

Bandon Biota



To: Oregon Parks and Recreation Commission
From: Bandon Biota, LLC
Re: Proposed property reconfiguration
Date: August 19, 2010

Bandon Biota respectfully submits this preliminary proposal for informal review, questions, comments, and guidance at the Commission's September 22 meeting in Newport.

Oregon State Parks and the Bandon Dunes/Bandon Biota group own and manage several large recreational, park, and natural area properties from Whiskey Run to New River along the south-central Oregon Coast.

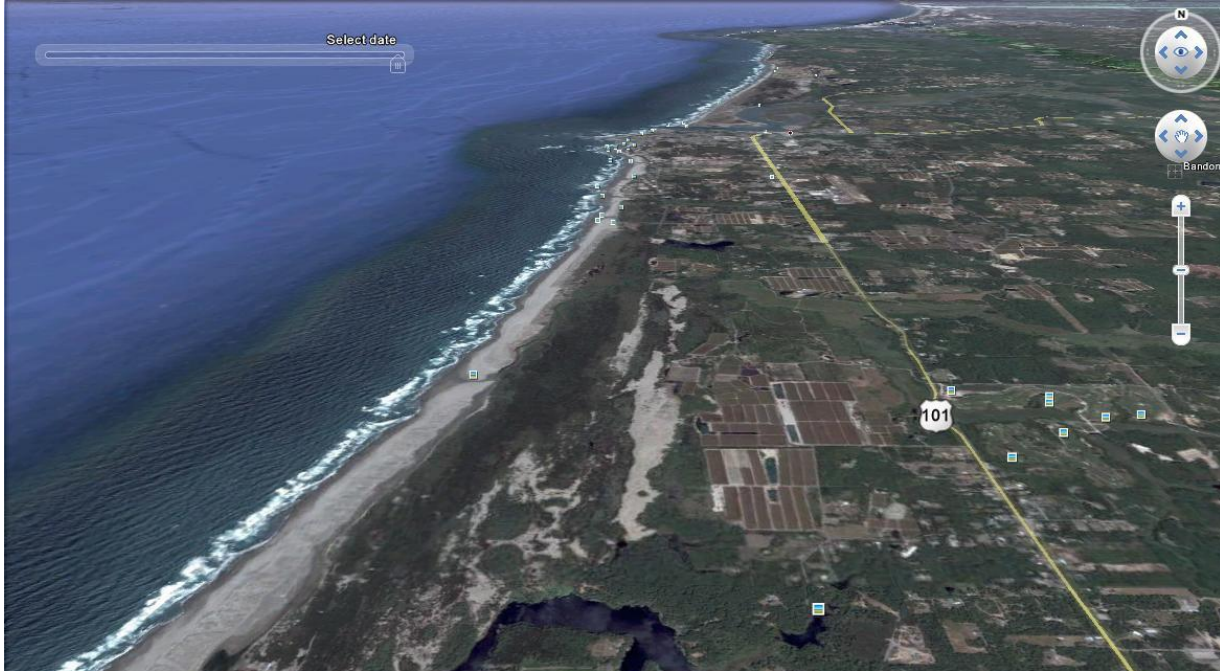
Bandon Biota is proposing an acre-for-acre exchange to adjust the current ownership pattern consistent with the parties' relative strengths and roles as stewards of these lands and as public and private providers of recreational opportunities in a shared linear ecosystem. Please see conceptual before-and-after maps in Attachment A.

The proposed reconfiguration will add about 97 riverfront acres to Bullard Beach Park on the North Spit of the Coquille River and about 111 acres of oceanfront land to the Bandon State Natural Area south of Bandon in exchange for about 210 acres of upland on the east side of the Bandon State Natural Area.

The reconfiguration will pare off a small slice of inaccessible southeasterly BSNA upland that is almost entirely covered with gorse and other invasive plant species. It will also eliminate a prominent gap near the south end of Bullard Beach State Park and give the park over half a mile of additional Coquille River frontage.

The reconfiguration will extend the Bandon State Natural Area for an additional one-half mile south along the beach and New River, creating another half mile of BSNA ocean frontage and another half mile of BSNA river frontage on both sides of New River. It will also provide legal access from the south end of the BSNA via Fourmile Road.

Joint appraisals received by both parties in July of this year reflect approximately equal per-acre values for the proposed exchange, with the OPRD acreage coming in a little higher. The appraised value of the 97-acre North Spit property as of July, 2010, is \$220,000, and the appraised value of the 111-acre property to be added to the south end of the BSNA is \$800,000, for a total value of \$1,020,000. On a per-acre basis, the appraised value of the land to be transferred to OPRD is about \$4,900 per acre.



Five-mile point north of Bandon Dunes is in the distance. Bullards Beach, the Coquille River, and the City of Bandon are in the middle distance. Laurel Lake and the Bandon State Natural Area are in the foreground. (Google Earth)

Bandon Biota would receive in exchange about 208 upland acres on the easterly boundary of the BSNA. As noted, these isolated uplands are mainly covered with gorse. The appraised value of the larger BSNA "study area" of 360 acres, including beachfront view property to be retained by OPRD, is \$1,575,000 as of July, 2010. On a per acre basis, the appraised value of the 208 acres to be transferred to Bandon Biota would be about \$910,000.

Bandon Biota proposes to remove gorse, restore native plant habitat, and incorporate the added land into a 27-hole public golf course, which will be constructed primarily on Bandon Biota's current holdings along the east border of the BSNA. The golf course will be operated on the "St. Andrews" model described in Attachment D, which will enhance the south coast's growing status as a national and international golf destination while making golf more affordable and accessible to Oregonians of all ages and abilities.

Bandon Biota also proposes to partner with OPRD in providing enhanced management of the adjacent Bandon State Natural Area with respect to invasive species, habitat restoration, emergency access, coastal trail routing, and fire protection.

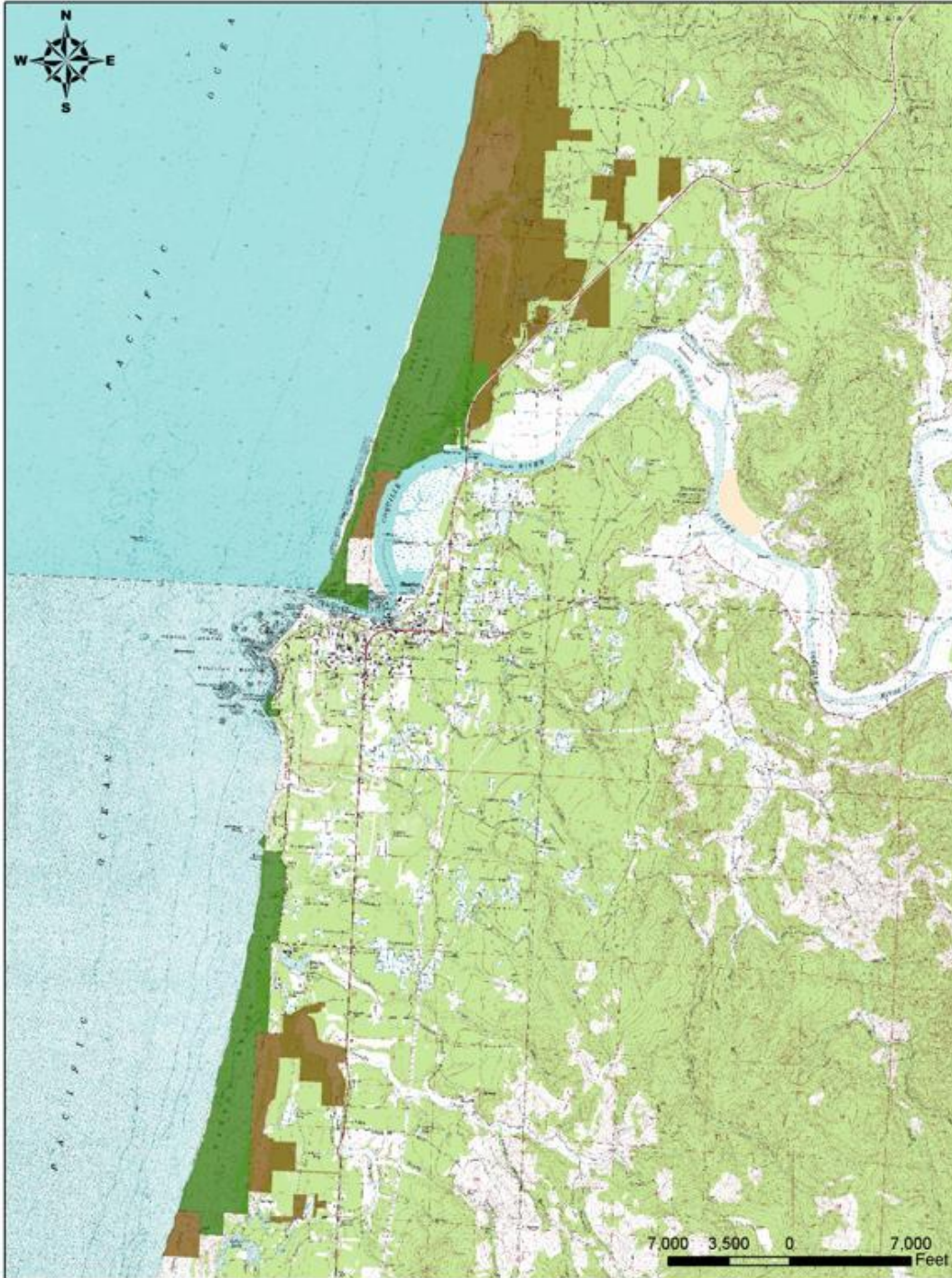
We look forward to your comments, questions and any guidance you can provide to us and your staff concerning appropriate next steps. We hope that this exchange will take to a new level our ongoing collaboration with OPRD in providing excellence in outdoor recreational opportunities and natural resource stewardship on Oregon's splendid south coast.

