

Oregon Historic Trails Advisory Council

2004 Annual Report



Lewis and Clark Hiking Trail from
Hat Rock to McNary Dam near Hermiston, Oregon
October 2004

OHTAC 2004 Annual Report

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Oregon

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Oregon Historic Trails Advisory Council

2004 Annual Report

Introduction

In 1998 the Governor established the Oregon Historic Trails Advisory Council to oversee and provide advice on sixteen designated historic trails in Oregon. We are nine volunteer citizens, working together to advise the Governor and locate, preserve and encourage the use of these historic trails by Oregonians and visitors alike. Ex-officio members from a variety of state, federal, and related organizations provide the Council advice and technical information.

We meet approximately three times a year. One of our meetings is our annual business meeting and the other two meetings are trips to explore various historic trails each of which is followed by an open public meeting to discuss the trail we just visited and any other pending impact of the sixteen trails. Guided by local resident and public agency experts, we evaluate and record trail conditions and discuss opportunities for marking and interpretation of the trails with our goal to include collecting and sharing information on locating and marking trails; encouraging local communities and agencies to develop directional and interpretive signage, brochures and maps, and helping them find the resources to protect and share these corridors of history.

This report covers the activities of the Council through the 2004 calendar year. It is organized as an executive summary with pertinent documents attached for documentation and details. The main points of action are summarized in the summary letter.

This annual report is prepared and submitted to the Oregon Parks and Recreation Commission as an objective of the Procedural Rules adopted by the Council when it was formed.



OHTAC Summary of Action in 2004

1. Ann Rogers appointed as Chair, Marcia Morse appointed as vice-chair, Eileen Fitzsimmons is Past Chair. These three serve as the "Executive Committee" of OHTAC.
2. OHTAC helped the Nature Conservancy to obtain an agreement with the leaseholder of the Threemile Canyon Farms to place signage on a hiking segment of the Oregon Trail. **Signage was completed and installed.**
3. **Procured funding** from the National Park Service to send an OHTAC member to the Oregon California Trails National Convention in August to be held in Vancouver, WA. (Keith May attended.) Also, funds were earmarked to send a member to the Partnership for the National Trails System in October in Austin, Texas. (Jim Renner attended.) SHPO did not set up the funds as per the requests by NPS and Ms. Sullivan did not submit receipts as per her instructions. Jere Krakow assured OHTAC that the money would not disappear by 10-1-04 but that showing activity in the fund was important. State Parks was directed to pay for the expenses for the Conventions and then seek reimbursement from the NPS as OHTAC members cannot be reimbursed directly per the Governors executive order that created OHTAC. Mr. James Hamrick is seeking to have this order amended.
4. **Established an OHTAC Library of Historic Trails Reference Materials** catalogued by Virginia Durost and housed at SHPO. Items may be checked out by council members when researching individual trails. (This request had not been completed since DeAnne Sullivan was terminated and materials have been misplaced?)
5. Assigned tasks:
 - a. John Chess will monitor the proposed Housing development near the Nez Perce Cemetery in Wallowa County. The council wrote a letter to the Wallowa County Planning Commission stating their recommendation that there be a visual buffer to any development near the Chief Joseph Cemetery.
 - b. Keith May will monitor the proposed storage facility on the Oregon Trail in Malheur County. The deal fell through and no construction is planned at this site.
 - c. Keith May will contact Marge Dryden about a proposed vineyard on the west side of the Deschutes River Crossing of the Oregon Trail.
 - d. Asked DeAnne Sullivan (SHPO staff) to put OHTAC minutes, field trip reports, meeting announcements, etc onto the website and Heritage List serve. (This request was not completed.)
6. Cancelled the field trip to Klamath Falls in April when staff inadequately prepared for the trip and less than a quorum could attend.
7. Completed one field trip to view Lewis and Clark Historic Trail from Hat Rock to Boardman, Oregon and Oregon National Historic Trail Cut-off ruts near Irrigon, Oregon.

Oregon Historic Trails Advisory Council
The Discovery Center
The Dalles, Oregon
February 7, 2004

Members Present:

Eileen Fitzsimons, Chair; Carolyn Wood, Vice-Chair; John Chess, Keith May, Marcia Morse, Jim Renner, Ann Rogers Absent: Fred Warner

Ex-Officio's Present:

Dave Clark, Nez Perce Trail, USFS; Glenn Harrison, NW OCTA

Staff Present:

DeAnne Sullivan, Executive Support

Guests:

Kendall Clark

I. Welcome, Introductions & Agenda Review

Ms. Fitzsimons called the meeting to order at 9:15 AM. She welcomed everyone and reviewed the agenda for additions.

II. Approval of Minutes, October Meeting

Council reviewed the minutes a few minor changes were made. Ms. Wood suggested that all minutes mention field trip taken before or after business meeting. Ms. Wood moved to approve as corrected, seconded by Mr. May, approved.

III. Old Business:

A. Review OHTAC Mission & Procedures: Since no new members were present, Ms.

Fitzsimons asked if there were any concerns or updates needed. All felt that these were still applicable and no changes were necessary at this time.

B. Review October 2003 Field Trip: The draft report was reviewed and with a few minor corrections, it was approved. Ms. Morse asked about the missing signage and who would be responsible for follow-up. Mr. Renner stated that these would be standard auto tour route signs available through ODOT. Ms. Fitzsimons stated she would contact Ms. Morrison for assistance.

C. Comments on 2002-2003 Annual Report: The group reviewed the annual report for corrections. There are some gaps in the Free Emigrant Road Field Trip Report. Other changes to be included in the report include references to field trip taken, pagination and addition of table of contents. Ms. Sullivan will review previous annual reports to insure format is consistent before reprinting.

- D. Santiam Wagon Road Update: Ms. Morse, Ms. Rogers and Mr. Harrison discussed continuing issues regarding the SWR and the proposed WalMart development in Lebanon. At the request of ODOT, on Nov. 21 the trio walked this section of the SWR, noting its condition and taking photographs. They provided a summary of their photographs and a draft letter that Council members reviewed and discussed. They expressed frustration at lack of coordination between state and local agencies and their poor communication with OHTAC. There is concern about having an arborist note the condition of the trees. There is confusion about who should be documenting the segment and responding to various inquires coming from ODOT, City of Lebanon, WalMart, etc. The Council is being asked to perform work that is outside their scope of duties. The initial report will be sent to ODOT and other interested parties by the SHPO office with recommendations that a certified arborist be consulted. Ms. Sullivan suggested that OHTAC put together a past timeline and documentation of all the requests that are coming to them from the various parties to be discussed with Mr. Hamrick. Ms. Fitzsimons volunteered to draft a letter to Mr. Hamrick, that she will have reviewed by Ms. Morse, Ms. Rogers, and Mr. Harrison, to have a SHPO designee assigned to the SWR that would work with the various agencies and coordinate with OHTAC.
- E. Oregon Trail Update, Boardman Segment: Ms. Fitzsimons shared communication from Leslie Nelson of the Nature Conservancy in The Dalles. The Conservancy's agreement with the leaseholder on this hiking segment of the Oregon Trail, Threemile Canyon Farms, prohibits signage, but the Conservancy has written a letter to the Farms, asking an exception be made. Ms. Nelson expects the Farms will grant permission. When approval is given she will work with OHTAC on signs.
- F. NPS Communications: Ms. Fitzsimons is waiting for fund balance information from Ms. Sullivan regarding the NPS fund. If enough money remains perhaps registration for an OHTAC representative to the national OCTA convention in Vancouver, or the Long Distance Trails convention can be covered.
- G. OHTAC Member Terms: OPRD is still waiting for official word from the Governor's office to confirm Ms. Rogers as the new chair and approve Mr. Chess to replace Ms. Conner. There is still one vacant position to be filled and there are at least four candidates that are being reviewed. There are currently two vacant ex-officio positions: Travel Information Council and the Oregon Tourism Commission. One Council vacancy remains to be filled for which at least four letters of interest have been submitted. There are also two ex-officio vacancies, those of the Travel Information Council and the Oregon Tourism Commission. Mr. Clark stated that due to budget cuts, he is concerned about his ability to represent the Forest Service and the Nez Perce Trail in northeastern Oregon. If his position in Enterprise is eliminated, communication on this resource will have to go through Sandy MacFarland in Idaho.
- H. OHTAC Library Materials: It is hoped that the historic trails reference materials, catalogued by Virginia Durost, will be housed at SHPO in the near future, as anticipated. Since the materials may be checked out, Ms. Sullivan suggested that the items be tagged as from the OHTAC collection, to insure their return. Ms. Fitzsimons will follow up with Ms. Durost on this.

IV. New Business:

A. Nez Perce Trail – Proposed Housing Development: Mr. Clark outlined the situation regarding planning commission review of a request to subdivide the ranch property adjacent to the Indian Cemetery at Wallowa Lake. The property owner intends to build homes on the lots. The cemetery contains the grave of Old Chief Joseph and is the beginning of the Nez Perce National Historic Trail. OHTAC members visited the cemetery in July 2002 and stated in their field trip report that the council supported the efforts of the National Park Service to buffer the Old Chief Joseph Gravesite and Cemetery from encroaching urban development by seeking the acquisition of an adjoining land parcel. Final decision is pending and appeals have already been submitted by Native American groups. Ms. Sullivan shared a letter from Dennis Griffin, State Archaeologist, from January 2004 that was sent to Bill Oliver, Planner. The Council expressed concern and will continue to monitor the situation.

B. Oregon Trail - Storage Facility, Malheur County: Ms. Fitzsimons had received e-mail from Mr. Hamrick regarding a request from citizens in Malheur County that SHPO respond to a proposed storage facility in what they understood to be the Oregon Trail corridor near Vale. Ms. Fitzsimons had referred Mr. Hamrick to Mary Oman, BLM archaeologist in Baker City, who has long-term expertise on the Trail in this part of Eastern Oregon. Mr. Renner felt that this portion of the corridor, within the city limits of Vale, had been already heavily compromised by development. Mr. May will keep the council informed of any further developments.

C. Other Items:

Ms. Wood will ask the Oregon Community Foundation to send Historic Trails Fund information packets to OHTAC members. Grants from this fund may be used for brochures, signs, research, etc. **Rock Fort:** Northern Wasco Co. Parks & Rec. will exchange the site to the City of the Dalles for another property. Ms. Wood expressed concern that a piece of plexiglass had been placed over the sign at the Rock Fort site and moisture trapped inside had discolored the text. Council members agreed to go to the site after lunch. **Ft. Clatsop:** Ms. Wood said that OCF funds were helping with development of the new "Fort to the Sea" trail on the National Lewis & Clark Historic Trail in Clatsop County.

Ms. Fitzsimons announced a Historic Roads Conference was scheduled in Portland in April. She reminded council members that the National OCTA convention would be held at Ft. Vancouver in August. Mr. Harrison described the convention events that are being organized by the Pacific Northwest chapter of OCTA, of which he is currently chairman.

D. Future Meetings: OHTACs October 16-17, 2004 meeting will be in Boardman, in conjunction with Morrow County's Lewis & Clark Bicentennial Heritage Day celebration. This will be an opportunity to discuss additional signage of the Oregon Trail in the vicinity.

The next meeting will be held April 2-4, 2004. Touring the southern portion of the Applegate Trail from Klamath Falls to Roseburg. Tentative plans have not been made. Mr. Renner will work on getting this together. Van pool to leave Salem around Noon.

E. Delegation of Projects & Tasks:

Networking & Communication: Contacts with other groups, individuals. It was thought that more could be accomplished by using existing State Parks resources, such as the Parks website

and Heritage List serve. Ms. Sullivan will work with Parks staff to get minutes, field trip notes, meeting announcements, etc. onto the website & list serve. All requests and announcements should be forwarded to Ms. Sullivan. Email contact information may also be passed to her for an invitation to join the list serve.

