

Oregon Parks and Recreation Commission

November 20, 2013

Agenda Item: 6a

Action

Topic: Bandon Biota LLC Exchange

Presented by: Jim Morgan

Background:

In June 2013, Bandon Biota LLC submitted a proposal to Oregon Parks and Recreation Department (OPRD) outlining acquisition of a portion of Bandon State Natural Area in exchange for other property, cash and in-kind services. This was a culmination of efforts by the proposer to provide to the Commission a proposal that would conform to the department's land acquisition and exchange policy OAR 736-019-0070. This policy provides criteria for an exchange initiated by parties other than the department. In this instance, the Commission may approve an exchange if the Commission determines that the proposed exchange provides "overwhelming public benefit to the park system, its visitors, and the citizens of Oregon". The Commission has sole discretion to determine whether a proposal provides an overwhelming public benefit to the park system, its visitors, and citizens, which is resounding, clear and obvious.

Components of the proposal under consideration are outlined in Attachment A. In essence, the proposal would result in OPRD conveying fee title of 280 acres of the Bandon State Natural Area (Bandon SNA) to Bandon Biota LLC. In exchange, OPRD will receive:

- a 111-acre ocean shore land parcel adjacent to Bandon SNA,
- a 98-acre land parcel adjacent to Bullards Beach State Park,
- \$450,000 to be used for matching grant funds to protect Whale Cove,
- \$2.5 million for the acquisition of Grouse Mountain Ranch,
- \$300,000 for the control of gorse on State Parks properties, and
- A trail easement across Sheep Ranch, directly connecting a portion of the Oregon Coast Trail, and a trail easement on the southern portion of Bandon SNA being considered for conveyance to Bandon Biota.

OPRD first released an outline of the Bandon Biota exchange proposal on July 3, 2013 as part of the announcement for the State Parks Commission meeting held in Coos Bay. The Commission solicited public comment at the meeting, by email, and in writing. The two areas of the state most directly affected by the exchange – Bandon, because 280 acres of a local state natural area would leave the system, and Grant County, because more than 6,100 acres would leave private ownership and enter the system – requested additional public meetings and opportunities to comment. The department responded by holding a meeting in Bandon August 16, and one in Mount Vernon August 19. Combined, more than 100 people attended. Written comments continued to come in by email and regular mail. Background information – maps, acquisition priority decisions, high-level descriptions of the properties-were provided online, along with

notes from the meetings and the public comments, and are available at <http://www.oregon.gov/oprd/pages/commission-bandon.aspx> . A summary of the public comments and the department’s response is provided in Attachment C.

Since the first release of the exchange proposal, two alterations have been made:

- (1) The proposed northern and western boundaries of Bandon SNA portion considered for transferring out of the park system has been modified but the total acreage remains the same as the original proposal.
- (2) An additional trail easement will be granted to OPRD from Bandon Biota to protect the current public access in the southern portion of Bandon SNA.

The department’s land acquisition and exchange policy establishes the criteria for exchanges that are initiated by other parties. The Commission determines whether the proposed exchange provides an overwhelming public benefit to the park system. Criteria include, but are not limited to, whether the proposed exchange:

- Aligns with the department’s mission, strategies, objectives and work plan; or provide overwhelming public benefit
- Will accommodate public use and access, and be in the best interest of the department;
- Has support of local county and local communities;
- Evaluates natural and cultural resources assessment, impacts and protection;
- Provides one or more properties already identified in the department’s acquisition priority documents;
- Provides stewardship endowment.

While the department evaluates the exchange proposal and makes a recommendation to the Commission, the Commission has sole discretion to determine whether a proposal provides an overwhelming public benefit to the parks system, its visitors, and citizens. The Commission evaluates all contributions collectively, weighs against the property proposed to be transferred out of the park system, and then makes a determination.

A department evaluation of the proposed exchange using these criteria is summarized below.

	Criteria for evaluating exchange					
	Mission	Access	Local Support	Natural Resource Assessment	Acquisition Priority	endowment
Leaving park system						
Bandon SNA – 280 ac	n/a	yes	yes and no	yes	n/a	n/a
Coming into park system						
Ocean front - Bandon	yes	yes	yes	yes	yes	yes
Bullards Beach in-holding	yes	yes	yes	yes	yes	yes
Whale Cove	yes	no	yes	yes	yes	no

Coast trail easement	yes	yes	yes	yes	yes	no
Gorse control	yes	yes	yes	n/a	n/a	yes
Grouse Mtn.	yes	yes	yes and no	yes	yes	TBD

While there is general local support for the coastal properties and associated funds coming into the park system, there are citizens of Grant County both who support the acquisition of Grouse Mtn. and those who do not. Opposition has focused primarily on the acquisition of Grouse Mtn. and less on the total exchange components. The issues raised and the department's efforts to address those issues are outlined in Attachment C.

In evaluating this proposed exchange, the exchange criteria focus on land exchanged for land, with other contributions such as cash being considered. For such proposals initiated by other parties where land is leaving the park system, the Commission expressed that the proposal should identify specific land coming into the park system for determining clear and obvious overwhelming public benefit. To that end, purchase and sale agreements for the in-coming lands being considered in the exchange have been secured to provide assurance to the Commission that if the exchange is approved, then the terms of the exchange agreement can be met.

Prior Action by Commission:

- September 22, 2010 - Bandon Biota presented initial exchange proposal
- July 20, 2011 – Bandon Biota provided public comments on proposal
- July 17, 2013 – Proposed exchange with Bandon Biota presented to Commission
- September 24, 2013 - Proposed Exchange with Bandon Biota - Public Comments

Action Requested: Staff recommends that the Commission:

1. Consider the exchange of property and other considerations contemplated in the Bandon Biota exchange as meeting the “overwhelming public benefit” standard of OAR 736-019-0070(4) and approve the exchange of 280 acres of Bandon State Natural Area in accordance with the purchase agreement as summarized in Attachment A.
2. Approve the acquisition of Grouse Mountain Ranch in accordance with terms of the purchase and sale agreement as summarized in Attachment B.
3. Instruct the Director to make every good faith effort to resolve local concerns related to recreation access, fiscal impacts, and natural resource management near Bandon State Natural Area and Grouse Mountain by carrying out the actions outlined in Attachment C.

- Attachments:** Attachment A: 2013 Bandon Biota Exchange Proposal
Attachment B: Grouse Mtn. Purchase Agreement Summary
Attachment C: 2013 Bandon Exchange - Public Comments and OPRD Response

Prepared by: Jim Morgan

Attachment A

2013 BANDON BIOTA EXCHANGE PROPOSAL

Bandon Biota has a proposed to Oregon Parks and Recreation Department (OPRD) regarding an exchange of real property and other considerations for a portion of Bandon State Natural Area owned and managed by OPRD. Components of the proposal are provided below.

Bandon Biota would receive:

- **Bandon State Natural Area**

Bandon Biota would receive 280 non-oceanfront acres of the 878-acre Bandon State Natural Area (SNA) to construct Bandon Links, a walking-only championship links municipal golf course. A public trail corridor would be preserved within the in the southern portion of Bandon SNA to maintain the current public trail use by an easement conveyed to OPRD. Access from the proposed golf course directly to the shore would be restricted. Bandon Biota will be responsible for satisfying all title encumbrances including the BLM deed restriction.