Attachments:

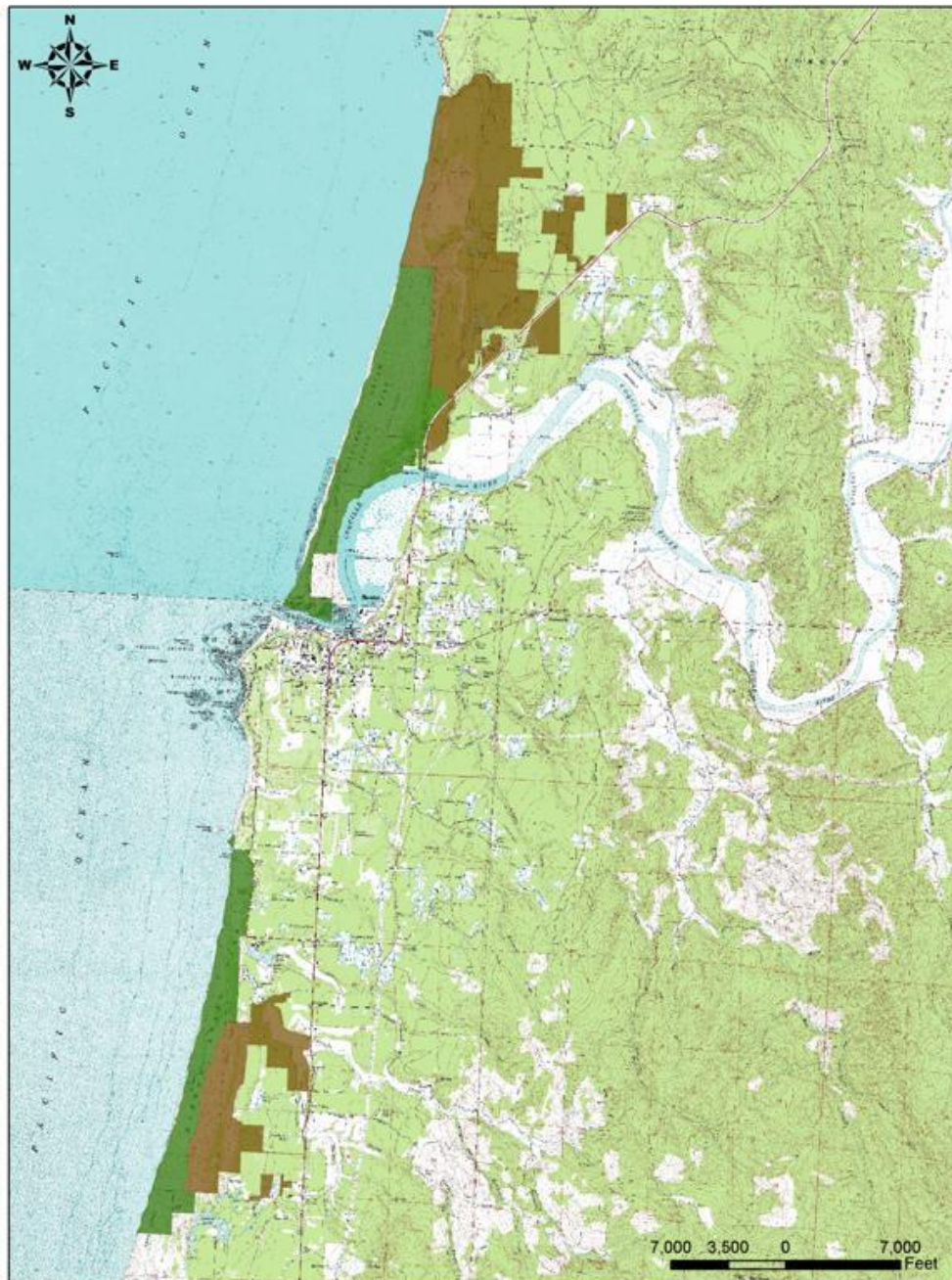
- A: Before-and-After Configurations
- B: The Exchange Properties
- C: Conservation/access easements and other safeguards
- D: Benefit summaries
- E: OPRD policies and plans
- F: Appraisal summaries

Attachment A: Before-and-After Configurations

Before: The graphic below shows the OPRD Bullards Beach and Bandon State Natural Area properties in green and the Bandon Biota/Bandon Dunes properties in Brown in their current configuration.

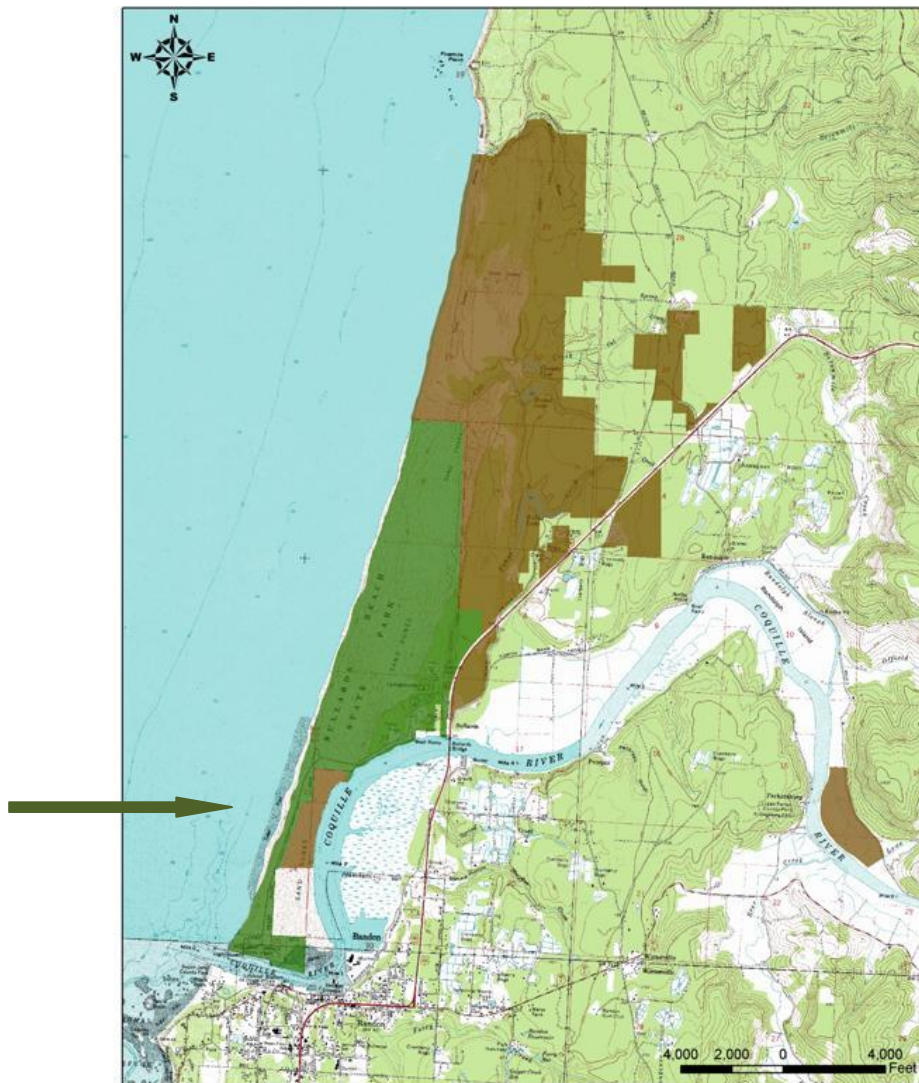


After: The graphic below shows OPRD Bullards Beach Park and Bandon State Natural Area properties in green and Bandon Biota/Bandon Dunes properties reconfigured, with the addition of about 110 acres to the south end of the Bandon State Natural Area, the addition of about 100 acres to the North Spit area of Bullard Beach State Park, and the transfer of about 210 acres from the east side of the southern end of BNSA to Bandon Biota.



Attachment B: The Exchange Properties:

Coquille Spit at Bullard's Beach: The Bandon Biota property on the east side of Coquille Spit comprises about 100 acres as shown on the following map:



The proposed exchange site is surrounded by Bullard's Beach State Park and restored tidal marsh owned by the Port of Bandon. It includes stabilized sand flats, low dunes, deflation plain, and about 3600 feet of Coquille River frontage, directly across the river from the Bandon Marsh wildlife refuge. It is adjacent to designated Snowy Plover Habitat Area that runs along the ocean shore on the west side of the North Spit.

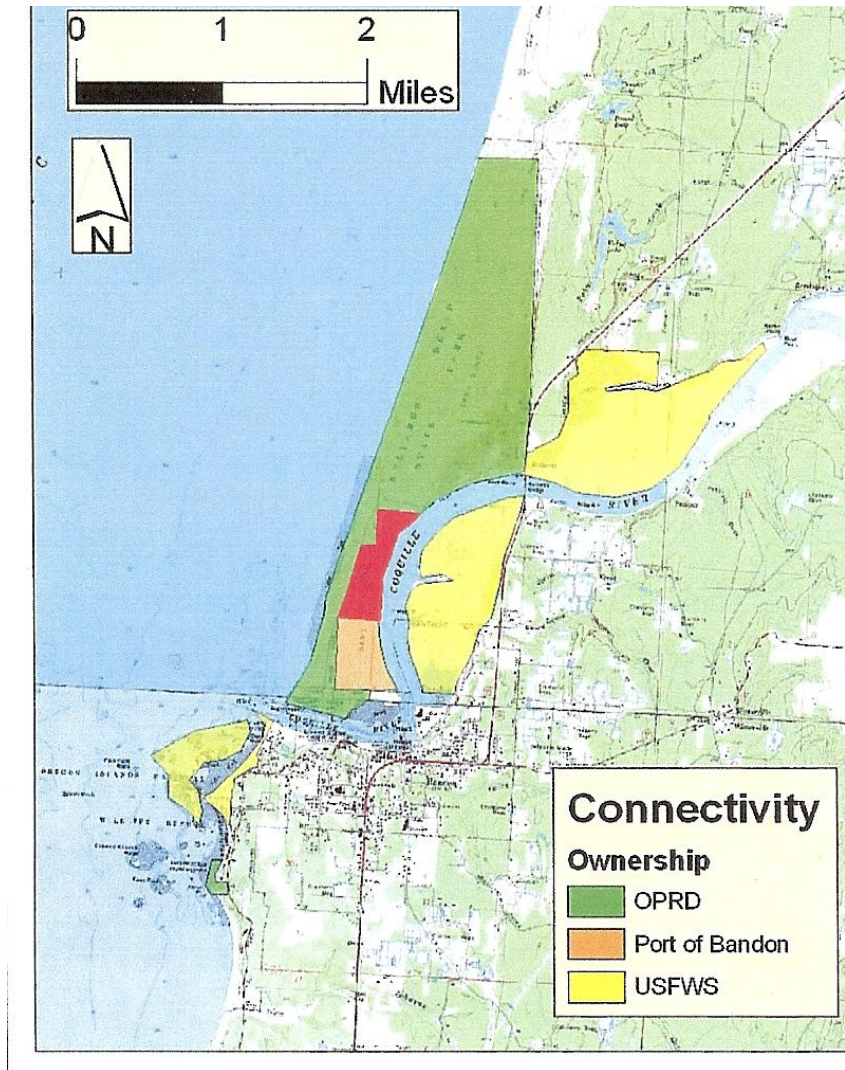
Part of the North Spit property is designated Natural Resource and part is designated Natural Aquatic on the Coquille River Estuary Management Plan (CREMP). The site has a long history of dispersed recreation, including fishing, hiking, wildlife viewing, off-road vehicle use, and driftwood collecting.

