

Oregon Parks and Recreation Commission

July 15, 2010

Agenda Item: 11a

Action

Topic: Request to go to Rulemaking, OAR 736-010-0066, State Capitol State Park Recognitions and Memorials

Presented by: John Potter

Background:

The Department started managing the grounds surrounding the State Capitol Building and portions of the Capitol Mall as a park in January 2007. Since that time, staff has received significant interest from various parties for the State Capitol State Park to serve as a venue for the installation of additional permanent recognitions and honorary features. Proposals have included recognition of individuals such as state legislators, tribes, unions, and other groups such as fallen workers. Most recently, there has been interest in placing a World War II recognition in the park.

Permanent recognitions and honorary features can be appropriate in parks and are provided for by Commission policy COM 5-10 *Naming of Oregon State Parks and Facilities and Other Types of Recognition* (effective 6/2009). State Capitol State Park is no exception and is perhaps more desirable and appropriate for recognitions than many other parks. As Oregon's "Capitol Park" and a focal point in the city of Salem, and given its proximity to the heart of state government, State Capitol State Park is a sought-after location for such installations.

Because of the high demand and the high-visibility of the park, and because of the potential for competing proposals and park values, staff recommends establishing a rule to provide for the installation of recognitions on State Capitol State Park. This rule would define a process and criteria for review of requests for recognitions and honorary features, culminating in recommendations by the Director to the Commission for approval. The rule is based upon COM 5-10 and provides specifically for State Capitol State Park.

The intent of the rule is consistent with the ongoing State Capitol State Park planning process, which was presented to the Commission as information in March 2010. The concept and some draft language for the rule were presented to the Capitol Planning Commission on June 16, 2010 and were well-received. As part of the plan development, the rule concepts will be reviewed by the Plan Stakeholder and Technical Review Teams at an upcoming meeting. Input from these groups will be incorporated into the final rule language, as appropriate.

Attachments: Draft Rule Language

Action Requested: Request to go to rulemaking

Prior Action by Commission: None.

Prepared by: Jenn Cairo

Draft Rule 736-010-0066
State Capitol State Park – Recognitions and Memorials

(1) Purpose. The purpose of this rule is to provide guidance for honoring individuals, groups, and events of exceptional significance to Oregon or to the history of the nation, while respecting existing features and the aesthetics of the State Capitol State Park and the Capitol Mall area, as well as the values of Oregonians, in general.

(2) Recognitions and honorary features may include installations of plantings, facilities, or features that are consistent with the State Parks and Recreation Department's State Capitol State Park Comprehensive Plan. Memorials to the deceased are discouraged due to the complexities involved in managing them in perpetuity and the potential they have for altering the nature and purpose of the park.

(3) Application and Approval Process.

- a. Parties interested in sponsoring a recognition or honorary feature shall make application to the State Parks and Recreation Director in a manner prescribed by the department. The application must meet the criteria listed in subsection (4).
- b. Department staff will review and evaluate the application and coordinate with the sponsor to obtain any additional information that may be required to adequately review the proposal. The director shall determine whether a proposal is deemed significant or minor.
- c. The department will appoint a department liaison to the sponsor for significant proposals. The liaison will assist the sponsor with preliminary design and the review process.
- d. Upon notice of the director, the Assistant Director, Heritage Programs will convene a review committee that may be comprised of a representative of the State Capitol Foundation, Governor's Office, Legislative Administrative Committee, Capitol Planning Commission, City of Salem, a citizen at large, and at least one representative of an agency whose offices are located on the Capitol Mall. The review committee shall provide an opportunity to consider input from the public. It will review significant proposals to assess their compliance with criteria and objectives prescribed in this rule and make a recommendation to the director for further action that may include suggestions for changes to the design or location.
- e. The director shall consider the recommendation of the committee or return it to the sponsor for further clarification. When the director has determined that the proposal is complete, properly evaluated, and acceptable, the proposal will be presented to the State Parks and Recreation Commission for consideration and possible approval.
- f. The department accepts no responsibility for any expenditure incurred by the sponsor prior to approval by the commission or subsequently. Construction or installation may not begin until approval is granted.
- g. For minor proposals to place recognitions or honorary features consisting of small plantings, benches and other small installations that are consistent with the State Capitol State Park Comprehensive Plan, the director may consider and approve or deny such requests without further review or approval.

