

# Oregon Parks and Recreation Commission



July 17, 2008

8:30 – 10:00 Work Session

10:15 a.m. - 2:00 p.m. Business Meeting  
Baker City, Geiser Grand Hotel

## 7/17/2008 Meeting Minutes

Those attending part or all of the meeting included:

### **Commissioners Present:**

Jim Parr, Chair  
Jay Graves  
Jim Brown  
Sharon Rudi  
Brad Chalfant

### **Staff:**

Tim Wood, Director  
Kyleen Stone, Assistant Director, Recreation Programs and Planning  
Roger Roper, Assistant Director, Heritage Programs  
Lisa Van Laanen, Assistant Director, Administration  
Wayne Rawlins, Grants Division Manager  
Kathy Schutt, Planning Division Manager  
Richard Walkoski, Recreation Programs Manager  
Cliff Houck, Property and Resource Manager  
John Potter, Assistant Director, Operations  
Bob Reitmajer, Engineering & Design Manager  
Steve Shipsey, Assistant Attorney General  
Vanessa DeMoe, Commission Assistant  
Tammy Baumann,  
Larry Miller, Region Manager

### **Visitors Present:**

John Edmundson, Oregon State Parks Trust (OSPT)  
David Berkey, public citizen  
Mary Jane Guyer, OSPT  
Karen Spencer, Baker County Parks  
Bruce Ronning, Chair; Oregon Recreation Trails Council (ORTAC)  
Chuck Solin, Vice Chair; ORTAC  
Steve McLure, Commissioner; Mt. Emily Recreation Coalition  
Bart Barlow, Mt. Emily Recreation Coalition  
Hanley Jenkins, Mt. Emily Recreation Coalition  
Gene Erwin, Mt. Emily Recreation Coalition  
Art Chase, Eastern Oregon ATV  
Armand Minthorn, Confederated Tribes of the Umatilla Indian Reservation  
Justin Cuttler, City of Gresham, ORPA  
Larry Runk, Chairman; ATV Account Allocation Committee  
Burton Went, public citizen  
Honorable Cliff Bentz, State Representative; R-Ontario District 60  
Juergen Engelhorn, Eastern Oregon ATV  
Jennifer Watkins, Baker City

## **Meeting**

On Thursday, July 17, 2008, at 8:30 a.m. Commission Chair Parr called the Oregon Parks and Recreation Commission (Commission) meeting to order.

## **Commission Work Session (Information)**

### **Commission Work Session**

**8:30 a.m. – 10:00 a.m.**

The Commission met in work session to discuss the Centennial Horizon Planning. Following the discussion, Tammy R. Hedrick, Program Analyst and trainer with the Oregon Government Ethics Commission, conducted the Oregon Government Ethics Law Training.

*This work session was open to the public. However, the Commission did not take public comment during the work session. The Commission provided an opportunity for comment during the business meeting.*

### **Kyleen Stone – Assistant Director, Recreation Programs and Planning Centennial Horizon Planning**

Ms. Stone stated that the focus was to create a document that is true, visionary and balanced. She further explained that with words and pictures the agency is trying to create a document that gives people an emotional sense of what OPRD is trying to achieve. Ms. Stone said that it gives information about the process, without overwhelming the document with process details. The document itself stands as the plan and the vision. Ms. Stone further explained that the document provides the vision through a series of principles; under the principles are strategies, then specific actions that move us through the strategies.

Following Ms. Stone's overview of the document the prototype was distributed to the Commission; discussion on the format and content of the document followed.

#### **Commission Discussion**

Commissioner Parr asked Ms. Stone to go over the last few pages of the document. Ms. Stone described this section as the agency vision of the document as "a living document." She shared the ongoing process of the vision planning and the contents of the closing pages of the document; every two years revise the concrete actions, include a progress report on the actions completed, include the next set of actions for the coming two years, and repeat the planning process every ten years in which the Commission would take hold of the process for review.

Commissioner Brown asked to have further explanation of My Space and Face Book. Ms. Stone described these communication tools as social networking. Director Wood added that they are ways for users to share experiences in parks; it is a tool to reach out to people in non-traditional ways.

Commission Chair Parr stated a concern about the title of the document. The Commission discussed if the title needs further word-smithing to address the scope of the document and the agency mission. Ms. Stone shared that there is a perspective that it is more than our parks, she said that there are conservation and preservation efforts well beyond our boundaries that the agency is a major player in. The Commission continued to discuss the naming of the document.

The Commission continued to discuss format and content; Ms. Stone recorded the edits and recommendations made by the Commission.

Commissioner Rudi asked who the key audience is for the document. Ms. Stone responded that it is for the general public and those who advocate on behalf of State Parks.

Ms. Stone requested that Commission comment and edits be submitted within two weeks by email.

