

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED

06/28/2024 9:35 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rate Range Adjustments- Group Day Use

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/30/2024 5:00 PM

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

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Filed By:
Katie Gauthier
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/31/2024

TIME: 5:30 PM

OFFICER: Katie Gauthier

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-510-9678

SPECIAL INSTRUCTIONS:

Must Register to attend: https://us06web.zoom.us/webinar/register/WN_aT-S-tRHScONy8SxErmQ

DATE: 08/13/2024

TIME: 5:30 PM

OFFICER: Katie Gauthier

IN-PERSON HEARING DETAILS

ADDRESS: North Mall Office Building, 725 Summer Street NE, Salem, OR 97301

SPECIAL INSTRUCTIONS:

Must arrive by 6 pm to testify.

NEED FOR THE RULE(S)

ORS 390.124(2)(a) authorizes the State Parks and Recreation Commission to adopt by rule a range of changes for the use of areas established and maintained by the department. From that range, the director may set and adjust fees, with changes allowed no more than four times per calendar year. This statute is a result of legislation approved in 2017 (HB 2318).

The first rate ranges were adopted into rule in 2018 and implemented by the department in 2019. Since that time, the director has utilized the flexible fee authority to adjust fees based on visitation patterns, increased costs, and seasonal fluctuations.

For select site types, the current fee charged is nearing the top of the rate range. The initial rate ranges were set with the goal of meeting agency needs for approximately three biennia, which would conclude in June 2025.

Adjustments to rate ranges are necessary to respond to increases in utility costs, operations and maintenance needs and inflation. Increasing the rate ranges, does not mean that fees charged per night will increase automatically, but will provide the agency flexibility to adjust fees as conditions change in coming years.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The 2025-29 Statewide Comprehensive Outdoor Recreation Plan (draft)

<https://www.oregon.gov/oprd/PRP/Documents/SCORP-2025-29-SCORP-Report-Public-Review.pdf>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Oregon Resident Outdoor Recreation Survey updated as part of the 2025-2029 Statewide Comprehensive Outdoor Recreation Plan (SCORP) included questions that specifically address motivations to recreate and constraints that limit outdoor recreation to better understand participation differences across demographic groups. The survey responses reveal clear differences in outdoor recreation participation across different racial groups in Oregon.

Mixed Race and White populations report outdoor recreation participation levels similar to that of the Oregon general population, while Asian and Black/African American residents participate in outdoor recreation fewer times per year than the general population. In terms of specific outdoor recreation activities, the Asian and Black/African American populations each have a lower participation rate than the Oregon population for the majority of activities. There is also evidence that the Hispanic/Latino/a population may be underserved in terms of total outdoor recreation times per year, despite the fact that this group participates in more specific activities than other Oregonians.

The survey identified a number of constraints to participation in outdoor recreation for underserved communities with cost of overall trip being one of the factors among many. The proposed adjustments in rate ranges will increase costs for camping overtime. Utilizing recommendations included in the SCORP provide avenues that may help to alleviate impacts of proposed rule changes on racial equity in the state.

FISCAL AND ECONOMIC IMPACT:

An Earth Economics study in 2022, included in the 2025-29 SCORP, found outdoor recreation in Oregon supported \$21.2 billion in spending at businesses throughout the state, which then rippled through Oregon's economy as income and wages were re-spent, driving economic effects in sectors not directly tied to outdoor recreation. Total consumer spending on outdoor recreation in 2022 supported 198,000 full and part-time jobs in Oregon, associated with \$8.4 billion in wages and other compensation.

The state park system operates through a combination of park visitor revenue, a share of the recreation vehicle registration fee—which make up more than half the funding—and a share of constitutionally-dedicated Lottery approved by Oregon voters in 1999 and 2010. As utilities, operations and maintenance costs rise, the agency must balance revenue to ensure long term sustainability for state parks.

The proposed rule change adjusts rate ranges but does not set specific fees for campsites therefore specific fiscal impacts are not available. This change would give the agency flexibility to increase revenue, when necessary, in the future.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The department anticipates this rule will have a minimal impact on state agencies, units of local government, or small businesses. Small businesses are not subject to the rule. There are no reporting, record keeping or other administrative activities required of small businesses. There are no equipment, supplies, labor, record keeping or additional administrative costs for small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The rule does not impact small businesses, so they were not specifically included in development of the rule.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Responsibility to set rate ranges is directed by statute (ORS 390.124(2)(a)) to the Oregon State Parks and Recreation Commission.

AMEND: 736-015-0026

RULE SUMMARY: Describes day use rentals. Rule change adds a rate range for shelters with utilities included.

CHANGES TO RULE:

736-015-0026

Group Day Use ¶¶

- (1) At designated park areas, a person may reserve a group picnic area(s) by calling the Oregon State Parks Reservation Center. The park manager will determine the maximum group size for each park facility.¶¶
- (2) The department will charge group picnic rental rates to offset additional park administration and maintenance costs:¶¶
 - (a) ~~Base rate (0-50 people) - \$50;¶¶~~
Group picnic area. This is a day use area that may contain a covered area, but does not include dedicated water or electricity for the covered area. Base rate (0-50 people) - \$50-200;¶¶
 - (b) Group picnic shelter. This is a day use covered picnic shelter with water and electricity. Base rate (0-50 people) --\$ 75-250;¶¶
 - (c) Charges for persons in excess of the 50 person base rate will be \$1 per person¶¶
- (3) The park manager may make advance arrangements with the group leader for parking, supervision, cleanup, checkout time, and other pertinent details.¶¶
- (4) Upon arrival, the group leader will check in with park staff who will direct the group to the reserved area.¶¶
- (5) The group must have adult supervision at all times.¶¶
- (6) Pursuant to ORS 105.672 to 105.696, group day use rental charges under this rule are for use of the assigned area or park facility of the state park land for picnicking and not for any other recreational purpose or area of state park land. The immunities provided under ORS 105.682 apply to use of state park land for any other recreational purpose.

Statutory/Other Authority: ORS 390.124

Statutes/Other Implemented: ORS 390.111, 390.121, 390.124, HB 3673 (2010)