Field Trip Follow Up: Telephone follow-up calls regarding field trip visits (repairs, missing signs, etc.) should be made by the closest council member. Also ask if they know about the OCF grant program. If not, forward their name & address to OCF to receive the packet. As the resource is reviewed by OHTAC it should be noted for the minutes which member is to follow up.

V. Adjourn

Ms. Fitzsimons adjourned the meeting at noon. Following lunch Council members visited the Rock Fort site and outlined issues to be addressed by Ms. Wood with the property owners.

Oregon Historic Trails Advisory Council
Fort Vancouver National Historic Site
Vancouver, WA
August 15, 2004

Members Present: Ann Rogers, Chair (new); Carolyn Wood, Vice-Chair; John Chess, Eileen Fitzsimons (resigning chair), Keith May, Marcia Morse, Jim Renner
Absent: June Spence, Fred Warner

Ex-Officio's Present: Sharon Brown, NPS National Trails System, Ft Vancouver Nat'l Historic Site; Glenn Harrison, NW OCTA; Jere Krakow, NPS National Trails System

Staff Present: Virginia Durost, Administrative Support

Welcome & Introduction

Ms. Fitzsimons called the meeting to order at 11:15 am. She welcomed everyone and turned the chairmanship over to Ann Rogers. It was recognized that the staff person present is now Virginia Durost and that Deanne Sullivan will no longer be staffing OHTAC meetings.

Approval of Minutes, February Meeting

Ms. Rogers noted that she had passed out copies of February 2004 meeting minutes and that they had not yet been approved. Ms. Fitzsimons moved that they be approved as presented, seconded by Mr. Chess, approved.

Agenda Review & Additions

Mr. Renner noted that February minutes refer to follow up to be taken by Deanne Sullivan, SHPO. He requested that discussion of these follow up items be added to the topic of changes at OPRD.

Mr. Renner also requested an addition to the agenda to discuss a conference in Austin, TX in October that will include a strategic planning session by the Partnership for the National Trails System. Ms. Wood would like to make a report on Rock Fort. Ms. Morse will make a report on the Applegate Trail kiosk repair, under old business. Mr. Chess will make a report on the Umatilla County's Bicentennial trail.

Old Business

Santiam Wagon Road: Ms. Fitzsimons advised that the Wal-Mart project has been approved and is going through. She spoke with Laura Cooley at ODOT (503-986-2627), the Region 2 agreement coordinator for the highway department. The sticking point now is that Wal-Mart is waiting for an ODOT owned piece of land (the interchange.) In exchange, Wal-Mart and the City of Lebanon have to agree to Santiam Wagon Road protective measures requested by OHTAC two years ago. ODOT has been firm in their support for these protections. The agreement went to the City of Lebanon city council and they gave their approval. Now they are waiting for Wal-Mart to sign. When they do, all the things the Council asked for will be part of the package. She does not know if ODOT will monitor this and if agreements are not met, whether they will deny Wal-Mart access to the property. Without this ODOT property there will be no access to the store.

A new interpretive kiosk, to be constructed by Wal-Mart, is indicated on the plans (presumably the kiosk plan that Mr. Renner sent them with the standard OR Trails design.) Once the documents are signed we can begin discussing interpretive signage for the kiosk. City of Lebanon still has to write agreement with CLC (the representatives of Wal-Mart.) Roz Keeney at ODOT is still the contact person. As an aside, Ms. Wood mentioned that LUBA denied Wal-Mart the appeal to put store in Hood River, not over the highway issue, but over a drainage issue.

In regards to another part of the Santiam Wagon Rd., Ms. Morse received a letter from the Forest Service looking for site stewards for parts of the Santiam Wagon Rd. She was not able to attend a training session and has not heard back from the coordinator. This might be something of interest to other council members in regard to historic trails on Forest Service lands. She will be following up on this herself. She recommended that council members talk to Forest Service representatives for their areas if they are interested as well.

Old Chief Joseph Cemetery-Wallowa County: Mr. Chess reported that the Nez Perce and Colville tribes have appealed the project to the land use board and are awaiting a decision, to be made in a couple weeks. In the meantime, the landowner has applied to the planning commission to put one dwelling as close to the cemetery as possible (within 25 feet) and on the highest spot (significant visual impact.) The planning commission held a hearing in June that the tribes attended, but the commission has postponed their decision until LUBA makes their decision on the other appeal. He notes that the tribe's attorney says that if LUBA denies the project for the "right" reasons (archaeological factors etc.) that would put a stop to everything but if it were denied on a technicality then it wouldn't have the strength and most likely the project would eventually proceed. Everyone is waiting for LUBA to make their decision. The next hearing for the Wallowa County planning commission is scheduled for 8-31-2004 and they are expecting the LUBA decision will come out before that. Mr. Chess requested advice on what the council can do in this situation.

Ms. Fitzsimons stated that the Council could reiterate the position taken in the previous Field Trip report from 2002, that there should be a visual buffer and set back (no distance stipulated) between any development and the cemetery. She suggested that the Council (a Governor appointed group) could send a letter indicating that this is an issue and that based on a previous site visit they feel they should provide the Council's opinion on the matter. Mr. Renner requested a motion, **that the Council compose a letter to go to the Wallowa County planning commission stating their recommendation that there be a visual buffer to any development near the Chief Joseph cemetery.** Ms. Fitzsimons seconded the motion. Mr. Renner and Ms. Fitzsimons read excerpts from the previous report and from a similar recommendation as examples of what should be in this letter. Mr. Krakow offered the opinion that the old report be in the new letter and that the letter be cc'ed to key agencies that might potentially wield some power in the State of Oregon and also to the Superintendent of the Nez Perce National Historic Site. Mr. Krakow and Mr. Renner discussed whether OHTAC had taken any action on this prior to 1998. OHTAC did not have authority for other trails prior to Council's creation in 1998. Ms. Morse noted that planning commission meeting is 8-31-2004 so action needs to be taken quickly. Ms. Fitzsimons suggested an Executive Committee draft a letter, to be sent by

Virginia. Ms. Morse called for the question for voting on the motion on the table. Ms. Rogers contacted the Archaeological Conservancy when land was available for sale because they are interested in acquiring land for conservation. Mr. Chess stated the Nez Perce and Colville tribes are taking the lead on this. Mr. Krakow also suggested that the Conservancy should contact the NPS Nez Perce site office because of the proximity of the property to the NPS property. Ms. Morse wondered why this comes up over and over again. Ms. Fitzsimons brought up the 1995 owner consent law that was passed by the state legislature that may be involved. Virginia will rough out email using old letter and report and email it out by the end of this week. Motion passed. Email will be followed by a hard copy to the county planning commission. Approved unanimously.

Proposed storage facility near the Oregon Trail, Malheur County: Mr. May reported that the facility deal is dead. County planning department rejected the proposal and property was purchased by other buyers who have no plans to do anything to it.

NPS Grant Fund Review: Ms. Rogers noted that the Council has an agreement with NPS for reimbursement and nothing has been charged to this account at this time. Council feels some of the money has been spent. Per Ms. Fitzsimons a printout was received from James Hamrick, SHPO, indicating items had been billed to the NPS. Ms. Brown stated that per Teresa Broushard in Mr. Krakow's office, this is a two-step process. The first step was to set up electronic deposit and this was done. The next step is to submit expense vouchers with all pertinent receipts. However, these receipts were not forwarded by Ms. Sullivan. The printout from SHPO would not be good enough for reimbursement. Ms. Rogers suggested that these funds should cover Mr. May's attendance at the OCTA convention that just took place. Per Mr. Renner, State Parks can pay for expenses directly and then seek reimbursement from the NPS for eligible expenses; OHTAC members cannot be reimbursed directly per Governors executive order. If the Council has expenses, they need to be picked up by State Parks on the Councils behalf. The concern is that this fund hasn't been charged against (use it or lose it) from the beginning, almost two years ago. Mr. Renner states that State Parks should have made Mr. May's lodging reservations etc but there was a lack of competency on the part of State Parks in this matter. This mechanism does need to be in place at State Parks for future expenses. This will be an issue for the meeting in October. Ms. Fitzsimons discussed other options for using funds up such as repairs to historic trails panels, signs. Mr. Krakow assured that the money would not disappear by 10-1-2004 but that showing activity in the fund was important.

Ex-Officio Vacancies:

Who is active? Are there vacancies? Karen Morrison, Brenda Lincoln, Sharon Brown, Glenn Harrison are still on board. Should there be a replacement for Lowell Tiller from TIC? Mr. Renner stated that no one on the council was willing to serve in the ex-officio position. He noted, however, that he manages the Historical Marker program, which is the reason why TIC is listed as an Ex-Officio member so this isn't a dire problem. Once his OHTAC term runs out he may be able to serve in a TIC staff capacity to the committee. Forest Service representative Dave Clark has moved. Sandy McFarland, Forest Service Nez Perce Trail, would be the next in line. Ideal person would be a Forest

Service person working in some Nez Perce Trail related capacity. Ms. Rogers wonders who Recreation person is for area. Per Ms. Fitzsimons, Tim Nitz is NPS in Joseph. Might be a good contact for who is working in Nez Perce area. Mr. Chess will try to contact Sandy McFarland as to her possible participation.

Applegate Trail-Kiosk Repair: Ms. Morse reported on kiosk in Polk County. After some length she found a county commissioner, Gene Clemmons, who said he was responsible for it and would contact OCF to see about getting forms for funding. Grant requests need to be in by middle of September.

NEW BUSINESS

New Vice-Chair

The Council discussed who might step into the Vice-Chair position, as that person graduates to be the new Chair. Based on past practices, the Executive Committee consists of the Chair, Vice-Chair and Past Chair. Potential candidates are Mr. Chess, Mr. May and Ms. Morse. Ms. Morse is most senior on the council. She stated that she has reservations about being Chair in the future but would accept if nominated. Mr. Renner made a motion to nominate Ms. Morse. Ms. Fitzsimons seconded the nomination. Vote taken. Motion passed unanimously.

Changes in SHPO support

Virginia Durost will be attending future meetings as staff support, her salary to be covered from the OCF fund. Ms. Rogers and Ms. Fitzsimons met with Ms. Durost. Meeting minutes will be emailed within ten working days of the meeting. Ms. Rogers read a list of the duties to be handled by Ms. Durost. Mr. Renner brought up the problem of the expenses to be handled through SHPO and wondered who the contact person would be there. It is unclear who the staff designee will be at SHPO. Mr. Renner suggested that direct contact be made through James Hamrick until the duties are otherwise delegated. Costs, such as mailings, should continue to come out of SHPO budget for expenses. Council discussed the unknown amount of the expenditure when duties are transferred from Ms. Sullivan to Ms. Durost. This will need to be evaluated in the future. Mr. Renner suggested that he be the liaison to SHPO in working on the funding and administrative issues. Ms. Rogers agreed to this. Council discussed issues that will need to be resolved with SHPO (NPS funding, October Meeting logistics.) Ms. Fitzsimons will deliver the OHTAC library to SHPO.

Representative to assist OPRD in development of a set of grant evaluation criteria: Ms. Rogers reported that OPRD is looking for assistance developing a set of grant evaluation criteria relating to non-motorized trails and asked for a representative from the Council to attend a one-day meeting on 10-13-2004. Ms. Rogers stated that she would try to make sure that criteria included something related to historic trails. Ms. Rogers will attend this meeting.