The emails will be shared between Commissioners.

**Oregon Government Ethics Law – Tammy Hedricks, Oregon Ethics Commission**

[http://www.oregon.gov/OGEC/statutes\\_rules.shtml](http://www.oregon.gov/OGEC/statutes_rules.shtml)

Steve Shipsey was asked to come back to us with more information at the September 2008 Commission meeting.

**Business Meeting  
10:15 a.m. – 2:00 p.m.**

**1. Commission Business**

a) Approval of Agenda (Action)

**Commissioner Brown moved to approve the July 17, 2008 agenda. Commissioner Graves seconded. The motion passed unanimously, 5-0.**

b) Election of Vice-chair (Action)

Commissioner Rudi nominated Jay Graves for the position of Vice-Chair,

Commissioner Brown seconded the nomination.

Commissioner Graves accepted the position of Vice-Chair of the Oregon Parks and Recreation Commission.

**Commissioner Rudi moved to approve the election of Jay Graves as Vice-chair of the Oregon Parks and Recreation Commission. Commissioner Chalfant seconded. The motion passed unanimously, 5-0.**

**2. Public Comment:**

Bruce Ronning, Chair; Chuck Solin, Vice-Chair  
Oregon Recreation Trails Advisory Council (ORTAC)

Mr. Ronning commented on the Centennial Horizon planning and the Scenic Bikeway rules and ORTAC's interest. Mr. Solin applauded OPRD's support of the water-trails efforts in Oregon. The ORTAC meeting was held in Baker City July 18-19, 2008. Copies of the Deschutes River Paddle Guide were provided to the Commission.

John Edmundson, Secretary; Mary Jane Guyer, Treasurer  
Oregon State Parks Trust (OSPT)

Mr. Edmundson updated the Commission on Champoeg and Marr Ranch projects. He also announced that their office manger position is vacant. Mary Jane Guyer thanked the agency and Commission for visiting Baker County. Ms. Guyer commented that the agency's role in looking at new ways to promote the parks for economic stability in rural areas of the state is increasingly important.

3. **Approval of the May 8, 2008 Commission Meeting Minutes (Action)**  
**Commissioner Graves moved to approve the May 8, 2008 meeting minutes.**  
**Commissioner Brown seconded. The motion passed unanimously, 5-0.**

4. **Director's Update (Information)**

- a) Report of June 26/27 Emergency Board Action

Mr. Wood summarized the Emergency Board hearing and action; the approval went through without any concerns and included a condition to come back to the Ways and Means Committee with a report on how the agency will respond to cash flow issues. Director Wood stated that a report is being drafted and will be available by mid August for the Commission to review.

- b) Update on Budget Issues

07-09 revenue impacts - Director Wood reported that the fuel costs do not seem to have any significant impact on park use. Sites are still full, however findings tell us that users are traveling less distances and park occupancy is showing more tent campers than the last couple of years. Director Wood also shared information on the potential downturn in RV registration revenue. He stated that the agency will be tracking this to see what impact it has on the 07-09 budget.

- c) State Fair Update; opening day Aug 22<sup>nd</sup>

- Fair plans and execution are ahead of schedule
- Concert ticket sales are ahead of last year
- Television, radio, print and public relation plans are set.
- Web site continues to be refined and additions made, the quality of the product a marked improvement from previous years.
- Sponsorship activity will end up close to double from 2007
- Opening day activities include an unveiling of the Pendleton Oregon 150 blanket by the Governor, Veterans appreciation day, wine event and comedian Bill Engval.
- We are hosting our first University day, OSU on Sunday the 24th
- We are hosting 4 different company picnics as part of the Fair.( Knife River approximately 800)
- We have an iconic tomato traveling the state over the next few weeks (25 feet in diameter) with intent of capturing some free press.
- Operationally we will be bar code scanning all tickets, going to a different time clock system both designed to get more accurate accounting and reduce the post event finance resolution issues.
- Operationally our biggest challenge will be executing on remote parking and shuttle service for patrons and the related logistics.

ALL COMMISSION MEMBERS HAD A PACKET FORWARDED TO THEIR RESPECTIVE HOMES. THE PACKET CONTAINED DETAILED INFORMATION REGARDING THE FAIR.

5. **Consent Calendar**

A. Approval of Delegated Authority Report (Action)

1. Contracts

**Commissioner Brown moved to approve the contracts delegated authority report.**  
**Commissioner Chalfant seconded. The motion passed unanimously, 5-0.**

2. Natural Resources

**Commissioner Graves moved to approve the natural resources delegated authority report.**  
**Commissioner Chalfant seconded. The motion passed unanimously, 5-0.**

[The Commission heard Agenda Item 7 prior to Item 6 to accommodate public comment]

## **7. Grant approvals (Action)**

### **7a1) Local Government Grant Program**

Wayne Rawlins, Grants Division Manager, seeks Commission approval to award Local Government Grants – Large Amounts.