Bandon SNA is composed of stabilized and un-stabilized sand dunes forming ridges parallel to the ocean, separated by seasonally-flooded wetlands and dunal plant communities in troughs between the dunes. Native plant communities with rare elements are present in Bandon SNA, much of which is significantly impacted by gorse, a highly-invasive, noxious weed. A recently-completed botanical inventory of the proposed exchange and past site assessments is available on-line <http://www.oregon.gov/oprd/pages/commission-bandon.aspx>.

OPRD will receive:

- **Oceanfront Parcel**

OPRD will receive the 111-acre oceanfront parcel that adjoins the Bandon State Natural Area to the south and the west, with its westernmost boundary on the ocean shore. Bandon Biota will be granted a service road access easement from the nearest public road across easternmost portion. Approximately 45% of total property is foredunes covered in shore pine, Sitka spruce and gorse, interspersed with seasonal wetlands. The remaining western portion is bisected by the New River that separates the eastern uplands from the low beach dunes that are prone to the shifting river course and periodic storm overwash. A map of vegetation communities is on-line at the site referenced above.

- **Bullards Beach Spit Parcel**

OPRD will receive the 97-acre Bullards Beach Spit Parcel that is located along the west side of the Coquille River on the Bullards Beach spit, directly adjacent to Bullards Beach State Park. Incorporation this in-holding into the park will increase management efficiency and reduce trespass issues. A site assessment is available on-line at the address referenced above.

The upland portion (60% of total property) is stabilized sand flats and low dunes vegetated primarily by European beach grass and an expanding tree and shrub component. Scattered Scotch broom and gorse are the primary invasive plants of concern. The remaining property is primarily wetland in the form of deflation plains, tidal flats and land submerged by the Coquille River.

- **Whale Cove Parcels**

OPRD will facilitate government acquisition of 10.9 acres of property owned by a third party at Whale Cove near Depoe Bay. Bandon Biota will contribute up to \$450,000 in matching funds required to leverage a federal grant and landowner donation for acquisition of the Whale Cove property. Bandon Biota's contribution towards acquisition of the Whale Cove property is non-refundable and not contingent on completion of the rest of the exchange.

The Whale Cove parcels are comprised of coastal forest, prairie, and rocky headland near Depoe Bay. Whale Cove is the only marine area in Oregon's territorial sea where all marine life is protected. It is anticipated that the Whale Cove property will be integrated into the Oregon Coastal National Wildlife Refuge complex managed by the U.S. Fish and Wildlife Service. Acquiring the Whale Cove property will protect the viewshed from the Rocky Creek State Scenic Viewpoint and other viewpoints.

- **Grouse Mountain Ranch Parcels**

Bandon Biota will contribute \$2,500,000 toward the purchase price for OPRD's acquisition of the Grouse Mountain Ranch parcels. OPRD will purchase the 6,100-acre Grouse Mountain Ranch parcels in Grant County as an addition to the state park system.

The Grouse Mountain Ranch parcels are comprised of Ponderosa pine forest, bunchgrass prairie, and riparian bottomlands. Beech Creek, a tributary of the John Day River, and other streams on the property provide salmonid habitat. The property will provide significant natural resources, recreational, cultural and scenic value to the state park system. Existing infrastructure provides a basis for future development of a state park at a regional and state-wide level.

- **Gorse Control**

Bandon Biota will provide a minimum of \$300,000 to OPRD dedicated to gorse control on Bullards Beach State Park, the remaining Bandon State Natural Area, Cape Blanco State Park and the Floras Lake State Natural Area.

- **Oregon Coast Trail Realignment**

Bandon Biota will provide to OPRD an additional easement across the Sheep Ranch at Bandon Dunes to relocate a section of the Oregon Coast Trail with more direct alignment in accordance with OPRD trail standards.

Summary 2013 Bandon Biota Exchange Agreement

	Property	Acres	Natural Resources and Recreational Values	Actions	Conditions
Bandon Biota Benefits	Bandon SNA	280	Stable and unstable dunes, rare native plant associations, seasonal wetlands, gorse	fee title conveyed after Bandon Biota satisfies BLM deed restriction	Purchase & sale agreement signed; Need new appraisal; subject to public trail easement on southern portion
OPRD Benefits	Bandon Biota oceanfront property	111	~52 ac is upland with shore pine, spruce, gorse, wetlands; remaining is New River and ocean beach	Fee title to OPRD	New appraisal needed; subject to service road easement
	Bullards Beach in-holding	97	Improves management of Bullards Beach SP	Fee title to OPRD	New appraisal needed
	Whale Cove	11	Coastal forest and rocky headland; limited access	*\$450,000 for matching grant	Purchase & sale agreement pending; likely will become part of coastal wildlife refuge
	Coast Trail easement	n/a	Links existing coast trail sections	OPRD receives trail easement	Conceptual alignment proposed; final to be determined
	Gorse control on State Parks	n/a	Protects areas of high natural resource value; improves access; reduce wildfire risks	\$300,000	OPRD directs efforts where most needed
	Grouse Mtn.	6,100	Forested and open ridges, grass prairie, canyons, springs and streams, riparian bottomland; scenic vistas in park-like setting	\$2,500,000 toward acquisition	Purchase & sale agreement signed; appraisal in review
*Once agreement is signed, \$450,000 contribution toward Whale Cove is unconditional; remaining contributions are conditional to complete execution of exchange agreement.					

6a- Attachment B

Grouse Mountain Purchase Agreement Summary

Acquisition of the Grouse Mountain property is an acquisition priority for Oregon Parks and Recreation Department (OPRD) and the State Parks Commission. The owners of Grouse Mountain are willing sellers. A purchase and sale agreement has been developed to enable the acquisition of Grouse Mtn. pending Commission approval. Terms of the purchase and sale agreement are summarized below.

Property

The total Property considered for purchase and sale is approximately 6100 acres

Price.

The total payment amount for the Property will be \$4,500,000 ("Property Payment Amount". If the appraised value ("Property Purchase Price") equals or exceeds the "Property Payment Amount", then OPRD will pay the lesser amount.

Payment

At Closing, OPRD will either (i) pay \$2,500,000 in cash with a promissory note for the balance of the Property Payment Amount and a deed of trust over a portion of the Property, or (ii) finance the entire price through Seller with two promissory notes and three deeds of trust covering the entire Property, and with an agreement that if necessary funds are not budgeted for the balance of the price in the next biennium OPRD will re-convey a portion of the Property to the Seller (consisting of the ranch house and 695 acres around it).

Closing

Closing of the Property will take place on or before June 30, 2014. At Closing, OPRD will take title to the Property by warranty deed subject to the liens of the deed or deeds of trust. OPRD takes possession of the Property at Closing, except that Seller remains in possession of the ranch house until June 30, 2015 as caretaker and to protect its security interest.

6a - Attachment C

2013 Bandon Biota Exchange Proposal - Public Comments and OPRD Response

Public comments on the proposed 2013 Bandon Biota exchange were solicited and gathered from State Parks Commission meetings, public meetings, stakeholder meetings, e-mail and regular mail, and on-line response on the department’s web site. Provided below is a summary of comments and the department response to comments where appropriate.