- (4) Applications for Recognitions and Honorary Features shall:
- (a) Comply with the State Capitol State Park Comprehensive Plan,
 - (b) Avoid the open, grassy areas of the Central Mall and Willson Park ovals,
 - (c) Not disturb major trees and plantings,
 - (d) Maintain existing pedestrian and vehicle traffic flows and sightlines,
 - (e) Avoid disturbance of existing installations and structures,
 - (f) Demonstrate broad public support for the proposal and its design, and
 - (g) Include an estimate of costs and funding source for design, construction, regular maintenance, and repair.
- (5) Costs. All expenses for design, fabrication, and installation shall be borne by the sponsor. The department shall assist the sponsor to determine the requirements for installation. Prior to installation, the project sponsor shall provide for deposit in the Recognition and Honorary Feature Maintenance Trust Fund an amount equal to 15% of the project replacement value to be expended for maintenance and repair of recognitions and honorary features in the State Capitol State Park.
- (6) Design Approval and Installation.
- a. Final design of the project must be approved by the department and meet all applicable codes and standards.
 - b. For projects constructed and installed by the sponsor, the department will assign a project manager to provide construction inspection and oversight. The sponsor is responsible for acquiring all necessary permits prior to construction.
 - c. For projects constructed and installed by the department on behalf of the sponsor, the sponsor shall reimburse the department for the costs of bid preparation, contracting services, permits, construction inspection and project management oversight.
 - d. The sponsor shall remain responsible and liable for the project until it is accepted in writing by the department.
- (7) Recognitions and honorary features shall become the sole property of the department.
- (8) The department shall maintain a registry of existing and future recognitions and honorary features in the agency's asset records.
- (9) Maintenance.
- a. The department shall establish a Recognition and Honorary Feature Trust Fund from funds provided by project sponsors and donations. The fund shall be used to defray the costs of maintenance and repair of recognitions and honorary features in the State Capitol State Park.
 - b. The department may relocate or remove existing recognitions or honorary features, if determined necessary. The department will consult a review committee prior to relocation or removal.
 - c. If living recognitions or honorary features such as trees or plantings die, are damaged, or present a hazard to the public or adjacent buildings or structures, the department, may remove or replace them at its discretion. If plaques or recognition items are associated with the removed trees or plantings, they will be offered first if possible to the family of the individual recognized, or secondarily, to the State Capitol Foundation for archiving.

Attachment A – Clean

736-010-0055

Cultural, Historic, Natural and Wildlife Resources

(1) A person may not disturb or remove any archaeological, cultural, or historical material from a park area, unless authorized by the director as defined in ORS 390.235.

(2) A person may not, except with the written permission of the park director or park manager:

(a) Dig up, or remove any soil, rock, or fossil materials;

(b) Roll any stones, logs or other objects that may endanger a person or damage park resources; or

(c) Pick, cut, mutilate or remove plants or natural resources of any type from any park area, except as allowed by sections (3) to (5) and (7) of this rule.

(3) A person may collect limited-souvenirs of agate and gem stone rock materials within the boundaries of Succor Creek State Recreation Area away from the developed public use areas and roadways of the park under the following conditions:

(a) No commercial digging, quarrying, or removal of rock is allowed;

(b) No excavating or rock collecting is allowed within a distance of 500 feet from any developed public use picnic area or campground, or 200 feet from an improved highway or park road within the park area; or within the area of an archeological site;

(c) Excavation is restricted to standard hand tools including a hand pick, shovel, or hammer;

(d) The use of mechanical excavators including, but not limited to bulldozers, backhoes, scoops, tractors, or the use of other power tools to excavate or remove materials is prohibited;

(e) Excavation of rock or soil materials around the root zone of trees and shrubs is prohibited.

(4) Notwithstanding section (2) or (3), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on the state and federal lands of this area.

(5) A person may gather for personal consumption berries, fruits, mushrooms, or similar edibles. A person may not uproot living plants, and roots, tubers, flowers, and stems may

not be collected except with a written permit and only for scientific collection or research purposes, or by a Native American for personal consumption as part of their traditional cultural heritage. Driftwood may be taken in small amounts in accordance with OAR 736-026-0010.

(6) A person may not give or offer food items to any wildlife within a park area except when authorized by the park manager.

(7) A person may not hunt, pursue, trap, kill, injure, or molest any wildlife or disturb their habitats within a park area, except under the following provisions:

(a) In those park areas where hunting and trapping is allowed, a person must comply with the rules and regulations of the Oregon Department of Fish and Wildlife.

