



# Oregon Parks and Recreation Commission

February 4-5, 2014

Salem, OR

## February 4-5, 2014 Meeting Minutes

Those attending all or part of the meeting included:

### **Commissioners Present:**

Jay Graves, Chair

Cal Mukumoto, Vice Chair

Robin Risley

Brad Chalfant

Wendy Veliz

### **Staff:**

Lisa Van Laanen, Interim Director

Steve Shipsey, Assistant Attorney General

Vanessa DeMoe, Commission Assistant

Brenda Schorr, Executive Assistant

Chris Havel, Associate Director, Communications & Research

John Potter, Assistant Director, Operations

Roger Roper, Assistant Director, Heritage and Community Programs

Jim Morgan, Stewardship Manager

Kammie Bunes, Acquisition and Property Management Specialist

Richard Walkoski, Communications and Research

Steve Kay, Grants Manager

Scott Nebeker, Engineering Manager

Jaime English, Senior Planner

Tanya Crane, Budget Manager

MG Devereux, Project manager

Ron Campbell, Planner

Jerry Winegar, Mountain Region Manager

Dennis Comfort, Valleys Region Manager

Chris Matthews, Assistant Attorney General

Mary Beth Grover, Permit Program

Chrissy Curran, Associate Deputy SHPO/Program Manager

Mike Law, Grants Support Specialist

Rocky Houston, Recreation Trails Coordinator

John Allen, Coastal Region Manager

**Tuesday, Feb. 4<sup>th</sup>**

**1:00-2:30 Budget Training**  
Tanya Crane, Budget Manager

**2:30-5:00 Executive Session**  
The Commission met in Executive Session to discuss acquisition priorities and opportunities, and potential litigation. The Executive Session was held pursuant to ORS 192.660(2)(e) and (h). The Executive Session was closed to the public.

**Wednesday, Feb. 5<sup>th</sup>**

**Business Meeting: 8:30 a.m.**

**1. Commission Business (Action)**

- a) Approval of Agenda

Items 6a and 6b were moved in the agenda to be heard before Item 4, the Director's Update.

**Commissioner Mukumoto moved to approve the February 2014 meeting agenda. Commissioner Veliz seconded. The motion passed unanimously, 5-0.**

**2. Public Comment:**

Vince Pappalardo - Agate Beach resident

Mr. Pappalardo gave comment on Item 7, OAR 736 – 010 rulemaking, regarding smoking restrictions. He urged the Commission to pass rules that prohibit smoking on the beaches as expedient as possible.

**3. Approval of Commission Meeting Minutes**

- a) November 20, 2013 (Action)  
b) December 6, 2013 (Action)

**Commissioner Chalfant moved to approve both the November 20, 2013 and December 6, 2013 commission meeting minutes. Commissioner Risley seconded. The motion passed unanimously, 5-0.**

**6. Property (Item 6a and 6b)**

John Potter, Assistant Director of Operations  
Jim Morgan, Stewardship Manager

**Audio from the meeting for Items 6a and 6b, including the public comment received is located at :**

<http://www.oregon.gov/oprd/pages/commission-grousemt.aspx>

<http://www.oregon.gov/oprd/pages/commission-bandon.aspx>

## 6b) Grouse Mountain Acquisition (Action)

Mr. Morgan said that before the Commission was part of a long sequence of discussions on the acquisition of Grouse Mountain. He stated that the more pivotal point being the approval of the acquisition priority list at the July 2013 Commission meeting; following that approval, at the November meeting was a finding that the acquisition was consistent with the standards set by rule. Mr. Morgan explained that there were requests made by the Commission for additional information. He said that many of the issues brought forth are addressed in the final order. Mr. Morgan said that with the support of the Department of Justice, the department has prepared a final order regarding the Grouse Mountain Ranch acquisition for the Commission's consideration for approval. In addition to providing the final order, the Commission requested the department to provide additional information pertaining to the proposed Grouse Mountain acquisition regarding the following:

- Appraisals
- Grant County Agreement to Address Issues
- Hunting
- Natural Resource Values
- Preliminary Management Goals

Mr. Morgan briefly discussed each of the above issues.

