



ORCA: Oregon Coast Alliance

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Protecting the Oregon Coast

July 12, 2013

Tim Wood, Director
Members, Oregon Parks and Recreation Commission
Oregon Parks and Recreation Dept.
725 Summer St. NE, Suite C
Salem, OR 97301

Dear Commission Members and Director Wood,

Oregon Coast Alliance is a non-profit organization whose mission is to protect the Oregon coast by working with coastal residents for sustainable communities; protection and restoration of coastal natural resources; and providing education and advocacy on land use issues.

ORCA writes this letter concerning the proposed Bandon Biota-OPRD exchange on behalf of its members and supporters in Coos County and elsewhere who cherish the Oregon coast. Oregon Coast Alliance has very serious reservations about this exchange proposal, and strongly questions whether it weighs out in the balance as providing an overall benefit to Oregonians and the State Parks system. We are in favor of OPRD's independent acquisition of Whale Cove and Grouse Mountain Ranch when monies become available, presuming those properties continue to meet OPRD's acquisition criteria.

Background

This proposed exchange is similar to that initiated by Bandon Biota in 2010 and 2011, with the addition of monies offered by Bandon Biota to purchase a small but important parcel in Whale Cove, and the large Grouse Mountain Ranch in Grant County. Bandon Biota or associated Bandon Dunes companies proposes to build a golf course, nicknamed 'Bandon Muni,' on the BSNA exchange land.

As before, this exchange falls under the category of "Exchanges Initiated by Other Parties" in the Oregon Administrative Rules that govern OPRD. OAR 736-019-0070(3) states that in such exchange proposals, OPRD will among other things:

- Determine whether the exchange aligns with the Department’s mission, strategies, objectives and work plan.
- Inquire whether the local county and local communities support the exchange.
- Determine whether the exchange will accommodate public use and access, and be in the best interests of the Department.

OAR 736-019-0070 (4) directs the Commission to “determine that the proposed exchange provides an overwhelming public benefit to the Oregon State Park system, its visitors, and the citizens of Oregon...which is resounding, clear and obvious.” Clearly, this proposal is one which will require careful consideration by the Commission because it is large, complex, and involves a great deal of money and land.

Getting the “Overwhelming Benefit” Rule Off to a Good Start

To the best of ORCA’s knowledge, this exchange is the first time the Overwhelming Benefit rule has been applied “on the ground,” so to speak. Even if it has been applied elsewhere, this is certainly the biggest test it has faced.

If this exchange is approved, the Commission will be setting a precedent for this Rule that ORCA considers to be dangerous and ill-advised: that it is appropriate to sacrifice one Park for another (or several others). In other words, this exchange paves the way for a policy of robbing Peter to pay Paul. This zero-sum game approach to maintaining and expanding the Parks system is not the way to move ahead. It would be preferable to enlarge the Parks system by collaboration and fundraising to purchase those lands needed for the Parks system, rather than enriching a private business by whittling one Park down to provide the means for others. The “Oregon way” is for parties to a problem or need to join forces, cooperate and find solutions that do not harm one party at the expense of another.

Benefiting the Park System, Visitors and Citizens of Oregon

The Commission must balance the opportunities pro and con in this exchange, and that is a statewide task. But ORCA reminds the Commission that Oregonians cherish the coastal Parks very highly; they are among the most frequently visited in the state. Thus balancing the benefits to all Oregonians must include an analysis of the costs and benefits to coastal Parks. Does this exchange benefit the *coastal* Parks system? ORCA has serious reservations about that.

Michael Keiser/Bandon Dunes already has sufficient land to build a golf course to the east of BSNA *without* the 280 acres of exchange lands, according to a May 13, 2013 *Golf Travel Insider* article (attached to this testimony). The proposed ‘Bandon Muni’ golf course would be “pretty good” without the BSNA lands; but with the exchange lands the course would be “superlative.” This is not an adequate exchange of opportunities for the coast, nor sufficient reason to whittle away 280 acres of BSNA. The State of Oregon should not be in the business of giving its lands to improve the configuration of a proposed private amenity.