Bandon Biota has provided Department staff with a detailed site assessment, prepared in 2007 by ecologist John A. Christy of Portland. The objectives of the assessment were to "(1) identify existing land use, (2) identify the composition and condition of existing habitats on the site, (3) locate species or plant associations of conservation concern, (4) identify potential management problems, and (5) assess the potential for habitat restoration." Christy NS, p. 4.

The Christy report observes that

"The property has great value as a conservation site because it provides a significant opportunity for connecting lands already in conservation ownership."

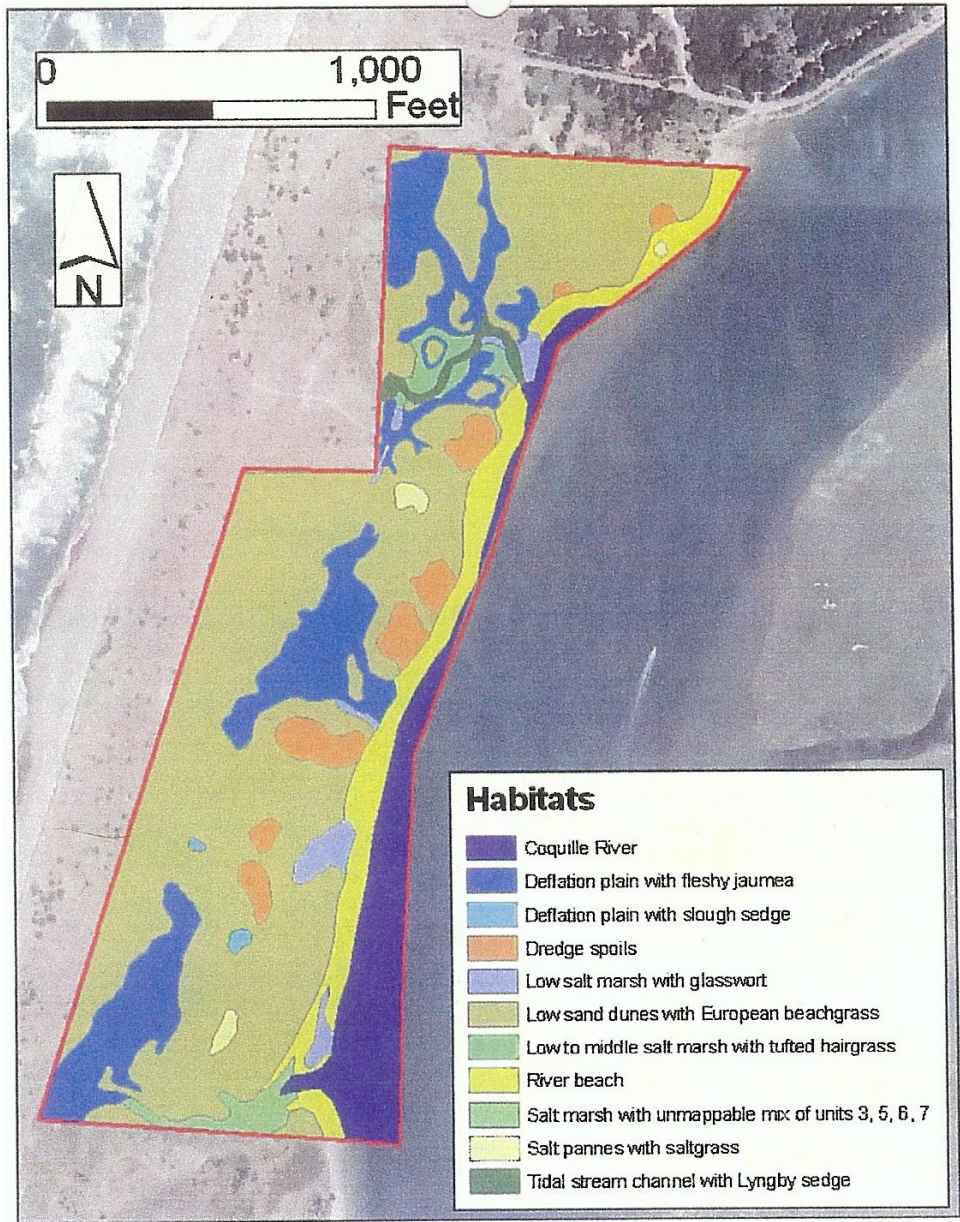
Christy NS, p 6. These connections are illustrated in Figure 6 of the study:



The Christy study finds that the North Spit site is also significant habitat in its own right:

"Eleven habitat map units are identified on the site. . . . Primary rare elements are coho salmon, steelhead, silvery phacelia, and salt marsh plant associations. The lower Coquille River is the most important area for wintering waterfowl on the coast of Oregon, and the adjacent National Wildlife Refuge is an Important Bird Area renowned for its concentration of thousands of migrating birds, including rarely-seen species." Christy p. 5

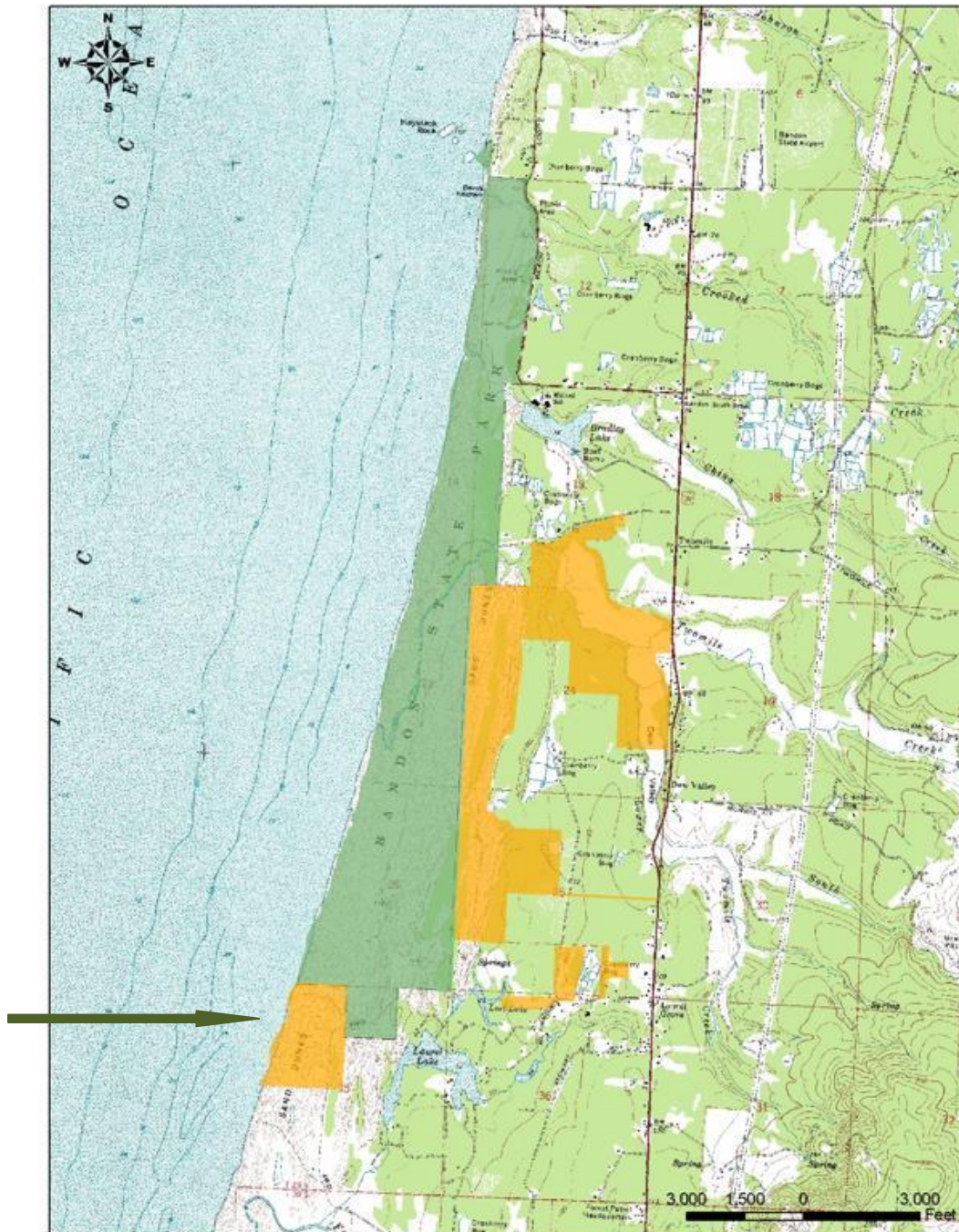
These habitat units are illustrated in Figure 3 of the Christy study:



See appraisal excerpts at pages 36-39, below, for additional information.

Bandon State Natural Area Southern Extension Site:

This exchange site comprises about 111 acres, and would extend the Bandon State Natural Area along the beach and adjacent uplands for about half a mile, as shown on the following map:



See Appraisal excerpts at pages 32-35, below, for additional information.