The Local Government Advisory Committee met June 10-12, 2008 for their annual review of large grant requests (\$50,000 - \$750,000 for rehabilitation and development and up to \$1,000,000 for acquisitions). Forty-eight large grant requests were submitted to OPRD for funding assistance. Thirteen requests, totaling \$4 million were allocated for distribution. The department will use the rankings approved by the Commission to determine which projects will receive funding should additional funds become available.

**Commissioner Brown moved to approve the large Local Government Grants. Commissioner Chalfant seconded. The motion passed unanimously, 5-0.**

### **7a2) Local Government Grant Program**

Wayne Rawlins, Grant Programs Manager, seeks Commission approval to award Local Government Grants – Small Amounts.

OAR 736-006-0115 (1) sets aside 10% of Local Government Grants program funds for small grants (maximum \$50,000 request). Twenty-four small grants requests were submitted to OPRD for funding assistance totaling just over \$1,000,000 in funding requests. Sixteen requests totaling \$627,059 are recommended for award. The department will use the rankings approved by the Commission to determine which projects will receive funding should additional funds become available.

**Commissioner Chalfant moved to approve small Local Government Grants. Commissioner Graves seconded. The motion passed unanimously, 5-0.**

### **7b) ATV Grant Program (Union County – Mt. Emily)**

Wayne Rawlins, Grants Division Manager, seeks Commission approval to allocate \$4.4 million ATV Grant Funds to Union County for the Mt. Emily acquisition subject to a final title report, a satisfactory recreational easement on the property, and adequate financing to complete the purchase by September 1, 2008.

Union County requested an ATV grant to purchase 3,669 acres in the Mt. Emily area, 2.5 miles north of LaGrande. The current owner, Forest Capital Partners, LCC, is asking \$7.4 million for the land and timber. The area is currently used for a variety of recreational activities, but the site is not managed for recreation by the current owner. Union County has conducted a feasibility study for the Mt. Emily Recreation Area and has identified ATV recreation as appropriate over a great portion of the property.

Union County requested a \$1 million grant from OPRD's Local Government Grant Program (LGGP.) At the June 10-12 LGGP grant hearings, the Mt. Emily project scored #16 out of 48 grant requests. After scoring the projects on

established criteria and with limited funds available, the LGGP was only able to fund the first 13 projects. Even without LGGP funds, Union County has requested we move forward with the ATV grant.

Public Comment

Steve McClure, Union County Commissioner  
Bart Barlow, Mt. Emily Recreation Coalition  
Hanley Jenkins, Union Co Planning Director

Mr. McClure stated to the Commission that this project is truly a “grass-roots” project. He added that a condition of the coalition’s involvement was that it be a public process. Mr. McClure explained that hearings have been held and there was an advisory vote in the May primary; it passed 65% to 35%. He stated that the expectation in the community is that the sale be completed.

Mr. Barlow shared a picture of the Mt. Emily landscape. He explained the nature of the meetings and commitment of the coalition through the past three years. Mr. Barlow expressed his thanks to the agency and Commission.

Mr. Jenkins stated that this represents three years worth of work and is really only the beginning of the project. He stated that the grant funds will provide the way to complete the purchase of the property. Mr. Jenkins explained the details of the purchase price and the purchase agreement. Mr. Jenkins added that they would welcome any ideas for additional funding sources.

Gene Erwin, Grande Ronde

Mr. Erwin explained that his initial involvement was in the non-motorized portion of the property. He further shared that the more he became involved in the project he saw the need for the motorized portion and lends total support to that project. Mr. Erwin shared his opinion that this project will be a benefit to local business.

Art Chase, Board of Directors, Eastern ATV Association – LaGrande

Mr. Chase stated his position on wanting to keep public access for ATV use. He lives next to the property and fully supports the project.

[Commissioner Chalfant made a disclosure of potential conflict and withdrew from comment on this agenda item.]

**Commissioner Rudi moved to approve the allocation of \$4.4 million ATV Grant Funds to Union County for the Mt. Emily acquisition subject to a final title report, a satisfactory recreational easement on the property, satisfactory ingress and egress for ATV access into the property, and adequate financing to complete the purchase by November 1, 2008. Commissioner Graves seconded. Commissioner Chalfant abstained from voting on this item. The motion passed, 4-0.**

**6. Facility Investment Program (FIP) Contracts (Action)**

- a) Champoeg Road and Trail Paving

[Commissioner Graves stated a potential conflict of interest with item 6a]

Staff recommended the Commission approve award of the contract to Knife River in the amount of \$ 334,845.00.