Future Meetings:

Ms. Fitzsimons spoke with Don Eppenbach, Morrow County Historical Society. This year's Heritage Days will take place in Boardman. She asked him to find the Council a meeting place. Council was last in the area in 2000. The meeting will take place Saturday or early Sunday depending on what other activities can be arranged with local residents. Ms. Fitzsimons suggested to Mr. Eppenbach that he try to find local people that could be trained as a "cleaning brigade" to clean local interpretive signs. Ms. Brown mentioned "NPS cleaning kits" that she might be able to obtain. Ms. Fitzsimons indicated that she might need some help from Mr. Chess with arrangements. He agreed to work with Mr. Eppenbach to set up schedule for Saturday. Mr. Chess suggested that someone from the Umatilla County group would be good to participate as they are giving out signage without instructions for cleaning. Council discussed lodging issues. Ms. Fitzsimons suggested other local people to contact (Diane Berry in Echo, Jenny Miller.)

Other New Business:

Mr. Renner stated that the National Long Distance Trails meeting was taking place in Austin, TX on 10-20/21. They are holding a strategic planning retreat in conjunction with the National Trails Symposium. OHTAC is a member of this organization and he feels it is very important that someone from the Council attend this meeting. He would like to go but wants to open this up to other members of the Council. Ms. Brown noted that the next Historic Trails conference is in June 2005 in Las Vegas. Mr. Renner asked the group to consider sending a delegate and also using NPS funds to cover expenses. Ms. Wood made a motion to send Mr. Renner to this retreat and also to investigate NPS funding. Ms. Morse seconded. Motion passed, unanimously.

Rock Fort:

Ms. Rogers has stopped a few times recently. Ms. Wood noted that the four directional signs are up but site and sign have never been cleaned. She went back to the city to see who actually owns it. Per the city the property transfer has not taken place. Council expressed concern about lack of parking at this site. Ms. Fitzsimons suggested that a letter might be sent. Ms. Wood stated that this had been done. She has written out specific instructions on what needs to be done. Ms. Wood's instructions will be added to the February minutes as an approved addendum to be included in the 2004 annual report. Ms. Wood will talk to the new parks director about getting work done.

Umatilla County Bicentennial Trail:

Mr. Chess reported that a month ago the Umatilla County Bicentennial group dedicated the Umatilla County Lewis & Clark Bicentennial Trail. He noted that Larry Clukus and John Price have been working on this for years and the main problem of a wash out has been fixed. This was on Corps land and a grant from the Wild Horse Foundation funded the materials and the Corps did the work. He suggested the Council might want to include this in their October visit. Ms. Fitzsimons concurred stating that this was an area the group had previously visited in 2000. Ms. Morse suggested that the Council ask Mr. Clukas and Mr. Price to attend the October meeting and talk about what they had done.

Council discussed other trail related areas they have recently visited. Ms. Rogers visited a Lewis and Clark site in Jordan Valley. Ms. Fitzsimons took the Amtrak Lewis & Clark train to Astoria and wondered when the trail would be open between Sunset Beach and the fort. Mr. Renner does not believe it would be open in time for the Bicentennial celebrations next year. Ms. Brown noted that the area will change from Fort Clatsop to the Lewis and Clark National Park and will include extra properties some of which are on the Washington side.

Mr. Krakow and Council discussed some old Oregon Trail or Lewis and Clark highway signs that are still up in certain areas. Mr. Krakow requests that the council be on the lookout for these as well as confusing directions. Mr. Renner noted that these issues would be resolved on the district office sign crew level so problems need to be identified as specifically as possible.

Ms. Morse asked about other meeting dates. Council discussed possibilities (Applegate Trail, Jedediah Smith Trail, Astoria?) Mr. Renner will contact the author of the Jedediah Smith book to find out more about a possible development issue there. Mr. May stressed that cancellations must be made long in advance so there will be a quorum at the meeting. Ms. Fitzsimons requested that all Council members bring personal calendars to the October meeting. Ms. Durost will print out a calendar for the group for the meeting.

Adjourn

Ms. Rogers adjourned the meeting at 1:15pm.

Respectfully submitted,
Virginia Durost

Oregon Historic Trails Advisory Council
Office of Port of Morrow
Boardman, OR
October 17, 2004

DRAFT MINUTES

Members Present: Ann Rogers, Chair; John Chess, Eileen Fitzsimons, Keith May, Marcia Morse, Jim Renner, Fred Warner
Absent: June Spence, Carolyn Wood

Ex-Officios Present: Sharon Brown, NPS National Trails System, Ft Vancouver Nat'l Historic Site

Guests Present: Leta Neiderheiser, Joe Neiderheiser, Sam Pambrun

The meeting was called to order at 10:20 am. Ms. Rogers distributed a calendar for 2005 for people to indicate meeting conflicts

Welcome & Introduction

A copy of the agenda was distributed. Chairman Rogers asked that everyone introduce themselves.

Minute Corrections and Additions, August 15, 2004 Meeting at Fort Vancouver

Ms. Fitzsimons read suggested corrections. Mr. Chess offered correct spelling of Larry Clucas. Ms. Brown corrected her title. Mr. Renner made a motion to accept the minutes as corrected. Ms. Morse seconded. Minutes unanimously approved as corrected. Mr. Renner suggested sending corrected minutes to all including Mrs. Neiderheiser, also future minutes and meeting notifications.

Old Business

Old Chief Joseph Cemetery-Update: Mr. Chess reported that the larger subdivision was appealed to LUBA. LUBA stated there were a number of flaws in the application to the county. Biggest was that the cultural resources survey was insufficient. The landowners have appealed LUBA's finding to the State Court of Appeals. The separate "application" for a single family dwelling on the property has been postponed by the county until the LUBA appeal has been decided. The Tribes filed a brief with county appealing this dwelling based on the same reasons as the first appeal. He further stated that the tribes appreciated OHTAC's letter in regard to the cemetery. Ms. Rogers mentioned that in her new job, signing such a letter might be construed as a conflict of interest. Mr. Renner suggested that the vice-chair could sign for the Council.

OPRD Grant Criteria: Ms. Rogers has received the OPRD grant criteria. She has been attending meetings on non-motorized trail granting criteria development. Grants are administered by State Parks Board to recreational trails providers. Applicants get "bonus points" for being an economically distressed or economically depressed city and for

recreation on national historic trails. Ms. Neiderheiser would like a copy of the grant criteria.

Old Oregon Trail signs: Mr. Renner sent a list of existing signs to Karen Morrison who will forward it to ODOT for replacement with new signs.

John Chess: Has not found a new ex-officio to replace the Nez Perce Trail Representative.

NEW BUSINESS

Oregon Trail ruts- USFS project: Ms. Rogers reported on a proposed vineyard on the west side of the Deschutes River at the state park there. The question has arisen as to whether Oregon Trail ruts were in this area. Margaret Dryden, the USFS Columbia River Gorge district manager, told Ms. Rogers that the property owner wants to convert the property to a vineyard and that the Oregon Trail goes through portions. The hill has been used for agricultural uses and this may be seen as just an extension of that use. Ms. Brown and Mr. Renner sent maps of the area and OCTA and Keith May have consulted their maps. Two were provided. It was pointed out that there are many sets of maps of ruts at the crossing. Mr. Renner and Ms. Brown visited the site and noted many sets of ruts. Ms. Brown stated she talked to Ms. Dryden, whose work as a USFS archaeologist is to respond to the county's request for an opinion. Her field work is ongoing. The problem on the ground is that the various mapped ruts don't align. The owner has used the land for hay production since World War II. It is now covered with 8' high sagebrush. Ms. Dryden will need the GLO plats (1860.) She will then try to pinpoint GLO and section lines and superimpose on topo maps where the trail is on the ground. They can be 200-300' apart. OCTA put in carsonite markers but they have been broken off. Ms. Dryden hasn't invited anyone to go yet; she has to be sensitive to the landowner. Dennis Griffin, SHPO archaeologist, has been contacted and is of preliminary opinion that the vineyard may not be an adverse use if it's a continuing agricultural production. The county has six months to respond to the owner. Mr. Renner says the question from the landowner is that the route is not where it has been thought; that it crossed at the mouth of the Deschutes River over sandbars and islands. The yellow line on the map is where carsonite markers were put. Mr. May wrote responses for OCTA to USFS stating there could be more than one route. He named "Grant" a community at the mouth of the Deschutes; later there was also freight wagon travel. He has seen very steep wagon routes. He suggested that Ms. Dryden might want to talk with OCTA people. Mr. May may know the landowner and is willing to talk with him. He recommended going to Trail journals – the marked OCTA route may be a later route. Council suggested that Mr. May make contact with Ms. Dryden for OHTAC and get more information and provide her with additional information. Keith will call Carolyn Wood, too.

Future Meeting Dates/ Field Trips and Meetings: The 2005 calendar had been circulated and everyone present had indicated dates on which they could not meet. Council would like to attract ex-officios to a business meeting in Portland on February

24, 2005. Council requests that Ms. Durost call agency ex-officios to find a Portland meeting place. The dates were set as follows:

- 1) February 24, 2005 (Thursday)– Business meeting
- 2) May 13, 14 & 15, 2005 – Applegate rescheduled-Klamath Falls and Yoncalla
- 3) September 23, 24 & 25 or October 14, 15 & 16 – Astoria – Lewis & Clark (Sunset Beach, Clark’s lookout trail for sure.) Ms. Fitzsimons will call June Spence about this.

Annual Report ready: Who are the usual people? OHTAC and Ex-Officios, anyone we visited on trips, local (state) legislators in trail districts, Congressmen in D.C. OHTAC members should send names to Ms. Rogers to go to Virginia; then she can send labels to Deanne Sullivan to mail the report, from Salem.

Fred Warner: Mr. Warner will be looking for a replacement from the Baker City area, perhaps his daughter. He will bring her along to a meeting to see if she’s interested. If so, she can submit an application.

Adjourn

Mr. Renner moved that the meeting be adjourned at 12 noon.

Respectfully submitted,
Virginia Durost

**OREGON HISTORIC TRAILS ADVISORY COUNCIL
FIELD TRIP REPORT**

DRAFT DRAFT DRAFT DRAFT

TRAIL:

**Lewis & Clark National Historic Trail
Oregon National Historic Trail cut-off ruts.**

DATE:

October 16, 2004

SEGMENT:

NHT route along the Columbia River, from Hat Rock State Park to Boardman.
Oregon Trail cut-off ruts near Irrigon.

COUNTIES:

Umatilla and Morrow.

TRAVELED BY:

Sharon Brown (NPS), John Chess, Eileen Fitzsimons, Keith May, Jenny Miller (area resident), Marcia Morse, Joe & Leta Neiderheiser (Grants Pass), Jim Renner, Ann Rogers, Fred Warner.

GUIDED BY:

John Price, Pendleton, Larry Clucas, Umatilla County, Carol Michael, Boardman.

ROUTE TAKEN:

Travelers met John Price at Hat Rock State Park and walked to the mid-point of the McNary Beach section of the river route trail, continuing for approximately two miles to the site of a recently repaired wash out, then returning to the park. From there they drove west to land controlled by the Port of Umatilla, to the McNary Dam overlook, and then to the Salmon Information Center below the dam. After a lunch break at a local restaurant, travelers drove west to Umatilla, to the confluence of the Umatilla and Columbia Rivers, then on to the Boardman Marine RV Park. Here volunteer Carol Michael guided them east, along a walking path to the ship, Captain Al James Barge Tug, near the offices of the Port of Morrow. On their return to their motel in Hermiston, Council members stopped near the Irrigon sewage treatment plan expansion at Hwy 730 and 15th St., to view the two sets of Oregon Trail ruts.

SITES VISITED:

***Hat Rock State Park:** Council members had last visited this site in August 2000.

Hat Rock remains surrounded by chain link fencing to prohibit climbing. It can be reached via a paved road (separate from the Park), which also provides access to an adjacent housing development. The Rock has no identifying or directional signs to guide visitors to the two Lewis & Clark NHT interpretive signs in the state park. These two signs of imbedded fiberglass are "Down the Columbia" and the expedition orientation panel. They are flat, on posts at waist height and in excellent condition. They are above the swimming cove near the Columbia River and placed to provide a view towards Hat Rock.

