

Oregon Parks and Recreation Commission

July 17, 2013

Agenda Item: 6b Information

Topic: Proposed Exchange with Bandon Biota

Presented by: Jim Morgan

Background: Bandon Biota initially presented a proposal to the Oregon Parks and Recreation Commission in the September 2010 Commission meeting to acquire a portion of Bandon State Natural Area (Bandon SNA) through an exchange of properties owned by Bandon Biota. The end use intended by the proposer was to develop a portion of Bandon SNA area and adjacent privately-owned land into a golf course. OPRD land acquisition and exchange policy OAR 736-019-0070 provides criteria for consideration of approving an exchange only when it has provided for “overwhelming public benefit to the park system, its visitors, and the citizens of Oregon”. Bandon Biota provided additional testimony regarding the proposal during public comments in the July 2011 Commission meeting. The proposal was determined to not meet the criteria for providing overwhelming public benefit.

In June 2013, Bandon Biota submitted a modified proposal outlining acquisition of approximately 280 acres of Bandon SNA in exchange for property, cash and in-kind services for controlling gorse provided by Bandon Biota.

The attached Exhibit A is an outline of terms of the proposal for the Commission to review. Bandon Biota is requesting that a formal proposal be brought before the Commission as early as September 2013 for consideration of approval.

Prior Presentation to the Commission:

September 22, 2010 - Bandon Biota presented initial exchange proposal
July 20, 2011 – Bandon Biota provided public comments on proposal

Action Requested: None

Attachments: 2013 Bandon Biota Exchange Proposal

Prepared by: Jim Morgan

EXHIBIT A

2013 BANDON BIOTA EXCHANGE PROPOSAL

Bandon Biota has initiated a proposal to Oregon Parks and Recreation Department (OPRD) regarding an exchange of real property and funds for a portion of Bandon State Natural Area.

OAR 736-019-0070(4) sets forth the criteria for consideration of an exchange that a party other than OPRD initiates, specifically that:

“[to] approve an exchange that a party other than the Department initiates, the Commission shall determine that the proposed exchange provides an overwhelming public benefit to the Oregon State Park system, its visitors, and the citizens of Oregon. The Commission has sole discretion to determine whether a proposal provides an overwhelming public benefit to the Oregon State Park system, its visitors, and citizens, which is resounding, clear and obvious.”

PROPOSED BENEFITS

Bandon Biota

- **Bandon State Natural Area**

Bandon Biota will receive 280 non-oceanfront acres out of the 878-acre Bandon State Natural Area (SNA), free of restrictions in use, not including any property west of the westward dunal line, to construct Bandon Links, a 27-hole, walking-only championship links golf course.

Bandon SNA is composed of stabilized and un-stabilized sand dunes forming ridges parallel to the ocean, separated by seasonally-flooded wetlands and dunal plant communities in troughs between the dunes. Native plant communities in Bandon SNA are significantly impacted by gorse, an invasive, high-priority noxious weed.

OPRD

- **Oceanfront Parcel**

OPRD will receive the 111-acre oceanfront parcel that adjoins the Bandon State Natural Area to the south and the west, with its westernmost boundary on the ocean shore.

- **Bullards Beach Spit Parcel**

OPRD will receive the 97-acre Bullards Beach Spit Parcel that is located along the west side of the Coquille River on the Bullards Beach spit, directly adjacent to Bullards Beach State Park.

- **Whale Cove Parcels**

OPRD will facilitate government acquisition of 10.87 acres of property owned by a third party at Whale Cove near Depoe Bay.

Biota will contribute up to \$450,000 in state matching funds required to leverage a federal grant and landowner donation for acquisition of the Whale Cove property.

Bandon Biota's contribution towards acquisition of the Whale Cove property is non-refundable and not contingent on completion of the rest of the exchange.

The Whale Cove parcels are comprised of coastal forest, prairie, and rocky headland near Depoe Bay. Whale Cove is the only marine area in Oregon's territorial sea where all marine life is protected. The property will be managed for its natural resource and scenic values, providing critical habitat for coastal wildlife.

The Whale Cove property will protect the viewshed from the Rocky Creek State Scenic Viewpoint and other viewpoints.

- **Grouse Mountain Ranch Parcels**

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

The Grouse Mountain Ranch parcels are comprised of Ponderosa pine forest, bunchgrass prairie, and riparian bottomlands. Beech Creek, a tributary of the John Day River, and other streams on the property provide salmonid habitat. The property will provide significant natural resources, recreational, cultural and scenic value to the park system. Infrastructure includes a residence, an office, and out-buildings.

