

Agenda Item No.:	10
Work Plan:	State Forests Work Plan
Topic:	Recreation rulemaking updates
Presentation Title:	Forest Recreation Rulemaking
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CONTEXT

The purpose of this agenda item is to discuss the feedback the Department has received to date regarding revisions to Oregon Administrative Rule (OAR) Division 25 relating to recreation and public use of state forests. The Department has convened an advisory panel to provide feedback on the topic of fees, and has held two public hearings. The public comment period will conclude on February 8th, 2016 and a third hearing is scheduled on January 15th, 2016.

BACKGROUND

Forest Recreation

Division 25 was last updated in 1999, and since then, demands on recreation facilities have increased dramatically, as have the types of public recreation on State Forest lands. This has resulted in a need to examine Division 25 OARs and make changes to ensure the Department is able to protect resources and public safety.

The Department frequently has to address issues related to abandoned property, reservation of facilities without actual occupancy, littering, unsafe fires, traffic obstruction, unattended minors, and demand that greatly exceeds the sustainable use of resources. Revisions to Division 25 will provide staff with the necessary tools to effectively attend to these problems.

Costs associated with maintaining recreation facilities are increasing dramatically and the fees for using those facilities are well below market rates. Also, since fees have not changed since 1995, they have not kept pace with inflation. Changes to fee structure and potentially fee rates will allow the Department continue to provide this important social benefit while maintaining flexibility and equity.

Raves

Large, unpermitted, commercial social events, such as overnight rave parties draw hundreds of people and vehicles to remote forest areas, representing serious public safety, law enforcement, fire danger and resource damage concerns on State Forests. This is

particularly true on the Clatsop and Tillamook State Forests. House Bill 2453 becomes law on January 1st, 2016. At that point it will be a Class A misdemeanor to host large, commercial events on State Forests without proper permitting.

House Bill 2453 directs the Department to adopt rules related to health and safety standards requirements for these events, and a fee schedule for processing permit applications and for monitoring and enforcement of permit requirements. The rules adopted under House Bill 2453 will supplement rules currently found in Division 25, and will allow the Department to establish clear requirements for these events if permitted on State Forest lands. Consultation has been ongoing with the Department of Environmental Quality and the Oregon Health Authority.

NEXT STEPS

Next steps include:

- The Department will hold a 3rd hearing January 15th and finalize the summary of public comment after the public comment period closes on February 8th.
- The Department will return to the Board in March after the public rulemaking process has concluded to present a summary of public hearings, changes based on the feedback, and to obtain approval of the final rules by the Board.

RECOMMENDATION

Direct the Department to return in March and provide a final summary of public comment along with recommended changes to the rules based on public comment.

ATTACHMENT

- (1) Summary of fees advisory committee recommendations and comments.