Southeastern segment of Bandon State Natural Area

The area proposed for exchange to Bandon Biota comprises about 210 acres and is part of the upland area of the south half of the Bandon State Natural Area (BSNA), which is currently about 880 acres. The approximate configuration is shown here in relation to the BNSA snowy plover habitat protection area:

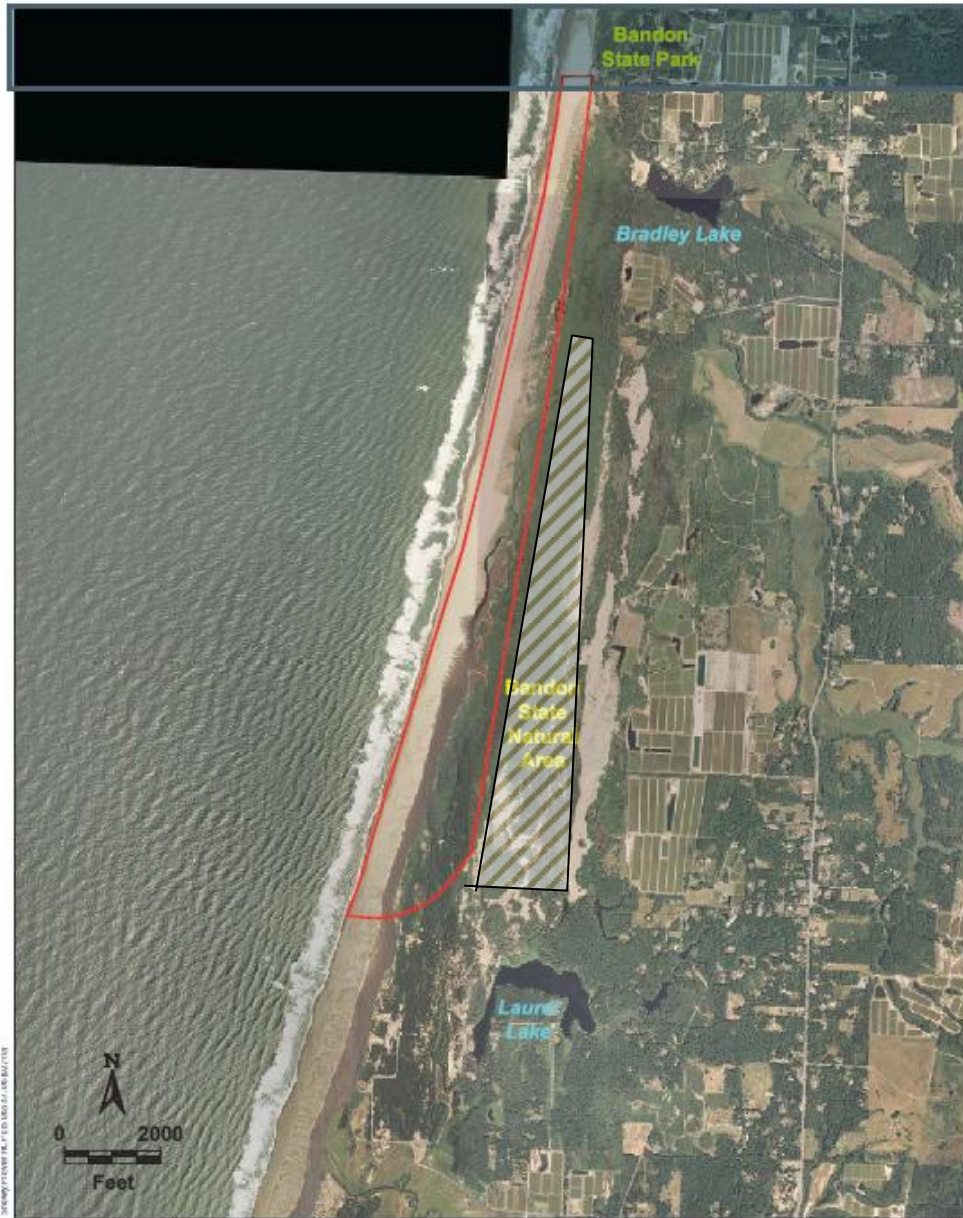
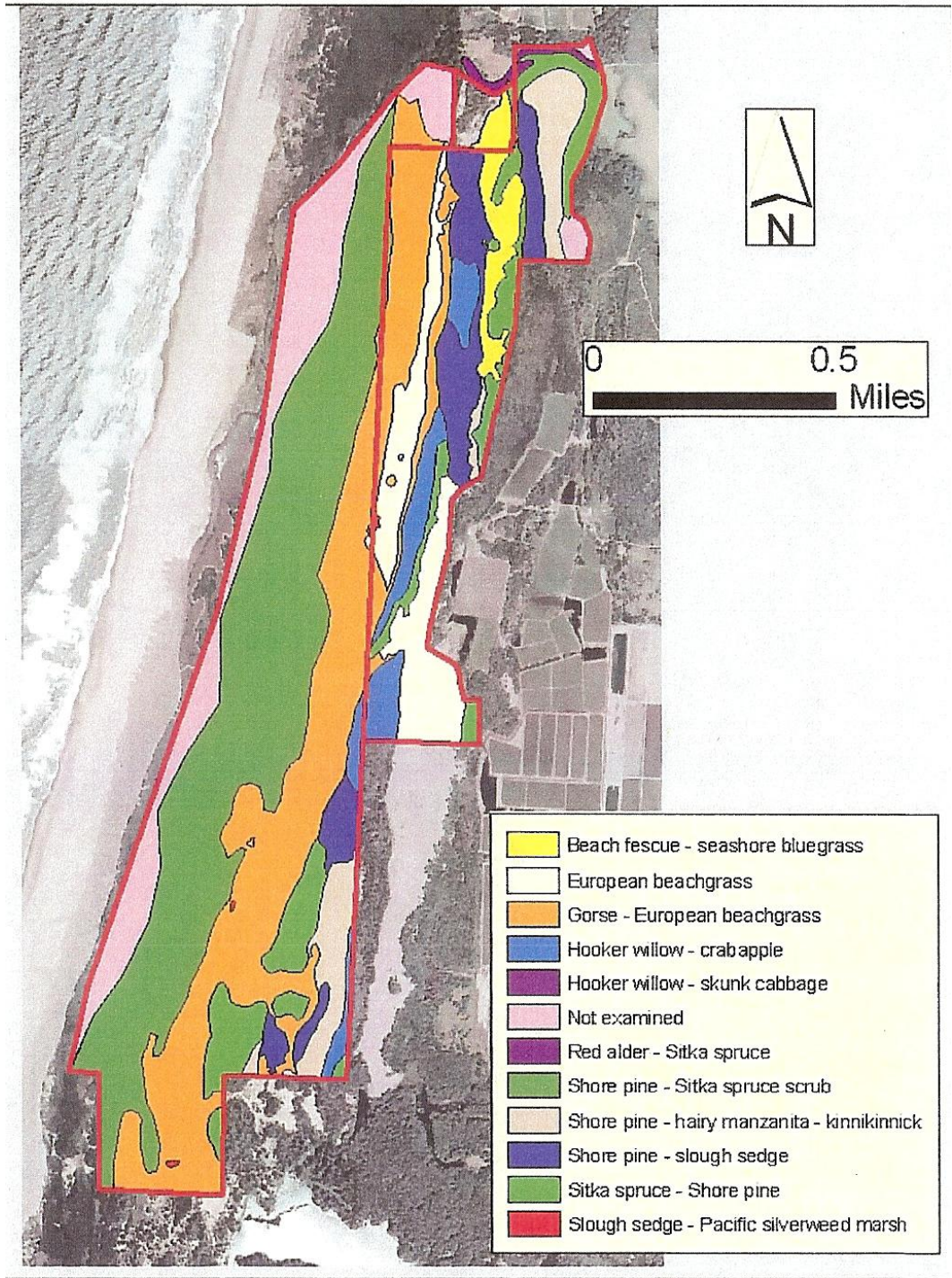


Figure 2-6
Boundary of Snowy Plover Management Area
within Bandon State Natural Area





Bandon Biota has provided Department staff with a detailed site assessment of a 710-acre "assessment area" including the Bandon Biota properties and a 480-acre "part of the south half of Bandon State Natural Area," as shown on the habitat map above. Prepared in 2007 by ecologist John A. Christy of Portland, the stated objectives of the assessment were to "(1) identify the composition and condition of existing habitats on the site, (2)

identify existing land use, (3) locate species or plant associations of conservation concern, (4) identify potential management problems, and (5) assess the potential for habitat restoration." Christy BSNA/BB, p. 4.

The Christy report describes the assessment area, shown in figure 1 below, as follows:

"The target area is composed of stabilized and unstabilized sand dunes forming two ridges parallel to the beach, separated by seasonally-flooded wetlands in the trough between the dunes. The Twomile Creek floodplain, estuary, and old deflation plain just east of the creek were not included in the project area. Stabilized dunes and the old deflation plain are covered with either dense stands of conifers and shrubs of various ages or dense stands of European beachgrass and gorse. Less stabilized dunes are covered by native grasses, European beachgrass, or are nearly devoid of vegetation. Most of the trough between the dune ridges is covered by dense conifers or shrubs. Small to extensive seasonal wetlands occur throughout the target area, but the only permanent water is along Twomile Creek. The highest dunes have expansive views of the New River area to the south and the Pacific Ocean to the west, with limited views east to foothills of the Klamath Mountains." Christy, p. 4.

The report notes that the southern BSNA area in its current configuration "is remote and nearly surrounded by private land," with "the only public access. . .through the New River ACEC or along the beach from north or south." Christy, p. 6.

The Christy report identifies and maps twelve habitat units corresponding to ODFW's "strategy habitats for coastal dunes." See habitat map, above. Most of the area to be transferred to Bandon Biota would be in the areas shown as "Gorse-European beachgrass."

See appraisal excerpts at pages 26-31, below, for additional information.

Attachment C: Conservation/access Easements and Other Safeguards

The proposed reconfiguration will have several key limitations and safeguards:

- The area transferred to Bandon Biota will be subject to a conservation easement prohibiting development for residences and other nonrecreational uses.
- The transfers will include cross-easements for access and management.
- The exchange will exclude the designated Snowy Plover Habitat Restoration Management Area along and above the ocean shore.
- The exchange area will exclude the 114 acres designated as Primary Protection Area in the Bandon State Park Master Plan. The Master Plan describes the PPA as follows:

"Primary Protection Areas in Bandon State Park include the ocean shore and foredune and the Twomile Creek and China Creek drainages. Bandon PPA's contain habitat for endangered plants and animals and areas used by migrating waterfowl for resting and feeding. Important elements to protect in Bandon PPA's include scenic values and archeological sites. The foredune vegetation of European beach grass needs to be maintained to ensure protection of the foredune against erosion."

The proposed exchange area is part of the BSNA's Secondary Protection Area, currently totaling about 683 acres, described by the Master Plan as follows:

"Most of Bandon State Park is reserved in Secondary Protection. This land use classification includes large areas of stable and unstable dunes behind the beach barrier dune. Also included are small areas of stabilized marine terrace."

"Important areas to protect in Bandon SPAs include winter ponds which provide wildlife habitat for waterfowl and small mammals, and native vegetation, especially in open dune areas and deflation plains. Secondary Protection Areas contain high scenic values."

"Factors which limit development in Bandon SPAs are unstable soils, especially blowing sand, and a hardpan layer which limits drainage throughout the park area. Gorse thickets are heavy throughout Bandon State Park, and this nonnative plant needs to be controlled wherever possible in order to promote the growth of native vegetation."

"Steep topography is also a limiting factor to development in SPAs. Access is an important consideration for development. The many winter ponds, creeks, and steep dune topography combine to make access in this area difficult except by foot or on horseback. "

The primary protection area is shown in green on this scan of the land use diagram from the BSNA Master Plan:



Attachment D: Public and Private Benefits of Reconfiguration

OPRD's governing statutes, administrative rules, and plans recognize the strong potential for public benefit arising from synergistic partnerships between public and private property owners, between public and private providers of recreational facilities, and between public and private managers of natural resource lands. The proposed exchange would provide the framework for just such a partnership.

