

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Parks and Recreation Department

736-029

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

Address

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RULE CAPTION

Rules governing Marine Reserves designated by State Land Board on portions of the ocean shore and areas adjacent to state parks.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Tuesday, October 20, 2009	1-3 pm	Dept of State Lands, 775 Summer St NE, Salem, OR 97301	Tony Stein
Hearing Date	Time	Location	Hearings Officer
Wednesday, October 21, 2009	7-9pm	Port Orford Public Library, 1421 Oregon St., Port Orford, OR 97465	Tony Stein
Hearing Date	Time	Location	Hearings Officer
Thursday, October 22, 2009	7-9pm	The Inn at Otter Crest, 301 Otter Crest Drive, Otter Rock, OR 97369	Tony Stein
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

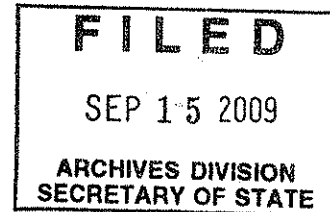
ADOPT: 736-029-0010, 736-029-0020, 736-029-0030, 736-020-0040

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:



Stat. Auth. : ORS 390.124; ORS 390.635; ORS 390.660

Other Auth.: Enrolled House Bill 3013 (2009 Legislative Session)

Stats. Implemented: ORS 390.635; ORS 390.660; ORS 390.725(4); 2009 Or Laws, ch 847

RULE SUMMARY

These rules provide governance and protection to Marine Reserves as designated by the State Land Board along the Oregon ocean shore and areas adjacent to state parks protected from all extractive activities, including the removal or disturbance of living and non-living marine resources, except as necessary for monitoring or research to evaluate reserve condition, effectiveness, or impact of stressors. Having Marine Reserves provides an additional tool to help protect, sustain or restore the nearshore marine ecosystem, its habitats, and species for the values they represent to present and future generations.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

5:00 p.m., Tuesday, November 17, 2009

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Tim Wood, Director

September 15, 2009

Signature

Printed name

Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Parks and Recreation Department
Agency and Division

736-029
Administrative Rules Chapter Number

Rules governing Marine Reserves designated by State Land Board on portions of the ocean shore and areas adjacent to state parks
Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adopting new rules to govern Marine Reserves

Statutory Authority: ORS 390.124; ORS 390.635; ORS 390.660

Other Authority: Enrolled House Bill 3013 (2009 Legislative Session)

Stats. Implemented: ORS 390.635; ORS 390.660; ORS 390.725(4); 2009 Or Laws, ch 847

Need for the Rule(s): The rules are needed to establish, study, monitor, evaluate and enforce the pilot marine reserve at Otter Rock as recommended by the Oregon Ocean Policy Advisory Council and mandated by House Bill 3013 (Oregon Laws 2009 chapter 847). OPRD's rules related to marine reserves are proposed to be included in a new division of OAR chapter 736 (Division 29). The rules will address extractive and disruptive activities on the portion of marine reserves (primarily rocky intertidal habitat) that includes the Ocean Shore State Recreation Area (OSSRA).

Documents Relied Upon, and where they are available:
Enrolled HB 3013 (2009 Legislative Session)

Fiscal and Economic Impact: **None.**

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): **None. The State Department of Fish and Wildlife and the Department of State Lands will prepare their own fiscal impact statements under separate rulemaking.**

2. Cost of compliance effect on small business (ORS 183.336): **None.**

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
Can't envision how small businesses would be affected.

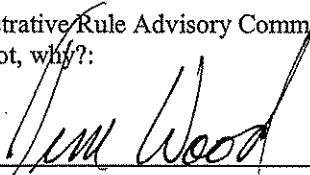
b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: **OPRD will use existing commissioned officers to meet the enforcement needs of established marine reserves within the OSSRA. All reporting, recordkeeping, and associated administrative functions required by commissioned officers will be incorporated into established procedures.**

c. Equipment, supplies, labor and increased administration required for compliance: **None.**

How were small businesses involved in the development of this rule? **Depoe Bay Near Shore Action Team.**

Administrative Rule Advisory Committee consulted?: **Yes.**

If not, why?:



Signature

Tim Wood, Director

Printed name

September 15, 2009

Date