- **Gorse Control**

Bandon Biota will provide gorse control, at its sole cost and expense, at a minimum of \$300,000, on Bullards Beach State Park, the remaining Bandon State Natural Area, Cape Blanco State Park and the Floras Lake Natural Area.

Funds expended by Bandon Biota on gorse control are non-refundable and not contingent on completion of the rest of the exchange.

- **Oregon Coast Trail Realignment**

Bandon Biota will provide to OPRD an easement across the Sheep Ranch at Bandon Dunes to relocate a section of the Oregon Coast Trail away from the highway and with more direct alignment in accordance with Universal Access and ADA requirements.

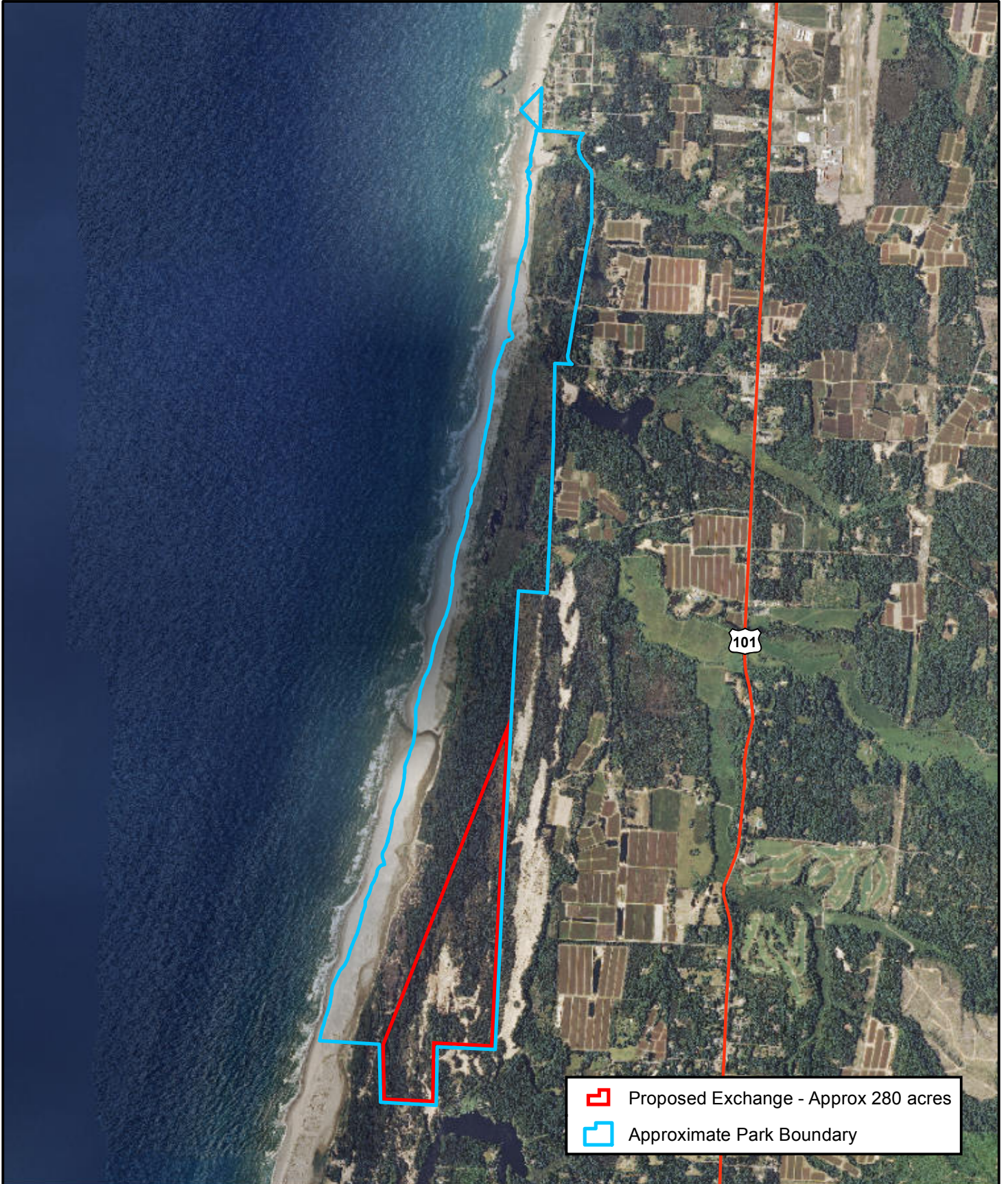
Staff recommends the exchange of property and other consideration contemplated in this proposal be considered meeting the "overwhelming public benefit" standard of OAR 736-019-0070(4).