Mr. Potter pointed out that the proposed final order was provided to the Commission and was a result of good work done by DOJ. He said it attempted to address all comments from the public and partners and to provide the Commission findings on each of the major components for consideration.

Public comment was provided by the attendees listed below:

Chris Labhart - Grant County Commissioner  
Cameron La Follette - Oregon Coast Alliance  
Jeff Thomas - Grant County Farm Bureau  
Sharon Waterman - Bandon, OR  
Peter Kenagy

Audio of the public comment received is located at  
<http://www.oregon.gov/oprd/pages/commission-grousemnt.aspx>

Mr. Potter made a final statement and was available, along with Mr. Morgan, to answer any questions regarding the Grouse Mountain acquisition. There was no further discussion at this time. Mr. Potter and Mr. Morgan moved to Item 6a, Bandon Exchange.

**Commission action for Item 6b was taken after discussion on Item 6a.**

## 6a) Bandon Exchange (Action)

Mr. Morgan gave a brief background on the Bandon Exchange; stating that discussion started in 2010 with an initial proposal from Bandon Biota. He said there have been many discussions since then and a second formal proposal was presented in June 2013. Mr. Morgan said that the last action taken by the Commission was at the November 2013 meeting when it was determined that the exchange met the standards set forth in Oregon

Administrative Rules as having an overwhelming public benefit to the state parks system. He said that the Commission had asked that a final order be generated to address specific issues; that final order was provided to the Commission. Mr. Morgan stated that there were additional items the Commission asked staff to address. Mr. Morgan briefly discussed the additional items:

- appraisal issues
- landowner donation of \$500,000
- change in land shape
- alignment of coastal trail – trail access
- gorse control
- Whale Cove
- reversionary interest – Bandon SNA
- potential impact on Western Snowy Plover Mgmt and recovery
- additional resource values – wildlife use

Mr. Potter asked the Commission if staff had adequately addressed the issues that had been raised. Chair Graves asked for clarification on the number of acres on the Grouse Mountain property currently in production for agriculture purposes. Mr. Morgan clarified that 40 acres are currently in hay production and approximately 1 thousand acres of forest land that has been thinned for forest health purposes. Mr. Morgan said the intent is to continue production; the methodology has not been determined yet. Commissioner Veliz asked if expanding the acreage for agricultural use. Mr. Morgan replied that it was being considered. Mr. Meredith added that 120 acres are irrigated. In the last five years most of the 120 acres have been cut for hay; only recently has the acreage been decreased to 40 acres. He also shared other activities on the property and explained that some activities are dependent of water conditions each year.

Public comment was provided by the attendees listed below:

Cameron La Follette – Oregon Coast Alliance  
Courtney Johnson – Oregon Shores  
Phillip Johnson – Oregon Shores  
Margaret Stevens  
Steve Corey – provided a statement on behalf of Mike Keiser and Bandon Biota  
Bob Johnson, Real Estate Consultant for Bandon Biota

Audio of the public comment received is located at  
<http://www.oregon.gov/oprd/pages/commission-bandon.aspx>

Mr. Potter and Chris Matthews provided clarification on several issues, including:

- Oregon coast trail alignment
- Appraisal chart
- BLM revertment
- Mineral rights
- Separation of the Bandon Exchange and Grouse Mountain Acquisition

Mr. Matthews discussed needed changes to the proposed orders, specifically to address the price change of Grouse Mountain from \$4.5 million to \$4 million. He stated that staff needed direction from the Commission prior to February 28, 2014 on Grouse Mountain because of a condition in the purchase agreement stating OPRD has the ability to terminate the agreement by that date if it has not met the criteria of Commission approval. He stated that there has been comment that there has not been enough time, if the Commission is interested in more time the February 28<sup>th</sup> deadline needs to be considered.

Chair Graves said he would like to delay decision until the February 20, 2014 conference call meeting of the Commission. He stated that written public comment will be accepted until Friday February 14, 2014.