Hiking Trail from Hat Rock State Park along the Columbia River. The beginning of the walking/biking/horse trail is reached by a five-minute walk up a dirt/graveled path from the parking area. At this point the L&C Expedition was traveling in canoes on the river. The hiking trail parallels the water route and stretches 7 miles along a former railroad bed to the Army Corps of Engineers McNary Beach park at McNary Dam. It is a "primitive" trail, sand and gravel surfaced, but generally level. Views of the river are not obscured by trees. The group hiked approximately two miles to a section that had been washed out, but has since been rebuilt, shored up and graveled. Group then returned the two miles to the state park.

*McNary Park. The group drove east from the state park on Hwy. 730 into this Army Corps park on the east side of the dam. It has picnic tables, restrooms and water, green lawn and trees. The 7-mile hiking trail from Hat Rock enters the eastern end of the park and the gate is open.

Port of Umatilla property. The group, in autos, followed Larry Clucas, administrator for the City of Umatilla. The mile-long hiking trail between McNary Park and the McNary Dam Overlook meanders away from River edge, although a road runs parallel to the river. Mr. Clucas, a member of the Umatilla County L&C Bicentennial Committee, explained that the Port area has many industrial users and the road is actively used by fuel, wheat, onion and other large trucks. In order to avoid potential conflicts with hikers, the Port asked that they not be directed to roads and a future path will be built through a sandy/brushy area, just south of the Port. Once past the industrial area the route returns to the river and continues behind the golf course to McNary Dam Overlook.

*McNary Dam Overlook. The group drove on Hwy. 730, turning off at the golf course, north to the Overlook. This is a graveled turnout above McNary Dam and the Columbia River. Mr. Clucas stated that the hiking trail would be built from the overlook in a diagonal direction to the west, terminating in the riverside park next to the dam.

McNary Dam Park/Salmon Center/Hiking Trails. The group drove down the hill to the parking area next to the Salmon Center. This is an Army Corps of Engineers education facility on several floors. It is ADA accessible and has an elevator. There are picnic tables, irrigated grass and trees. To the west are several

hiking trails that loop through various ponds and wetlands. As the Umatilla Wildlife Refuge is just to the west, the ponds attract migratory waterfowl and birds. Some of the hiking trails, level, and graveled, may be accessed by auto. After a tour of the Salmon Center, the group returned to Hwy 730 and drove west through to the western edge of the town of Umatilla, stopping at two locations.

State of Oregon Welcome Center, Umatilla. This facility lies off of Hwy. 730 just west of the Hwy. 395 crossing of the Columbia River. As on previous visits it is well maintained and staffed by friendly and knowledgeable employees. A wide range of maps and brochures focusing on the Oregon and L&C Trails were available.

Umatilla City Park: This is just south of downtown Umatilla, behind the Sr. Center and a recreational park. The Umatilla River is visible, downhill from the park building. Mr. Clucas explained that the hiking trail would follow along the southern bank of the river as it turns north towards the Columbia River. We then drove back across Hwy 730 to a small grassy park that looks west/north to the confluence of the Umatilla and Columbia Rivers.

Umatilla Bridge Park. There is a small, newly-completed gazebo designed by high school students and constructed with volunteer labor in this small park, at the east end of the highway bridge. It looks down on the confluence of the two rivers, which was missed by L&C on their trip west, but noted on the return trip. Umatilla County will be formally developing an informal path along the Umatilla, and it will terminate in a fishing dock on the Columbia. The group the drove west on Hwy 730 to the Boardman RV Park.

Boardman Marine R.V. Park. The group was met by local resident Carol Michael, Boardman Chamber of Commerce volunteer representative on the L&C Bicentennial Committee. She walked east with the group along paved paths from the parking lot to the tugboat park/gazebo/Port of Morrow offices, a distance of approximately $\frac{3}{4}$ mile. The trail is fairly level and passes through a brushy swale, to a beach on the Columbia River and into the grassy area near the tugboat. The signs in the gazebo explain the significance of the tugboat. The group then returned to the parking area, several continuing to examine the new "Sunset" gazebo, on the river at the western edge of the park. The Park is maintained by the City of Boardman and has grass, picnic tables, a sports field, restrooms and overnight RV accommodations. The groups then drove east on Hwy. 730, stopping at the intersection with 15th St..

*Oregon National Trail Ruts. Two visible segments sets of the Oregon Trail (from Echo Meadows, heading diagonally NW towards the Columbia River) pass through the fields next to the road, under Hwy 730 and continue beyond, perhaps less visibly. In 2000 when the City of Irrigon proposed expanding their sewage treatment plant into the area, it was in "checkerboard" ownership with the BLM, which identified the ruts. OHTAC, the City and the BLM arranged a land

exchange, which protected the ruts and allowed the City to build its new plant. The entire area is fenced and the treatment facility is at the eastern edge, barely visible from the road. Several rustic sticks indicate the routes of the ruts.

OBSERVATIONS AND RECOMMENDATIONS

Observations

- Guided by experiences gained during the 1993 Oregon Trail Sesquicentennial local residents hope to attract increased tourism revenue during the upcoming Lewis & Clark Bicentennial. Rather than focusing on isolated "big ticket" capital-intensive projects, they are building on regional existing cultural, historical and natural resources to develop and enhance amenities for visitors and residents alike. In just a few years, motivated volunteer committees have overridden cross-county rivalries to focus on connecting shared resources such as the L&C River Trail. They have also been effective in encouraging the participation of public agencies. Most of the difficulties in developing an almost-40-mile-long hiking/biking/horse trail next to the L&C NHT have been overcome. Final interpretive and directional signage is on order. Using modest amounts of primarily local funding, in-kind materials and labor, tangible improvements have been made in a relatively short period of time. It is hoped that these diffused improvements will enhance the quality of life for area citizens for years beyond the L&C commemoration.
- Seven interpretive kiosks are being developed by the Umatilla County Lewis and Clark Bicentennial Committee. They will be placed at various visitor points of entry to the county, directing visitors to heritage attractions in the area.
- The Tamastlikt Cultural Institute has developed kiosks that will be installed at Hat Rock, McNary Overlook (the other one that has Lewis & Clark panels), and Boardman RV Park Marina. The panels provide site-specific tribal information, as well as orientation and direction to heritage and recreational attractions via the Homeland Heritage Corridor Map.
- OHTAC will watch with interest the laminated "print-shop interpretive panel" being used at the Boardman RV Park. It may be an inexpensive and innovative new technique for replacing vandalized /weathered signs or rapidly updating interpretive sign content.

Recommendations

- OHTAC should explore with Oregon State Parks the possibility of placing a simple identification sign next to Hat Rock. Information should direct visitors to the State Park to existing interpretive signs and hiking opportunities. (Per John Chess, this is being done.)
- Was there mention of information at the Park, directing visitors to the trailhead? And will this sign advise hikers of distance, no shade, no water and no "comfort station?" Perhaps one of the "7 signs" mentioned below will be placed here? Otherwise, OHTAC should be granting some \$\$ for this. (Per John Chess, this is being done.)
- Routine future maintenance of new and existing signs could be mentioned.
- OHTAC should work with the BLM and City of Irrigon to develop the Oregon Trail interpretive signs for the ruts near the sewage treatment facility. (Or do we have to wait for federal \$, research and an "approved" stamp from NPS that these ARE O.T.

John Chess

From: "BrianConner" <BrianConner@ctuir.com>
To: <john.chess@tamastslight.org>
Sent: Friday, February 06, 2004 10:10 AM
Subject: FW: Summary Marr Ranch

-----Original Message-----

From: mafraser [mailto:mafraser@uci.net]
Sent: Wednesday, January 21, 2004 6:13 PM
To: Geoff Whiting; Sharon Redthunder; steve.suagee@colvilletribes.com
Cc: ArmandMinthorn-ctuir.com; Christopher Burford; Ed Sullivan; Mark
Tipperman; BrianConner@ctuir.com
Subject: Summary Marr Ranch

MILDRED A. FRASER AND LIAM O'CALLAGHAN

201 South Mill Street
Post Office Box 507
Joseph, Oregon 97846
USA
JANUARY 15, 2004

SUMMARY OF AGRUMENTS GIVEN JANUARY 13, 2004.

Dear Wallowa County Commissioners:

We request the Wallowa County Board of Commissioners to deny the approval decision of a preliminary plat SUBD#03-04 made by the Wallowa County Planning Commission on

December 17, 2003. Our arguments address the ORS provisions listed below:

197.625 When amendment or new regulation considered acknowledged; application prior to acknowledgment. (1) If no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period. An amendment to an acknowledged comprehensive plan or land use regulation is not acknowledged unless the adopted amendment has been submitted to the Director of the Department of Land Conservation and Development as required by ORS 197.610 to 197.625 and the 21-day appeal period has expired, the board affirms the decision or the appellate courts affirm the decision.

(2) If the decision adopting an amendment to an acknowledged comprehensive plan or land use regulation or a new land use regulation is affirmed on appeal under ORS 197.830 to 197.855, the amendment or new regulation shall be considered acknowledged upon the date the appellate decision becomes final.

(3)(a) Prior to its acknowledgment, the adoption of a new comprehensive plan provision or land use regulation or an amendment to a comprehensive plan or land use regulation is effective at the time specified by local government charter or ordinance and is applicable to land use decisions, expedited land divisions and limited land use decisions if the amendment was adopted in accordance with ORS 197.610 and 197.615 unless a stay is granted under ORS 197.845.

(b) Any approval of a land use decision, expedited land division or limited land use decision subject to an unacknowledged amendment to a comprehensive plan or land use regulation shall include findings of compliance with those land use goals applicable to the amendment.

(c) The issuance of a permit under an effective but unacknowledged comprehensive plan or land use regulation shall not be relied upon to justify retention of improvements so permitted if the comprehensive plan provision or land use regulation does not gain acknowledgment.

(d) The provisions of this subsection apply to applications for land use decisions, expedited land divisions and limited land use decisions submitted after February 17, 1993, and to comprehensive plan and land use regulation amendments adopted:

(4) The director shall issue certification of the acknowledgment upon receipt of an affidavit from the board stating either:

(a) That no appeal was filed within the 21 days allowed under ORS 197.830 (9); or

The date the appellate decision affirming the adoption of the amendment or new regulation became final.

Mapping Considerations

We wish to point out that the subdivision #03-01 outlined on the preliminary plat is located on a parcel of land that lies within the City of Joseph's Urban Growth Boundary and the Wallowa Lake Goal 5 Moraine Overlay. We would like to remind the hearings body that the Moraine Overlay Boundary bisects this property along the north shore of the Silver Lake Ditch.

We intend to appeal the decision of the County Commissioners on to LUBA. We will demonstrate why this decision is a land use decision under a Significant Impact Test. We contend that the outlined applicable Wallowa County and City of Joseph Comprehensive Plan provisions and regulations were not applied during the decision making process. Arguments included in our Intent to Appeal dated January 6, 2004 address State Wide Planning Goals that have been ignored.. We have demonstrated that Article 44 is approved but unacknowledged by DLCD. We contend that the exceptions outlined in 197.015(10)(b) do not apply to this decision. Article 44 is on appeal to LCDC by providing the Planning Commission with a copy of the LCDC letter denoting the date and time of the oral arguments to be reviewed in March 2004. We now offer the County Commissioners the same information.

Summary of Procedural and Due Process Errors

We appeal Findings #1, #7, #9, #27, #28, #29 as they relate to procedural and due process errors. Our contentions are outlined in the FIRST ASSIGNMENT OF ERROR AND THE SIXTH ASSIGNMENT OF ERROR of the Intent to Appeal.

