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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736
PARKS AND RECREATION DEPARTMENT

FILED
03/05/2021 12:28 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Creation of Outdoor Recreation Advisory Council

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/08/2021 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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S):

The Office of Outdoor Recreation is directed under ORS 390.233 to coordinate outdoor recreation policy and collaborate with state agencies, local governments, the outdoor recreation industry and other outdoor recreation stakeholders. The Outdoor Recreation Advisory Council will promote and facilitate efforts of the Office of Outdoor Recreation to coordinate outdoor recreation policy and priorities across the state with government and nongovernmental entities. The proposed rule is needed to enable appointment of the advisory council members and guide the council role in providing recommendations to the director of the Office of Outdoor Recreation.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 390.233 https://www.oregonlegislature.gov/bills_laws/ors/ors390.html

Governor's Task Force on the Outdoors <https://www.oregon.gov/orec/Documents/OREC-Gov-Task-Force-Outdoors-2020.pdf>

FISCAL AND ECONOMIC IMPACT:

The Outdoor Recreation Advisory Council will provide recommendations to the Office of Outdoor Recreation that may lead to economic development opportunities for local governments, the outdoor recreation industry and other outdoor recreation stakeholders. The recommendations of the council are intended to balance improved or expanded outdoor recreation access and opportunities with resource protection that recognizes the sensitive balance between economic development and preservation of the unique natural experiences in the state.

The fiscal impact of the proposed rule will be the cost to OPRD for operation of the advisory council including communication, meetings and materials.

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).

State agencies that may be economically impacted by this rule include Oregon State Marine Board (OSMB), the Oregon Department of Fish and Wildlife (ODFW), the Department of State Lands (DSL), Oregon Department of Forestry (ODF), the Oregon Parks and Recreation Department (OPRD), Business Oregon, and Travel Oregon who would have a staff member serve in an ex-officio role on the advisory committee. No local government or member of the public would be economically affected by the rule. (2)(a) No small business would be subject to the rule. Small business owners involved in outdoor recreation may volunteer to be appointed as members of the advisory council. (2)(b) The proposed rules would not create any additional reporting, record keeping or administrative activities for small businesses to comply. (2)(c) There are no additional costs for professional services, equipment supplies, labor and increased administration required to comply with the rules.

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

The Governor's Task Force on the Outdoors heard from small business owners in rural and underserved communities and those involved in the outdoor industry while developing recommendations that included creation of the advisory council outlined in the proposed rule.

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

Creation of the advisory council was recommended by a 33-member Governor's Task Force on the Outdoors in their final report Governor's Task Force on the Outdoors: 2020 Framework for Action. The details of the rule were further refined through an interagency agreement between state agencies who would serve as ex-officio members of the new council in the proposed rule.

ADOPT: 736-002-0170

RULE SUMMARY: Creates OREC Advisory Council.

CHANGES TO RULE:

736-002-0170

Outdoor Recreation Advisory Council: Membership and Function

(1) The State Parks and Recreation Commission (commission) may appoint an Outdoor Recreation Advisory Council (council) to the Oregon Office of Outdoor Recreation (OREC). The purpose of the council is to support OREC's duty to promote and facilitate efforts to coordinate outdoor recreation policy and priorities across the state, and with government and nongovernmental entities, as provided in ORS 390.233 and section (7).

(2) The council is composed of:

(a) At least three outdoor recreation participants that reflect the indigenous heritage, cultural richness, varied physical ability, socioeconomic status, or geographic diversity of this state and the many forms of recreation enjoyed here;

(b) At least three representatives from Oregon's outdoor recreation sector such as brands, manufacturers, retailers, outfitters, guides and community-based organizations or non-profits;

(c) Two members from a federally-recognized Indian tribe in Oregon.

(d) Ex-officio Membership on the council is limited to those individuals and organizations that have or potentially have significant in-kind or other resources to contribute to the purpose provided in section (1). Ex-officio members may fully participate in discussions and deliberations of the council. Ex-officio membership shall include,

but is not limited to, the director or the director's designee of the following agencies:¶

(A) One member designated by the Travel Oregon;¶

(B) One member designated by the Oregon Business Development Department;¶

(C) One member designated by the Department of Fish and Wildlife;¶

(D) One member designated by the Oregon State Marine Board;¶

(E) One member designated by the Oregon Department of Forestry;¶

(F) One member designated by the Oregon Department of Transportation;¶

(G) One member designated by the Oregon Health Authority;¶

(H) One member designated by the Oregon Department of State Lands¶

(I) One member designated by Oregon State University Extension Service;¶

(J) One member designated by the Association of Oregon Counties.¶

(e) Other members deemed necessary by the commission in consultation with OREC.¶

(3) Members appointed under section (1) may serve two consecutive three-year terms on the council. Members are eligible for reappointment and the commission may fill vacancies.¶

(4) The commission shall appoint the chair from the council membership, considering the recommendations of the council.¶