**Commissioner Mukumoto made a motion to table both Items 6b and 6a until the February 20, 2014 meeting of the Commission; with a deadline for written public comment of February 14, 2014. Commissioner Veliz seconded. The motion passed unanimously 5-0.**

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

a) Proposed Legislative Concepts (Information)  
MG Devereux, Project Manager

Mr. Devereux provided the Commission with an update on the Legislative Session that had started Monday, February 3, 2014. He said that there are currently 254 bills and staff are currently tracking 43 of them; 6 of the bills have significant interest to the department. Mr. Devereux briefly discussed the RV Fee Distribution bill (SB 1514) and the Salmonberry Trail Planning bill (SB 1516).

Mr. Devereux said that while the 2015 session is nearly a year away, the process for developing legislative concepts has already begun. He said that the Agency requests are due for review in May of 2014. OPRD is researching several policy and budget concepts. He briefly discussed the general issues; Restoration Project Contracting, Camping Rates and Scenic Waterway Evaluations. Mr. Devereux stated that the developed concepts will be presented to the Commission in April for final approval.

b) State Fair Council and Transition Update (Information)  
MG Devereux, Project Manager

Mr. Devereux said that Senate Bill 7 was passed in the last session; the bill created the infrastructure for the State Fair Council. The Council will take the operation and management of the Oregon State Fair in to a public corporation. He said that the corporation will be solely geared to making the operation profitable. Mr. Devereux shared that the first target had been met and the Council was in place prior to the end of last year. The council members are listed below:

- Loyal Burns, Board of Directors, Veterinary Services Inc. and Sheep Breeder
- Janet Carlson, Marion County Commissioner
- Jon Chandler, Chief Executive Officer, Oregon Homebuilders Association
- Gene Derfler, former Senate President, Oregon State Senate
- George Jennings, retired attorney and shareholder, Garrett, Hemann, Robertson P.C.

- Austin McGuigan, Community Development Director, Polk County, Dallas, Oregon
- Leah Perkins-Hagele, Fairgrounds Manager, Washington County Fair Complex
- Anna Peterson, Mayor, City of Salem
- Craig Smith, former Vice President and Chief Financial Officer, Chemeketa Community College
- Larry Tokarski, President, Mountain West Investment Corporation
- Kerry Tymchuk, Executive Director, Oregon Historical Society

The council also includes two non-voting legislative representatives, Senator Arnie Roblan and Representative Vicki Berger, and an advisory member, Linda Norris, Salem's City Manager.

Mr. Devereux provided an update on the accounting and visitor information from the 2013 fair, briefly discussed the department's role in the 2014 fair and shared the next steps in the transition process.

## **5. Consent Calendar (Action)**

- a) Approval of Delegated Authority Report
  - 1) Contracts
  - 2) Natural Resources
  - 3) Veteran and War Memorial Grant Awards
  - 4) County Opportunity Grant Awards
  - 5) Director's Expense Report

**Commissioner Veliz moved to approve the Consent Calendar. Commissioner Chalfant seconded. The motion passed unanimously, 5-0.**

## **7. Rulemaking**

Richard Walkoski, Communications & Research

- a) Request to adopt OAR 736-010, Smoking Restrictions (Action)

Mr. Walkoski explained that Governor John Kitzhaber had signed Executive Order 12-13 Tobacco Free Properties to improve the health, wellness and productivity of employees, clients, volunteers and visitors. The executive order encourages the Oregon State Parks and Recreation Commission to "adopt policies by December 31, 2014 that limits or restrict the use of tobacco products at state parks and recreation areas to address wellness issues, and to reduce the risk of forest fires." At the September 2013 commission meeting approval was granted to begin rulemaking on those restrictions. Mr. Walkoski reported that proposed rules were made available to the public and the public comment period was opened in December; with public hearings in Grants Pass, Champoege Park, Bend and at Newport.

The Commission and staff discussed the potential confusion with the wording in the draft text that allows smoking in "personal vehicles and camping units." The concern was that "camping units" would be confused with yurts and cabins, where smoking inside is prohibited. Mr. Potter suggested adding the word "vehicular" in front of "camping units" to be clear that smoking is not allowed in buildings or structures.

Mr. Walkoski stated that staff was requesting the commission approve the modified revisions to OAR 736-010; including the change of the word "permitted" by the park manager to read "allowed" by the park manager and to clarify the exclusion by changing the text to read "personal camping units and vehicles."