Bandon SNA Proposed Exchange Area

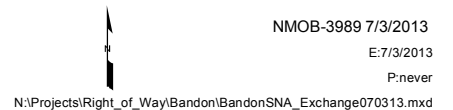
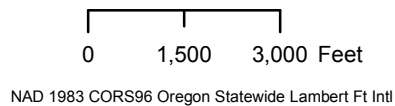
Oregon Parks & Recreation Dept.
725 Summer St. NE, Suite C
Salem OR, 97301



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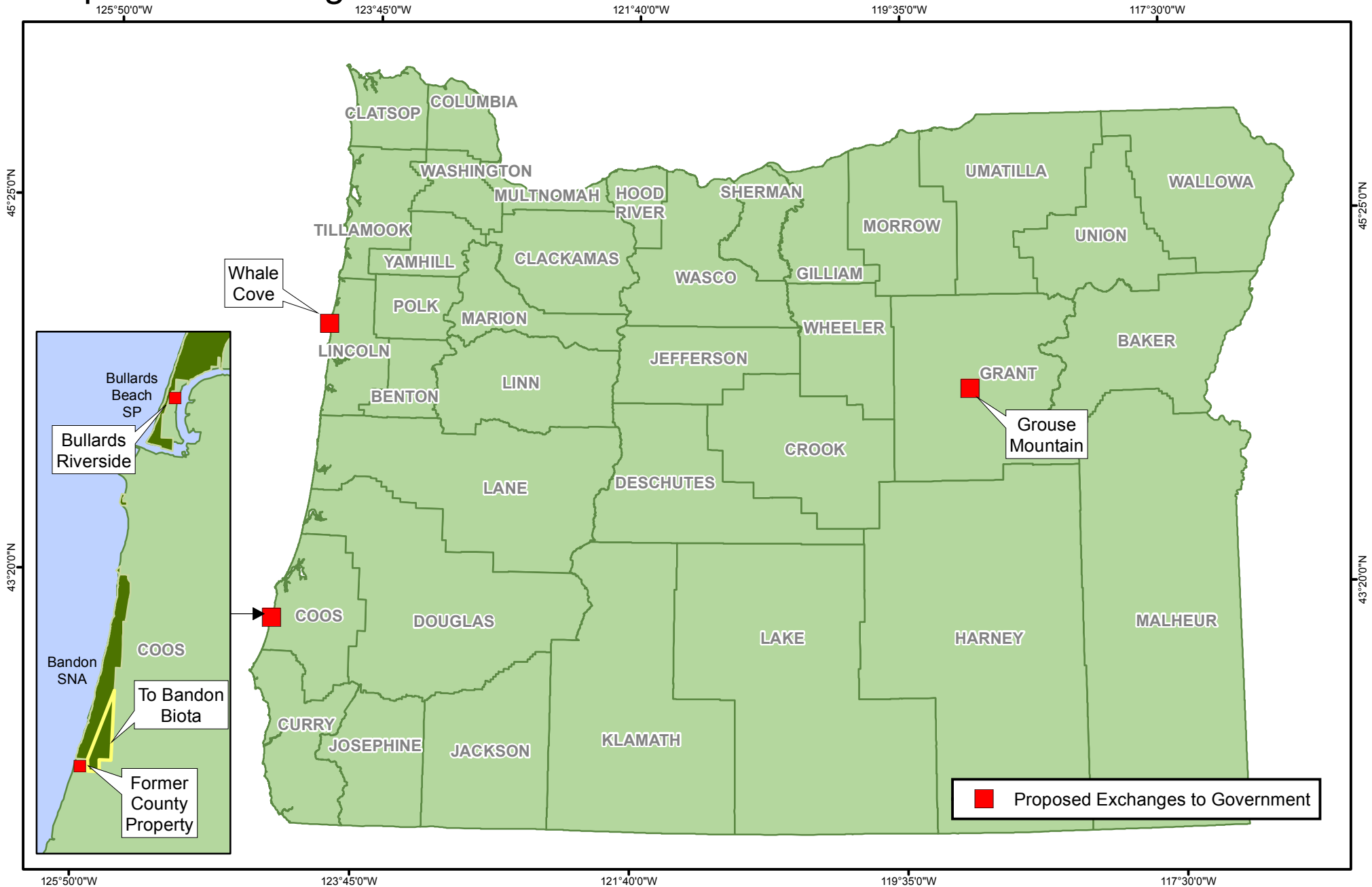
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Bandon Biota Proposed Exchange Areas

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



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