(b) In those park areas where hunting is allowed, dogs being used for hunting game birds or unprotected wildlife or being trained for hunting or tracking shall be in the handler's control at all times.

(c) Seasonal hunting of waterfowl is allowed in the following park areas:

(A) Bowers Rock State Park;

(B) That portion of Elijah Bristow State Park located north of the main channel of the Middle Fork of the Willamette River;

(C) Portions of Fort Stevens State Park adjacent to Trestle Bay as posted;

(D) That portion of La Pine State Park located on the northeast boundary, beginning 4,135 feet down river from the Deschutes River Home Sites #6 bridge (survey point at N43 46.989, W121 31.015) to a point 950 feet up river of the Fall River confluence (survey point at N43 47.204, W121 30.705);

(E) That portion of Willamette Mission State Park located on Grand Island in Yamhill County;

(F) That portion of Government Island State Recreation Area including the perimeter of both Government and Lemon Islands, not above the mean high water mark as posted;

(G) That portion of Rooster Rock State Park which includes Sand Island as well as the bank which runs parallel to the south of the island. Hunting will not be allowed during the special waterfowl hunting season which starts in September as posted;

(H) That portion of Benson State Recreation Area at Dalton Point, north of I-84, starting 300' east of the boat ramp running to the eastern most tip of the property at river mile 134 as posted;

(I) That portion of Starvation Creek State Park, north of I-84, river mile 159.6 to 160.2 as posted;

(J) That portion of Mayer State Park including the entire Salisbury Slough area and the pond 800' Northwest of the boat ramp as posted.

(d) Seasonal hunting of game wildlife is allowed within Deschutes River State Recreational Area south of the stream gauge cable crossing line and parallel extensions of the cable crossing line to the east and west park boundaries.

(e) Seasonal hunting of deer is allowed in portions of La Pine State Recreation Area north of the east-west power line road, approximately one mile north of the campground booth.

(f) Seasonal hunting permitted at Cottonwood Canyon State Park on the John Day River, excluding land within the J.S. Burres State Park boundaries, subject to change upon the adoption of the Cottonwood Canyon State Park Master Plan.

(g) Seasonal hunting of upland game birds is allowed in Succor Creek State Park, except within 500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.

(h) Trapping is allowed only by permit from the department in Bowers Rock State Park, Deschutes State Recreation Area, Elijah Bristow State Park, and Willamette Mission State Park.

(i) Hunting is allowed with shotguns or bows and arrows only, during authorized seasons in all Willamette River Greenway Corridor parcels, except in those parcels described below, where all hunting is prohibited:

(A) Wapato Access (Virginia Lake), River Mile 17.0–18.0, Multnomah Channel, Right bank when facing downstream;

(B) Crown Zellerbach, River Mile 21.3, Main Channel, Left Bank when facing downstream;

(C) Merrell (Mary S. Young State Park), River Mile 23.6, Main Channel, Left Bank when facing downstream;

(D) Willamette Shores, Inc. (Mary S. Young State Park), Main Channel, River Mile 24.0, Main Channel, Left Bank when facing downstream;

(E) Meldrum Bar Park (City of Gladstone) River Mile 24.2–24.4, Main Channel, Right Bank when facing downstream;

(F) Hattan-Fisher, River Mile 24.3, Main Channel, Left Bank when facing downstream;

- (G) Dahl Park (City of Gladstone) River Mile 24.7, Main Channel, Right Bank when facing downstream;
- (H) Coalca Landing, River Mile 30.7, Main Channel, Right Bank when facing downstream;
- (I) Lang, River Mile 30.7, Main Channel, Left Bank when facing downstream;
- (J) Pete's Mountain Landing, River Mile 30.8, Main Channel, Left Bank when facing downstream;
- (K) Peach Cove Landing, River Mile 31.5, Main Channel, Left Bank when facing downstream;
- (L) Brandborg, River Mile 32.0, Main Channel, Left Bank when facing downstream;
- (M) Asche, River Mile 34.1, Main Channel, Left Bank when facing downstream;
- (N) Molalla River State Park, River mile 34.6–36.1, Main Channel, Right Bank when facing downstream;
- (O) Willamette Meridian Landing, River Mile 37, Main Channel, Left Bank when facing downstream;
- (P) French Prairie Access, River Mile 41.0, Main Channel, Right Bank when facing downstream;
- (Q) Parrett Mountain Access, River Mile 45.5–46.0, Main Channel, Left Bank when facing downstream;
- (R) Hess Creek Landing, River Mile 53, Main Channel, Left Bank when facing downstream;
- (S) San Salvador Access, River Mile 56.7, Main Channel, Right Bank when facing downstream;
- (T) Lincoln Access, River Mile 76.2–77.0, Main Channel, Left Bank when facing downstream;
- (U) Lincoln Access (Doak's Ferry) River Mile 77.6, Main Channel, Left Bank when facing downstream;
- (V) Darrow Rocks Access, River Mile 78.1, Main Channel, Left Bank when facing downstream;

