

Agenda Item No.:	9
Work Plan:	State Forests Work Plan
Topic:	Recreation rulemaking
Presentation Title:	Forest Recreation Rulemaking
Date of Presentation:	March 9, 2016
Contact Information:	Liz Dent, State Forests Division Chief (503) 945-7351 <a href="mailto:Liz.F.Dent@Oregon.gov">Liz.F.Dent@Oregon.gov</a> Justin Butteris, Policy Analyst (503) 945-7481 <a href="mailto:Justin.Butteris@Oregon.gov">Justin.Butteris@Oregon.gov</a>

## **CONTEXT**

The purpose of this agenda item is to present the feedback the department has received regarding revisions to Oregon Administrative Rule (OAR) Division 25. The department convened an advisory panel to provide feedback on the topic of fees, held three public hearings, and received numerous written comments.

The State Forests Division has proposed some modifications to the rules based on feedback we have received. Those changes are presented to the Board for discussion and approval. In January the Board heard a summary of public comments that had been received to-date. A summary of the complete public comment is provided for the Board's review and consideration.

## **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 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 became law on January 1, 2016. At this point it is 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.

### **NEXT STEPS**

Pending adoption of the rules by the Board:

- The department will file the final rules with the Secretary of State's office and Legislative Counsel in order to complete the rulemaking.
- The new rules will be implemented. Implementation includes: posting new signs, printing new fee envelopes, and education and outreach on the changes.

### **RECOMMENDATION**

The division recommends the Board adopt the proposed Division 25 rules, including recommended changes to the rules based on public comment.

### **ATTACHMENT**

- (1) Division 25 rules, including staff proposals for changes.
- (2) Summary of public comment, including staff recommendations.