Notice: Wallowa County has violated Article 5, Section 5.025.(04)(E). This criterion is not listed as an applicable provision in the REVIEW CRITERIA (page 2) of the finding document. We contend that it applies directly to this type of decision.

The required public notice submitted to the news paper and posted outside the planning office did not contain "Ordinance provisions which govern the review" Article 5. Section 5.025(04)(E.) The Public had no way of preparing testimony for the hearings if they did not know which governing provisions were applicable. This in turn limits the record. Some of the governing provisions were listed in the letter that was sent to property owners living within 100 feet of the proposal, but the mailed notice neglected to state that Ordinance Article 44 was on appeal to the Land Conservation and Development Commission, and that the applicable criteria were listed under the State Wide Goal 5.

Confusion about what Land Use Decision category is applicable to this particular application was created by the lack of adequate notice required in Article 5. Section 5.025(04)(E). This is not a limited land use decision but it was inaccurately identified as such. The public is aggrieved of their Notice and Finding #1 is in error. Finding #1 also states that no contention was made on the record about inadequate Notice requirements. This conclusion is wrong. We personally made allegations concerning lack of Notice in our letters to the City Council and the Planning Commission. The County made no attempt to remedy the situation.

Objection to the Record: Letters submitted into evidence during the public hearing stage were rudely refused on several occasions. These letters support our arguments that relate to the completion of State Wide Goal 5 requirements outlined in PROGRAM TO ACHIEVE GOAL. The amendment of State Wide Goal 5 carries with it OAR applications and requires the creation of new policies in our local WCLUP. The 1996 Legislative Amendment to Goal 5 (Division 23 and Division 16) will have two effects on this subdivision application. It will also affect future relationships with the Tribes.

(1). The new provisions separate the definition of Cultural Resource from Historical Resource. Goal 5 protection standards for Historical Resources are discretionary. Standards to protect Scenic and Open Space Resources are also discretionary. The county is not required to inventory or protect these resources. This is why Article 44 is under Objection. Article 44 no longer has ordinance provisions that protect the Wallowa Lake Moraine Area. These provisions although once acknowledged, have been repealed. Scenic performance standards have replaced the clear and objective standards that once protected the natural and cultural resources

in the basin. Protection of Scenic resources is no longer required by the State.. The new performance standards do not have the force of Law.

(2). Specifically, inventorying historical structures and sites on private property requires that an owner have the opportunity to object to making those sites eligible for the Historical Register.

If he wishes, at a later date he can request to have them removed from any Program to Achieve the Goal.. The new Goal 5 standards for inventorying Cultural Resources are based on clear and objective standards. In this case the specific Archaeology Sites that Wallowa County and the applicant refer to as only having historical value are on the contrary "Significant Cultural Resources". Protecting Cultural Resources cannot be avoided. ORS provisions and Land Use Planning regulations contain the force of Law at the State and local levels. The County was required to involve the appropriate tribe in the inventory. It must be determined, prior to preliminary plat, what constitutes a Program To Achieve the Goal. A site deemed Significant by an Indian Tribe is Significant.

The letters that we included in our testimony are requests from all three tribes to be involved in the consultation step prior to preliminary plat (Level II Survey) and before any excavation. The tribes have politely and respectfully involved themselves in the hearings process every time an attempt is made to change the zones around the Lake or subdivide the UGB. Applications to subdivide and rezone the Moraines have occurred on a regular basis since land use planning was instituted. The letters submitted constitute substantial evidence to support our contentions.. All the tribes have made a good faith attempt to participate in the Land Use Planning Process for over 20 years. The applicant's verbal accusations and assumptions that the Tribal entities have shown little or no interest in the two cultural sites on his property are flagrantly racist..

Letters and botanical information about the endangered plant species was also placed in the record and rudely refused. . Irreparable harm and destruction can result from development on the surface of the earth if a required inventory of the area is not completed prior to preliminary plat. The plant species is documented and mapped on this parcel on the WCLUP Maps concerning the Wallowa Lake Moraine Overlay. The Applicant argues that development will avoid the plants, but we contend that they don't know where the plants grow since no Survey was completed.

Summary of Article 44 Arguments.

Article 44 regulates the uses allowed within this overlay boundary, however, Article 44 is not acknowledged by the State of Oregon. Article 44 is on appeal to the Land Conservation and Development Board of Commissioners and thus is considered to be unacknowledged. The applicant continues to argue that the approval of Article 44 by DLCDC is the same as the acknowledgment of Article 44 by DLCDC. We disagree. Article 44 is still on appeal and the appeal is not final. In the Fourth Assignment of Error (Notice of Initiation of Appeal dated January 6, 2004), we argue that

the record does not contain a certificate that the amendment is acknowledged. This is required by 197.624. Without a certificate, the planning commission and applicant are required to make findings of fact demonstrating compliance with the State Wide Goal 5. The planning commission exceeds its authority when it states in the decision document that this has not been done and further attests to the fact that they do not need to do it.

See FINDINGS OF FACT, CONCLUSIONS, AND DECISION OF THE WALLOWA COUNTY PLANNING COMMISSION page two paragraph two.

"Article 44 has been Adopted by the County and Acknowledged by DLCD. Article 44, therefore sets out the applicable standards to protect the Goal V resources around Wallowa Lake. Statewide planning Goals need not be considered nor addressed. In the event, however, that Statewide Planning Goal V is determined to apply, the commission finds that all the properties around the Wallowa Lake Moraines are uniquely situated and in need of some preservation measures."

We contend the application of State Wide Goal 5, and its regulatory scope outlined in 1996, mandates that cultural resources be inventoried in conjunction with appropriate Indian Tribes. The two lithic scatters, eligible for the Historic Register located at the upper end of the UGA and within the Wallowa Lake Goal 5 Moraine Overlay Boundary are not inventoried using the process outlined in Division 23 and Division 19 acknowledged in 1996. The accurate location, quality, and quantity must be legally determined. with the appropriate tribes prior to delineating it on a preliminary plat. We contest that the Decision of December 17, 2003 is predicated on the existence of imaginary boundaries involving unknown quality and quantity of prehistory linked to the two identified and documented archaeology sites. These sited are deemed Significant to the Nez Perce Colville Joseph Band. There has been an attempt made by a local, retired archaeologist to point out to SHPO where the sites labeled Smithsonian #35WA911 are in relationship to the configuration of lots drawn on a map. This person failed to consult with the appropriate tribes. This attempt is just that, an attempt. It does not meet the criteria outlined in the law.

See FINDINGS OF FACT, CONCLUSIONS, AND DECISION OF THE WALLOWA COUNTY PLANNING COMMISSION page two paragraph four state:

"The property which is within the city of Joseph's urban growth area and which is the subject of this application is specifically excluded from the more restrictive protection measures; design standards are already in place on the property such as this which is dedicated and zoned for residential and commercial use to insure that development occurring here is consistent with Goal V protections."

The county and the applicant argue that the Unacknowledged Article 44 criterion do not apply to this decision because Article 44 has provided that this parcel be excluded form the Scenic Resource Inventory. We

contend that the planning commission and the applicant's arguments to the contrary presume that the regulatory scope of Article 44 is necessarily dispositive of the county's obligation to address applicable state wide planning goals, such as Goal 5, pursuant to ORS 197625(3)(b). However, the flaw in the county and the applicant's logic is that, as long as Article 44 remains unacknowledged, the county cannot rely on the assumption that the regulatory scope of Article 44 is consistent with Goal 5. In other words, the fact that unacknowledged Article 44 does not regulate the proposed use (it is excluded from the scenic resource) does not necessarily mean that Goal 5, applied directly, also does not regulate that use. Consequently, as long as Article 44 remains unacknowledged, the county cannot rely upon the regulatory scope of Article 44 to avoid addressing Goal 5 (Dennis Tylka and Joyce Tylka v. Clackamas County. Luba No. 99-093 FINAL OPINION AND ORDER)

The County must demonstrate that the proposed uses are consistent with Goal 5. To the extent that the proposed preliminary plat does not display an adequate inventory boundary, quality and quantity of cultural resources on the parcel, the plat is simply wrong. The exact boundary of the cultural resources must be delineated to demonstrate the accurate location of the subdivision lots in relationship to the resources. The location of lots depicted on the preliminary plat are not accurate. This violates Article 31, section 31.025 (01)(F) (G) and (H). These criterion need to be addressed prior to plat approval and cannot be conditioned. The decision must be reversed.

Summary of Conclusions

CONCLUSIONS07 page 31 last paragraph Wallowa County Decision Document.

"All applicable criteria have been met, and the Planning Commission approves this application subject to the Conditions of Approval. Failure to met these conditions in a timely manner may result in the revocation of this permit by the review authority. Nothing in the approval of this preliminary plat of a subdivision shall be construed as approving a violation or omission in compliance with applicable subdivision law as expressed in ORS 92 or else where."

We contend that the arguments contained in our January 6, 2004 SECOND AND THIRD ASSIGNMENTS OF ERROR completely contradict the conclusions of the entire findings document. The county and the applicant argue that the decision is merely a limited land use decision and that City or County Land Use Plan provisions and regulations do not apply.

We contend that the County has no choice but to apply State Wide Goal 5 to this decision, consequently we appeal FINDINGS #4, #5; #6, #7, #8, especially #9, #27, #28, #29 and any resulting conditions. Goal 5 was not applied directly to the application and does not demonstrate in the findings that there is compliance with Goal 5.

We ask you to consider this one last major contention when you make your decision as to whether this is a 'limited land use' decision as the applicant and the Planning Director argue. A limited land use decision is the subdivision of land within an Urban Growth Boundary. Yes, this is a sub-division and it is within the City of Joseph's Urban Growth Boundary, but it is so much more than that. The obvious solution for the applicant was to withdraw this area from the UGB; before applying to the county. Then they would have a decision subject to the county's review and only the county would have jurisdiction. However, in this way, as in so many other ways the applicants failed to prepare their proposal adequately.

What kind of a decision is it when the city whose UGB contains the proposal is opposed to the subdivision and is appealing the decision? When we explain this case to land use lawyers they are always amazed that the county is in opposition to the city council. You should seriously think about it. What is the intent of the Joint Management Agreement? Your decision to overturn the Planning Commission's findings is Wallowa County's last chance to correct this glaring and obvious error.

Sincerely yours,

Mildred Fraser, Liam O'Callaghan, and Lynne Price.
40 px

Eileen Fitzsimons & Gary Blackmer

From: Leslie Nelson [lnelson@tnc.org]
Sent: Monday, January 26, 2004 10:57 AM
To: Eileen' Fitzsimons
Subject: Boardman ruts

Hi Eileen,
Just wanted to follow up on our phone conversation from last week.

The Nature Conservancy manages the Boardman Conservation Area under a lease with Threemile Canyon Farms in Boardman. In our lease, there is a statement that prohibits our placing permanent signs, among other things, on the site. We are currently working to get an exception to this portion of the lease in order to be able to place interpretive and contact information signage at both ends of the segment on the Conservation Area. We do not anticipate any difficulty getting this exception, but until we get it, we do not want to move ahead on ordering signs.

Jana Setzler, our Real Estate Coordinator in the Portland office, is working on this. I have told her you thought the Oregon Trails Advisory Council would be willing to provide a letter in support, if necessary. If she feels we need that, she will contact you.

I am going to be out on medical leave for at least a couple of weeks, but anticipate feeling up to attending your meeting in The Dalles on February 7. I will be in touch the middle of that week to let you know if you should expect me.

