider the request if the following prerequisites are met:
 - (A) All practical alternatives to a conversion have been evaluated and rejected on a sound basis;
 - (B) The project sponsor has established the fair market value of the property to be converted and the property proposed for substitution is of at least equal fair market value as established by a state-approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures or facilities that will not directly enhance its ATV recreation utility;
 - (C) The project sponsor proposes a replacement property that is of reasonably equivalent usefulness and location as that being converted.
 - (d) If the project sponsor is unable to provide replacement property within 24 months of either the approved request for conversion or after the fact of conversion, the project sponsor shall pay OPRD a current amount equal to OPRD's original percentage of contribution to the project. As an example, if the OPRD provided an original grant of 80 percent for the project's acquisition costs, the project sponsor shall reimburse OPRD 80 percent of the real property's value at the time of conversion or discovery of conversion, whichever is later;
 - (e) In the case of development, rehabilitation, and equipment purchases, the project sponsor shall operate the improvements or equipment for its established useful life. Guidelines established by the IRS will be used by the project sponsor to define useful life per each item. If the facility is closed, service is terminated and the facility or equipment has not reached its useful life, it will be made available to other agencies or organizations. If a facility is closed, service is terminated, or land is closed, or the facility or equipment has not reached its useful life, the project sponsor will return a percentage of the allocated funds to OPRD equal to the percentage of useful life remaining in the funded facility or equipment.

Statutory/Other Authority: ORS 390.180 & 390.585

Statutes/Other Implemented: ORS 390.180

736-004-0085

ATV Safety Education Card (ATV Operator Permits)

- (1) To operate a Class I or Class III ATV on public lands in Oregon, a person must obtain an ATV Safety Education Card (ATV operator permit).

(2) To operate a Class IV ATV on public lands in Oregon, a person under 16 years of age must obtain an ATV Safety Education Card (ATV operator permit).

(3) The criteria for obtaining an ATV Safety Education Card are:

(a) Attain a test score of at least 80 percent on an OPRD-approved internet safety course;

(b) Attain a test score of at least 80 percent on a correspondence course and self-test provided by OPRD;
or

(c) Be at least 16 years of age and have five or more years of experience operating a Class I or Class III all-terrain vehicle and successfully pass an equivalency examination with a score of at least 80 percent.

(d) ~~Effective January 1, 2012, e~~Operators under 16 years of age must:

(A) Successfully demonstrate ATV proficiency, and

(B) Pass either an OPRD-approved:

(i) Hands-on training course, or

(ii) Evaluation course.

(e) ~~Effective January 1, 2012, a~~ person under 16 years of age will receive a Certificate of Completion upon passing the ATV internet safety course. The certificate of completion will also be an Instruction Permit which shall be valid for 180 days.

(4) To obtain an ATV Safety Education Card, the applicant must provide to the OPRD a completed application on a form provided by the OPRD with the following information: the applicant's name, address, date of birth, hair color, eye color, and gender. The applicant must also sign a statement declaring that the information is true and correct.

(5) ATV Safety Education Cards are not transferable.

(6) ATV Safety Education Cards shall contain a unique number and endorsement code that corresponds to the individual named on the permit.

(7) A person is considered in violation of the provisions of ORS 821.170, 821.172, and 821.176 and subject to penalties prescribed by law when they:

(a) Provide a false statement or information or assist another person in giving a false statement or information on any application, affidavit, document or statement used to obtain an ATV Safety Education Card or replacement ATV Safety Education Card;

(b) Exhibit to a law enforcement officer an altered Oregon ATV Safety Education Card or any ATV Safety Education Card other than the one issued to them;

(c) Alter an ATV Safety Education Card or replacement card issued by the OPRD or its authorized agent;

(d) Produce or possess an unauthorized replica of an ATV Safety Education Card or replacement card;

(e) Operate a Class I or Class III ATV on public lands without a valid ATV Safety Education Card in their possession; or

(f) If under the age of 16, operate a Class IV ATV on public lands without a valid ATV Safety Education Card in their possession.

(8) In addition to any penalties that may result from a violation of ORS 821.170, 821.172, and 821.176, the ATV Safety Education Card is null and void for any person who provides a false statement or information or obtains a permit to which the person is not entitled.

(9) In accordance with ORS 821.174, when a person's driving privileges are suspended or revoked, the person may not operate a Class I, III, or IV all-terrain vehicle.

Statutory/Other Authority: ORS 390.570 & 390.575

Statutes/Other Implemented: ORS 390.570, 390.575 & 821.174

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 9b

Action

Topic: Request Adopt Rulemaking – Correcting monetary amounts to match statutory requirements in lost and found rules

Presented by: Katie Gauthier

Background:

OPRD updated our lost and found policy and learned the dollar amount statutorily required to be turned over to park staff had increased from \$100 to \$250. This rule amends the dollar amount to align with the statutory requirements. Under statute, any person who finds money or goods valued at more than \$250 is required to turn it over to park staff. A person who finds something valued at less than \$250 has the option of submitting it to park staff, as well.

Public comment was open from March 1 thru March 31, 2018. Rulemaking notices were posted on our website, shared with interested parties, and posted on the Oregon Secretary of State's Bulletin, as well. In addition, a public news release inviting public comment was sent to statewide media outlets. A television news story from central Oregon shared information about public comments being opened. An outline of any public comments received will be provided to the Commission at the meeting.

Prior Action by Commission: None.

Action Requested:

Staff requests adoption of 736-010-0040 and 736-021-0150 to correct monetary amounts to match statutory requirements in lost and found rules. A copy of the proposed rule is included in Attachment A. These revisions have been reviewed and approved by Assistant Attorney General Steve Shipsey.