I. Summary of Comments

Affected Property	From supporters	From those not supporting proposal
Bandon State Natural Area	<p>Converts unused land into economically productive land</p> <p>Incoming properties and resources to fight gorse are worth trading for a portion of Bandon SNA</p>	<p>Coastal land is too valuable to trade</p> <p>Insufficient knowledge of Bandon SNA to evaluate potential resource loss</p>
Ocean front parcel	Provides access to New River and shoreline from public road and trail	Habitat condition is not as good as what is being given away
Bullards Beach in-holding	Converts private in-holding to public land	The river will eventually take away most of this land.
Whale Cove	Special place worth protecting; significant marine life and scenic views.	Don’t know where it is.
Grouse Mountain	<p>A new park will give people more reasons to visit the area, extend their visit and contribute to improving the local economy.</p> <p>The current owner share similar conservation goals and thinks state parks is a good match</p>	<p>Too much land is already in public ownership; adding more will increase burden on county government and services.</p> <p>This acquisition does not meet acquisition criteria.</p> <p>Loss of agricultural land and water rights.</p> <p>Management cost is too high.</p>

II. Specific Comments and Concerns Addressed

Exchange as a Whole

Setting Precedent: *This is the first major exchange under the relatively-new acquisition policy, potentially setting the precedent for future exchanges.*

Response: The department and Commission are fully cognizant of this potential precedent, acting cautiously and deliberately, in an open and transparent way, in making sure such proposals do clearly provide an overwhelming public benefit to the park system.

Bandon State Natural Area

Coastal Land: *Coastal land is too valuable to trade.*

Response: While the proposed exchange will convey 280 acres of coastal land out of the park system and accept 219 acres of coastal land into the system, the habitat types and conditions are different in each. The proposed exchange has to be evaluated in total rather than limiting the evaluation to coastal properties.

Insufficient resource inventories: *Not enough is known about the portion of Bandon SNA to know what is being exchanged.*

Response: A biological assessment for the entire Bandon SNA was completed in 2007 and a more detailed, refined assessment of the 280-acre proposed exchange area was completed in 2013. While additional assessments would improve baseline knowledge of the site, these assessments adequately characterizes the significant plant communities and provides specific recommendations for future management as a natural area. A cultural resource assessment would be finalized prior to conveyance.

Grouse Mountain

Preservation of Water Right: *Will OPRD exercise water rights that accompany the proposed acquisition?*

Response: As a common practice, OPRD maintains and protects water rights associated with existing land holdings as well as newly-acquired properties. In the event Grouse Mtn. is acquired, OPRD would continue to utilize and protect surface water rights for irrigation of the hay fields along Beech Creek. Water rights in excess of OPRD needs would be considered for lease or sale to the private market.

Loss of tax revenue: *Transfer of land from private to public results in loss of tax revenue to the county and service districts.*

Response: Current taxes paid by the landowner of Grouse Mtn. to the county are approximately \$18,000/year. Approximately \$12,000/yr. is paid for the owner's house and surround lot and \$6,000/yr. is tax paid on the remaining land (approximately 6,100 acres). A portion of these taxes are directed to community services, such as fire protection, schools, libraries, cemeteries and parks. OPRD is committed to making sure those services associated with any future park are compensated; either directly through agreements negotiated with those service providers (i.e. fire protection) or indirectly through revenue generated from its operations. OPRD is committed to further discussions with the county to address this issue, including options such as in-lieu payments until the park is developed.

Loss of Private Land: Grant County does not need more public land.

Response: Approximately 64% of Grant County is owned by federal and state government. The 6,100-acre Grouse Mtn. comprises 0.6% of the private land base in Grant County. Though this may be relatively small portion of private land in the county, there is coordinated effort among state agencies to identify surplus state lands in Grant County and place those properties on the open market.

Potential Loss of Agricultural Land: The acquisition will result in the loss of agricultural land.

Response: Of the 6,100 acres of the Grouse Mtn. property, approximately 100 acres along Beech Creek has historically been irrigated farmland, primarily for hay production. Today, about 40 acres remains in hay production. The remaining acres are non-irrigated rangeland and forest -- moderate to steep slopes of grassland, scattered juniper merging into approximately 1,000 acres of Ponderosa pine forest. Currently, the owner does not graze cattle on his property on a regular basis.

Upon acquisition of Grouse Mtn., OPRD would continue the hay production along Beech Creek bottomlands, working with the local ranching community to assist with managing production and harvest. To maintain the trajectory of the current landowner's management practices, OPRD will likely not re-introduce cattle into the higher-elevation range area where efforts to restore the native plant communities have been implemented. Use of grazing for habitat management and weed control is currently utilized by OPRD and may be appropriate once a more thorough site assessment is completed and a resource management plan developed.

Forest Management: More forest land will no longer contribute to the local economy.

Response: OPRD actively manages its forest lands throughout the state by selectively harvesting trees to enhance forest health, create diverse plant communities, and reduce fuels. With experienced staff foresters, OPRD would continue the current landowner's efforts to remove western juniper from the predominantly Ponderosa pine forest. It is

anticipated that forest management would include commercial harvests depending on the project scale and market conditions.

Wildfire: Wildlife control and fuels management is a concern.

Response: As on all state park property where fire risk is high, OPRD staff foresters proactively engage in fuels management projects to reduce wildfire risks. All eligible OPRD lands are enrolled in Oregon Department of Forestry (ODF) fire protection program. Fire protection outside of ODF is provided by contracts with rural and range fire districts.

Weeds: Is OPRD prepared to control weeds on the property?

Response: The current owner has been very aggressive and has successfully improved weed control on the property. OPRD will continue this effort, knowing that any pause in weed control will result in loss of past gains. OPRD has made considerable progress in controlling weeds at Bates and Clyde Holliday State Parks and will continue these efforts in county.

Hunting: Will hunting be allowed on the property?

Response: Providing hunting in state parks is not central to OPRD's mission and is normally not compatible where there are potential conflicts with other recreational users. Hunting is allowed in specific state parks, such as along the Willamette River Greenway and Cottonwood Canyon State Park. Hunting is one of many wildlife management tools that OPRD may use as part of its participation in the larger wildlife management strategy administered by OR Department of Fish & Wildlife. For example, hunting may be used as a form of hazing to decrease browse damage on adjacent private lands.

No Park Plan: How will OPRD utilize the property?

Response: Typically after OPRD acquires land, there is an interim period during which current land practices are continued, including agricultural leases. After some period of time (3 to 10 years) there would be an interim management plan developed or it may be more appropriate to engage in a comprehensive planning process. The comprehensive plan identifies important natural, cultural and scenic resources of the land, identifies uses and recreational opportunities compatible for that area, and outlines proposed park developments. This comprehensive plan would be developed working closely with local communities and counties to address needs and concerns of local residents.

Currently, concepts have been developed to envision the potential recreational opportunities at Grouse Mtn. and how the property would be incorporated into the state park system. At a high level, these concepts include the following park uses:

- Camping (RV, biker, group, walk-in group camping) and cabins in the Beech Creek bottomlands
- Hiking and non-motorized trail riding on trail loops from lower valleys to atop Grouse Mtn., including possible access to adjacent U.S. Forest Service land
- Visitor and environmental education center, cabins and equestrian facilities at base of Grouse Mtn.
- Use of existing buildings along Hwy. 395 for park office and housing.