*Leslie Nelson
Columbia Basin Stewardship Coordinator
The Nature Conservancy
PO Box 314
The Dalles, OR 97058
Ph/fax 541-298-1802
Cell 541-980-3633*

1/26/2004

January 27, 2004

Marty Myers
Threemile Canyon Farms
75906 Threemile Road
Boardman, OR 97818

Dear Marty,

As you discussed with Leslie Nelson on the telephone this week, approximately seven miles of the Oregon Trail cross the Boardman Conservation Area. This portion of the trail, and the five miles on the adjacent Naval Weapons Systems Training Facility, comprise one of seven remaining long-distance portions of the trail. This section of the Oregon Trail is considered a "high-potential segment" that provides a high quality experience of what the original users of a historic route would have seen. The Oregon Trails Advisory Council would like to see interpretive and contact information signage at the west end of that trail segment where it crosses Immigrant Lane, and at the east end where it crosses onto the Naval Weapons Systems Training Facility. These signs would provide a brief discussion for visitors to the Oregon Trail, as well as information about who to contact at The Nature Conservancy to obtain permission to walk that trail segment.

The Nature Conservancy's lease with Threemile Canyon Farms, Appendix F, section 1.i. of paragraph B., Prohibited Uses, states, "Construction or placement of any buildings, temporary living quarters of any sort, mobile homes, signs, billboards, or other advertising materials, or utility towers or other structures" are specifically prohibited. The Conservancy would like to request an exception to this provision of the lease, and be allowed to place permanent signs at each end of the Oregon Trail segment on the Boardman Conservation Area.

We would, of course, coordinate with you on the type, location, and design for the proposed signs at the Oregon Trail ruts on the Boardman Conservation Area.

If the placement of signs as described in this letter is agreeable to you, please indicate your agreement by signing in the space provided below and returning the original of this letter to me at your earliest convenience. I have enclosed a copy for you to keep in your files.

Sincerely,

Russell Hoeflich
Vice President & State Director

2/7/04

Santiam Wagon Road
WalMart Site
Lebanon, Oregon

Report to OHTAC for baseline condition documentation.

On November 21st, 2003, Marcia Morse, Anne Rogers and Glenn Harrison met at the proposed WalMart/Santiam Wagon Road area along Highway 20 in Lebanon. The attached photographs document the area visited. Although the weather was poor, visibility was good. Attached photo documentation of the current road condition and native vegetation does not meet compliance level needs, but meets the needs of our monitoring of the site.

The Santiam Wagon Road bed in this area has been fairly unmodified with the exception of some rocking. In terms of limits of acceptable change to this historic feature, there shall be no paving of the roadbed and no removal of healthy native vegetation. The landowner should develop a strategy for replacement of decadent native trees with suitable natives as necessary.

we recommend that

The Santiam Wagon Road has been determined to be eligible to the National Register of Historic Places. It is our recommendation that the developer obtain qualified professional consultants to complete any compliance-related work.

add arborist

Interpretive efforts should conform with other examples in the state, such as the Oregon Trail kiosks. Examples of interpretive themes might include the unique and important west-to-east development of the Santiam Wagon Road to meet trade and settlement needs, the land acquisition patterns by speculators including the railroads, and the passage over the road of the 1st East to West Transcontinental Auto Race.

Council members shall make available to interpretive professionals any resources we have. OHTAC will expect to be kept informed of the progress of the WalMart project as it relates to the Santiam Wagon Road, and will be glad to be of assistance in assuring the best possible preservation efforts of this important historic site.

Submitted by
Marcia Morse
February 7th, 2004



FREE EMIGRANT ROAD



In the summer of 1852, a party of road viewers from the Willamette Valley followed Kalapuya, Molala, and Klamath Indian trails to reach the Deschutes River and continued east, backtracking the 1845 route of Stephen Meek. In 1853 road commissioners met with Elijah Elliott, who was going to the Snake River to meet his family. They promised to have the cutoff completed and persuaded him to lead the wagon train and follow the new route later that year.

The group of 1853 emigrants who followed part of the Meek Cutoff had already faced many perils of the eastern Oregon desert. They had traveled for weeks from the Snake River near present Nyssa, losing stock and possessions, until finally finding their way to the Deschutes River near what is now Bend. With abundant water and feed for their stock, they were ready for the last push over the Cascade Mountains and an end to their six-month ordeal. This cutoff from the Meek Cutoff of the Oregon Trail was later called the Free Emigrant Road because no toll was charged.

The Elijah Elliott wagon train, with 215 wagons, 615 men, and 412 women and children, was the first to follow this new route located by the road viewers. In October 1853, they crossed Crescent Creek and headed for Diamond Peak on their way to the

Funded by

THE OREGON-CALIFORNIA TRAILS ASSOCIATION
and the **Northwest Chapter of OCTA**

October 2003

Willamette Valley. Those emigrants and their livestock suffered great hardships. One woman died near the Deschutes River and Nancy (Prosser) Petty died near Oakridge.

The Free Emigrant Road was funded, located, and built by the citizens of Lane, Linn, and Benton Counties to promote settlement of the upper Willamette Valley. However, when the Elliott wagon train traveled through this forest in late October, they found little that resembled a road. Some blazes on trees and a path of fallen trees were their only guides over the mountains.

With supplies low and the threat of winter snow, they sent riders ahead to seek help. As the wagon train neared the summit, Willamette Valley citizens loaded with 20,000 pounds of food, other supplies, and 290 head of fresh stock met them and guided them to safety. When the emigrants of the Elliott wagon train finally arrived and found homes, they increased the population of the upper Willamette Valley by 50 percent, insuring the economic success of Eugene and the surrounding area.

This trail was used again in 1854 by the William Macy wagon train and continued to be used for the next ten years. The route of this road can still be seen on the Oldenberg Trail and the Windy Lakes Trail.



This is a part of your American heritage. Honor it, protect it, preserve it for your children.
Oregon-California Trails Association, P. O. Box 1019, Independence, MO 64051-0519

Eileen Fitzsimons Gary Blackmer

From: Glenn Harrison [harrison@cmug.com]
Sent: Tuesday, January 27, 2004 9:49 PM
To: Eileen Fitzsimons; Ann Rogers; Marcia Morse; Jim Renner; DeAnne Sullivan
Subject: meeting

Hi all,

Both Ann & Marcia had other commitments tonight, so I attended the meeting in Lebanon to revise the Lebanon Comprehensive Plan concerning historic resources. The meeting was well attended and used the full 6:30 to 9:00 pm time.

The draft plan recognized the city's responsibility concerning structures and sites that were listed on the National Register of Historic Places and those that were on the Lebanon Historic Register. At my suggestion the statement was expanded to include "other resources of statewide significance". There was expressed intent to include the Santiam Wagon Road plus any other sites that might be recognized.

- Lebanon's Transportation Master Plan will soon be replaced by a new Transportation System Plan. I suggest that the OHTAC request a copy of at least the portion that impacts the Santiam Wagon Road. Glenn

SWK/Lebanon
replied & cc to James
on 2/3, 11:08am

Dear Terry,
Off the top of my head but without speaking officially for OHTAC, I would say the preference would be for wood over metal bollards, for the very reason you outlined in your e-mail. OHTAC will be meeting in The Dalles on Saturday morning. If you want an "official" decision, get more specific information to Marcia Morse or Ann Rogers, to bring to the meeting. Both are OHTAC members and close to Lebanon. Marcia's in Albany, 541-829-2884 (h) or 541-967-9499; Ann is in Corvallis, 541-757-0650(h) or 541-737-6573(w)ann.rogers@orst.edu. Thanks for your inquiry. Eileen G. Fitzsimons, efgb@comcast.net (note new e-mail address).

-----Original Message-----

From: Terry Lewis [mailto:tlewis@ci.lebanon.or.us]
Sent: Tuesday, February 03, 2004 10:49 AM
To: james.hamrick@state.or.us; stephen.poyser@state.or.us
Cc: efgb@attbi.com; jim@oregontic.com
Subject: Bollards for Santiam Wagon Road
Importance: High

Hello, All

We are in the process of approving the final engineering plans for the new Wal-Mart store here in Lebanon.

A question has just arisen about the appropriate protection of the Santiam Wagon Road (SWR) from encroachment by vehicular traffic.

Everyone involved in the project agrees that the SWR (like any multi-use path) must be protected from vehicular traffic using it which would not only endanger pedestrians and bike riders, but also in the case of the SWR it would endanger the protected resource.

Were this a regular multiuse path, the City would insist on some sort of bollards to prevent vehicular access. However, the SWR is a unique historical resource.

What type of bollards or other barriers would be appropriate?

(1) Some have talked about cast metal bollards that would match our historic downtown street lights, but there were never such bollards on the SWR that any one knows about.

(2) Others have talked about simple pressure treated wooden round posts.

Does SHPO and/or OHTAC have suggestions on this issue?

We need assistance on this issue before the end of the day -- sorry we couldn't give you more of a heads up on this question, but it did just arise in a meeting that is still going on as I type this....

As a point of reference, I have included below a quick summary of the protection measures from the August 2002 SHPO/OHTAC letter regarding the SWR -- this summary is from CLC's February 2003 application.

Thanks for your help in resolving this issue!

Terry M. Lewis

Assistant Planner

tlewis@ci.lebanon.or.us

City of Lebanon

853 Main Street

Lebanon, Oregon 97355-3200

Phone: 541-258-4256 **[NEW]**

Fax: 541-258-4955 **[NEW]**

Santiam Wagon Road: A portion of the historic Santiam Wagon Road (SWR) runs parallel to Highway 20 and across the eastern portion of the project site. The wagon road has been identified as a historic resource eligible for listing on the National Register of Historic Places. The proposed development will require three crossings of the SWR, once for ingress and once for egress directly into the site, and once for the new Weldwood Drive. Based on the mitigation letter from OSHPO to ODOT dated, August 5, 2002, the project will keep the SWR intact, except where crossings must occur. The Project will construct the following mitigation measures to protect the SWR resource as identified in the August 5, 2002, letter:

1. Provide a 15-foot wide buffer, as measured from the centerline of the SWR, on both sides of the SWR.
2. Weldwood Drive and the ingress and egress routes from Highway 20 will be constructed to the minimum width necessary to accommodate for life and safety issues.
3. Construct an informational kiosk for use by the public.

4. *Provide informational signage and install said signs in the kiosk. Local and State historic groups will provide the data to be posted and the project will prepare and post the signs.*
5. *Provide 10 parking spaces, including handicap spaces, for the general public's use in accessing the kiosk.*
6. *Separate the required pedestrian/bike path from the SWR and locate outside of the 15-foot buffer south of the ingress/egress lanes. North of these lanes the pedestrian/bike path will be within the 15-foot buffer due to site constraints.*
7. *Post the Santiam Wagon Road at the Weldwood Drive crossing so that the public is aware that they are crossing the wagon road. Post informational signs on North bound Cascade Drive and on both sides of Highway 20, identifying an historical site and information area. Posting of Cascade Drive and Highway 20 will occur only if ODOT and Linn County approve of the posting. On-site signs will be installed to direct the public to the kiosk.*
8. *Maintain most of the existing wagon road related landscape elements and provide additional landscaping parallel to the resource to help recreate the tree-lined wagon road. The landscaping will include both evergreen and deciduous trees and where the developed site approaches the 15-foot buffer, shrubs will be installed to create a screen between the wagon road and the developed site.*

In addition to the above mitigations, the Project will dedicate a Historic Resource Preservation Easement to the City of Lebanon. This easement will preserve the SWR resource.

OBLIGATED ^{in FFS}
9/19/02

Agreement No. H-1530-02-0005

COOPERATIVE AGREEMENT

BETWEEN THE

MAR 05 2004

**UNITED STATES DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE**

AND THE

**STATE HISTORIC PRESERVATION OFFICE
SALEM, OREGON**

This Cooperative Agreement is entered into by and between the U.S. Department of the Interior, National Park Service (NPS) and the State Historic Preservation Office (SHPO) to further the acquisition, development, operation, maintenance, and protection of the Oregon and California National Historic Trails (NHT) (hereinafter referred to as "The Oregon and California National Historic Trails (NHT)" or "the Trails"). The effective date is specified in Article II.