Prepared by: Katie Gauthier

Attachments:

Attachment A – clean copy of propose rule
Attachment B- marked copy of proposed rule

9b: Attachment A: Clean Copy

Chapter 736
Division 10
GENERAL PARK AREA RULES

736-010-0040
Visitor Conduct

(1) A person shall cause, build, maintain, or accelerate a fire at a park property only in:

- (a) Park camp stoves or fireplaces provided for such purpose;
- (b) Portions of beach areas designated as permissible for campfires; or
- (c) Portable stoves used at established campsites, picnic areas, or beach areas where fires are designated as permissible.

(2) A person who has caused, built, or maintained an allowed fire shall:

- (a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;
- (b) Burn wood no longer than 24 inches in length;
- (c) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;
- (d) Use no gasoline, diesel or any other petroleum-based products to start or maintain a fire; and
- (e) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.

(3) The park manager may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, and all persons shall observe such restrictions.

(4) A person may not injure, mutilate, deface, damage, harass, or remove any park resource, property, structure or facility of any kind at a park property, except as provided in OAR 736-010-0055.

(5) A person shall in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, or other offensive matter or any abandoned property or material to be placed or left at a park property, except for:

- (a) Recreational vehicle sewage and gray water holding tank contents that are disposed of in designated dump stations;
- (b) Garbage, trash, and recyclables generated while using a park property and disposed of in the designated containers provided.

(6) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.

(7) A person may not leave personal property or possessions overnight in a day use area without written permission from the park manager or designated park staff.

(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) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;

(f) 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) 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) 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) 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) 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;

(9) A person may only distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park property after they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.

(10) A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within a park property that:

(a) Is an organized group activity or event attended by over 50 people;

(b) Uses a portion of a park property to the exclusion of other persons or the department;

(c) Modifies or embellishes the park property, or places structures, such as tents, chairs, arches, and similar structures on the park property in a manner outside of normal recreational use, as determined by the park manager or enforcement officer;

(d) Uses public-address, amplification or lighting systems, other than those designed for personal use;

(e) Charges money for participation or admission;

(f) Involves the sale of products or services;

(g) Could disturb the natural, cultural, scenic and recreational resources in the park property or adjacent areas;

(h) Could pose a safety or access concern for other park users or for those involved in the event or activity.

(11) A person who obtains a special use permit under OAR chapter 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.

(12) All money or goods, having a value of \$250 or more and found by the public at park properties, must be turned over to the park manager or a park employee. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

(13) The director or designee may close rock formations and cliffs within a park property to descending, scaling or technical rock climbing. A person that engages in such activities at such locations commits a Class C misdemeanor as provided in section (8)(f).

(14) The director or designee may close park access to lakes, streams or waterfalls for kayaking, boating, diving, swimming, or other water recreation activities when the park manager has determined the activity to be a danger to participants. Persons accessing through closed areas to engage in such activities commit a Class C misdemeanor as provided in section (8)(f).

(15) A person using a park property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of designated facilities or the purchase of services or products.

Statutory/Other Authority: OAR 390.124

Statutes/Other Implemented: ORS 390.111, 163.465, 433.835 - 433.875 & 498.006

History:

PRD 1-2014, f. & cert. ef. 3-6-14

1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 3-1984, f. & ef. 3-5-84; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91; PR 8-1993, f. & cert. ef. 5-11-93; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 7-1996, f. 8-14-96, cert. ef. 8-15-96; PRD 4-2000, f. & cert. ef. 4-5-00; Renumbered from 736-010-0045, 736-010-0070, 736-010-0125, 736-015-0045 & 736-015-0067, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 11-2008, f. & cert. ef. 12-15-08; PRD 11-2009, f. & cert. ef. 6-18-09; PRD 2-2013, f. & cert. ef. 7-19-13

Division 21

GENERAL OCEAN SHORE STATE RECREATION AREA RULES

736-021-0150

Lost Articles

(1) Under ORS 164.065 and 98.005, a person who finds money or goods with a perceived value of \$250 or more at the ocean shore state recreation area must try to find the property's rightful owner in one of the following ways:

(a) By directly following the provisions established in ORS 98.005; or

(b) By giving the found property to the department within 10 days of finding it, along with the details of the time and place the property was found.

(2) A person who finds money or goods valued at less than \$250 in the ocean shore recreation may give the property to the department.

(3) Sections (1) and (2) apply to items found by using metal detectors but not to minerals discovered through recreational prospecting.

(4) The department may dispose of unclaimed items in the department's custody in as early as 90 days.

(5) The department must have and follow a property disposition process that complies with applicable state laws and ethics standards.

Statutory/Other Authority: ORS 390.660

Statutes/Other Implemented: ORS 390.124, 390.635 & 390.660

History:

PRD 1-2013, f. 1-15-13, cert. ef. 2-1-13

PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

9b: Attachment B: Marked Copy

Chapter 736
Division 10
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736-010-0040
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- (a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;
- (b) Burn wood no longer than 24 inches in length;
- (c) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;
- (d) Use no gasoline, diesel or any other petroleum-based products to start or maintain a fire; and
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Division 21

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736-021-0150

Lost Articles

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History:

PRD 1-2013, f. 1-15-13, cert. ef. 2-1-13

PR 9-1994, f. 11-29-94, cert. ef. 12-1-94

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 9c

Action

Topic: Request to adopt OAR 736-054-0100 to 736-054-0150 – Clean up Abandoned Cemetery Permit Process

Presented by: Chrissy Curran

Background:

The 2017 legislative session created legislation (HB2516) to allow for OPRD to give permits to entities to restore, maintain or preserve abandoned cemeteries. This rule will establish the rules for the permit process.

The rule was open for public comment from December 1, 2017 through January 15, 2018. Rulemaking notices were posted on our website, shared with interested parties, and posted on the Oregon Secretary of State's Bulletin, as well. An OPRD news release announcing public comment was picked up by media outlets in Portland, Klamath Falls and Milton-Freewater. Additionally, based on changes recommended by staff and DOJ the rule was reposted for public comment from March 1 through March 31, 2018.