OPRD/Public Benefits:

The proposed exchange will enable State Parks to better meet many goals and objectives identified in its adopted plans, rules, and governing statutes, several of which are excerpted below. These goals and objectives include:

1. Effective and efficient management of public park lands;
2. Better continuity with other local, state, and federal recreational and natural resource lands along the south-central coast.
3. More reliable and better-coordinated long-term resource management on OPRD lands and adjacent private lands.
4. Permanent removal of potentially incompatible development rights from adjacent private lands.
5. Durable, effective, and economically-viable funding for gorse/beachgrass removal and native plant habit restoration on retained as well as transferred OPRD lands.
6. Improved and appropriate recreational access in several locations, including well-maintained, safe and accessible upland hiking and bike trail segments routing hikers and bikers around protected beach habitat at the Bandon State Natural Area.
7. Extension of the Bandon State Natural Area south to provide additional buffering for protected snowy plover habitat.

Bandon Biota Public and Private Benefits:

The proposed exchange will also enable Bandon Biota to better achieve its goals, which have both public and private benefits. Those goals include:

1. Creating a proving ground for the integration of public and private stewardship, restoration, education, research, and recreation on the Oregon Coast.
2. Restoring coastal dunelands currently infested with gorse, beachgrass, and other invasive species.
3. Providing the local community and the general public with a first-class, low-cost, public golf course that incorporates and maintains restored dunelands, provides a permanent buffer for protected beach habitat, and serves as a user-friendly inland segment of the Oregon Coastal Trail system.

Oregonian Golf- The St. Andrews Model:

One of the primary objectives of the proposed Bandon Biota golf course is to make top quality, affordable golf available to all Oregonians. In Scotland, many of the famous golf courses have systems designed to take advantage of the "retail" (tourist) participation during high seasons, while at the same time facilitating play by locals on the same premier courses for a fraction of the cost. We refer to this as the "St Andrews" model.

As applied to the new course, the model would work something like this: "Retail" golfers that are currently coming to Bandon Dunes will pay rates equivalent to those being charged at the time. (Currently \$200-250 per round). During the prime tourist season from May 1-Oct 31, these golfers will be given preferential tee times. Unfilled tee times will be made available daily to those holding an Oregon drivers license at deeply discounted rates, estimated to be as little as \$25 per round. Course time will be available to school age children, and juniors without charge.

The 27 hole design allows a greatly expanded number of tee times, with retail customers starting on #1 tee and locals teeing off on #19. At normal pace of play, there will be little or no overlap. The system will insure ample golf opportunities for Oregonians all year round. In the off season, the vast majority of tee times will be available on a first come first served basis, with only minimal retail play.

Additionally, it is contemplated that annual golf passes for unlimited golf can be offered to Oregonians for as little as \$500/year. The motivation and commitment of the owner is to make world class golf a reality for those who would not otherwise be able to afford it, as it is at St. Andrews, Scotland, where golf has been an integral part of the local culture for centuries.

Attachment E: OPRD plans and policies:

OPRD has a well-developed set of plans and policies with numerous provisions relevant to the proposed exchange. These provisions include but are by no means limited to the examples below.

Land Acquisition and Exchange Policy and Criteria:

OAR 736-019-0040 - Policy

The Department shall use sound principles of real estate acquisition when acquiring or exchanging real property, comply with all federal and state laws pertaining to real property acquisition, and ensure the prudent use of public monies in its real property transactions. The Department aspires to:

- (1) Ensure that the discharge of its fiduciary responsibility for the use of public funds receives the highest priority.
- (2) Seek to preserve the public's confidence in our business practices and stewardship of real estate assets.
- (3) Conduct real estate transactions in an atmosphere of openness, honesty and integrity with land owners and the public, and maintain the confidentiality of such transactions to the extent allowed by law when it serves the public interest or to avoid harm to private citizens' interests.
- (4) Balance the need for and benefits of public open space with impacts on local tax revenue and private economic opportunity.

OAR 736-019-0060 - Criteria

- (1) The Department will:
 - (a) Establish and maintain a list of properties of interest. The Department may purchase properties on that list as they become available, subject to the availability of funds.
 - (b) Consider park master plans adopted pursuant to ORS 195.120 that the State Trails Plan, the Willamette Greenway Plan or other plans adopted by the Commission identify as desired and needed land purchases to fulfill the plans.
 - (c) Acquire properties as specifically directed by Acts of the Oregon Legislature.
 - (d) Acquire other properties that contribute to the established goals of the Department but were not previously included on a list of properties of interest or identified in a Department plan.

(2) The purpose of the Department and the public's interests are served when an acquisition satisfies one or more of the following objectives:

(a) Protects areas of outstanding natural, scenic, cultural, historic and recreational significance for the enjoyment and education of present and future generations.

(b) Consolidates state park parcels, trail systems or greenways so that more efficient management and administration of the state park system is made possible.

(c) Provides a buffer to adjacent or nearby development that may diminish the recreation or conservation values of a state park parcel.

(d) Provides access to recreation areas for management or protection of state park parcels.

(3) The acquisition or exchange of all real property shall be consistent with the Department's purpose and its long-range planning goals, and shall be prioritized through a rating system. The rating system will evaluate an acquisition or exchange's significance as it relates to the Department's mission, development and operational costs, geographic distribution, diversity of values, public demand, and other factors connected to property feasibility as a state park. The Commission will periodically review the rating system.

(4) The Department will look favorably at opportunities for acquisitions and exchanges that enhance the overall management of existing park lands.

OPRD's Centennial Horizon Strategic Plan sets forth eight principles, each of which would be furthered by the proposed exchange:

Principle 1: Save Oregon's Special Places

Oregon contains a rich mosaic of natural, historic, and scenic places that must be conserved and expanded for future generations.

Principle 2: Connect People to Meaningful Outdoor Experiences

Oregon statutes mandate that Oregonians and visitors have opportunities for outdoor recreation for physical, spiritual, cultural and scientific benefits. OPRD does this in two ways: supplying outdoor recreation resources that are the responsibility of the state, and leading others to work cooperatively to meet total recreation needs in Oregon.

Principle 3: Take the Long View – Make Parks Last Forever

OPRD practices sustainable management that balances the needs of today's outdoor enthusiasts with the need to pass on a healthy resource system to future generations.

Principle 4: Strengthen Oregonian's Connection with their Land

OPRD is a platform for reaching out to Oregon's citizens, recreation and resource

providers and visitors to enhance everyone's understanding and enjoyment of the outdoors. Interpretation is a primary avenue for this outreach as well as other programs that can inspire people to use and appreciate parks, heritage, trails and waterways.

Principle 5: Build the State Park System with Purpose and Vision

Oregon's system of parks is emblematic of Oregonian's outdoor heritage. OPRD properties can serve as gateways to a destination or can be destinations within themselves. Linking OPRD properties to those of others will offer seamless and borderless outdoor opportunities on a regional and local level.

Principle 6: Attract and Inspire Partners

OPRD will work with other recreation/heritage providers, land managers, educators, health providers, communities, advocates, philanthropists, volunteers, and others to offer the best recreational, environmental and cultural experiences possible in Oregon.

Principle 7: Prioritize Based on the Vision

Focus time, energy, talent and funding on those activities that will take OPRD forward in an effective, efficient, and deliberate way. Be creative, collaborative and flexible in finding solutions for how we do business.

Principle 8: Oregon's Parks will be Tended by People who Love Their Work

An excellent state park system is operated by staff and volunteers who are trained, motivated, challenged and satisfied in all they do. They are committed to professional excellence and to providing memorable experiences for their visitors.

Master Plans: Although it concerns another coastal state park property, the very recent **Umpqua Lighthouse State Park Master Plan** has general language relevant to this proposal. It specifically recognizes

“[The] advantages of coordinating multiple agency roles, programs, expertise and funding to provide for the area's highly diverse recreation and resource management needs.”

The ULSP master plan also recognizes that

“OPRD is mandated to work in concert with other recreation providers in a cooperative and coordinated manner to assist in providing for the overall recreation needs of the public.”

Ocean Shore Management Plan. The Parks Department's **2005 OSM P** recognizes that OPRD needs to balance needs for recreation and for protection of natural resources, and that it needs to work in partnership with private landowners and providers.

The proposed exchanges will directly address the following Natural Resource Management Goals and Recommendations from the 2005 Ocean Shore Management Plan:

Ocean Shore Management Goals

" 1. Strike a balance between recreation and protecting resources"

"According to law, Oregon Parks and Recreation Department must manage the natural, scenic and cultural resources of Oregon's beaches, yet must simultaneously offer recreational sites and experiences on the same beaches. This inherent contradiction calls for a balancing act between two equally important objectives. Simply speaking, balancing those two principles defines Oregon Parks and Recreation Department's mission for all its properties, not just the ocean shores. This plan makes specific recommendations for achieving that balance overall, by factoring in regional needs, protecting important resources from human-caused impacts, plans for judicious growth, and analysis of beach use patterns."

" 2. Provide for the public's enjoyment and understanding of the beaches"

"Enjoyment of the beaches is predicated on safe, knowledgeable and conflict-free experiences. Oregon Parks and Recreation Department's role is to ensure that can happen. Recommendations arising from this principle encompass interpretation, obtaining permits, beach safety education and beach access."

Natural Resource Management Recommendations:

"1. Implement the Habitat Conservation Plan for Western Snowy Plover. This plan sets the stage for assisting the snowy plover that depend on the open sandy habitat."

"6. Continue to remove invasive species, such as Scots broom, European beachgrass gorse and other invasive species on Oregon Parks and Recreation Department lands."

"13. Conserve private lands needed for natural resource protection through cooperative solutions with willing landowners."

Recreation Management Recommendations:

"7. Work with the National Coast Trail Association and the Oregon Trails Council on building needed connections of the Coast Trail and making some sections available to horseback riding and mountain biking."

OSMP Chapter VI: Balancing the Demands: Recreational Use and Management

Hiking and Mountain Biking on the Beach and the Coast Trail

"Many Ocean Shore beaches are part of the Oregon Coast Trail route. In some locations, topographic or ownership barriers force the trail off of the beach. This plan supports making feasible upland connections for the discontinuous beaches as outlined in the Coast Trail Plan."

"Hiking the Oregon Coast Trail takes hikers through a variety of jurisdictions with a variety of rules, which can be very confusing. Each year several miles of dry sand beach are restricted to hiking during the snowy plover nesting season. The number of miles of dry sand restrictions is expected to increase as plovers nest in designated Habitat Conservation Plan snowy plover management areas."