**Commissioner Chalfant moved to approve the FIP contract. Commissioner Brown seconded. The motion passed unanimously, 5-0.**

b) Stub Stewart State Park Enclosed Shelter (West Main Camp); Information

c) Sandy Beach Boating Facility (Government Island)

Staff recommended the Commission approve award of the contract to Bergerson Construction Co. in the amount of \$2,380,850. Federal funds require that some part of alternate is also constructed. The low alternate and base bid is \$2,592,406.00. Staff is working with Oregon Marine Board to down-scope the project to fit available budget and/or increase budget.

**Commissioner Chalfant moved to approve the FIP contract. Commissioner Brown seconded. The motion passed unanimously, 5-0.**

[Commissioner Chalfant excused himself for the duration of the meeting.]

d) Detroit Lake Low Water Ramp

Staff recommended the Commission approve award of the contract to Emery & Sons Construction in the amount of \$ 627,788.00.

**Commissioner Graves moved to approve the FIP contract. Commissioner Brown seconded. The motion passed unanimously, 4-0.**

e) Wallowa Lake Registration Booth

Staff recommended the Commission approve award of the contract to LD Perry Inc. in the amount of \$ 247,574.00.

**Commissioner Rudi moved to approve the FIP contract. Commissioner Brown seconded. The motion passed unanimously, 4-0.**

f) Harris Beach Day Use ADA and Trail Improvements

Staff recommended the Commission approve award of the contract to Tidewater Contractors in the amount of \$ 176,190.00.

**Commissioner Brown moved to approve the FIP contract. Commissioner Graves seconded. The motion passed unanimously, 4-0.**

g) Samuel Boardman (Lone Ranch) Entrance Road Paving

Staff recommended the Commission approve award of the contract to Timber Mountain Construction Inc. in the amount of \$ 243,570.00.

**Commissioner Graves moved to approve the FIP contract. Commissioner Rudi seconded. The motion passed unanimously, 4-0.**

h) Banks Vernonia Trail and Tolke Section Improvements

Staff recommended the Commission approve award of the contract to Banzer Construction in the amount of \$ 272,680.00.

**Commissioner Brown moved to approve the FIP contract. Commissioner Rudi seconded. The motion passed unanimously, 4-0.**

**8. ATV Contract with Oregon State Police (Action)**

Wayne Rawlins, Grants Division Manager requested Commission approval to enter into an interagency agreement with the Oregon State Police for law enforcement services not to exceed \$180,000.

Mr. Rawlins explained that SB 101 was signed into law in 2007. It allows for allocation of ATV funds, aside from the grants program, to be given to law enforcement through interagency agreements to be used to manage riding areas where ATV riding is prohibited. He added that with the passage of SB 101, OPRD can contract directly with law enforcement agencies to assist in areas where illegal ATV riding takes place, outside of designated riding areas.

Oregon State Police, Fish & Wildlife Division (OSP) officers are often in back country areas, OSP officers have observed violations of a variety of ATV laws in these circumstances. Mr. Rawlins stated that we will require that the officers track their time and efforts made providing education and citations related to ATV activity.

**Commission Discussion**

Commissioner Graves asked if it will add more patrols. Mr. Rawlins replied that it will not add more patrols or positions for the department. It creates an opportunity for record keeping by allowing them to track activities and provide us with the data collected. Mr. Rawlins stated that we are encouraging them to use these funds to ask field staff to be more involved when they see an ATV issue. Director Wood added that it gives the existing officers the ability to obtain the information we need; the other grant money would be a reimbursement of costs for work that they do on the agency's behalf.

Commission Chair Parr asked about the source of funding. Mr. Rawlins replied that the source of revenue to the department is a percentage of gas tax and ATV operating permit revenue.

**Commissioner Graves moved to approve the request to enter into an interagency agreement with the Oregon State Police for law enforcement services not to exceed \$180,000. Commissioner Brown seconded. The motion passed unanimously, 4-0.**

**9. Rulemaking (Action)**

- a) Lisa Van Laanen, Assistant Director of Administration, requested Commission permission to initiate rulemaking on agency procurement rules OAR chapter 736, divisions 146 and 147.

Ms. Van Laanen informed the Commission that staff had revised public contracting rules in response to the 2007 Legislative changes to the Public Contracting Code and to comply with changes in the Department of Justice (DOJ) Attorney General amended model rules effective January 1, 2008. She explained that these rules clarify the requirements that are not written in ORS 279A, ORS 279B and ORS 279C and DOJ OAR 137-045 through OAR 137-049. Ms. Van Laanen commented on the Commission granting procurement authority to the OPRD director for the dollar amount of \$150,000, except for the contracts for the

State Fair, for which the Commission has delegated full authority to the Director. She added that these rules do not change the level of delegated authority; and that the rules as drafted through the public hearing process will be submitted to the Commission for adoption at the December 2008 meeting.