A hearing to take public comment was held on January 9 in Salem. Three people attended the public hearing and provided comment. Mark Stevens, Tim O'Neal and Carlos A. Pasillas are representatives of the Sons of Union Vets of the Civil War. The members of this Congressionally-chartered volunteer organization, had questions and concerns about the impact of the proposed rules on their goal of locating and marking gravesites of Civil War Veterans. They were happy to see more interest in restoration of cemeteries, but would like to partner with organizations to make sure that veterans graves are identified, marked and headstones are repaired or replaced. The group did have concerns about the cost of permits. As an all-volunteer group, \$10 permits for each cemetery could become cumbersome. They also were concerned that the process to fill out the permit and apply not become too burdensome and time consuming. They would like to see more funding for restoration, fencing and maintenance issues. The group also had questions about how abandoned cemeteries are identified and cataloged. They would like to see more volunteers working to restore cemeteries. Overall, the group believes this is a good opportunity, but a serious uphill battle to identify cemeteries that would fit into the program and people who are interested in the permits.

We also received one written comment from Margery Lambert who wrote, "I am in support of the permit."

There are changes to the proposed rules presented in November based on further staff review. Below is a summary of proposed changes:

Eligibility – this section was shortened to reduce redundancy that could lead to confusion.

Application process – based on experience from the archaeology permit program, the changes in this section explain who receives the application and aligns the eligibility to the ORS and eligibility section. It also removes the committee decision making for the application which appeared overly cumbersome.

Permit renewal – adds reporting on work completed to ensure applicants are following the requirements and limitation of the permit. It also adds who is doing the renewal (as in application).

Permit Award – supports the requirement that the work follows preservation standards, and who awards the permit

Permit withdrawal – this adds a committee when it is more likely to be a disputed action, as an important added risk protection where it is needed.

Prior Action by Commission: The Commission approved opening rulemaking in November 2017.

Action Requested:

Staff requests approval to adopt rules creating a new permit program in 736-054-0100 to 736-054-0150. A copy of the proposed rule is included in Attachment A. These revisions have been reviewed and approved by Assistant Attorney General Steve Shipsey.

Prepared by: Katie Gauthier and Kuri Gill

Attachments: Attachment A – clean copy of propose rule
Attachment B- marked copy of proposed rule
Attachment C- article from Portland Tribune

9c. Attachment A: Clean Copy

736-054-0040

Permits to Restore, Maintain and Preserve an Abandoned Cemetery

Purpose

This division establishes the procedures, criteria and requirements that the Oregon Parks and Recreation Department (OPRD) will use in issuing a permit to restore, maintain, and preserve an abandoned cemetery.

736-054-0050

Definitions

As used in OAR 736-054-0040 to 736-054-0110, unless the context requires otherwise, the following definitions apply:

- (1) "Abandoned cemetery" means an abandoned cemetery as defined in ORS 226.520(1).
- (2) "Coordinator" means the Department staff person that serves as executive secretary to the Oregon Commission on Historic Cemeteries pursuant to ORS 97.784.
- (3) "Department" means the Oregon Parks and Recreation Department as defined in ORS 390.005(2).
- (4) "Entity" means an organization or one or more individuals applying for or receiving a permit under this division.
- (5) "Maintain" means to regularly manage vegetative growth, clean up debris, and make repairs.
- (6) "Permit application" means the Department form and its format as developed by OPRD that an entity uses to apply for a permit.
- (7) "Permit" means the formal document from the Department to an entity that authorizes and describes the terms and conditions under which that entity may restore, maintain, and preserve an abandoned cemetery as provided in ORS 226.640(2).
- (8) "Permittee" means the entity to which the Department issues a permit.
- (9) "Preserve" means to apply measures necessary to sustain the existing form, integrity, and materials of the cemetery.
- (10) "Restore" means to rebuild, reconstruct, or replace damaged elements with consideration of the historic character of the cemetery and the individual elements.

736-054-0060

Eligibility

- (1) Qualified applicants. Any entity may apply for a permit for purpose of restoring, maintaining and preserving a specific abandoned cemetery.
- (2) Abandoned Cemetery. The permit application must be for a cemetery that is an abandoned cemetery as defined in ORS 226.520.

736-054-0070

Permit Application and Issuance Process

- (1) The Coordinator administers the application and permit process for the Department. The Department will:
 - (a) Provide an application form.
 - (b) Make available instructions to complete and submit the application and required documentation.
 - (c) Determine whether an application form is complete and provides the required documentation.
 - (d) Determine whether the application establishes that the cemetery is an abandoned cemetery.
- (2) The Coordinator will process a complete application within 30 days.

736-054-0080

Application

(1) The entity must submit a complete application and required supporting materials to the Coordinator, as indicated on the application instructions. At a minimum, the entity must:

- (a) Name an appointed contact person.
 - (b) Provide evidence establishing that that cemetery is abandoned. The Department will describe all required documentation in the application instructions, which will include, but is not limited to:
 - (A) Copies of county land ownership records;
 - (B) Tracking of efforts to contact owner(s) of record, if there is one;
 - (C) Tracking of efforts to find descendants of deceased owner(s) of record, if there is one; and,
 - (D) Title tracking is an optional form of documentation.
 - (c) Provide documentation supporting the eligibility of the entity. The Department will describe all required documentation in the application instructions, which will include, but is not limited to:
 - (A) Description of knowledge landscape care, lawn maintenance, etc;
 - (B) Description of vegetation treatment methods to be used, including proposed tools;
 - (C) Description of monument cleaning methods to be used; and
 - (D) Description of preservation treatments and methods to be used.
 - (d) Indicate which one or more of the following activities allowed under ORS 226.640(2) that it is applying for:
 - (A) Restore the grounds of the cemetery;
 - (B) Maintain the grounds of the cemetery;
 - (C) Preserve the grounds of the cemetery;
 - (D) Take custody of documents related to the cemetery; and
 - (E) Establish a fund to collect donations for the restoration, maintenance, and preservation of the abandoned cemetery.
- (2) At any time before the Department issues a permit, an entity may withdraw its application by providing notice to the Coordinator.