An illustration of potential uses can be found at <http://www.oregon.gov/oprd/pages/commission-bandon.aspx>

Local community benefits: How will a new state park benefit the local communities?

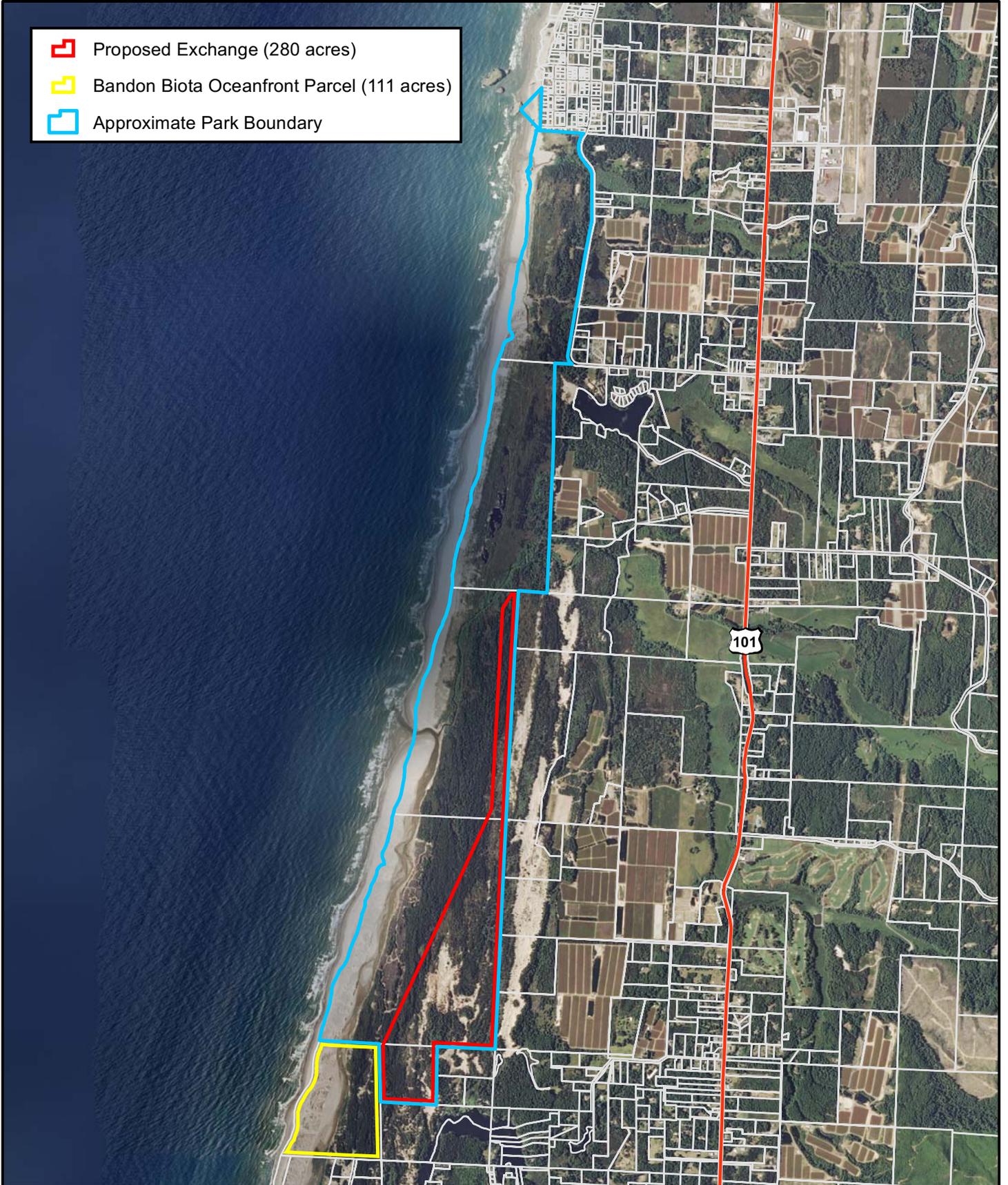
Response: Beyond the contribution of a new state park as an attractant to visitors from outside the area, a new state park at this site can offer opportunities for environmental education for local students and residents and partnerships with local community services, and other opportunities such as OYCC program. Many of these opportunities would come early during the interim management phase as well as well into the future as the park develops.

Recommended action toward resolving issues

1. Establish an inter-agency working group among governmental agencies for the purpose of identifying surplus public lands within Grant County that can be placed on the market for acquisition.
2. Develop a plan with Grant County to identify the method and level of compensation for tax revenue that may be lost if Grouse Mtn. is acquired by OPRD.
3. Develop agreements with service districts, where applicable, that provide services related to Grouse Mtn.
4. Form partnerships with the local school district and educational organizations to develop an environmental education program that could be supported by resources at Grouse Mtn.
5. In the interim period before a comprehensive plan is developed for Grouse Mtn., continue to offer the hay fields along the Beech Creek bottomlands for agricultural use.
6. Within 10 years after acquisition, develop a park comprehensive plan working closely with local communities and the county to address needs and concerns of local residents.
7. Utilize and protect surface water rights that are deeded to the Grouse Mtn. property. Identify water rights in excess of OPRD needs that may be considered for lease or sale to the private market.
8. Continue the trajectory toward weed control initiated by the current landowner at Grouse Mtn. using local weed control expertise.
9. Coordinate with ODFW toward responsible wildlife management, including the use of hunting as a form of hazing to minimize impact on neighbors.

Bandon SNA Proposed Exchange Area

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



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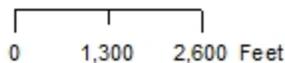
Bullards Beach State Park