**Commissioner Brown moved to approve the request to go to rulemaking. Commissioner Rudi seconded. The motion passed unanimously, 4-0.**

- b) Richard Walkoski, Recreation Programs Manager, requested Commission approval of the Scenic Bikeway rules under OAR chapter 736, division 9. [Commissioner Graves stated a potential conflict of interest with item 9b]

Mr. Walkoski stated that these rules formalize and codify the creation of Scenic Bikeways in partnership with local sponsors, ODOT, Tourism, non-profits and interest groups. He explained that the proposed rules were posted in the Secretary of State's bulletin and local hearings were held in Newport, Portland, Medford, Gold Hill and Bend.

Commissioner Brown asked what kind of public comment the department received. Mr. Walkoski replied that most comment was in support of the rules. At the Portland hearings, public comment focused on the desire for scenic routes, signage and safety.

Commissioner Graves addressed the length of the trails stated in the rule. Mr. Walkoski explained that the length of trail was decided upon by user groups and the Trail Coordinators. He further explained, with the assistance of AAG Steve Shipsey, that the wording is such in the rule that the length of the trail does not have to be exactly 40 miles if it matches other criteria.

Commissioner Graves questioned the field review of the route and the number of committee members that would attend the review. He noted that the number of committee members required to participate in the riding review is not specified in the rule. Commissioner Graves suggested that language be added to the rule to set a minimum number of people that would review the route. The Commission discussed the language that would be added and decided that a minimum of 3 committee members should do the field review.

**Commissioner Brown moved to approve the request to adopt OAR chapter 736, Division 9, Scenic Bikeway rules as amended. Commissioner Rudi seconded. The motion passed unanimously, 4-0.**

- c) Richard Walkoski, Recreation Programs Manager, requested Commission approval to initiate rulemaking under OAR chapter 736, division 4 to modify the existing rule and allow Class I all-terrain vehicle access with a permit for transportation needs of individuals with disabilities including those sections normally closed to motorized vehicles.

Mr. Walkoski explained that a change to OAR 736-004-0062 would allow OPRD to issue permits authorizing the use of Class I all-terrain vehicles for closed-to-vehicles sections of the ocean shore, which would bring our policy for ATV access for persons with disabilities in line with current practice for other vehicle access. An Administrative Rule Advisory Committee will be formed to advise

OPRD on criteria for determining when ATV access should not be granted in a closed section of the ocean shore.

#### Commission Discussion

The Commission discussed the issue of how the permit would be issued and the permit parameters. Mr. Walkoski explained that the permits are location specific and for a specified period of time.

**Commissioner Graves moved to approve the request to initiate rulemaking. Commissioner Brown seconded. The motion passed unanimously, 4-0.**

#### **10. Pets in yurts and cabins – permission to add fee for pilot test (Action)**

John Potter, Assistant Director of Operations

Larry Miller, Region Manager

Staff requested Commission approval to implement temporary rule and seek DAS permission to create limited-duration \$5 pet fee.

Mr. Potter explained that this effort came about from public interest and input. He added that the public regularly asked about the policy and enforcement of the policy has become an issue. The Department formed a study group and staff conducted public surveys in late 2007 to gather customer opinions; the survey results suggest we should continue to investigate a change to the policy. Staff plan to pilot test pets in yurts and cabins at three parks – one on the coast, one in central Oregon and one near Portland. Mr. Potter explained that the purpose of the test is to determine how permitting pets will affect operations, maintenance and the visitor experience. During the test, one or two yurts or cabins at each park will accept reservations from people who wish to bring their pets. The test will run for one year (visitors will be able to make reservations this summer for stays starting nine months from now, in 2009). The Department recommends adding a nonrefundable pet fee of \$5 per night to the standard rental rate to defray cleanup and maintenance costs. Survey respondents support the fee. Adding the fee will require a temporary rule change, and permission from the Department of Administrative Services.

Commission Chair Parr asked about the leash rule for pets in parks. Mr. Miller replied that the rule in parks is for a 6 ft leash in the campground and day use area. The rule will apply for the pets in the yurts and cabins as well.

Commissioner Rudi asked how the test parks were chosen. Mr. Miller explained that we wanted a representation from around the state. The Region Managers talked to the Park Managers and they volunteered parks for the pilot test.

Commissioner Brown stated that he appreciated the opportunity to travel with pets and the idea of a test; as well as the designated yurts or cabins. Commissioner Brown urges that the rate be higher and the occupant sign a responsibility waiver.

Commissioner Rudi agrees that a responsibility waiver be signed by the occupant. Commissioner Rudi asked if the pet can be left unattended in the yurt or cabin. Mr. Miller replied that pets must stay with the occupant at all times; they cannot be left inside by themselves or in a kennel.