736-054-0090

Permit Requirements and Authorizations

- (1) Any permit issued by the Department under OAR 736-054-0100 is subject to the following restrictions. In addition, the Department may include other restrictions that it determines necessary for compliance with applicable laws and regulations, including ORS 226.640.
- (a) The permittee may not transfer the permit to another entity.
 - (b) The permit is valid for one year. A permittee may request to renew a permit by following renewal instructions and using forms provided by the Department. The renewal request will require a report and photos of the work completed the previous year.
 - (c) Work performed under the permit shall be done in compliance with standards and procedural guidelines for restoration and preservation of historic cemeteries provided by the Department.
 - (d) Work performed under the permit shall follow statutes and rules governing cemeteries.
 - (e) The permittee must obtain prior approval from the Coordinator for restoration and preservation work performed under the permit that includes major restoration, construction, tree removal, or other significant work.
 - (f) The permittee must follow all state and local planning and other laws.
 - (g) The permittee shall train and supervise volunteers, or arrange for their training. Workshops and informational materials are available through the Department.
 - (h) The permit does not convey land ownership.
 - (i) The permit does not authorize the permittee to:
 - (A) Sell burial plots, or
 - (B) Inter remains in the cemetery.
 - (j) The permittee must allow access to the historic cemetery according to ORS 376.197.
- (2) Any permit issued by the Department under this division may authorize the following activities:
- (a) The permittee may complete general landscape care and clean, level and repair monuments.

- (b) The permittee may take custody of cemetery records, for use in restoration, maintenance and preservation of the cemetery, while a permit holder.
- (c) Establish a fund to collect donations for the restoration, maintenance and preservation of the cemetery. If the permittee establishes a fund authorized by ORS 226.640(2)(c), the fund must be used only for such purposes, and:
 - (A) The fund shall be established in an FDIC insured financial institution.
 - (B) The permittee must maintain records of donation collections and fund use for the life of the permit.

736-054-0100

Permit Issuance

- (1) The Department may issue a permit based on a determination that the application has established the following:
 - (a) The entity is eligible;
 - (b) Sufficient evidence that the cemetery is abandoned; and
 - (c) Demonstrated intent to restore, maintain, or preserve the cemetery.
- (2) The Coordinator will inform either the county or municipal corporation regarding a permit issued under this division for an abandoned cemetery located within its boundaries.
- (3) The Coordinator will notify the permittee and provide a copy of the permit.

736-054-0110

Permit Revocation

- (1) The Department may revoke a permit for reasons including, but not limited to:
 - (a) The entity no longer meets eligibility requirements.
 - (b) The entity does not submit annual renewal application within 60 days of notification. In this case, the Department may assume that the entity is dissolved or is no longer interested in holding a permit.
 - (c) The entity has dissolved or ceased to exist.
 - (d) The cemetery land ownership is established.
 - (e) The entity causes damage to the cemetery.
 - (f) The entity in any way operates outside of the requirements and authorization of the permit or this division.
 - (g) The entity uses the fund of collected donations for purposes other than restoration, maintenance and preservation.
- (2) A committee established by the Department that includes, but is not limited to the Coordinator and the Oregon Commission on Historic Cemeteries will determine permit revocation in the case of subsections (1)(e), (f) and (g).

9c. Attachment B: Marked Copy

736-054-0040

Permits to Restore, Maintain and Preserve an Abandoned Cemetery

Purpose

This division establishes the procedures, criteria and requirements that the Oregon Parks and Recreation

Department (OPRD) will use in issuing a permit to restore, maintain, and preserve an abandoned cemetery.

736-054-0050

Definitions

As used in OAR 736-054-0040 to 736-054-0110, unless the context requires otherwise, the following definitions apply:

(1) "Abandoned cemetery" means an abandoned cemetery as defined in ORS 226.520(1).

(2) "Coordinator" means the Department staff person that serves as executive secretary to the Oregon Commission on Historic Cemeteries pursuant to ORS 97.784.

(3) "Department" means the Oregon Parks and Recreation Department as defined in ORS 390.005(2).

(4) "Entity" means an organization or one or more individuals applying for or receiving a permit under this division.

(5) "Maintain" means to regularly manage vegetative growth, clean up debris, and make repairs.

(6) "Permit application" means the Department form and its format as developed by OPRD that an entity uses to apply for a permit.

(7) "Permit" means the formal document from the Department to an entity that authorizes and describes the terms and conditions under which that entity may restore, maintain, and preserve an abandoned cemetery as provided in ORS 226.640(2).

(8) "Permittee" means the entity to which the Department issues a permit.

(9) "Preserve" means to apply measures necessary to sustain the existing form, integrity, and materials of the cemetery.

(10) "Restore" means to rebuild, reconstruct, or replace damaged elements with consideration of the historic character of the cemetery and the individual elements.

736-054-0060

Eligibility

(1) Qualified applicants. Any entity may apply for a permit for purpose of restoring, maintaining and preserving a specific abandoned cemetery.

(2) Abandoned Cemetery. The permit application must be for a cemetery that is an abandoned cemetery as defined in ORS 226.520.

736-054-0070

Permit Application and Issuance Process

(1) The Coordinator administers the application and permit process for the Department. The Department will:

(a) Provide an application form.

(b) Make available instructions to complete and submit the application and required documentation.

(c) Determine whether an application form is complete and provides the required documentation.

(d) Determine whether the application establishes that the cemetery is an abandoned cemetery.

(2) The Coordinator will process a complete application within 30 days.

736-054-0080

Application

(1) The entity must submit a complete application and required supporting materials to the Coordinator, as indicated on the application instructions. At a minimum, the entity must:

(a) Name an appointed contact person.