"Consistent with the National Coast Trail Associations (NCTA) tradition of working in cooperation with all public and private partners toward the mutually shared goal of protecting and enhancing the Oregon Coast Trail, the department will take all of the recommendations of the NCTA's "Missing Links, Priorities and Solutions" report under advisement in the implementation of the Ocean Shores Management Plan."

"Specifically, Oregon Parks and Recreation Department will continue to strive to accomplish the long-range vision of a continuous recreational trail for hikers along the entire Oregon coast from the Columbia River to the California border."
2005 OSMP p. 48

OSMP Chapter IX: Working with the Neighbors

"There is . . . a need for the department to work closely with local governments and other agencies on the coast regarding recreation enforcement, scenic resource protection and other resource management needs." 2005 OSMP p. 77

OSMP Chapter X: Obtaining Permits & Clarifying the Programs

Gorse

"Gorse is a many-branched, rigid perennial species with thorns. A native to Europe, it was introduced to Oregon as an ornamental. This species, a relative of Scotch broom, is another invasive species that is expanding its range north along the coast and inland. Currently it covers many acres of land in Douglas, Coos and Curry counties. Infested areas soon become an impenetrable monoculture crowding out desirable native plant species."

"While goats and sheep feed on the young growth, other animals are not known to graze on the plant. Control for gorse is difficult due to its waxy cuticle, which inhibits herbicide

penetration. Gorse also produces a large number of seeds that can remain viable in the soil for 30-plus years."

"At one park location, the removal of this species resulted in the discovery of a picnic table that had been overtaken by gorse."

"The plant is also prone to burning and poses a safety problem."

Silvery Phacelia

"Silvery phacelia (*Phacelia argentea*) is the only *Phacelia* species growing in open sand or dunes. Silvery phacelia is a local endemic, occurring in coastal dunes in Coos and Curry Counties, Oregon. It reproduces by seed and rhizomes; and is not nearly as capable of spreading as other dune plants, but can colonize open sand. Silvery phacelia is listed as a threatened species under the state Endangered Species Act and is a federal species of concern. Limited distribution in a few specific habitat type areas provides little margin for survival. When impacted, their populations decline quickly and are unable to rebound from changes in habitat or other threats. Silvery phacelia flowers from late May to early August."

" Threats: Threats to this species include habitat loss and secondary succession (natural and artificial causes). Habitat loss is due to vehicle use in the areas occupied by the species. Dune stabilization through the use of European beachgrass is also known to have reduced habitat. Secondary succession is due to forest succession. Other sources of stress include recreation, and development."

" Strategy: Oregon Parks and Recreation Department will prepare a species management plan for silvery phacelia that will address management actions for conservation of the species for activities that may affect silvery phacelia within state park boundaries." 2005 OSMP p. 104

European Beachgrass

"European beachgrass continues to dominate the coastal landscape. The species has changed the coastal dune dynamics, creating fore dunes, (some over 50 feet in height), thereby narrowing the beach and affecting sand dispersal. European beachgrass was introduced in the late 1800s and early 1900s to stabilize sand dunes. In some places, European beachgrass is still used for beach stabilization. This species spreads rapidly forming dense mats of grass and rhizomes making it difficult to eradicate. The beachgrass captures sand, decreasing natural sand movement, and causing the dunes to increase in height. Many of the high fore dunes visible from the beach today are the result of European beachgrass."

"As the dunes increase in height and coastal winds diminish behind the dunes, a new microclimate develops that is no longer suitable for species that use dune habitat."

Succession ensues toward inland native coastal vegetation species, with colonization by other exotic plant species (such as Scotch broom and gorse), until the entire native dune ecosystem is threatened. Areas heavily infested with European beachgrass are unsuitable as habitat for nesting snowy plovers, and for sensitive plant species such as pink sand verbena. Not only does this result in reduced habitat for plants and animals, it also provides less space for recreational activities on the beach."

Western Snowy Plover

"Of all the bird species described in this plan, only the western snowy plover nests on the sandy beach, making it vulnerable to a variety of potential impacts, including human use of the beach. When a species already is in decline, it is less capable of withstanding a combination of limiting factors including human disturbance, urban development, avian and mammalian predators, disease, habitat loss (i.e. shoreline stabilization, resource extraction, driftwood removal, and introduced beachgrass and other nonnative vegetation.) A draft recovery plan is in the process of finalization.

The western snowy plover (*Charadrius alexandrinus nivosus*) is a small shorebird. The Oregon coastal population is at the northern end of the subspecies' range and consists of approximately 140 birds spread between eight breeding sites. Current Oregon breeding sites are Baker/ Sutton Beaches, north and south spits of the mouth of the Siltcoos River, beachgrass removal sites at Dunes Overlook, north and south spits of Tahkenitch Creek, north and south spits of Tenmile Creek, Coos Bay North Spit, Bandon State Natural Area, and the New River spit. Surveys conducted in earlier years indicate that before 1978 the Oregon snowy plover population was once larger and more widely distributed than it is currently. Along the Oregon coast snowy plover nesting habitat is characterized by wide, open sandy beaches, river mouths, or dredge spoils, often with scattered driftwood or vegetation. Driftwood, wrack, and native dune plants often harbor snowy plover food sources, and provide cover for chicks hiding from predators. Driftwood and plants can also provide protection from wind. In 2004, there were a total of 117 plover nests. Of these, eggs hatched from 72 nests resulting in 107 fledged snowy plover. This has been one of the most productive years in some time."

" Threats: The primary threats to the snowy plover include loss of habitat for nesting and foraging, predation, climate, and reproductive failure. Sources for habitat loss include the introduction of European beachgrass, which has stabilized sand dunes, which in turn has resulted in the width of the sandy beach diminishing. Development of adjacent properties may also result in the loss of habitat, through installation of riprap revetments and seawalls, which affect beach erosional processes. Reproductive failure is the indirect result of European beachgrass, which provides cover for many predatory species, such as the non-native red fox, and the skunk, raccoon, and feral cats. Human recreational activity on the beach may also result in an increase in reproductive failure. Birds will flush from their nest if approached too closely by humans or their pets. The more time that is spent off the nest, the more susceptible the eggs are to predation, or excessive heating or cooling of the egg. Natural occurrences such as windstorms may bury eggs resulting in loss of those eggs. Predation can result in death to eggs, chicks, and adults.

Driftwood collection and removal can result in the loss of this protective cover for snowy plovers and their chicks. However, too much driftwood can provide places of predators to hide."

" **Strategy:** The department is seeking an incidental take permit and is preparing a habitat conservation plan for the western snowy plover that will address how the agency intends to minimize, and mitigate for impacts to the species resulting from activities that the department manages, primarily recreation. This habitat conservation plan is just one piece of a larger effort to assist in conservation and recovery of the species." 2005 OSMP pp 101-102

Snowy Plover Habitat Management Plan:

Bandon State Natural Area (SNA):

The site management plan will define the area of restricted recreation within the SPMA.

Following USFWS approval of an OPRD site management plan:

Seasonal Recreation Restrictions (March 15 – September 15)

- Vehicles (motorized and non-motorized) prohibited on beach (except for administrative use), or as otherwise restricted by existing Oregon Administrative Rule [OAR].
- Dogs and kite flying prohibited.
- All other recreational activities directed to the wet sand (fences, ropes, and/or signs will define the dry sand breeding areas to be avoided).
- Restrictions may be lifted early if no nesting by July 15.

Other Site Management Plan Commitments

- Habitat restoration and maintenance, per the site management plan.
- Predator management.
- Public interpretation and education.
- Conduct detect/non-detect, breeding population monitoring, and wintering and breeding window surveys during the nesting season. Report findings to USFWS annually and work with snowy plover partners to evaluate the effectiveness of the HCP.
- Review the program every five years.

- Continue to provide three full-time beach rangers, State Park staff, local law enforcement, and additional senior State troopers, as needed, to facilitate enforcement activities.
- Prepare site management plan within 1 year of Incidental Take Permit (ITP) issuance.

See Table 1-1. Summary of Proposed Management Actions in OPRD Owned / Leased Snowy Plover Management Areas (SPMAs) Currently Occupied SPMAs, Parks Owned/Leased by OPRD Proposed Management Actions In Occupied SPMAs.

Attachment F: Appraisal Summaries

BSNA Study Area:

<p>Marineau and Associates <i>real estate appraisers and consultants</i></p> <hr/> <p>P.O. BOX 1017 • 510 HIGHLAND AVENUE • COOS BAY, OREGON 97420-0221 TELEPHONE (541) 269-2624 • FAX NO. (541) 267-7888 E-MAIL: office@marineau.net • WEB SITE: www.marineau.net</p>	<p>JEFFREY L. MARINEAU, MAI PATI L. CROSS WILLIAM E. FLORA ROY N. METZGER, CBA DAVID S. OLSON FRED J. MARINEAU (1919-1998)</p>
<p>Oregon State Parks 725 Summer St. NE, Suite C Salem, Oregon 97301 Attention: Cliff Houck, Real Property Manager</p>	<p>June 26, 2010</p>
<p>and</p>	
<p>Bandon Biota, LLC 875 Michigan Avenue, Suite 3920 Chicago, IL 60611 Attention: Michael Keiser, Chief Executive Officer</p>	
	<p>RE: Oregon State Parks land, Coos County, OR.</p>
<p>Dear Cliff and Mike:</p>	
<p>Pursuant to your request, an appraisal has been completed on 357.89 acres of land identified as Coos County Map and Tax Lots 29-15-35A-400, a portion of 29-15-26-100 (237.22 acres), and a portion of 29-15-23-100 (79.67 acres), south of the Bandon, Oregon 97411. An aerial inspection of the subject was made June 5, 2010 and this is the date of value. A physical inspection of the subject was made June 16, 2010. The appraisal was prepared for possible sale negotiations.</p>	
<p>The estimate of value provided in this analysis is predicated on the extraordinary assumption that access can be developed through adjacent property to the subject. Currently, no legal access is available to the subject parcel, other than along the beach.</p>	
<p>The report has been written in Self Contained form at the request of the client with supporting data and analyzes in compliance with the guidelines of USPAP, Uniform Standards of Professional Appraisal Practice, and the regulations as formulated in FIRREA.</p>	
<p>The Sales Comparison Approach is utilized in this report. After careful consideration of all available information and analyzing all factors pertinent to the fee simple valuation of the subject real property, as defined in this report, the estimated market value of the land, as of June 5, 2010, is ONE MILLION FIVE HUNDRED SEVENTY FIVE THOUSAND DOLLARS.</p>	
<p><u>FINAL VALUE CONCLUSION:</u></p>	<p><u>\$1,575,000</u></p>

SUMMARY OF FACTS AND CONCLUSIONS

Valuation Date: June 5, 2010

Date of Report: June 26, 2010

LAND: Measurements taken from ArcView indicate the subject property totals approximately 357.89 acres. The parcel has a triangular shape, which is long and narrow at the north end, and widens at the southern end. The property includes all 40 acres of Map and Tax Lot 29-15-35A-400, a portion of Map and Tax Lot 29-15-26-100 (237.22 acres), and a portion of Map and Tax Lot 29-15-23-100 (79.67 acres). Topography is mostly undulating dunes with moderate to steep grades. The elevation of the parcel is relatively even with small changes from the top of dunes to lower lying areas. The ground is mostly forested sandy soils with vegetation including gorse, beach grass, shore pine, and various other brush. Some areas are open sandy beach. Access is not currently developed to the parcel; however, it is extraordinarily assumed available from Lower Fourmile Lane. The property is encumbered by the REC, Recreational Zone of Coos County. No utilities are developed on site, and power will likely have to be developed several hundred feet to reach the parcel. The subject property has a good location and amenities with a private natural setting, good ocean views, and river and ocean access through adjacent State Parks land.