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



 Bandon Dunes, L.P.
 Approximate Park Boundary

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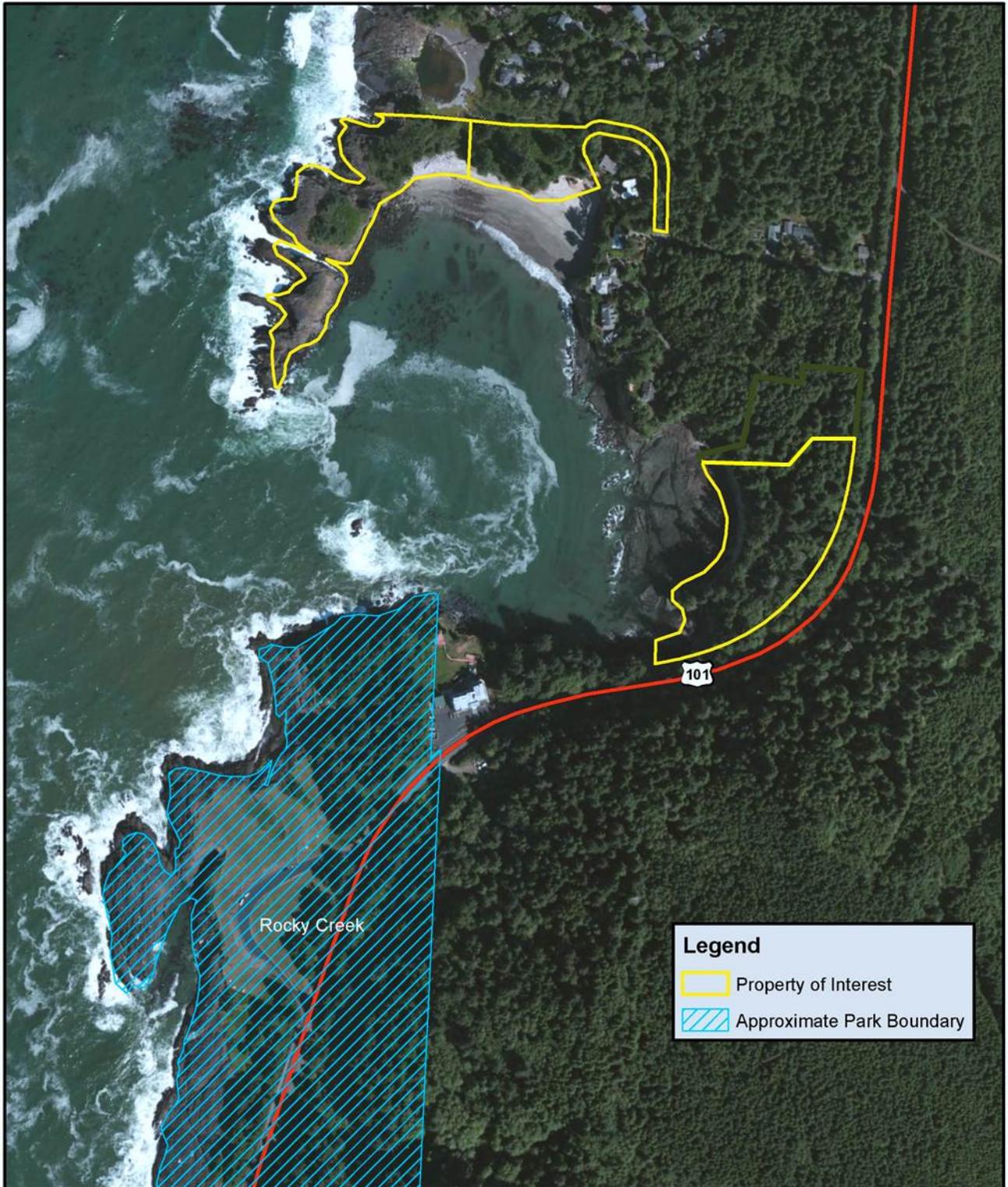
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Whale Cove

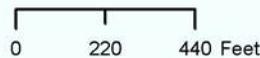
Oregon Parks & Recreation Dept.
725 Summer St. NE, Suite C
Salem OR, 97301



Legend

- Property of Interest
- Approximate Park Boundary

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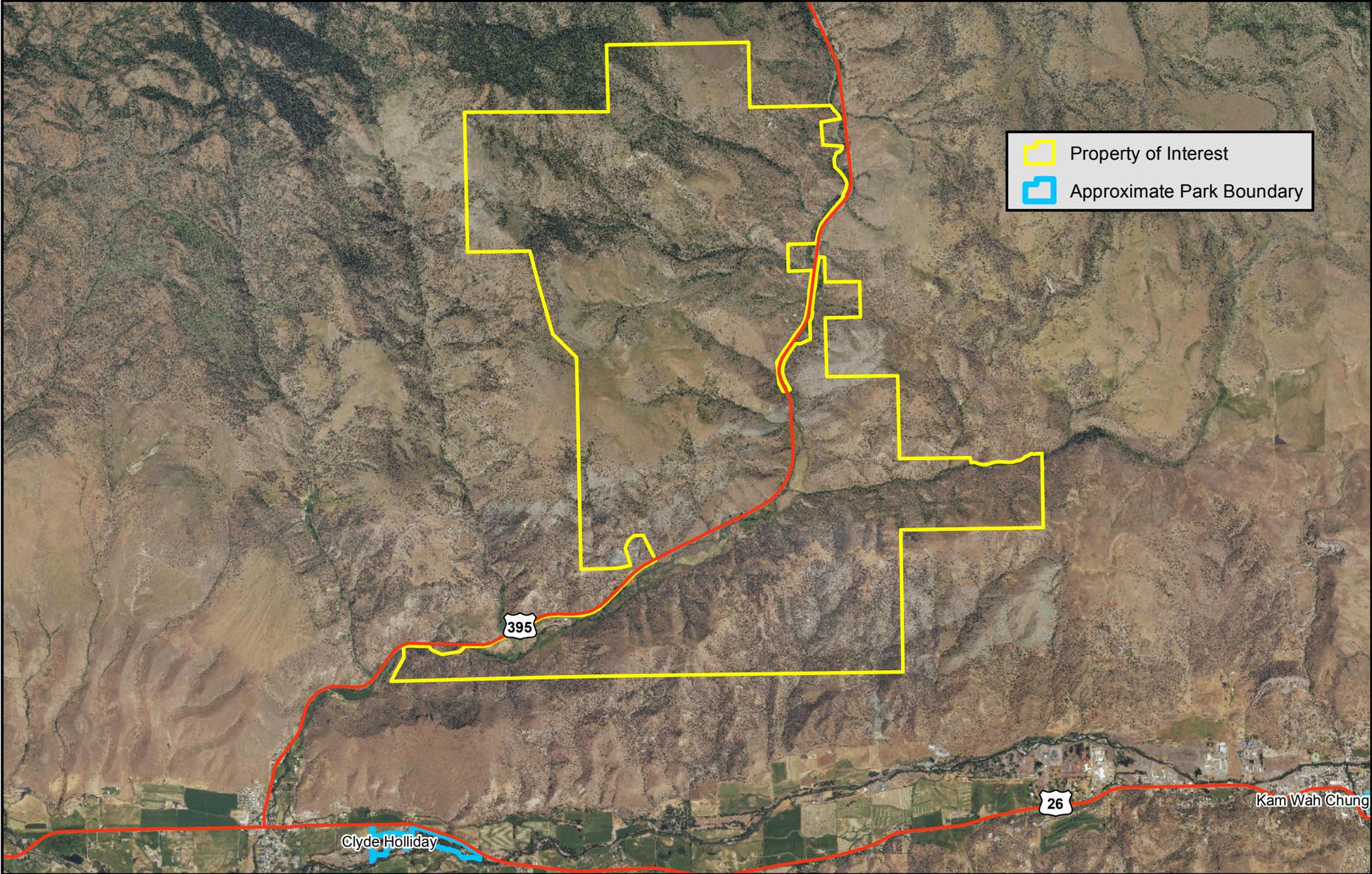
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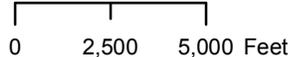
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Grouse Mountain

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



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Oregon Parks and Recreation Commission

November 20, 2013

Agenda Item: 6b

Action

Topic: Kam Wah Chung – Arnell Property

Presented by: Kammie Bunes

Background: The Kam Wah Chung Initiative has extended over several bienniums and is one of OPRD's most notable and significant efforts at cultural resource stewardship and interpretation of a National Historic Landmark property. The approved 2009 Master Plan for this State Heritage Site includes future construction of an interpretive center and relocation of the museum parking, playground and picnic facilities. The Plan recommended acquisition of five properties in order to provide adequate land around and adjacent to the museum to accommodate the proposed site design. Two of the five properties have been acquired.