**Commissioner Mukumoto moved to approve the request to adopt OAR 736-010, smoking restrictions. Commissioner Risley seconded. The motion passed unanimously, 5-0.**

- b) Request to go to rulemaking for OAR 736-021, smoking restrictions on the ocean shore. (Action)

Mr. Walkoski said that the Governor's Executive Order on Tobacco Free Properties specifically exempted the ocean shore which is under OPRD management and no rules were initially proposed under division 21, ocean shore rules. He shared that the external advisory committee suggested that it made sense to look at the ocean shore at the same time that rules for the parks were being considered; that opinion was reflected in the public comments received for the division 10 rules. Mr. Walkoski requested approval to begin the rulemaking process for OPRD rules, chapter 736, division 21, relating to the use of tobacco on the ocean shore.

**Commissioner Mukumoto moved to approve the request to go to rulemaking for OAR 736-021, smoking restrictions on the ocean shore. Commissioner Risley seconded. The motion passed unanimously, 5-0.**

## **8. Heritage & Community Programs**

- a) Trails Program Update (Information)  
Steve Kay, Grant and Community Programs Manager

Mr. Kay provided an update to the Commission on recent staff changes in the Trails Program section. He briefly explained the changes and said that that the realignment was done so that they are better positioned to serve their primary customers.

- b) Heritage Programs Update (Information)  
Roger Roper, Assistant Director, Heritage and Community Programs

Mr. Roper reported that Paisley Caves was nominated to National Register of Historic Places. He said that Paisley (Five Mile Point) Caves, was located in south-central Oregon, and has been in the news in recent years for the archaeological investigations there that have yielded the oldest, directly dated human remains in the western hemisphere (as early as 14,300 years ago). Mr. Roper also provided an update on new acquisitions that have combined important historic buildings with recreation and scenic values.

- c) Museum Grant Awards (Information)  
Roger Roper, Assistant Director, Heritage and Community Programs

Mr. Roper explained that Heritage and Community Programs, through the Oregon Heritage Commission, has recently awarded 10 grants under the Museum Grant program, one of five heritage grant programs OPRD administers. He said that the Museum Grant program typically provides a total of about \$100,000 in lottery funds with an average of 18 grants per biennium. Recently awarded grants:

- Museum Grants
  - 10 grants
  - \$67,975
  - For improvements to museums, collections, and interpretive materials

## 9. Budget

Tanya Crane, Budget Manager

### a) 2013-15 Budget Update (Information)

Ms. Crane stated that the December 2013 Lottery forecast was released November 21, 2013. It reflects a decrease in Lottery Fund revenue for the Department of \$287,296. Since the close of session, the Lottery Fund revenue forecast has decreased by \$80,907. The Department's budget was built on a Lottery Fund revenue forecast of \$79.1 million and the December 2013 forecast is \$79.0 million. The table below reflects the change in the Lottery revenue forecast for the 2013-15 biennium.

As directed by a budget note in the Department's budget, a report was presented in January 2014 to the Natural Resources Subcommittee of the Joint Interim Committee on Ways and Means. The Department submitted the report from the Oregon Solution process with Oregon Counties related to the sharing of Recreational Vehicle fees between OPRD and the counties.

### b) 2015-17 Budget Planning (Information)

Planning Process, early steps in developing the 2015-17 biennium

The Department is in the earliest stages of planning the development of the 2015-17 biennium budget. It will be necessary to review and forecast a number of items:

- Revenues
- Expenditures
- Beginning and Ending Balances
- Cash flow needs
- Policy Packages

In addition, the Department will need to review:

- Key Performance Measures (KPM)
- Budget and Accounting Structures

While official due dates have not yet been published, traditional budget development timeframes are listed below.