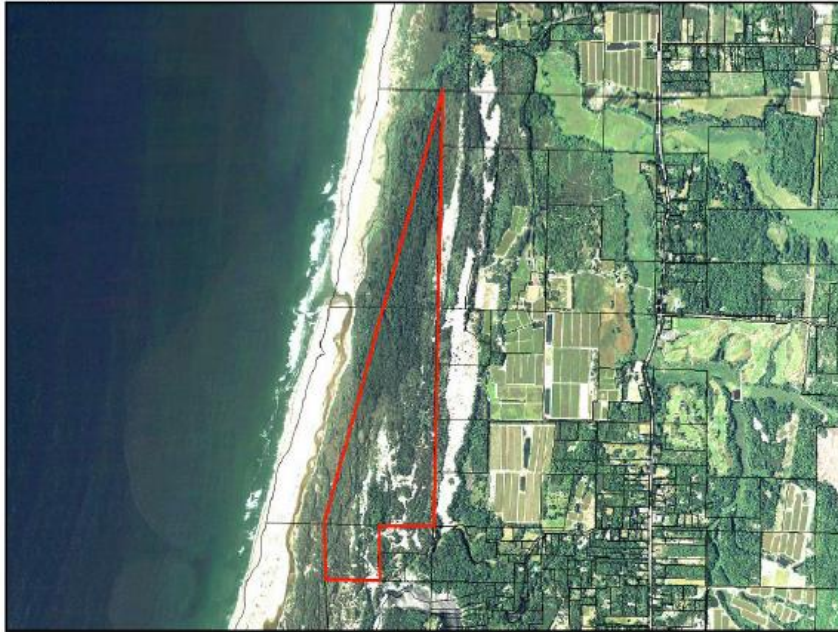
IMPROVEMENTS: There are no improvements located on the subject property.

HIGHEST AND BEST USE: The Highest and Best Use for the subject, based on zoning is for a high end ocean view single family homesite in combination with a required high intensity recreational use.

FINAL VALUE CONCLUSION **\$1,575,000**

APPRAISER: Jeffrey L. Marineau, MAI

Aerial View



PHOTOGRAPHS OF SUBJECT PROPERTY
Photos Taken June 5, 2010



A view of the north end of the subject parcel. Lines give approximate representation of the subject property.



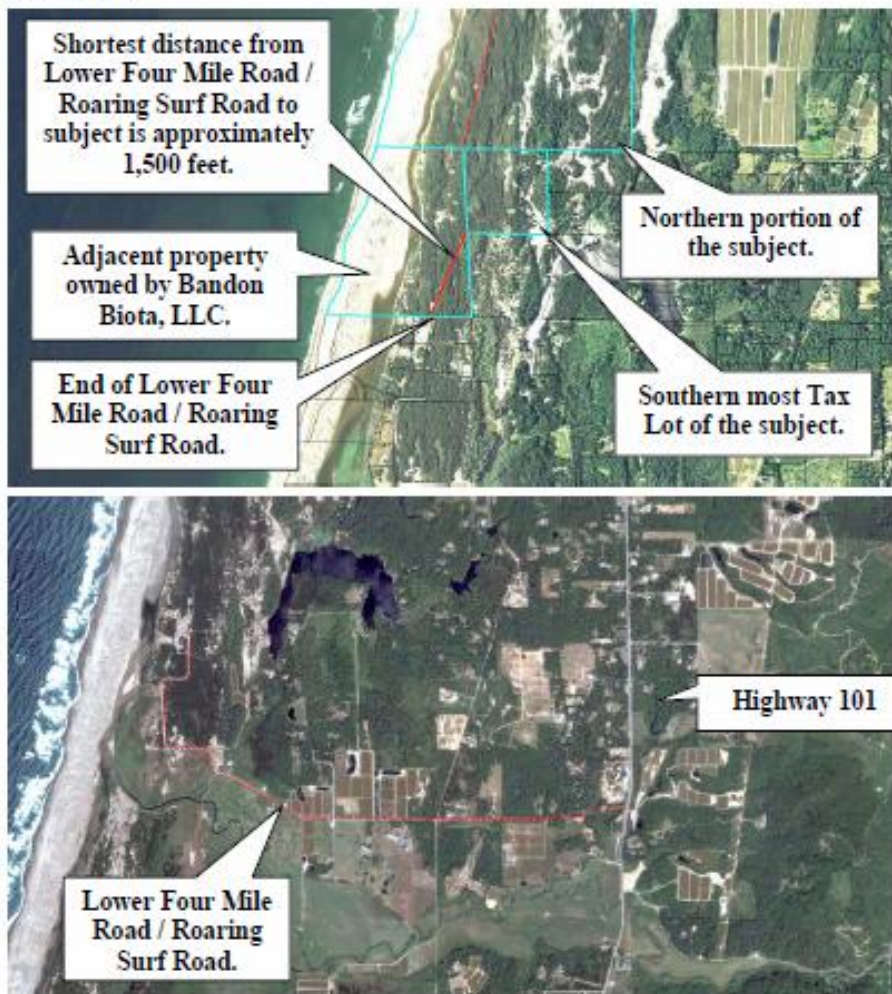
View of the subject property with approximate eastern and western property boundaries.

SUBJECT PROPERTY DESCRIPTION

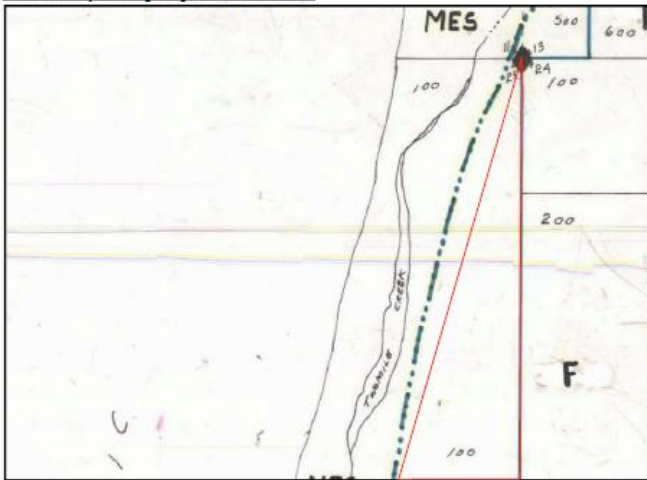
Site

Access to the property is not developed but is extraordinarily assumed available from Lower Four Mile Road / Roaring Surf Road. Lower Four Mile Road runs east to west and eventually turns into Roaring Surf Road and ends several hundred feet to the southwest of the subject property. Bandon Biota, LLC owns an adjacent property to the south and west of the subject. Lower Four Mile Road / Roaring Surf Road ends near this properties southern boundary. Access to the subject is assumed available from Lower Four Mile Road, across Bandon Biota's land to the subject property. The shortest distance the access would need to be developed to reach the subject from Lower Four Mile Road / Roaring Surf Road is approximately 1,500 feet. Please refer to the access road maps below.

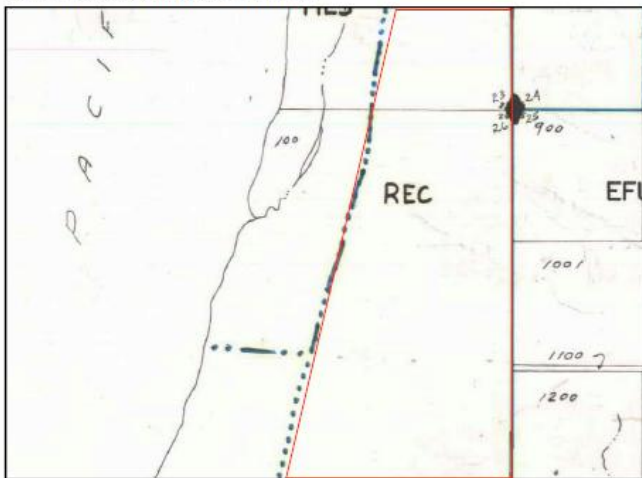
ACCESS MAPS



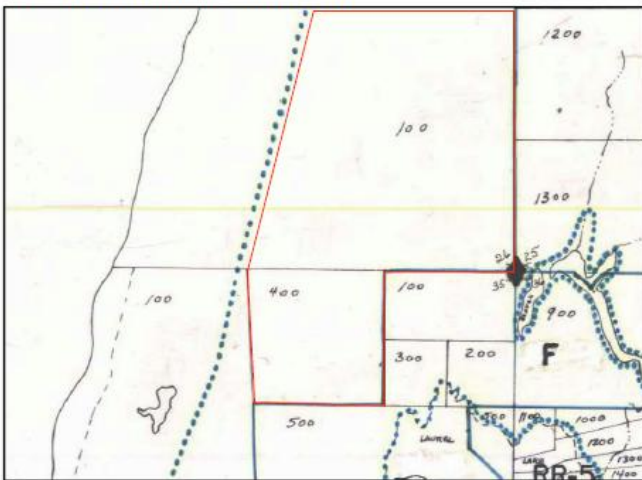
Coos County Zoning Map (The North End)



Coos County Zoning Map (The Midsection)



Coos County Zoning Map (The Southern Section)



Bandon Biota South-of-BSNA property:

Marineau and Associates

real estate appraisers and consultants

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DAVID S. OLSON
FRED J. MARINEAU (1919-1996)

Oregon State Parks
725 Summer St. NE, Suite C
Salem, Oregon 97301
Attention: Cliff Houck, Real Property Manager

June 28, 2010

and

Bandon Biota, LLC
875 Michigan Avenue, Suite 3920
Chicago, IL 60611
Attention: Michael Keiser, Chief Executive Officer

RE: Land owned by Bandon Biota,
LLC , Coos County, OR.