BSNA was granted to the State of Oregon by the U.S. Department of the Interior in 1968 “for parks purposes only,” as the deed language states. The Bureau of Land Management did not give this land to Oregon for parks purposes merely until it was better in the State’s eyes to trade it and allow a private golf course development. Indeed, if OPRD decides to trade a portion of it so that a golf course can be built there, BLM will require OPRD to purchase the reversionary clause in the deed at 100% of Fair Market Value, as current BLM policy requires.

Determining FMV for the reversionary clause is something OPRD must take into account for this exchange, as BSNA is highly valuable in ways not easily quantifiable, for solitude, ecosystem integrity, aesthetics, and similar values. The BSNA lands should be granted a similar per-acre value as the useable acreage at other similar sites, such as the proposed exchange parcel at New River.

BSNA has been managed primarily for its natural values since at least 1968, if not before – forty-five years or more. There are good reasons for this. It has unique botanical resources, especially including the critically endangered Beach Sagewort, which has a Natural Heritage State Rank of S1 “because it is considered to be critically imperiled because of extreme rarity...” As such, it has very high value in a consideration of maintaining species diversity in Oregon.

BSNA is also home to the Federally listed Snowy Plover, and is part of the Habitat Restoration area for the plover. This is in part because the area, which receives low-impact human use, has fewer Plover predators of the sort that increase with higher-impact use and human-generated garbage, such as foxes and crows. BSNA is one of the few areas that offers a sanctuary for this imperiled species, and the State has long managed the land to encourage this.

BSNA was classified by OPRD as a “State Natural Area” in the 1990s. The primary purpose of an SNA is “to protect outstanding, or important portions of Oregon’s ecosystems for continued public education, and/or for contributing to larger ecosystem health.” Such areas are managed primarily for natural values, and public recreation is encouraged in a natural, undisturbed setting with fairly minimal infrastructure. As OPRD describes it in the agency’s classification system documents, “A state natural area is a single large parcel, or a collection of nearby smaller parcels.” BSNA is clearly the first of these, a single large parcel managed as required under this classification, for “maintaining long term resource quality. Management will be directed to providing resource stabilization and enhancement...”

Other Benefit Considerations, Including the Gorse Problem

Though OPRD is not in the business of weighing economic benefits of a proposed Park exchange, the Commission must nevertheless consider the situation in Bandon as part of the “overwhelming benefit” to Park visitors and Oregon citizens. The Bandon area

currently has at least five Bandon Dunes golf courses, as well as other private courses. Opportunities for solitary recreation and undisturbed ecosystem are increasingly rare, while golf courses are increasingly common. This is true for visitors as well as residents. If private businesses construct golf courses and/or other amenities on their own land, that is not a matter of state policy; but maintaining the integrity of existing, large parks with strong ecosystem and recreational values is a very important state concern.

Last but not least, we must mention gorse. It is unfortunately true that BSNA suffers from gorse invasion; but this is not a unique problem. Many acres of south coast land, whether State Park, Federal and private, are strangled in this noxious weed, BSNA not more so than other areas. OPRD is implementing a gorse management plan on the fourteen infested coastal State Parks, and BSNA is receiving treatment. OPRD has spent \$67,000 on gorse control at BSNA since 2011, and no doubt will spend more, as gorse control requires continuous and longterm strategies to be effective. Gorse does compromise the natural values of BSNA, of course; but the solution is to methodically expand and succeed in a gorse control management plan, which Parks is doing.

Summary

In sum, Oregon Coast Alliance asks the Commission to think very seriously before approving a land exchange that sets the State on the path of sacrificing one Park for another as a means of expanding the Parks system when the opportunity presents itself, and enriching a private business in the process. OPRD has an important mandate to protect existing Parks and expand the system in ways that do not rob Peter to pay Paul, and ORCA hopes the Commission will take these major problems into account before making any decision to approve this very questionable exchange.

Thank you very much for the opportunity to testify in this matter.

Sincerely,

/s/ Cameron La Follette

Cameron La Follette
Land Use Director