Commission Chair Parr agrees with the fee being too low. He stated that it is easier to decrease a fee than to raise it.

Commissioner Graves asked if there is a sense of how many tent campers bring animals with them? Mr. Miller replied that we do not have a tracking system for that at this time.

**Commissioner Brown moved to approve the request to initiate rulemaking and to seek DAS permission to create limited-duration \$10 pet fee; that the Commission receive an evaluation of this pilot test in one year and that a responsibility waiver be signed by the occupant. Commissioner Rudi seconded. The motion passed unanimously, 4-0.**

**11. Snowy Plover HCP Approval (Action)**

Kathy Schutt, Planning Manager, requested Commission approval of the HCP for submission to the USFWS.

Ms. Schutt stated that the *Habitat Conservation Plan (HCP) for Western Snowy Plovers* represents the Department's proposal to manage for recovery of the western snowy plover species within OPRD's jurisdiction on Oregon's ocean shore. Once the Implementing Agreement is signed by all parties and the USFWS approves the Incidental Take Permit for OPRD, we will begin to implement our management commitments according to the attached timeline. With Commission approval of the HCP, the consultants will finalize the companion draft Environmental Impact Statement (EIS) document this summer. After OPRD submits the HCP and EIS, the USFWS will review the work and complete a federal Biological Opinion that will outline the basis for their approval of our requested Incidental Take Permit.

Ms. Schutt covered the reasons the opt-out clause was not included in the HCP.

**Commissioner Brown moved to approve the HCP for submission to the USFWS. Commissioner Rudi seconded. The motion passed unanimously, 4-0.**

**12. Scenic Waterway project denial, John Day River (Action)**

Richard Walkoski, Recreation Programs Manager, requested that the Commission deny approval of the project as it does not comply with state scenic waterway regulations.

Mr. Walkoski clarified that this application is not compliant within the Scenic Waterway regulations for the John Day River. The regulations state that no project shall be visible from the river, the project is for a bridge and compliance is not possible for this project under the regulations. Mr. Walkoski explained that this property is not recommended for purchase because it does not fit well within the criteria established in the acquisition report. There is no upland access to the property which makes it unsuitable for recreational purposes.

**Commissioner Brown moved to approve the Scenic Waterway project denial. Commissioner Graves seconded. The motion passed unanimously, 4-0.**

**13. SOLV, Resolution to recognize Jack McGowan (Action)**

Kyleen Stone, Assistant Director of Recreation Programs and Planning  
Jack McGowan retired in May 2008. Staff requested that Commissioners approve the commendation to recognize Jack McGowan's service to Oregon and partnership with OPRD.

Ms. Stone shared that Jack McGowan and his wife announced their retirement from SOLV. They have been an organization that has partnered with OPRD for years. SOLV has made a huge contribution to outdoor recreation in the state of Oregon. OPRD would like to recognize that contribution with this resolution.

Commissioner Graves stated that it would be appropriate to add Mrs. McGowan to the resolution.

**Commissioner Brown moved to approve the commendation to recognize Jack and Jan McGowan's service to Oregon and their partnership with OPRD. Commissioner Rudi seconded. The motion passed unanimously, 4-0.**

#### **14. Real Estate**

Cliff Houck, Property and Resource Management Section Manager

a) Acquisitions Program Update (Information)

**Murtha Ranch**

Preliminary negotiations have begun with Western Rivers Conservancy who will close in August and become the owners of Murtha Ranch. Western Rivers has offered to work on grant opportunities and the possibility of a public fund drive to reduce the overall cost of Murtha Ranch. The timeline for closing is projected for April.

Commission Discussion

Commissioner Brown had several concerns that need to be addressed before the final closing: how does this fit in the larger water trails system?; what do you do with the grazing rights?; there is a need for a comprehensive vision for the property. Director Wood stated that we have started a document for that purpose.

Commissioner Graves stated that this seems to have come up very quickly; has this moved other priority properties down on the list? Mr. Houck explained that he will address that in the remainder of the update and properties have moved around due to other priorities.

**Rogue Valley Greenway**

Jackson County has responded in writing that they are interested in negotiating with OPRD about county property at Hardy Riffle and Nugget Falls. Also in the Rogue Valley, portions of Upper and Lower Table Rocks have come into negotiations.

**Minto-Brown Island**

Negotiations continue on Minto-Brown Island with Boise Cascade. While the price of the property has been in agreement, issues regarding testing of the site and liability remain. A recent meeting with DEQ provided assistance in what OPRD will need to accomplish with Boise to insure the condition of the site for recreational use.