Dear Cliff and Mike:

Pursuant to your request, an appraisal has been completed on 111.3 acres of oceanfront land identified as Coos County Map and Tax Lot 29-15-35-100, located off of Lower Four Mile Road south of the Bandon, Oregon. An aerial inspection of the subject was made June 5, 2010 and this is the date of value. A physical inspection of the subject was made June 16, 2010. The appraisal was prepared for possible sale negotiations between Bandon Biota, LLC and Oregon State Parks.

The report has been written in Self Contained form at the request of the client with supporting data and analyzes in compliance with the guidelines of USPAP, Uniform Standards of Professional Appraisal Practice, and the regulations as formulated in FIRREA.

The Sales Comparison Approach is utilized in this report. After careful consideration of all available information and analyzing all factors pertinent to the fee simple valuation of the subject real property, as defined in this report, the estimated market value of the land, as of June 5, 2010, is **EIGHT HUNDRED THOUSAND DOLLARS.**

FINAL VALUE CONCLUSION: \$800,000

SUMMARY OF FACTS AND CONCLUSIONS

Valuation Date: June 5, 2010

Date of Report: June 28, 2010

Land This property is identified as Coos County Map and Tax Lot 29-15-35-100. The site is located south of Bandon off of Lower Four Mile Road and is 111.3 acres in size. The property has easy topography with some areas of sandy slopes, is irregularly shaped, and has ocean and New River frontage. A large portion of the property is useable with the exception of wetlands, river areas, and open dunes. Approximately 33.92 acres of the subject are ocean beach, 25.03 acres are submerged in New River, and the remaining 52.35 acres is upland area that is mostly useable. Vegetation of the subject is predominantly shore pine and gorse with other shrubs including European Beach Grass, Hooker Willow, and various other brush. Access is roughly developed to the southern property line. No utilities are developed onto the property, but power is also available near the southern property line. The property zoned REC, Recreational and MES, Minor Estuary and Shoreland zones of Coos County

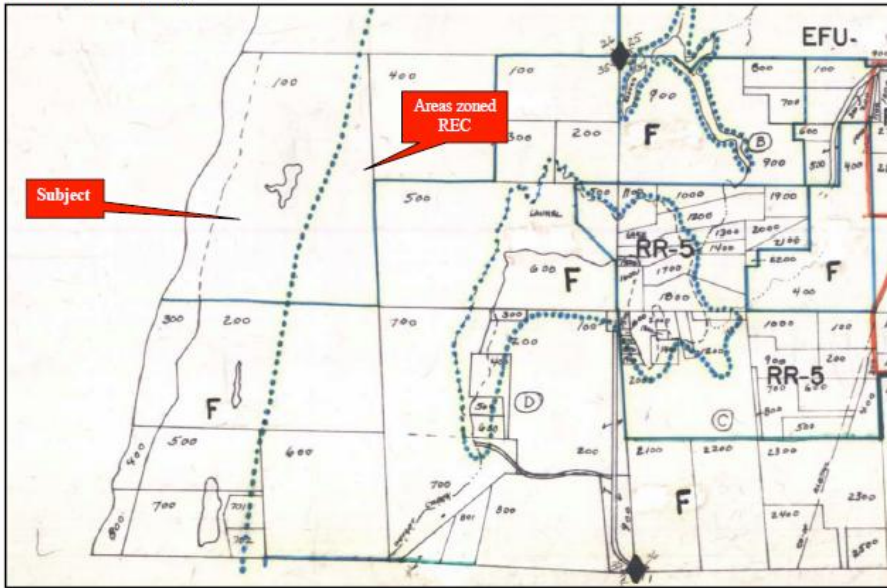
IMPROVEMENTS: There are no improvements located on the subject property.

HIGHEST AND BEST USE: The Highest and Best Use for the subject, based on zoning is for a high end ocean view single family homesite in combination with a required high intensity recreational use.

FINAL VALUE CONCLUSION **\$800,000**

APPRAISER: Jeffrey L. Marineau, MAI

Coos County Zoning Map



SUBJECT PROPERTY DESCRIPTION

Site

Access to the property is off of Highway 101 onto Lower Four Mile Road. Lower Four Mile Road runs east to west and eventually turns into Roaring Surf Road and ends near the southern boundary of the subject. The property consists of one parcel, known as Coos County Map and Tax Lot No. 29-15-35-100. The lot totals 111.3 acres, and is irregular in shape. The topography of the property is mostly flat with some moderate grades.

ACCESS MAP



PHOTOGRAPHS OF SUBJECT PROPERTY
Photos Taken June 5, 2010



A view of the northern portions of the subject. The line gives an approximate representation of the northern boundary.



An overall view of the subject property.

PHOTOGRAPHS OF SUBJECT PROPERTY
Photos Taken June 16, 2010



Photo looking northerly at the subjects frontage on New River.



View looking southwesterly across New River to the ocean beaches of the subject.

Bandon Biota North Spit Property

Marineau and Associates

real estate appraisers and consultants

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FRED J. MARINEAU (1919-1996)

Oregon State Parks
725 Summer St. NE, Suite C
Salem, Oregon 97301
Attention: Cliff Houck, Real Property Manager

June 28, 2010

and

Bandon Biota, LLC
875 Michigan Avenue, Suite 3920
Chicago, IL 60611
Attention: Michael Keiser, Chief Executive Officer

RE: Bullards Beach Spit property,
Bandon, Coos County, OR.

Dear Mike:

Pursuant to your request, an appraisal has been completed on 97.73 acres of land identified as Coos County Map and Tax Lots 28-15-24-100, 28-14-19-1000, and 28-14-18-300, and located just north of Bandon on the Coquille River Spit. An aerial inspection of the property was made on June 5, 2010 and this is the date of value. A physical inspection of the subject property was made on June 16, 2010. The appraisal was prepared for possible sale negotiations between Bandon Biota, LLC and Oregon State Parks and Recreation Department.

The report has been written in Self Contained form at the request of the client with supporting data and analyzes in compliance with the guidelines of USPAP, Uniform Standards of Professional Appraisal Practice, and the regulations as formulated in FIRREA.

The Sales Comparison Approach is utilized in this report. After careful consideration of all available information and analyzing all factors pertinent to the fee simple valuation of the subject real property as defined in this report, the estimated market value of the land, as of June 5, 2010, is **TWO HUNDRED TWENTY THOUSAND DOLLARS.**

FINAL VALUE CONCLUSION: \$220,000

SUMMARY OF FACTS AND CONCLUSIONS

Valuation Date: June 5, 2010

Date of Report: June 28, 2010

LAND: Coos County Plat maps indicate the subject property totals approximately 97.73 acres. The parcel is irregular in shape and consists of Coos County Map and Tax Lots 28-15-24-100, 28-14-19-1000, and 28-14-18-300. Topography is moderate undulating sand while vegetation is mostly small shrubs and beach grass. Access is available to the subject off of Park Road. The property is encumbered by the Coos County REC, Recreational Zone; however, Coquille River Estuary Management Plan (CREMP) overlay zones cover all but approximately 3.5 acres of the subject. The CREMP zones take precedence over the REC zone. The CREMP zones include NR 10, Natural Resource zone, the Conservation Aquatic zone, and the Natural Aquatic zone. No utilities are developed on site. However, no development is allowed on the subject property and utilities are not necessary. The subject property has a good location and amenities with good ocean access and frontage on the Coquille River.

IMPROVEMENTS: There are no improvements located on the subject property.

HIGHEST AND BEST USE: Based on zoning, the Highest and Best Use for the subject property is for low intensity water dependant recreational uses.

FINAL VALUE CONCLUSION **\$220,000**

APPRAISER: Jeffrey L. Marineau, MAI



PHOTOGRAPHS OF SUBJECT PROPERTY
Photos Taken June 5, 2010

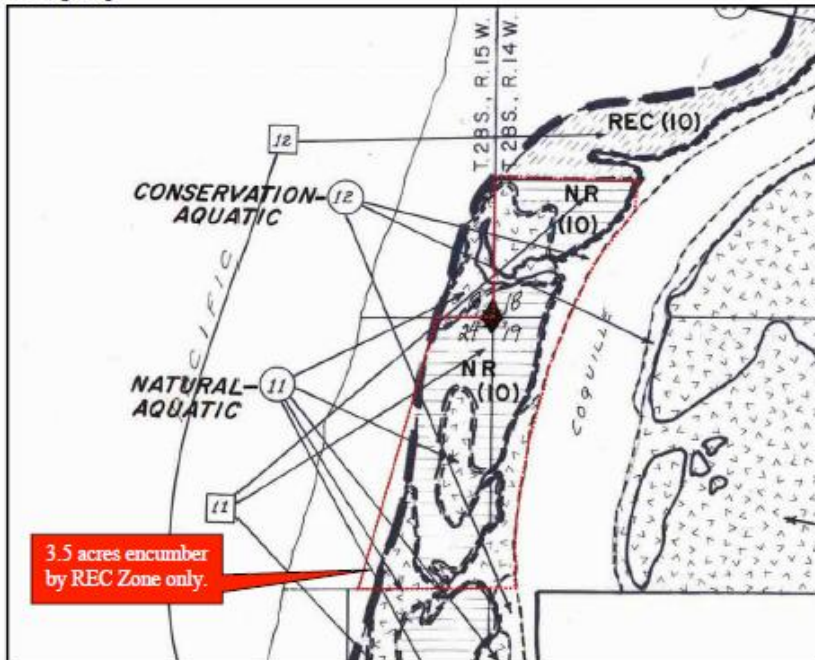


Aerial view of the northern portions of the subject property.



Aerial view looking south across the subject property.

Zoning Map



Uses permitted outright in the NR 10 zone include timber farming and harvesting, non-structural dikes, home occupation subject to Review Standard and Special Development Condition 120, and a few other uses are allowed outright. Administrative Conditional Uses allowed in the NR 10 zone include low intensity recreation subject to Review Standard and Special Development Conditions 54 and 94, single family dwellings subject to Review Standard and Special Development Conditions 10, 32, 96, 97, 99, and 105, and other uses subject to special review standards and conditions. The matrix presented on the following page lists the uses allowed in the CREMP NR zone. Following the matrix is the definition of Low-Intensity Recreation, and Review Standards and Special Development Conditions 54, 94, 10, 32, 96, 97, 99, and 105 for the conditionally allowed low intensity recreational and residential uses.