(b) Provide evidence establishing that that cemetery is abandoned. The Department will describe all required documentation in the application instructions, which will include, but is not limited to:

(A) Copies of county land ownership records;

(B) Tracking of efforts to contact owner(s) of record, if there is one; and

(C) Tracking of efforts to find descendants of deceased owner(s) of record, if there is one.

(D) Title tracking is an optional form of documentation.

(c) Provide documentation supporting the eligibility of the entity. The Department will describe all required documentation in the application instructions, which will include, but is not limited to:

(A) Description of knowledge landscape care, lawn maintenance, etc.;

(B) Description of vegetation treatment methods to be used, including proposed tools;

(C) Description of monument cleaning methods to be used; and

(D) Description of preservation treatments and methods to be used.

(d) Indicate which one or more of the following activities allowed under ORS 226.640(2) that it is applying for:

(A) Restore the grounds of the cemetery;

(B) Maintain the grounds of the cemetery;

(C) Preserve the grounds of the cemetery;

(D) Take custody of documents related to the cemetery; and

(E) Establish a fund to collect donations for the restoration, maintenance, and preservation of the abandoned cemetery.

(2) At any time before the Department issues a permit, an entity may withdraw its application by providing notice to the Coordinator.

736-054-0090

Permit Requirements and Authorizations

(1) Any permit issued by the Department under OAR 736-054-0100 is subject to the following restrictions. In addition, the Department may include other restrictions that it determines necessary for compliance with applicable laws and regulations, including ORS 226.640.

(a) The permittee may not transfer the permit to another entity.

(b) The permit is valid for one year. A permittee may request to renew a permit by following renewal instructions and using forms provided by the Department. The renewal request will require a report and photos of the work completed the previous year.

(c) Work performed under the permit shall be done in compliance with standards and procedural guidelines for restoration and preservation of historic cemeteries provided by the Department.

(d) Work performed under the permit shall follow statutes and rules governing cemeteries.

(e) The permittee must obtain prior approval from the Coordinator for restoration and preservation work performed under the permit that includes major restoration, construction, tree removal, or other significant work.

(f) The permittee must follow all state and local planning and other laws.

(g) The permittee shall train and supervise volunteers, or arrange for their training. Workshops and informational materials are available through the Department.

(h) The permit does not convey land ownership.

(i) The permit does not authorize the permittee to:

(A) Sell burial plots, or

(B) Inter remains in the cemetery.

(j) The permittee must allow access to the historic cemetery according to ORS 376.197.

(2) Any permit issued by the Department under this division may authorize the following activities:

(a) The permittee may complete general landscape care and clean, level and repair monuments.

(b) The permittee may take custody of cemetery records, for use in restoration, maintenance and preservation of the cemetery, while a permit holder.

(c) Establish a fund to collect donations for the restoration, maintenance and preservation of the cemetery. If the permittee establishes a fund authorized by ORS 226.640(2)(c), the fund must be used only for such purposes, and:

(A) The fund shall be established in an FDIC insured financial institution.

(B) The permittee must maintain records of donation collections and fund use for the life of the permit.

736-054-0100

Permit Issuance

(1) The Department may issue a permit based on a determination that the application has established the following:

(a) The entity is eligible;

(b) Sufficient evidence that the cemetery is abandoned; and

(c) Demonstrated intent to restore, maintain, or preserve the cemetery.

(2) The Coordinator will inform either the county or municipal corporation regarding a permit issued under this division for an abandoned cemetery located within its boundaries.

(3) The Coordinator will notify the permittee and provide a copy of the permit.

736-054-0110

Permit Revocation

(1) The Department may revoke a permit for reasons including, but not limited to:

(a) The entity no longer meets eligibility requirements.

(b) The entity does not submit annual renewal application within 60 days of notification. In this case, the Department may assume that the entity is dissolved or is no longer interested in holding a permit.

(c) The entity has dissolved or ceased to exist.

(d) The cemetery land ownership is established.

(e) The entity causes damage to the cemetery.

(f) The entity in any way operates outside of the requirements and authorization of the permit or this division.

(g) The entity uses the fund of collected donations for purposes other than restoration, maintenance and preservation.

(2) A committee established by the Department that includes, but is not limited to the Coordinator and the Oregon Commission on Historic Cemeteries will determine permit revocation in the case of subsections (1)(e), (f) and (g).

9 c. Attachment c

Rules proposed for permits to restore cemeteries

Paris Achen/Capital Bureau- Portland Tribune
Wednesday, December 06, 2017

The rules stem from a law passed earlier this year designed to enable individuals and organizations to restore, maintain and preserve abandoned historic cemeteries in Oregon.

SALEM — A proposed rule by the state parks department would give organizations and individuals a way to restore and maintain abandoned historical cemeteries.

The proposal stems from a bill passed by the Oregon Legislature earlier this year and signed by Gov. Kate Brown May 25. The new law requires the Oregon Department of Parks and Recreation to establish a permit process to enable restoration and maintenance work at abandoned cemeteries.

"Fewer people are using cemeteries; more people are having cremation," said Rep. David Gomberg, D-Otis, who sponsored the bill. "We are seeing an increase in abandoned cemeteries. ... The question has become how do we maintain these properties that contain our relatives and our history but are increasingly filled with trash, blackberries and graffiti."

The proposed rule requires volunteers and others interested in restoring an abandoned cemetery — defined as one where no one has been buried for the past five years — to apply for a permit. The applicant must provide evidence that the cemetery has no known owner, said Kuri Gill, cemeteries program coordinator at the Oregon Department of Parks and Recreation.

For instance, the last known owner could be deceased and the title was never passed on, or the property was owned by a business or other entity that no longer exists and did not convey the title.

Applicants would receive or be denied a permit within 30 days of applying.

"There will be an initial full application to document the intent of the group and the evidence that it is abandoned, then a shorter renewal (form) for an organization that wants to continue (their work)," Gill said. Renewals would be required annually.