The 2013-15 biennium acquisition plan includes acquisition of the Arnell property at Kam Wah Chung. The property consists of a 4,500-square-foot lot with a small one-bedroom house on it. The house has not been utilized as a residence for many years, and, as per the appraiser, does not contribute any value to the property. The structure will be demolished in the most cost effective manner, which may include offering the structure to the local Fire Department as part of a training exercise.

Appraisal of the Arnell property was completed in August 2013 and the owner has agreed to sell the property for the appraised value of \$39,000.

Prior Action by the Commission:

July 16, 2009: Land Acquisition Work Plan 09-11;

July 16, 2011: Kam Wah Chung Initiative approved;

July 17, 2013: Informational Agenda Item 6d

Action Requested: Staff requests Commission approval to acquire the Arnell property at the appraised value of \$39,000.

Attachments: Attachment A: Map

Prepared by: Alice Beals

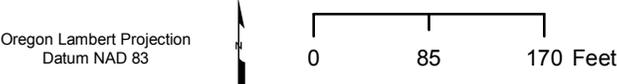
Oregon Parks and Recreation Commission November 20,
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 Kam Wah Chung State Heritage Site - Arnell Property



Legend

- Arnell Property
- Kam Wah Chung SHS

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Oregon Parks and Recreation Commission

November 20, 2013

Agenda Item: 6c

Action

Topic: Otter Crest Scenic Viewpoint Acquisition

Presented by: Kammie Bunes

Background: The Otter Crest State Scenic Viewpoint (SSV) is located upon a flat-topped promontory rising 453 above tide on the old route of U.S. Highway 101, approximately eight miles north of the city of Newport in Lincoln County. The 1.48-acre tract was a gift from Mr. and Mrs. Badley in 1928. Deed restrictions prevent commercial use of the donated property and a reversionary clause ensures continued use as a viewpoint. The Badley's developed a restaurant on their adjacent, retained land to the north in 1937 and converted the existing structure to a gift shop, which has been in continual operation since. Parking and access to the gift shop are via the State Viewpoint property.

OPRD has been contemplating acquisition of the 4.03-acre gift shop property since the 1970's. OPRD has made two offers within the last decade, both of which were rejected by the owner. The matriarch of the family has since passed and the heirs seek to sell the property. OPRD holds an option for purchase which expires December 31, 2013. The property was appraised at \$792,000. The property is included on the 2013-15 List of Land Acquisition Priorities at the appraised value plus closing costs. The landowners will sell this property to a private buyer if State Parks does not exercise its purchase option.

The primary benefit of this acquisition is to preserve public access to outstanding views to the north that are available from the subject property, but not from OPRD's existing viewpoint. The building provides an opportunity to escape the wind and rain, prevalent much of the year. The Coast Region has drafted preliminary management goals which would devote less of the interior space to retail sales and add interpretive displays.

Prior Action by Commission:

Executive Sessions: April 2012, August 2012, January 2013, July 2013, and September 2013;
Listed as acquisition priority for 2013-15 biennium, approved July 2013.

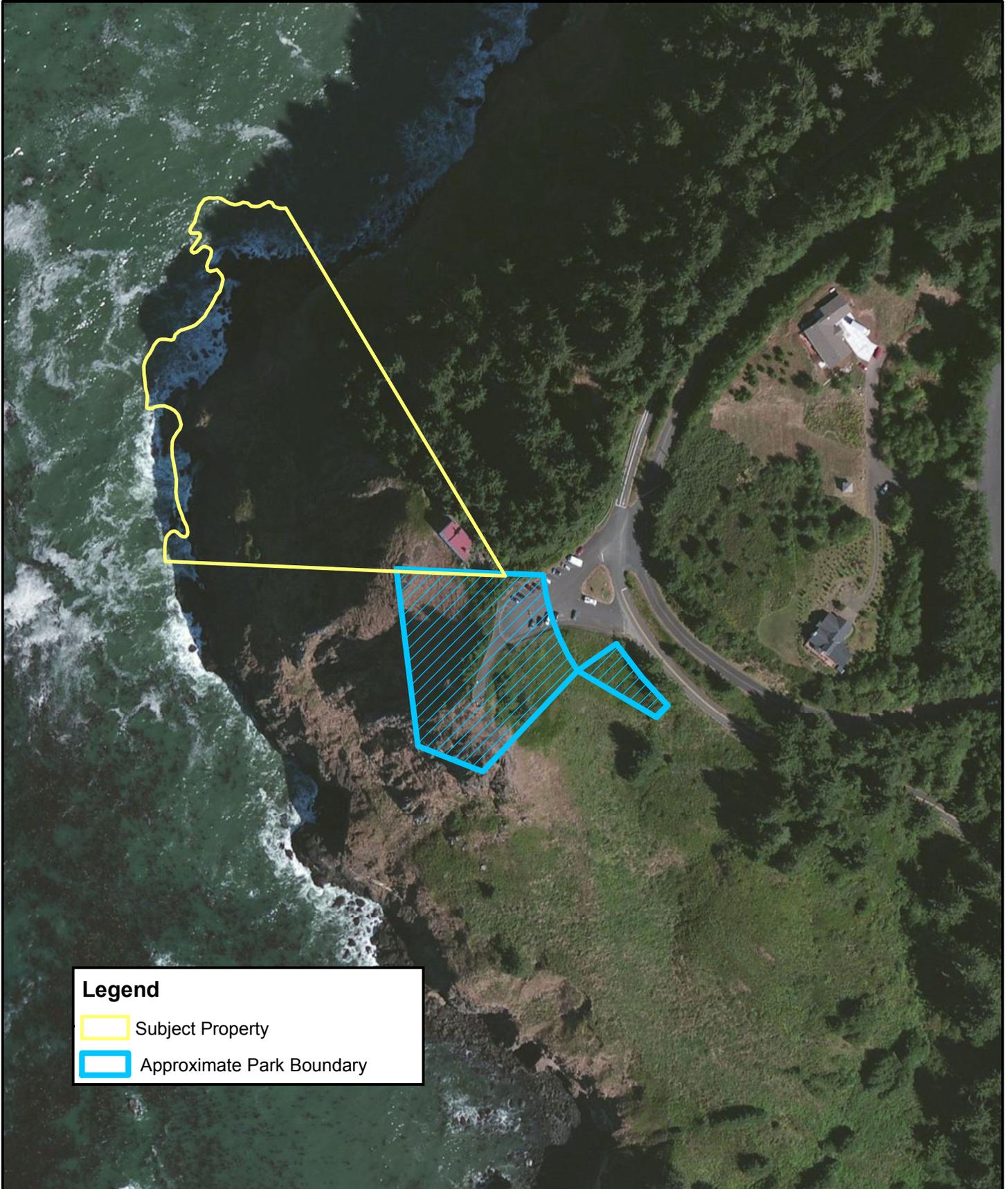
Action Requested: Staff recommends purchase of this property at the appraised value of \$792,000.

