

Oregon Parks and Recreation Commission
September 20, 2023

Agenda Item: 8c

Action

Public Comment Allowed: Yes

Topic: Request to open rulemaking of OAR 736-010-0020 General Park Area Rules to update the rules for exclusion

Presented by: Helena Kesch

Background:

Oregon State Parks strives to provide safe and welcoming recreational spaces for all visitors with a commitment in managing, enhancing and protecting Oregon's natural, scenic and culturally-significant landscapes. If a visitor demonstrates behaviors, issues or problems that threaten park staff, visitors and/or the natural landscape, the agency may turn to Division 10, General Park Area Rules, General Regulations or Division 21, General Ocean Shore State Recreation Area Rules to support excluding the visitor for a specific period of time.

The proposed rulemaking will update the exclusion and appeal process. A recent court challenge pointed out the existing rules were vague and too open to interpretation by OPRD staff. The suit was resolved with a commitment to improve the rule's fairness and clarity. The updates will clarify excluding individuals from Oregon State Parks who commit state park rule violations that endanger the safety of visitors, staff or park resources; provide clear information on how excluded individuals may request an appeal; and how the appeals will be processed.

OPRD has convened a Rules Advisory Committee (RAC) to help inform the discussion around updating the exclusion rule within state parks. The RAC includes representatives from the mental health community, attorneys, agency safety staff and park hosts. The RAC has met twice on June 28th and August 11th and developed a set of recommendations to update OPRD's current exclusion process described under Oregon Administrative Rules 736-010-0020 and 736-021-0400. The RAC will have its final meeting on September 8th to finalize the draft rules.

Staff request permission to open rulemaking governing the exclusion process. Proposed rulemaking will review rules to consider updating the exclusion process, including reason for the exclusion, the duration of exclusion, how to request an appeal and the appeal process to make them clearer, easier to enforce and provide flexibility when possible.

Prior Action by Commission:

Action Requested: Staff requests approval to open rulemaking to amend OAR 736-010-0015, 736-010-0020, 736-021-0030, 736-021-0040 to update the exclusion rule and appeal process in the park area and ocean shore state recreation rules.

Prepared by: Helena Kesch

Attachments: Attachment A marked copy