- Enter and Balance 2009-11 Actual revenues and expenditures – Late January/February 2014
- Review methodologies and create preliminary revenue forecast – January to March 2014
- Review phase in and phase out needs – February 2014
- Changes to KPMs – March 2014
- Exception request due to DAS – March 2014
- Create and initially price policy package wishes – January to April 2014
- Legislative Concepts – April 2014
- Project Expenditures:
- PICS Freeze – mid April 2014
- Allowable inflation – April/May 2014
- Review and Revise cash flow needs – March to May 2014
- Preliminary discussions with Commission – April 2014
- Final Commission Approval – June 2014

There are deadlines that are known:

- Input Current Service Level (CSL) budget to ORBITS – June 30, 2014
- Input of position adjustments into PICS – June 30, 2014
- Input of Policy Packages to ORBITS – July 31, 2014
- Agency Request Budget binder with audited ORBITS and PICS reports to DAS – September 1, 2014

Future budget timeframes;

- Governor’s Budget – completed by December 1, 2014 or February 1, 2015. Agency will need to support development usually in October and November.
- Legislatively Adopted Budget – completed during the 2015 session. Hearings usually start in March with follow up hearings and action in May.

## **10. Visitor Experience**

Chris Havel, Associate Director, Communications and Research

### a) First Day Hikes (Information)

Mr. Havel provided background on the program and statistics from past First Day Hikes events. He said that this year, thirty (30) hikes in twenty-eight (28) different parks were offered, and all of them were resoundingly successful. A total of 943 hikers completed 2,155 miles of trail on January 1, 2014, including some horses, “zombie apocalypse” survivors, and more. Each participant also received an OPRD 2014 First Day Hike pin for the second year in a row, which is fast becoming collectible for park visitors. Mr. Havel briefly discussed media and promotions around the events, results and a look ahead to future events.

## **11. Planning**

### a) Gorge State Parks Comprehensive Plan (Information)

Jaime English

Ms. English shared that OPRD has been working to update the 1994 Master Plan for Oregon State parks in the Columbia River Gorge. In the time since the Parks Commission was last updated in November, an existing conditions inventory and planning analysis have been completed and were presented at a second round of public meetings on January 14<sup>th</sup> and 15<sup>th</sup>. At these meetings, community members and park staff discussed the values and strategies needed to guide the planning and management efforts for the Oregon State Parks in the Gorge over the next 12 years. Ms. English briefly covered existing conditions, the planning analysis, what the complete final plan will include and next steps.

### b) Historic Columbia River Hwy State Trail Project Update (Information)

Wayne Stewart, Chair, Historic Columbia River Highway Advisory Committee  
Kristen Stallman - ODOT

The Historic Columbia River Highway Trail Advisory Committee and Kristen Stallman with ODOT, provided an update to the Commission on engineering, construction, and funding for the last ten miles of the trail being developed.

- c) Brian Booth State Park Comprehensive Plan (Action)  
Ron Campbell

Mr. Campbell said that the third and final phase of public involvement had been completed, leading to the presentation of the draft Plan to the Commission. Mr. Campbell provided a summary of the plan proposals, key issues raised in the public meetings and the next steps in the planning process. Mr. Campbell requested approval of the draft Plan, allowing staff to move forward with the state rule hearing and county land use review that lead to adoption of Plan.

[ Commissioner Veliz excused herself from the meeting at 12:55 p.m. ]

**Commissioner Chalfant moved to approve the Brian Booth State Park Comprehensive Plan. Commissioner Mukumoto seconded. The motion passed unanimously, 4-0.**

## **12. Natural Resources**

- a) Scenic Waterways Program Update (Information)  
Laurel Hillmann, Ocean Shore Planner  
Terry Bergerson, Communications and Research

Ms. Hillman and Mr. Bergersen gave a presentation to the Commission on the Scenic Waterways Program. The presentation included background on the program, planning efforts, and next steps.

## **13. Reports (Information)**

- a) Salmonberry Planning Process
- b) Celebrate the Shore
- c) Cottonwood Canyon
- d) Rulemaking Status

**Reports in agenda Item 13 were provided to the Commission as information only. There was no formal presentation or discussion on the reports.**

## **14. Commission Planning Calendar (Information)**

**April 8-9** (Monday April 7<sup>th</sup> – travel day)

**Location: Bend – Riverhouse** (lodging & meeting location)

Monday, April 7<sup>th</sup> – Travel

Tuesday, April 8 - Tour - TBD

Work-session and Executive Session

Wednesday, April 9 – Business Meeting

**Adjournment: 1:30**