Attachments: Attachment A: Map; Attachment B: Preliminary Management Goals
Prepared by: Kammie Bunes

OTTER CREST

Agenda Item 6c; Attachment A

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



Legend

-  Subject Property
-  Approximate Park Boundary

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NMOB-3675 3/13/2012
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Preliminary Management Goals

For Proposed Acquisition at Otter Crest State Scenic Viewpoint

Proposed Acquisition

Oregon State Parks and Recreation Department has owned and maintained the Otter Crest State Scenic Viewpoint (SSV) location for over 80 years. We now have the opportunity to complete the holdings at this spectacular location, one of eleven iconic headlands on the Oregon Coast, for the benefit of the public in perpetuity by acquiring the Otter Crest Gift Shop, known as “The Lookout”. The acquisition would provide additional vantage for spectacular ocean views while providing year-round protection from the weather for park visitors. The existing gift shop facility offers opportunities for (1) interpretive displays and programs showcasing coastal and marine natural resources, (2) environmental education, and (3) revenue generated from operations of a gift shop.

Preliminary Management Goals

Upon acquisition of the subject property, staff will engage the Commission in developing and refining preliminary management goals for the property. Goals will be more fully developed as resource inventories and analyses are completed and the communities are engaged during the planning process. Preliminary management goals and uses for the property are provided below.

Natural Resource Goals

1. Conduct a biological survey of the property to serve as the basis for formulation of natural resource management objectives.
2. Identify key coastal and marine natural features that would be made accessible to park visitors.

Cultural Resource Goal

1. Conduct archaeological and historic surveys of the property to serve as basis for formulation of management objectives.

Scenic Resource Goals

1. Identify, improve, and promote the iconic features of the park to create a context for how the property will be identified in the public’s mind.
2. Remove vegetation from fence lines and expand viewing areas within the gift shop building.
3. Upgrade interpretive panels to graphically portray and identify significant landscape and marine features visible from this headland viewpoint.

Visitor Experience Goals

1. Develop winter, summer, and shoulder season opportunities for park visitor activities that will attract, engage, and extend their association with the park, the region, and the park system.
2. Develop ADA accessibility to the extent possible at the facility.
3. Explore ways to manage use of the property over time to generally maintain a natural setting and an experience for visitors to provide unobstructed views the coastal and marine environment.
4. Develop an Interpretive Plan to tell the story of this location, including the history of the building and its uses over the past 75 years.

Community-wide Goals

1. Manage the park hand-in-hand with the local community and showcase with pride what makes the region such a special place.
2. Create an identity and stature for the park that draws visitors from a long distance, an identity that the local community is associated with and from which it can develop value-added products and services.
3. Develop a partnership with the tour companies that already visit this location.

Administrative Goals

1. Manage and steward the property on a regular basis, implementing a good neighbor policy to make the park the pride of the community.
2. Operate a gift shop and interpretive center that provides revenue that exceeds operating costs.
3. Complete a comprehensive management plan by December, 2014.

Gift Shop and Interpretive Center Operations

The preliminary proposal is to continue operating a gift shop in combination with an interpretive/education center. Operation of the gift shop by state park volunteers, supported by park staff, will offset the cost of operating and maintaining this park and building and provide revenue to enhance the visitor experience through high quality interpretive displays showcasing coastal natural resources, the annual migration of Gray Whales and the history of the gift shop.

The proposal is to designate 50% of the available floor space, approximately 750 square feet, as a state park educational and interpretive gift shop, with an equal area dedicated to interpretive displays and ocean observation windows. Business objectives include:

1. Sell appropriate interpretive, educational and souvenir items specific to the visitor experience on the Oregon Coast, such as OPRD shirts and caps, books, and other suitable items for visitors to remember their visit to the Oregon Coast.
2. Generate revenue to offset the cost of operating and maintaining this park and building.

3. Generate sufficient revenue to support on-going interpretive enhancements at this location and elsewhere within the Beverly Beach Management Unit.

Financial Projections

Current statistics show 109,000 cars used the Otter Crest SSV parking lot in 2012, yielding an estimated 438,000 visitors annually. Although it is difficult to precisely project revenue at this time from the operation of a state park gift shop at the current location, the current store owner reports net revenue in excess of \$100,000 per year. We propose to reduce the retail area by half, and to offer a more limited selection of items for sale; however, the corresponding decrease in revenue will be partially offset by the use of volunteers to operate the store, thus saving significantly on salaries.

A comparable store operation at Yaquina Bay Lighthouse, with approximately 400 square feet of floor space, open 7 days/week during peak season and 5 days/week during the winter months and offering a similar selection of items for sale, realizes annual net revenue of \$42,000. From this, and our experience operating park stores at Beverly Beach and South Beach State Parks, we project that the store operation at Otter Crest SSV will net approximately \$50,000 annually. Fixed costs to keep this building open to the public, both as a store and an interpretive center including electricity, telephone, water and sewer, totals an estimated \$3,000 per year. Building and grounds maintenance is estimated at an average of \$5,000 per year.

Performance Measures

We want to evaluate our effectiveness, both in providing an excellent visitor experience and in operating a park store efficiently and profitably. To track profitability, we will prepare a monthly Income – Expenses report, summarized in an annual financial statement. To gauge visitor satisfaction, we will offer a Visitor Comments Notebook on site, and advertise the OPRD Website Feedback feature as a means of “letting us know how we’re doing”. Visitor notebooks have proved to be popular and insightful in our other store locations.

Oregon Parks and Recreation Commission

November 20, 2013

Agenda Item: 6d

Action

Topic: Land and Water Conservation Fund – Beverly Beach Replacement Property

Presented by: Kammie Bunes

Background: Acquisition and development of many state-owned properties has been assisted through the Federal Land and Water Conservation Fund (LWCF) grant program. In addition to receiving grants, OPRD is also the state agency responsible for administration of this program on behalf of the National Park Service (NPS). Section 6(f) of the LWCF Act requires grant recipients to map a boundary around each benefited park, resulting in what is commonly referred to as a 6(f) boundary map. Conversion of land within this boundary to non-recreation use requires the grant recipient to obtain NPS approval through OPRD, and to provide replacement land of at least equal economic value and similar recreation utility. This is the mechanism whereby the LWCF portfolio is kept whole.

The Oregon Department of Transportation (ODOT) owned and managed a total of 64.68 acres within a 6(f) boundary associated with the Baldock Safety Rest Area in Clackamas County. In 2010, ODOT requested and received conditional approval for conversion of 7.7 acres of land that had been transferred to private ownership for farming and an additional 7.49 acres for a major solar panel installation. Final approval is conditioned on providing acceptable replacement land.

Additional LWCF conversion occurred at Beverly Beach State Park in Lincoln County where several LWCF grants have been used. In 2007, 9,490 square feet (0.22 acres) of land within the 130-acre 6(f) boundary were converted from park to transportation use as part of ODOT's Highway 101 bridge replacement project at Spencer Creek.