The parks department is accepting comments on the proposed rule until 5 p.m. Jan. 15. Comments can be sent to OPRD.publiccomment@oregon.gov or made at a hearing at 6 p.m. Jan. 9 at the North Mall Office Building, 725 Summer St. NE, Room 124, in Salem.

Abandoned cemeteries have become increasingly commonplace as owners go out of business due to changes in burial practices, Gomberg said. In Lincoln County, where he lives, there are nine abandoned cemeteries, he said.

The new law is designed to help volunteers and organizations to clean up historical properties while providing some guidance and oversight, he said.

Critics assert the permit requirement adds an unnecessary delay and layer of red tape for volunteers who want to spruce up neglected cemeteries.

"We have had people who are looking for permission to do it; they don't feel comfortable doing it (without permission)," Gill said. "Also, if they create a nonprofit, then the formal relationship will allow them a little stronger standing with donors and granting organizations."

"It may add some additional paperwork, but we are attempting to make it as easy and quick as possible. It will also be a great benefit to have contacts for the various cemeteries."

Oregon Parks and Recreation Commission

April 18, 2018

Agenda Item: 9d

Action

Topic: Request to go to Rulemaking – Clarifying Park Facility Definition (736-015-0006)

Presented by: Katie Gauthier

Background:

At Silver Falls State Park, we have unique facilities for group lodging. The Old Ranch and New Ranch each accommodate the overnight needs of up to 75 people in dormitory-style bunkhouses. Popular for family reunions and weddings, these facilities have a large kitchen with commercial appliances. The facilities also include picnic tables and a large centralized fireplace adorning the great room with bunk beds lining an open loft above.

As staffing costs for managing these facilities have increased, the department is considering options for contracting with an outside concessionaire for operation of the facilities. In weighing the options for outside operations, the question arose about whether an outside vendor would be bound by the same rates currently set in administrative rule.

We are requesting permission to open rulemaking to clarify that the definition of park facility applies only to those facilities operated by the department. This will make it clear that if an outside vendor were to contract to operate a facility, they would not be required to charge the same rates that are set in rule for the department.

In current contracts with concessionaires, we maintain the authority to approve rates to preserve accountability for the department. For example, the contract for the Wolf Creek Inn stipulates: “The OPRD District Manager has final approval authority regarding any Goods, Services and pricing issues.” The rates for the Wolf Creek Inn were of the not set in rule prior to issuance concessionaire contract; therefore, the issue of a rate change did not arise.

For future contracts, this rule change would allow the department to continue to ensure accountability from our outside partners while providing increased flexibility and opportunities to make concessionaire contracts viable.

Below is a summary of the proposed changes:

736-015-0006- Definitions. (13) "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 operated by the department.

Prior Action by Commission: None

Action Requested:

Staff requests approval to open rulemaking on 736-015-0006 to clarify that rates specified in rule are applicable to properties operated by OPRD. A copy of the proposed rule is included in Attachment A.

Prepared by: Katie Gauthier

Attachments:

Attachment A – proposed rule

9d. Attachment A: Marked Copy

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) "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.

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

(13) "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~~ operated by the department.

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

(15) "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.

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

(17) "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.

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

(19) "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.

(20) "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.

(21) "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.

Oregon Parks and Recreation Commission
April 17, 2018

Agenda Item: 10a

Information

Topic: Procurement Report

Presented by: Tracy Loudon, Administrator Business and Technology Solutions

The attached report includes:

- 3 New agreements for a total of \$62,691
- 25 New contracts for total of \$1,214,724
- 13 Amendments for a total of \$198,280

Action Requested: None.

Attachments: Procurement Report

Prepared by: Sarah Santos

OREGON PARKS AND RECREATION DEPARTMENT

Procurement Report
January - February 2018

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
GOODS AND/OR SERVICES CONTRACTS											
01/25/18	Slice Recovery, Inc	Sunset Bay State Park in Coos County	Firewood delivery		\$140,000	\$0	\$0	\$140,000	Amendment 001 extends the price agreement term date to allow continuation of goods and services.	7689	Susie
01/22/18	Frontier Unlimited, LLC	Brian Booth State Park in Lincoln County	Mastication		\$20,692			\$20,692	New contract	8022	Margie
01/30/18	Todd Boswell	Nehalem Bay State Park in Tillamook County	Invasive plant treatments		\$52,500			\$52,500	New contract	8109	Margie
02/16/18	Slice Recovery, Inc	Bullards Beach State Park in Coos County	Firewood delivery		\$25,000	\$25,000	\$25,000	\$50,000	Amendment 001 extends the price agreement term date to allow continuation of goods and services.	7676	Susie
02/28/18	SuperAxe Cutting, Inc	Wallowa Lake State Park in Wallowa County	Firewood delivery		\$140,000	\$140,000	\$140,000	\$280,000	Amendment 001 extends the price agreement term date to allow continuation of goods and services.	7670	Susie
02/27/18	CDW-G	North, Central and South Coast Management Units in Clatsop County, Lincoln County and Coos County.	Lenovo Laptops		\$14,223			\$14,223	New contract	8207	Sarah
01/11/18	NorthWest Techrep	Statewide	License Renewal for Novell Netware		\$25,620			\$25,620	New contract	8203	Sarah
01/03/18	CR Fabrication LTD	The Coves Palisades State Park in Jefferson County	Floating Restroom Repairs		\$20,749			\$20,749	New contract	8166	Sarah
PERSONAL SERVICES CONTRACTS											
01/03/18	Advanced Reporting LLC	Statewide	Criminal records and driving records check services		\$250,000			\$250,000	New contract	8050	Margie
01/16/18	The Public LLC	Wolf Creek Inn State Heritage Site in Josephine County	Hospitality services/concession		\$55,000			\$55,000	New contract. Contract amount is estimated based on concession fees to be paid by contractor to OPRD during the initial five year term. Concession fee is based on percentage of contractor's gross revenue.	8075	Sabrina
01/30/18	BAM Agency, Inc.	Statewide	Graphic design and production services for statewide projects		\$100,000			\$100,000	New price agreement managed by CARD for statewide projects	8100A	Sabrina
01/30/18	In House Graphics	Statewide	Graphic design and production services for statewide projects		\$100,000			\$100,000	New price agreement managed by CARD for statewide projects	8100B	Sabrina
02/01/18	EnviroIssues, Inc.	Statewide	Graphic design and production services for statewide projects		\$70,000			\$70,000	New price agreement managed by CARD for statewide projects	8100C	Sabrina
02/06/18	Graphic Communication Inc. dba Delicious Design	Statewide	Graphic design and production services for statewide projects		\$40,000			\$40,000	New price agreement managed by CARD for statewide projects	8100D	Sabrina
02/06/18	Davidson & Belluso, Inc.	Statewide	Graphic design and production services for statewide projects		\$40,000			\$40,000	New price agreement managed by CARD for statewide projects	8100D	Sabrina
PUBLIC IMPROVEMENTS CONTRACTS											
01/04/17	Lake Oswego Construction, Inc	Silver Falls State Park in Marion County	Y-Camp dining hall roof replacement	X	\$225,470	\$4,395		\$229,865	Change Order 001 adjusts final quantities	7989	Teresa
02/06/18	Engineering America, Inc.	Carl G. Washburne Memorial State Park and Jessie M. Honeyman Memorial State Park on Lane County	Water reservoir leak repair	X	\$189,344			\$189,344	Change order 003 for additional time to complete the work	7969	Dolly
02/27/18	Tornado Soft Excavation, LLC	Alfred A Loab State Park in Curry County	Water reservoir replacement	X	\$224,599	\$764	\$10,280	\$235,643	Change order 004 increases costs for fence and excavation	7642	Dolly