This agreement entails:

1. Carrying out a public purpose of support or stimulation, as specified below in Article I;
2. Substantial involvement of the NPS in the management and execution of the project(s). The substantial involvement is specified below in Article III; and
3. An assistance relationship in which financial and/or other assistance will be provided by the NPS. The nature of the assistance relationship is specified below in Article VI.

Article I – BACKGROUND AND OBJECTIVES

The public purpose of this project or assistance is to further the acquisition, development, operation, maintenance, and protection of the Oregon and California NHTs, long distance Trails authorized by Congress as a component of the National Trails System. The National Trails System Act limits direct Federal involvement in acquiring, developing, protecting, and managing the Oregon and California National Historic Trails (NHT) and places heavy emphasis on the involvement of private and public voluntary interests, such as the SHPO, in developing and managing the Trails. Since the Oregon and California National Historic Trails (NHT) cannot come into existence or be maintained without continuing, active private and public volunteer involvement, it is in the public interest that the NPS and SHPO act in a concerted manner to accomplish this work.

This assistance is designed to support and ensure an ongoing private volunteer effort to carry out

these tasks through an organization that has the Oregon and California National Historic Trails (NHT) and the objectives of the National Trails System Act as its primary focus. This assistance will help encourage volunteerism by providing continuing and expanded opportunities for individuals to participate in the conservation and protection of nationally significant resources and development of recreational and educational Trails opportunities under the overall administration of the NPS.

The specific objectives of this agreement are to:

1. Encourage private and public sector participation in the acquisition, planning, development, protection, operation, and maintenance of the Oregon and California National Historic Trails (NHT).
2. Accelerate the effort to acquire and develop the Trails by securing private and public sector involvement.
3. Increase private and public awareness and use of the Trails and their support for its complete development.
4. Support and strengthen the staff capabilities and volunteer efforts of the SHPO in taking a leading role within the private and public sector in acquiring, planning, developing, protecting, and maintaining the Trails.

The Secretary of the Interior has delegated overall administrative responsibility for the Trails to the NPS. The NPS, in cooperation with public and private interests, completed a *Comprehensive Management and Use Plan* in November 1999. The NPS is responsible at the Federal level for carrying out the provisions of the Act as they relate to the Trails by coordinating, guiding, and assisting the efforts of others to acquire, develop, operate, protect, and maintain the Trails in accordance with the comprehensive plan.

The National Trails System Act provides, in section 7(h) [16 U.S.C. 1246(h)], that when determined to be in the public interest, the Secretary of the Interior may enter into written cooperative agreements with states or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of a national scenic Trails either within or outside a Federally-administered area. The Secretary of the Interior, acting through the NPS, has determined it to be in the public interest to enter into this agreement.

Article II - AUTHORITY

This Agreement is made under the following authorities:

General authorities:

The National Park Service Organic Act of August 25, 1916, as amended, 16 U.S.C. 1 et. seq.

The Money and Finance Act of September 13, 1982, 31 U.S.C. 6301 et seq. (which incorporates elements of The Federal Grant and Cooperative Agreement Act of 1977).

Park specific authorities:

The National Trails System Act of October 2, 1968, as amended, 16 U.S.C. 1241 et seq.

Related agreements:

Memorandum of Understanding for the Administration and Management of National Historic and National Scenic Trails between the U.S. Department of the Interior, National Park Service and Bureau of Land Management; U.S. Department of Agriculture, Forest Service; U.S. Department of Transportation, Federal Highway Administration; and the National Endowment for the Arts dated January 19, 2001.

Article III - STATEMENT OF WORK

A. During the course of this agreement, SHPO in relation to the Oregon and California National Historic Trails will:

1. Assist the NPS in promoting awareness of the historic significance of the Oregon and California National Historic Trails (NHT).
2. Provide monitoring of historic trail resources, markers and interpretive panels and convey the information to the NPS.
3. Advocate along with the NPS, for protection of national historic trail resources.
4. Assist the NPS in interpreting the story of the historic trails.
5. Assist the NPS in rehabilitation and development of interpretive panels along the trail corridors.
6. Assist the NPS in attaining the management objectives and implementation actions set for in the *Comprehensive Management and Use Plan* (November 1999) for the Oregon and California NHTs.
7. Identify and inform the NPS of needs and opportunities for it to provide technical and financial assistance to help fulfill its responsibilities to ensure protection and interpretation of the national historic trails

B. During the course of this agreement, the NPS will be substantially involved in carrying out the elements of the agreement. The NPS will:

1. Assist the SHPO in advocating for the protection of trail resources.
2. Assist the SHPO in monitoring conditions of trail resources, markers and interpretive panels.
3. Support the SHPO in interpreting the historic trails.
4. Provide technical assistance for projects related to the Oregon and California National Historic Trails.
5. Provide financial assistance to the State Historic Preservation Office as specified in Article VI-Award and Payment.

Article IV - TERM OF AGREEMENT

When signed by both parties, this agreement shall be in effect from the date signed on behalf of the NPS by the Contracting Officer and shall continue for five (5) years from the date of the last signature below, or until terminated as provided in Article VIII below. The parties acknowledge that the work contemplated by this cooperative agreement is anticipated to last over a period of more than one fiscal year. The parties expressly provide, therefore, that this agreement is amendable for additional funds and for additional periods of time not to exceed five (5) years in total. Amendments are initiated by the SHPO submitting a project proposal to the NPS.

Article V - KEY OFFICIALS

STATE HISTORIC PRESERVATION OFFICE

Signatory:

James Hamrick
State Historic Preservation Office
1115 Commercial St. NE
Salem, Oregon 97301
(503) 378-4168 x331

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NATIONAL PARK SERVICE:

Signatory:

Administrative/Technical:

Contracting Officer
 Intermountain Region
 12795 West Alameda Parkway
 P.O. Box 25287
 Denver, CO 80225-0287

Superintendent
 Long Distance Trails Office
 324 South State, Suite 250
 P.O. Box 45155
 Salt Lake City, UT 84145-0155

Any communication regarding this agreement should be addressed to the Superintendent, Long Distance Trails Office.

Article VI – AWARD AND PAYMENT**A. General**

Assistance under this Agreement may include the provision of financial assistance and/or the provision of property.

Financial assistance will be budgeted and funds awarded based on information contained on SF-424, Federal Assistance Application, SF-424A, Budget Information-Non-Construction, or SF-424C, Budget Information-Construction, as applicable. Awards will be subject to the auditing and accounting policies and procedures outlined in applicable Office of Management and Budget Circulars.

The NPS hereby approves financial assistance of \$4,000 in Federal Fiscal Year 2002 to SHPO for activities conducted under this agreement. Additional financial assistance may be provided through amendments to this agreement, initiated by submission of project proposals by the SHPO, as described in Article IV.

B. Payment/Invoices

Payment of financial assistance will be made through reimbursement arrangement as per the guidance established by the General Provisions for Cooperative Agreements. The cost principles set forth in applicable Office of Management and Budget Circulars will govern the determination of costs allowable under this Agreement. Reimbursement shall be quarterly upon presentation of a written invoice. Invoices shall be submitted to the National Park Service, Long Distance Trails Office, P.O. Box 45155, 324 South State, Suite 250, Salt Lake City, Utah 84145-0155. When invoicing, please cite the appropriate cooperative agreement number.

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Article VII – RECORDS AND REPORTS

Records and reports will be maintained by the SHPO in accordance with the requirements of the General Provisions and all governing Office of Management and Budget Directives.

In addition to brief summaries that accompany at least quarterly invoices, the SHPO shall submit an annual progress report of activities. Current problems or unusual developments should also be included. Information and materials (maps, reports, brochures, data, etc.) developed with assistance under this agreement shall be furnished to the NPS at the time of completion or when the information/data is needed for NPS activities.

Article VIII – MODIFICATION AND TERMINATION

This agreement may be modified only by a written instrument executed by the parties. Either party may terminate this agreement by providing the other party with sixty (60) day advance written notice. In the event that one party provides the other party with notice of its intention to terminate, the parties will meet promptly to discuss the reasons for the notice and to try to resolve their differences.

Article IX – GENERAL AND SPECIAL PROVISIONS

A. General Provisions

1. **OMB Circulars and other Regulations**—The following OMB Circulars and other regulations are incorporated by reference into this agreement:
 - a) *OMB Circular A-110*, as codified by *43 CFR Part 12, Subpart F*, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations”
 - b) *OMB Circular A-122*, “Cost Principles for Non-Profit Organizations”.
 - c) *OMB Circular A-133*, “Audits of States, Local Governments, and Non-Profit Organizations”.
 - d) *43 CFR Part 12, Subpart D*, “Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)”.
 - e) *43 CFR Part 12, Subpart E*, “Buy American Requirements for Assistance Programs”.

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f) FAR Clause 52.203-12, Paragraphs (a) and (b), "Limitation on Payments to Influence Certain Federal Transactions".

- 2. **Non-Discrimination**—All activities pursuant to this agreement shall be in compliance with the requirements of Executive Order 11246; Title VI of the *Civil Rights Act of 1964*, as amended, (78 Stat. 252; 42 U.S.C. §§ 2000d et seq.); Title V, Section 504 of the *Rehabilitation Act of 1973*, as amended, (87 Stat. 394; 29 U.S.C. § 794); the *Age Discrimination Act of 1975* (89 Stat. 728; 42 U.S.C. §§ 6101 et seq.); and with all other federal laws and regulations prohibiting discrimination on the grounds of race, color, sexual orientation, national origin, disabilities, religion, age, or sex.
- 3. **Lobbying Prohibition**—*18 U.S.C. § 1913*, Lobbying with Appropriated Moneys—No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress, on the request of any Member, or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.
- 4. **Anti-Deficiency Act**—*31 U.S.C. § 1341*—Nothing contained in this agreement shall be construed as binding the NPS to expend in any one fiscal year any sum in excess of appropriations made by Congress for this purpose (administration of the Oregon and California National Historic Trails (NHT)), and made available by the NPS for this assistance agreement, nor to involve the United States in any contract or other obligation for the future expenditure of money in excess of such appropriations.
- 5. **Minority Business Enterprise Development**—*Executive Order 12432*—It is the national policy to award a fair share of contracts to small and minority firms. The NPS is strongly committed to the objectives of this policy and encourages all parties to its cooperative agreements to take affirmative steps to achieve such fairness by ensuring procurement procedures are carried out in accordance with *43 CFR § 12.944* for Institutions of Higher Education, Hospitals, and other Non-Profit Organizations, and *43 CFR § 12.76* for State and Local Governments.

B. Certifications

The following form(s) are incorporated into this agreement by reference. These certifications are required in accordance with the provisions of this agreement:

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1. DI-2010, U.S. Department of the Interior Certification Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirement, and Lobbying.
2. Standard Form LLL, Disclosure of Lobbying Activities. (Note: Standard Form LLL is ONLY required for agreements OVER \$100,000 when a cooperator has lobbying activities to report.)

Article X – ATTACHMENTS

The following are attached hereto and made a part of this agreement:

- A. SHPO's Proposal (work plan and budget).
- B. SF-424A, Budget Information—Non-Construction Program (incorporated by reference).
- C. SF-424B, Assurances—Non-Construction Programs (incorporated by reference).

Article XI - SIGNATURES

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date signed by the NPS Contracting Officer.