**Marr Ranch**

The master plan process has identified a 3-4 acre parcel on the north end of the Marr Ranch property scheduled for a residential subdivision. ODOT has requested that the subdivision and OPRD day use area share a common driveway; this request creates operational problems (gate closures) for the Park and is not

desired by the property owner. The subdivision will have a significant affect on the view-shed and feel of the day use area. Contact has been made with the owner and an appraisal has been ordered to see if a property purchase might be the solution.

b) Dale Bridge (Action)

Cliff Houck, Property and Resource Management Section Manager, requested Commission approval to sell ODOT the two requested easements for \$3,751.

Mr. Houck stated that ODOT has proposed a bridge replacement project on Highway 395 between Ukiah and Long Creek in Umatilla County. The bridge replacement contract would require a permanent easement of 47,157 sq. ft. on an inside of the curve for highway right-of-way purposes. A temporary easement of 63,820 sq. ft. is required on the outside curve for a detour. Mr. Houck added that re-vegetation will be done at the site as a part of the project.

**Commissioner Brown moved to approve the sale of the two requested easements for \$3,751 to ODOT. Commissioner Graves seconded. The motion passed unanimously, 4-0.**

c) Cougar Mountain (Action)

Cliff Houck, Property and Resource Management Section Manager, requested authority to sell 1.31 acres to Richard and Shirley Bellew for \$19,650 on monthly installments, restricting any further development of the property next to OPRD property.

Mr. Houck explained that recent survey work established that a residence and accompanying structures were placed on OPRD lands back in the early 1970's. The encroaching property has changed hands several times since the encroachment was made. Mr. Houck shared that the current owners, Richard and Shirley Bellew, have been made aware of the encroachment. The Bellew's are the sixth purchaser/owner since the encroachment was created. They purchased believing the home and improvements were on their 3.34 acres. Approval of this action will establish the property line with survey markers and resolve an issue for both OPRD and Richard and Shirley Bellew. Mr. Houck explained that the property was appraised as excess farm property, the 1.31 acres is appraised at \$19,650 and an agreement was made with the Bellew's to make payments of \$200 per month at 0% interest for a term of just over 8 years. Mr. Houck added that this is a reasonable approach for this couple and a solution for both parties.

Commissioner Graves shared an option of putting a lien on their property to recoup the cost when they sell instead of the \$200/month. Mr. Houck explained that he understood that the owners focus was to be removed from this obligation as soon as practicable and get their house on their property.

**Commissioner Rudi moved to approve the authority to sell 1.31 acres to Richard and Shirley Bellew for \$19,650 on monthly installments, restricting any further development of the property next to OPRD property. Commissioner Brown seconded. The motion passed unanimously, 4-0.**

**15. Centennial Horizon Planning** was moved to the work session preceding the business meeting.

**16. Marr Ranch Master Plan (Information)**

Kathy Schutt, Planning Manager

Ms. Schutt started the Marr Ranch Master Plan discussion announcing a new management partnership for planning purposes and ongoing management discussions. The Management Partners include: the National Park Service, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Colville Reservation, and the Oregon State Parks Trust.

Ms. Schutt shared that during the process, the department learned that the original public comment period was not long enough to meet stakeholder needs. An extension of the public comment period would be reasonable and would not seriously affect our ability to keep the park on track as the 2009 Park of the Year. Staff will bring any recommended plan revisions to the September commission meeting for approval. This schedule is expected to provide enough time for the department to complete designs, permitting and construction for an official public opening before the end of the 2007-09 biennium.

Ms. Schutt referenced a map of the property and shared information on the planning.

Ms. Schutt shared a series of slides that covered the property through a “virtual hike” of the sites. She spent time explaining how each issue being address relates to the plan.

**Public Comment**

Dave Burkey

Mr. Burkely commended Ms. Schutt for her work at the hearings in Joseph, and thanked the Commission for the opportunity to speak.

Mr. Burkey shared that he owns property on the South main street access to the property. He brought to the Commissions attention that the north-east parking lot is completely appropriate. It is out of sight and in a good location and consistent with the other locations. He has submitted a letter with his objections of the south main street access to the property. The ADA parking issues can be addressed through the north parking lot.

Armand Minthorn, Chairman of the Tribes Culture Committee, Conf. Tribes of Umatilla  
Mr. Minthorn acknowledged the State of Oregon and their role with the purchase of the Marr Ranch property. He stated that it has been a learning process for all of us and the significance of this property will be preserved forever. Mr. Minthorn shared that the site is a sacred site as well as a prehistoric site. He stated that the tribes have maintained that the Chief Joseph cemetery boundary does not represent the original boundary. He further stated that the site is significant and sacred because of the burial sites and plant resources present. Mr. Minthorn shared the concerns from the public and other entities. Concerns related to easements, fencing, dams and parking. He informed the Commission that the Mayor and the City of Joseph support the plan in general but ask for more time to be involved; Wallowa Land Trust ask for more time to make the trails more interesting and appropriate for equestrian use; and the National Park Service has requested more time to resolve interpretation and trail issues, and to seek more consultation with tribal representatives.