OREGON PARKS AND RECREATION DEPARTMENT

Procurement Report
January - February 2018

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS											
01/12/18	GRI	LaPine State Park in Deschutes County and Collier Memorial State Park in Klamath County	Pavement investigation	X	\$15,000			\$15,000	New Contract	8181	Teresa
01/16/18	Peterson Structural Engineers, Inc.	Guy Talbot State Park in Multnomah County, Sunset Bay State Park and Golden and Silver Falls State Natural Area in Coos County	Abutment designs for trail bridges	X	\$21,000			\$21,000	New Contract	8109	Margie
01/22/18	Landis Corporation dba Landis Consulting	Cottonwood Canyon State Park in Sherman and Gilliam counties	Electrical design	X	\$19,350			\$19,350	New Contract	8169	Margie
01/19/17	Willamette Cultural Resources Associates	Sara Helmick State Recreation Area in Polk County	Archaeological testing		\$19,452			\$19,452	New Contract	8204	Dolly
01/24/17	Madeline B. Carroll	Minam Management Unit and Wallowa Management Unit in in Wallowa County	Conceptual renderings		\$8,500			\$8,500	New Contract	8199	Dolly
02/06/18	Quincy Engineering, Inc.	Tryon Creek State Natural Area in Clackamas and Multnomah Counties	Red Fox pedestrian bridge abutment repair design	X	\$21,996			\$21,996	New Contract	8201	Dolly
02/06/18	Landis Consulting	Prineville Reservoir State Park in Crook County	New potable water well	X	\$17,250	\$0	\$0	\$17,250	Amendment 001 reinstates the contract and extends the termination date	8099	Dolly
02/08/18	Project Delivery Group	Silver Falls State Park in Marion County	North Falls complex/infrastructure improvements	X	\$32,317	\$0	\$0	\$32,317	Amendment 002 reinstates the contract and extends the termination date to 3/30/18	7977	Dolly
02/08/18	Project Delivery Group	Silver Falls State Park in Marion County	North Falls complex/infrastructure improvements	X	\$32,317	\$0	\$0	\$32,317	Amendment 003 reinstates the contract and extends the termination date to 10/20/19	7977	Dolly
02/08/18	John Shirley, AIA	Silver Falls State Park in Marion County	North Falls complex design	X	\$30,000	\$20,500	\$20,000	\$70,500	Amendment 002 for additional work on mechanical and plumbing and new work on structure	8066	Dolly
02/12/18	Cascade Earth Science, LTD.	Beachside State Recreation Site in Lincoln County	Development of recycled water use plan	X	\$11,000			\$11,000	New Contract	8196	Dolly
02/14/18	Environmental Engineering Services, Inc.	Thompson Mills State Heritage Site in Linn County	Electrical/water system design	X	\$16,500		\$3,000	\$19,500	Amendment 002 extends the termination date to allow for completion of work	8100	Dolly
02/26/18	Landis Corporation dba Landis Consulting	Beverly Beach State Park in Tillamook County	Electrical upgrades design	X	\$22,005			\$22,005	New Contract	8177	Margie
02/27/18	InterFuve, Inc.	Bates State Park in Grant County	Pond and dam enhancement	X	\$99,941			\$99,941	New Contract	8215	Dolly
RELATED SERVICES CONTRACTS											
01/18/18	Balance Architecture + Design, P.C.	Tryon Creek State Natural Area in Multnomah county	Historic cabins preservation plan	X	\$20,000			\$20,000	New Contract	8155	Margie
02/06/18	Pacific Groundwater Group	Sitka Sedge State Nature Area in Tillamook County	Hydrological analysis		\$52,500	\$0	\$0	\$52,500	Amendment 001 revises the statement of work and increases funding	7952	Margie
02/05/18	Susan L. Licht	Silver Falls State Park in Marion County	Y-camp historic district preservation plan	X	\$97,000			\$97,000	New Contract	8160	Margie
02/07/18	Susan L. Licht	Jessie M. Honeman Memorial State Park in Lane County	Historic district preservation plan	X	\$50,696			\$50,696	New Contract	8158	Margie
02/15/18	Hennebery Eddy Architects, Inc.	Cape Blanco State Park in Curry County	Hughes house building preservation plan	X	\$20,000			\$20,000	New Contract	8159	Margie
INTERGOVERNMENTAL AGREEMENTS											