(5) The council shall meet at times and places specified by the call of OREC.¶

(6) A majority of council members appointed under subsections (2)(a), (b), (c), and (e) constitutes a quorum for the transaction of business.¶

(7) Function and duties of the council. Upon the request of OREC, the council may assist in efforts to:¶

(a) Work with public, private and non-profit sectors to advocate for conservation and stewardship of land, air, water, and wildlife, and for public access to them.¶

(b) Educate and empower Oregon residents and visitors on the importance and interrelatedness of a healthy environment, outdoor recreation and a vibrant economy.¶

(c) Facilitate public-private partnerships to enhance public outdoor recreational access, infrastructure improvements, and conservation efforts.¶

(d) Coordinate outdoor recreation policy, as mandated in ORS 390.233, through a consensus-oriented approach:¶

(A) Within the administrative divisions of the Oregon Parks and Recreation Department (department) and between and among the department and federal, state, regional and local government entities, special districts, and nongovernmental entities.¶

(B) Assist in developing or updating the outdoor recreation management strategies of the department.¶

(C) Collaborate with Travel Oregon and the Oregon Travel Information council to create effective forums for communicating recreation-based initiatives and for sharing best practices. Serve as a clearinghouse and information center for outdoor recreation stakeholders.¶

(D) Develop data, independently or through contracts with appropriate public or private agencies, on the social, economic and resource impacts of outdoor recreation in this state.¶

(E) Promote the health and social benefits of outdoor recreation in coordination with other related state programs and initiatives.¶

(e) Collaborate with the Oregon Business Development Department and Travel Oregon, representatives of regional and local governments, the outdoor recreation industry and other outdoor recreation stakeholders to promote a robust economic cluster focusing on the outdoor industry and outdoor recreation participation. In furtherance of promoting economic development, OREC may recommend, adopt or assist in the implementation of policies and initiatives that:¶

(A) Maximize public and private investment in outdoor recreation activities and in the outdoor recreation industry in this state.¶

(B) Develop and implement state policies and programs to bolster outdoor recreation for locals and visitors.¶

(C) Work with partners to improve, manage or develop recreational opportunities that yield economic returns through participation and travel spending.¶

(D) To balance improved or expanded outdoor recreation access and opportunities with resource protection.¶

(f) Strive to enhance quality of life and economic vibrancy in communities across the state.¶

(g) Aim to strike a sensitive balance between development and preservation of the unique natural experiences provided by Oregon's outdoor recreation resources, and between motorized and non-motorized outdoor recreation activities.¶

(h) Seek a proactive approach to enhancing regional and local outdoor recreation infrastructure.¶

(i) Establish one and five-year work plans within the department that involves policy guidance and strategic planning for grants, recreation trails, Engage-Relate-Adapt, Statewide Comprehensive Outdoor Recreation Plan (SCORP), and state park service delivery.¶

(j) Develop cooperating agreements with Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Oregon State Marine Board, Department of State Lands, Department of Land Conservation and Development, Travel Oregon, Oregon Health Authority, and Business Oregon and other entities.¶

(k) Make recommendations for legislation, on policies and initiatives to OREC for inclusion in an annual report submitted by OREC to the Legislative Assembly.¶

(8) Reporting structure:¶

(a) The council shall solicit and consider input from agencies and organizations that it identifies as being involved in implementing any recommendations, providing the opportunity to identify any statutory, regulatory, logistical, budgetary or staffing issues that may not be apparent.¶

(b) OREC will submit any final joint outdoor recreation policy, legislative, and strategic plan recommendations developed by council for review by any other affected agency or organization for a period of 30 days prior to OREC submitting recommendations for review to the commission.¶

(c) When commission action includes recommendations that fall under the purview of another state, local or federal government agency, it shall provide a referral to those bodies for their consideration.¶

(9) Expectations:¶

(a) Recommendations from the council are expected to help to shape outdoor recreation policy and strategy across the state without regards to jurisdiction or public/private boundaries. Council recommendations, however, are not a mandate for any government or nongovernment organization to implement joint policies, legislative agendas, or strategic plans unless the affected organization agrees to do so.¶

(b) All joint outdoor recreation policies, legislative concepts, and strategic plans developed through council will include analysis of additional resources that may be needed, and provide recommendations for producing those resources through public and private means.¶

(c) OREC shall maintain regular communications with the council around legislative considerations.¶

(10) Administrative Entity: OREC operates as an entity within the department, which is responsible for the administration and enforcement of the duties, functions and powers imposed by law upon OREC.¶

(11) By-Laws: the council shall adopt by-laws consistent with its duties to conduct its affairs. By-Laws shall be created and administered by the council, OREC and under the department and the commission. By-Laws shall reflect that the council is an advisory body to OREC.

Statutory/Other Authority: ORS 390.121

Statutes/Other Implemented: ORS 390.010, ORS 390.233