STATE HISTORIC PRESERVATION OFFICE

Signature: James Hamrick Date: 3 Sept 02

Name: James Hamrick
Title: Asst Director, Deputy SHPO

NATIONAL PARK SERVICE

Signature: Thomas J. Forsyth Date: 9/18/2002

Name: Tom Forsyth
Title: Contracting Officer
Intermountain Region

Signature: Jere L. Krakow Date: 9/9/02

Name: Jere L. Krakow
Title: Superintendent, Long Distance Trails Office

SOLICITORS OFFICE

Approved: _____
Signature: G. Kevin Jones Date: 16 Sept 02

Name: G. Kevin Jones
Title: Attorney-Advisor
Office of the Solicitor

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Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

Oregon Historic Trails Advisory Council

1115 Commercial St. NE

Salem, OR 97301-1012

(503) 378-4168 x331

FAX (503) 378-6447

www.shpo.state.or.us

Memo

From: Eileen Fitzsimons

To: OHTAC, Sharon Brown, Glenn Harrison, James Hamrick & Deanne Sullivan

Dear Fellow OHTAC Members,

Our Council had a "first" this weekend, when we cancelled our Klamath Falls trip and meeting, due to poor attendance.

I anticipated 4 OHTAC members and Sharon Brown, from NPS. However, an additional OHTAC member cancelled Friday morning at about 10 a.m., leaving Jim, Keith, Sharon and me (plus Deanne) to go on the trip by ourselves. We decided to cancel, since the purpose of our field trips is to observe the resource so we will collectively know what we're talking about when we discuss an historic trail.

Unfortunately, we made the decision at the Motor Pool in Salem. A couple of hours out of my day isn't so bad, but I don't like to waste Sharon's time and Keith drove all the way from Pendleton; there was simply no way to reach him in time. Fortunately I was able to reach Leta Niederheiser of Grants Pass, before she and her husband drove to Klamath Falls. She was going to take us on a tour of the Applegate cemetery in Yoncalla on Sunday. SHPO will also have to pay for the van.

We will not be able to reschedule this trip this year. We are already committed to Irrigon in October and we do schedule these a year in advance so hopefully we can have a good attendance. I feel we should have one other meeting this year, besides the one we had in February. We discussed having a meeting in Vancouver on Sunday, August 15, the day after the OCTA convention ends. Jim, Keith, Sharon and I can make it and perhaps Glenn, as well. Would you please consult your calendars and call Virginia as soon as possible to let us know if you can attend? Her phone number is 503/335-9811.

Eileen



Oregon Historic Trails Advisory Council

Ann B. Rogers CHAIR

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Pendleton OR 97801

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03

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Fredrick J. Warner Sr.

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Term: 11/01/02-10/31/06

Virginia Durost

STAFF

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ORPD/Heritage Conservation Division

725 Summer Street NE, Suite C

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(w) (503) 986-0669

(f) (503) 986-0793

Email: James.Hamrick@state.or.us

OHTAC Ex-Officios

Sharon Brown

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Glenn Harrison

OR-CA Trails Assoc NW Chapter
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Albany OR 97321-3419
(w) (541) 926-4680
Email: harrison@cmug.com

Chip Jenkins

Supervisor / Site Manager
Lewis & Clark Nat'l Historic Trail
Fort Clatsop National Memorial
92343 Fort Clatsop Road
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OREGON HISTORIC TRAILS ADVISORY COUNCIL

PROCEDURAL RULES

(Adopted 10-18-99)

A. Authorization

The Oregon Historic Trails Advisory Council was created by Governor's Executive Order EO 98-16 on August 11, 1998. The order restates previous orders of the Oregon Trail Advisory Council (EO 84-10 and EO 94-02), revises the council's scope, increases membership, and changes the council's name. The council receives staff assistance from the Oregon Parks and Recreation Department and reports to the Oregon Parks and Recreation Commission.

B. Council Responsibilities

The responsibilities of the Council include but are not limited to:

1. Developing an Oregon Historic Trails Program using the Oregon Historic Trails Report as a general guide and planning document.
2. Serving as an advisory body for activities and policies involving Oregon's historic trails as listed in ORS 358.057, particularly as they concern the State of Oregon.
3. Promoting public awareness of the historical significance of the trails and encouraging the development, protection and interpretation of historical sites and outdoor recreation resources along their routes.
4. Acting in an advisory capacity to Oregon agencies, bureaus, commissions, councils and committees, making recommendations about activities and policies that relate to the history of the trails and associated sites.
5. Serving as Oregon's official liaison with other states, associations, federal departments, bureaus, recognized tribes and committees concerned with these trails to plan and coordinate activities which foster state and national recognition of the significance of Oregon's historic trails.
6. The Council shall prepare an annual report of work and meetings in that year and submit it to the State Parks Commission.

C. Membership and Officers

1. The council consists of nine members who are appointed by the Governor. Members serve terms of four years. The council reflects the demographic diversity of the state of Oregon to the greatest extent possible as well as the interests of a variety of trails.
2. The Governor designates the council chair. The chair designates a vice-chair who carries out the duties of the chair in the chair's absence. The Council from its members may annually select a new chair and recommend his/her appointment by the Governor. The council may add non-voting ex-officio members, associate members, and subcommittees as it deems appropriate.

3. Attendance at council meetings is required unless a member is granted an excused absence by the council chair. A pattern of unexcused absences will result in a recommendation to the Governor that the member be replaced.
4. No members of the council, regardless of their status as voting members, ex-officio members, associate members, or any other classification are entitled to compensation for their services or reimbursement for their expenses.

D. Committee Conduct

Council members shall remember that they are seen as representatives of the council when they speak on matters pertaining to historic trails and shall take care not to appear to be speaking for the council unless specifically authorized by the council to do so. This also pertains to written correspondence.

E. Conflict of Interest

1. Members of the council shall disclose and act upon actual, potential or apparent conflicts of interest.
2. "Actual, potential or apparent conflicts of interest" means any action, decision, or recommendation taken by a council member in the course of council business that results, might result or may appear to result in a direct pecuniary benefit or detriment to the council member, to a member of the council member's household, or a business with which the council member or a member of the council member's household is associated, unless the pecuniary benefit is a result of the following:
 - a. An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position;
 - b. Any action which would affect to the same degree a class consisting of an industry, occupation, or other group to which the council member, or a member of council member's household or business with which the council member is associated, is a member or is engaged; or
 - c. Membership in or membership on the board of directors of a non-profit corporation that is tax-exempt under section 501 (c) of the Internal Revenue Code.
3. A member shall publicly announce an actual, potential or apparent conflict of interest prior to any council action on the matter in conflict. The member shall disclose the nature of the conflict, but need not disclose any monetary value involved. Each member is responsible for ascertaining and disclosing his or her interest, but not conflicts of other council members.

F. Meetings

1. The council holds regularly scheduled meetings as determined by a majority of its members and meets on special occasions upon the calling of the chair. Five voting members constitutes a quorum. A vote of the majority is sufficient for all actions of

the council. The chair, if present, is included in the determination of a quorum and shall participate in voting.

2. All meetings of the council are conducted as public meetings and are duly announced in accordance with state law. Public announcements and news releases concerning the council's business are made by the Oregon Parks and Recreation Department.
3. Notice of meetings, including date and place, is given:
 - a. In writing, at least 10 days in advance of all regular meetings; and
 - b. At least 24 hours in advance of all special meetings.
4. The agenda for council meetings is set and modified when necessary by the chair.
5. The chair is responsible for conducting all meetings of the council and in the chair's absence, the vice-chair has that role. When the chair and vice-chair are absent or have to be excused from council proceedings that are underway, the council shall choose an interim chair to conduct the meeting.
6. Meetings of the council are conducted according to Robert's Rules of Order except where they conflict with state or federal law, such as in the determination of a quorum.
7. A period of public comment is included in all council meetings and is generally limited to five minutes per speaker.
8. As often as practicable, the council meets around the state in order to visit historic trail sites and to hear from advocacy groups and constituencies.

G. Amendment of Procedural Rules

An amendment to these procedural rules may be adopted by the council during any meeting provided the amendment is submitted in writing to the council no less than two weeks in advance of the meeting.



EXECUTIVE ORDER NO. EO 98 - 16

OREGON HISTORIC TRAILS ADVISORY COUNCIL

The *Oregon Historic Trails Report* presented by the Oregon Trails Coordinating Council in May, 1998 was the first step in the development of a statewide Oregon Historic Trails Program. The report serves as a general guide and planning document for future efforts in developing historic trail resources in Oregon. The Executive Summary of the *Oregon Historic Trails Report* noted the following:

"The objective of the Oregon Historic Trails Program is to establish Oregon as the nation's leader in developing historic trails for their educational, recreational, and economic values. The Oregon Historic Trails Program, when fully implemented, will help preserve and leverage existing heritage resources while promoting rural economic development and growth through heritage tourism.

The opportunity to realize these benefits will depend on the entities that have the authority to act and collaborate on the program's behalf: land management agencies, government commissions, heritage organizations, and tourism associations. The Council recommends that these entities move forward with the Oregon Historic Trails Program."

The dissolution of the Oregon Trails Coordinating Council creates the need for a statewide advisory body to continue to recognize the value and significance of Oregon's historic trails as outlined in ORS 358.057. The Oregon Trails Coordinating Council has recommended the reactivation of the Oregon Trails Advisory Council to oversee and advocate on behalf of Oregon's historic trails.

THEREFORE, IT IS HEREBY ORDERED AND DIRECTED:

- 1) The Oregon Trail Advisory Council was created by Executive Order No. EO-84-10 and revised under Executive Order No. EO-94-02. This order restates the previous orders, revises the council's scope, increases the membership, and changes the name to the "Oregon Historic Trails Advisory Council."
- 2) The Oregon Historic Trails Advisory Council is hereby created. The council shall consist of nine members who shall be appointed by the Governor and serve at the Governor's pleasure. Members shall be appointed to terms of four years. The council shall reflect the demographic



diversity of the state of Oregon to the greatest extent possible. Current members of the Oregon Trail Advisory Council are eligible to serve on the OHTAC under their original term expiration dates.

The Governor shall designate the council chair. The chair shall designate a vice-chair who shall carry out the duties of the chair in the chair's absence. The council may add non-voting ex officio members, associate members, and subcommittees as it deems appropriate.

The council shall have regular stated meetings as determined by a majority of its members and shall meet on special occasions upon the calling of the chair. Five voting members shall constitute a quorum. A vote of the majority shall be sufficient for all actions of the council.

No members of the council, regardless of their status as voting members, ex officio members, associate members, or any other classification, are entitled to compensation for their services or reimbursement for their expenses.

- 3) The Oregon Historic Trails Advisory Council shall serve as an advisory body for activities and policies involving Oregon's historic trails as listed in ORS 358.057, particularly as they concern the State of Oregon. The council shall:
- Promote public awareness of the historical significance of the trails and encourage the development, protection and interpretation of historical sites and outdoor recreation resources along their routes.
 - Act in an advisory capacity to Oregon agencies, bureaus, commissions, councils and committees, making recommendations about activities and policies that relate to the history of the trails and associated sites.
 - Serve as Oregon's official liaison with other states, associations, federal departments, bureaus and committees concerned with these trails to plan and coordinate activities which foster state and national recognition of the significance of Oregon's historic trails.

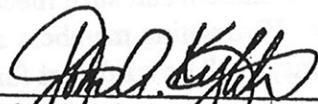


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- 4) The council shall have the authority to negotiate for staff assistance from the Oregon Parks and Recreation Department. The council shall report to the State Parks and Recreation Commission.

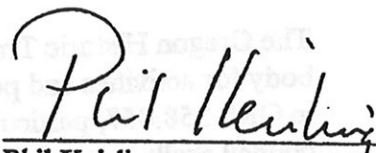
Done this 11 day of August, 1998, at Salem, Oregon.





John A. Kitzhaber, M.D.
GOVERNOR

ATTEST:



Phil Keisling
SECRETARY OF STATE