(W) Ross Island Sand & Gravel (Salem Waterfront), River Mile 82.8, Main Channel, Right Bank when facing downstream;

(X) Hall's Ferry Access, River Mile 91.3, Main Channel, Right Bank when facing downstream;

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(Z) Takenah Landing (City of Albany), River Mile 118.5, Main Channel, Left Bank when facing downstream (Closed only for 500 feet west of parking area);

(AA) Jasper Bridge, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

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(CC) Jones, Lanham, River Mile 120.1, Main Channel, Left Bank when facing downstream;

(DD) F. Schmidt, P. Schmidt, River Mile 120.3, Main Channel, Left Bank when facing downstream;

(EE) Truax Island Access, River Mile 168.7, Main Channel, Left Bank when facing downstream (closed only for 500 feet west of parking area);

(FF) Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing downstream;

(GG) Log Jam Access, River Mile 194.4–194.8, Middle Fork, Left Bank when facing downstream;

(HH) Pengra Access, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

(II) Cougar Mountain Access, River Mile 15.5, Coast Fork, Right Bank when facing downstream; and

(JJ) Lynx Hollow Access, River Mile 17.2, Coast Fork, Left Bank when facing downstream (Closed except for 100 foot strip along riverbank);

(j) Trapping is allowed only with written authorization from the department in the Willamette River Greenway Corridor parcels closed to hunting, as listed above. Trapping is allowed in all other Willamette River Greenway Corridor parcels.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 498.002 & 498.006

Hist.: 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 10-1991, f. & cert. ef. 6-18-91; Renumbered from 736-015-0065, 736-015-0072, 736-015-0080, 736-015-0090, 736-015-0095, 736-015-0100, 736-015-0130, 736-015-0135, 736-015-0150 & 736-015-0160, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 11-2008, f. & cert. ef. 12-15-08; PRD 11-2009, f. & cert. ef. 6-18-09; PRD 2-2010(Temp), f. & cert. ef. 2-3-10 thru 7-30-10

Attachment B - Marked

736-010-0055

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~~(f) Seasonal hunting permitted at Cottonwood Canyon State Park on the John Day River, excluding land within the J.S. Burres State Park boundaries, subject to change upon the adoption of the Cottonwood Canyon State Park Master Plan.~~ [Seasonal Hunting of game wildlife and upland game birds is permitted on OPRD property at Cottonwood Canyon State Park except as described below:](#)

[\(A\) 200 yards surrounding boat launch at the former JS Burres site at Cottonwood Bridge](#)

~~(A)~~[\(B\) Areas closed by Director or designee to ensure the safety of the public or protection of park resources. Closures will be posted at designated park entrances.](#)

(g) Seasonal hunting of upland game birds is allowed in Succor Creek State Park, except within 500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.

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Oregon Parks and Recreation Commission

July 15, 2010

Agenda Item: 11b

Action

Topic: Request to go to Rulemaking, OAR Chapter 736-010; Hunting

Presented by: M. G. Devereux

Background:

In January 2010, the Commission approved a temporary rule to permit hunting at Cottonwood Canyon State Park (OAR 736-010-0055 Sec 7F). This rule was intended to provide access to hunters in a manner that was consistent with traditional usage of the Murtha Ranch property and surrounding BLM property. The temporary rule was also made with an understanding that further refinement of hunting would be needed as the park master plan was developed. The temporary rule will expire prior to master plan adoption. The final rule will need to provide more specific information about location and restrictions.

Agency staff has discussed potential hunting rules with ODFW and the Western Rivers Conservancy in an attempt to formulate a rule that is consistent with current access and provides for the opportunity to define hunting areas in a manner that provides for resource protection and visitor safety. The rule text will also provide specifics for clarity on management and use.

Prior Action: January 28, 2010: temporary hunting rule for Cottonwood Canyon State Park was approved.

Action Requested: Staff requests the Commission's permission to go to rulemaking in order to create permanent hunting rules for Cottonwood Canyon State Park.

Prepared by: M. G. Devereux and John Potter