In March of 2013, ODOT, OPRD and NPS conceptually agreed to replace the cumulative conversions at Baldock and Beverly Beach with approximately 70 acres of land adjacent to Beverly Beach State Park that would benefit park operations. Final approval is contingent upon the Commission approving the replacement property.

Prior Action by Commission: Executive Sessions May and July 2013; Informational Agenda Item July 17, 2013.

Action Requested: Approve acceptance of title to approximately 70 acres for addition to Beverly Beach State Park as replacement for the conversion of approximately 15.5 acres at Baldock Safety Rest Area and of approximately one-quarter-acre at Beverly Beach State Park.

Attachments: Attachment A: Map of Baldock Safety Rest Area; Attachment B: Map of Beverly Beach State Park; Attachment C: Summary Values

Prepared by: Kammie Bunes

Baldock Safety Rest Area

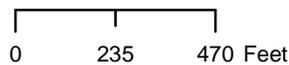
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725 Summer St. NE, Suite C
Salem OR, 97301



Agenda Item 6d; Attachment A



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NAD 1983 HARN Oregon Statewide Lambert Feet Intl



NMOB-02888 10/24/2013

E:10/29/2013

P:10/24/2013

6(f) Boundary
amb 10/29/13

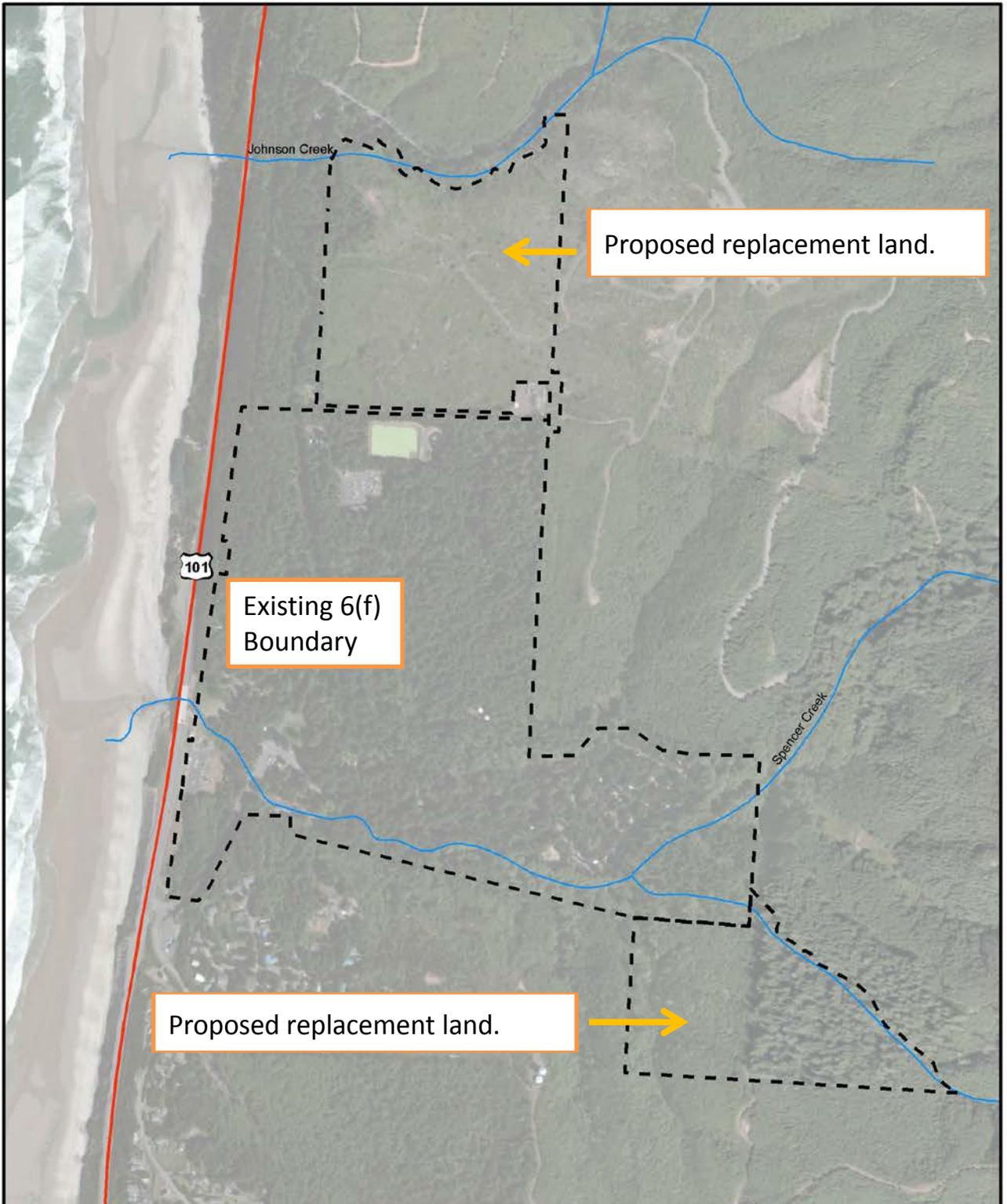
Beverly Beach State Park

Agenda Item 6d; Attachment B

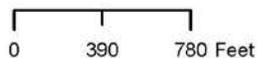
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Nature
HISTORY
Discovery



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NAD 1983 HARN Oregon Statewide Lambert Feet Intl



NMOB-02868 10/22/2013

E:10/22/2013

P:never

6(f) Boundary
amb 10/22/13

Land and Water Conservation Fund – Beverly Beach Replacement Property

Summary of Property Acreage and Values				
Property	Original 6(f) acres	Adjustment (in acres)	Fair Market Value	Resulting 6(f) acres
Baldock Conversion	64.68	-15.19	\$137,000	49.49
Beverly Beach Conversion	130.06	-0.22	3,000	129.84
Beverly Beach Replacement	129.84	+69.33	167,000	199.17
OPRD will be asking the National Park Service to allow the excess fair market value to be applied to future ODOT conversions that are resolved within the next five years.				

Recreation Utility of Proposed Replacement Land:

Beverly Beach State Park offers 128 individual tent sites, 3 group tent sites, 128 RV sites and 21 yurts. Aging infrastructure could lead to reduced services. Waste water is treated then sprayed onto dedicated irrigation fields. Existing irrigation fields have been in service in excess of 20 years and have an estimated 5-10 years of capacity remaining. OPRD must secure new fields to be assured continuous operation of the park and the portion of proposed replacement property lying north of the park can provide those needed fields. The proposed replacement property is consistent with 2013-17 State Comprehensive Outdoor Recreation Plan (SCORP) priorities to provide overnight camping and to fund major rehabilitation of existing facilities at the end of their useful life. OPRD estimates this property will provide capacity for 50-60 years of continued waste water treatment, at which time OPRD may be able to take the present fields out of a fallow state and return them to service.

The proposed replacement property lying east of the park provides land for nature and wildlife viewing, another SCORP priority. This portion of the replacement property will be managed as a visual and noise buffer between parkland and future residential development or timber harvest. The property will be left in a natural state, with the possibility of soft surfaced nature trails in the future if demand exists and funding is available. In summary, the proposed replacement property totaling 69.33 acres is consistent with statewide priorities, and provides greater recreational utility than the 15.41 converted acres.