Mr. Minthorn stated that the three tribes, Umatilla, Colville, and the Nez Perce feel that the MOU should guide and be the sideboard for this draft management plan. In closing, Mr. Minthorn stated that we do not want to exclude anyone, the plan needs to be comprehensive.

#### Commission Discussion

Commissioner Brown addressed the statement that the MOU should be the sideboard to the plan. How well does the current draft fit within the plan? Mr. Minthorn replied that it is beginning to fit; the Umatilla tribe has provided comment and the other tribes are providing comment as well.

### 17. Heritage Programs Update (Information)

Roger Roper, Assistant Director--Heritage Programs

- **Task Force on Historic Property**

(review of historic property special assessment program  
[“property tax freeze”] per SB-416)

- The Task Force submitted draft bill language on June 27 for revising the program in order to make it more effective, accountable, and streamlined.
- Additional goals of the Task Force include (1) developing language for a bill to create a state tax credit program for encouraging historic building rehabilitation and (2) proposing language for an executive order that will encourage state agencies to locate their offices in historic buildings or historic districts as a way of supporting those revitalization efforts. October 1, 2008, is the deadline for the Task Force’s final report to the Legislature.

- **State Fair Heritage Activities (Planned)**

- Archaeology
- Historic Cemeteries Program

- **Historic Sites Database:** The State Historic Preservation Office maintains the master record set of all historic buildings statewide. Once just a paper inventory, a database component has been added in recent years. Now, as of early July, the database is available online. There are currently approximately 43,000 records in the database, including properties listed in the National Register of Historic Places and all of the building and sites that have been inventoried by communities over the years. The online database will be enhanced over time with additional searching and reporting capabilities, and eventually a GIS component will be added. A separate database of archaeological records is also maintained, though access to it is restricted due to looting and vandalism concerns.

- **Historic Architecture Style Guide:** SHPO staff members have developed an online architectural style guide to serve both consultants and the general public alike. The guide provides examples of common architectural styles and building types throughout Oregon as a way to standardize architectural terminology and concepts for a variety of historic preservation purposes, including National Register of Historic Places nominations. Consultants and architectural historians will be able to contribute to this effort by submitting their own photos and written analyses for posting on the website.

- **Archaeological Field School at Fort Yamhill:** OPRD has contracted with OSU to continue archaeological excavation work at the fort. Results from previous digs have yielded valuable information for helping us better understand and interpret the park’s

story. This year's field school will be held from July 1 through August 15. The public is welcome and encouraged to observe the excavations and ask questions.

## **18. ATV Safety Implementation Update (Information)**

Wayne Rawlins, Grants Division Manager

Governor Kulongoski signed Senate Bill 101 into law in 2007. Among other things, it requires the Department to develop a comprehensive training program for riders of quads and dirtbikes (Class I and III ATV's) by January 1, 2009. OPRD's progress toward the goals of SB 101 Safety Education include:

- **Stakeholders Advisory Committee:** Provides advice to OPRD staff on administrative rules, public outreach, training course curriculum, program standards, and business practices associated with this statutory requirement.
- **Curriculum Development**
- **Hands-On Training: Beginning in January 2012**
- **Database and Website Development**
- **Rulemaking:** Rulemaking Advisory Committee met on April 16<sup>th</sup> to review OAR chapter 736, division 4 to meet the intent of SB 101.
- **Rider Fit:** As a part of this rulemaking effort, specific language was created in the rules (as required by SB 101) to describe "rider fit." Rider fit language is intended to properly match the rider to the appropriate size ATV machine. National research was conducted as to what language was used by other states and by other entities (4-H, manufacturer's recommendations, etc).
- **Media Outreach:** To prepare the public for the upcoming changes in educational requirements, OPRD has developed:
  - Posters and other information to be placed in ATV dealer showrooms summarizing the new safety education requirements.
  - Signs to be placed in ATV riding areas across the state including an explanation of the new education requirements.
  - Press releases about rules changes.
  - ATV landing webpage ([www.rideATVoregon.org](http://www.rideATVoregon.org)) will be going live July 7<sup>th</sup> including:
    - Pre-registration for test
    - Basic message points about new test
    - A set of "FAQ's" or Frequently Asked Questions
    - Public meeting schedules.
  - Possible radio and television advertisements.

**19. Commission Planning Calendar (Information)**

Add action item to the September agenda - Re-appointment of OPRD Director

September Commission Meeting, Sept. 17 & 18, 2008

Ashland

Sept. 17 Tour

Wolf Creek Inn-Lunch

Golden Heritage Site

Medford – Rogue River Greenway

Sept. 18 Mtg.

Ashland Best Western

Work sessions: ATV Policy, Commission Training

Meeting Adjourned:

2:39

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