OREGON PARKS AND RECREATION DEPARTMENT

Procurement Report
January - February 2018

Executed	Contractor	Location	Project	FIP	Original Contract \$	Current Amend-ment	Amend-ments To Date	Current Contract Value	Comments	Number	Assigned To
01/23/18	City of Bend	Twin Bridges Scenic Bikeway in Deschutes county	Bikeway signs maintenance		\$1			\$1	New agreement	8193	Margie
INTERGOVERNMENTAL AGREEMENTS (Continued)											
02/12/18	Portland State University	Statewide	Provide support to OPRD in developing the Oregon Parkland Mapping Project		\$62,691			\$62,691	New agreement	8205	Margie
02/23/18	Southern Oregon University	Champoeg State Heritage Area in Marion County	Comprehensive archaeological investigations		\$116,210	\$0	\$0	\$116,210	Amendment 001 revises work schedule	8087	Margie
01/24/18	Oregon Department of Forestry	The Coves Palisades State Park in Jefferson County	Allows ODF to use Tractor annually from November to April.		\$1			\$1	New Agreement	8149	Sarah

Oregon Parks and Recreation Commission
April 18, 2018

Agenda Item:	10b	Informational
Topic:	Report of Scenic Waterway Program Notification Actions and Ocean Shore Permits Issued from January 12, 2018 through March 5, 2018.	
Presented by:	Trevor Taylor, Stewardship Manager	

Pursuant to a duly adopted delegation order, and acting in accordance therewith, the Director, or her designee, has approved the following actions on behalf of the Oregon Parks & Recreation Commission:

SCENIC WATERWAYS NOTIFICATIONS

February 23rd, 2018 approved Notification of Intent 2A-229-18 from DOWL Contractors and Cascade Academy of Central Oregon to expand and upgrade existing septic system on their property within the Middle Deschutes Scenic Waterway. The proposal met all State Scenic Waterway rule requirements including the exceeding the distance from the river and supplemental planting to enhance the existing natural vegetation screen.

OCEAN SHORES ALTERATION DECISIONS

On March 5th, 2018, Ocean Shore Permit #2886-17 was approved for the Oregon Parks and Recreation Department for a project to enhance and restore a section of shoreline habitat for western snowy plover, which is listed as a federal and state threatened species. The project has been identified by OPRD's Wildlife Biologist as a high priority consistent with the OPRD Habitat Conservation Plan for recovery of the bird species. The project includes the relocation of accumulated drift logs and dune contouring resulting in a modified beach profile and resulting in a sparsely vegetated dry sand shoreline, which is required for the plover's successful reproduction and recovery. As approved, the project will involve the alteration of approximately 537,000 cubic yards of material on the ocean shore, in phases, over a period of 10 years. The project is located along the ocean shore on the south portion of the Nehalem spit, within the boundary of the Nehalem Bay State Park in Tillamook County, starting at a distance of approximately 1,100 feet north of the Nehalem Bay north jetty and continuing north along the ocean shore to a point approximately 3,900 feet north of the jetty. The subject property is identified on Tillamook County Assessor's Map # 2N-10W as Tax Lot 100.

On March 12, 2018, Ocean Shore Permit #2887-18 was approved for the Oregon Parks and Recreation Department for a project to enhance and restore a section of shoreline habitat for western snowy plover. The project has been identified by OPRD's Wildlife Biologist as a high priority consistent with the OPRD Habitat Conservation Plan for recovery of the plover. The project includes the relocation of accumulated drift logs and dune contouring resulting in a modified beach profile and resulting in a sparsely vegetated dry sand shoreline, which is required for the plover's successful reproduction and recovery. As approved, the project will involve the alteration of approximately 213,000 cubic yards of material on the ocean shore, in phases, over a period of 10 years. The project is located along the ocean shore within the developing Sitka Sedge State Natural Area in Tillamook County, beginning on the south side of the mouth of the Sand Lake estuary and continuing southward along the shoreline for a distance of approximately 4,400 feet. The subject property is identified on Tillamook County Assessor's Map # 3S-10W-31 as Tax Lot 400.

Prior Action by the Commission: None

Action Requested: None

Attachments: None

Prepared by: Stewardship Section Staff

Oregon Parks and Recreation Commission

2018 PLANNING DATES

January						
S	M	T	W	Th	F	Sa
	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			
31						

February – PDX Area						
S	M	T	W	Th	F	Sa
				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	Th	F	Sa
				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 – Sitka/Cape Kiwanda						
S	M	T	W	Th	F	Sa
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	Th	F	Sa
		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 – Frenchglen/Burns						
S	M	T	W	Th	F	Sa
					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	Th	F	Sa
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	Th	F	Sa
			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 – Cottonwood Exp Center						
S	M	T	W	Th	F	Sa
						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	Th	F	Sa
	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 – Corvallis/Cascadia						
S	M	T	W	Th	F	Sa
				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	Th	F	Sa
						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					

2018 Commission Meeting

February 21 & 22 Portland Area
 April 17 & 18 Sitka/Cape Kiwanda Area
 June 12 & 13 Harney County/Burns Area
 September 18 & 19 Cottonwood Exp. Center
 November 27 & 28 Corvallis/ Albany Cascadia Area

Contact: Denise Warburton 503-986-0719

Revision Date: 3/21/18

Huddle Meetings
Packet Materials DUE!
Agenda & Packet Posted to OPRD Site
Mail Out Packets
State Holidays
Meeting Debrief
Business Meeting Presentation Material Due
All Managers Meeting
Leadership Meeting
Legislative Days
Legislative Session