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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736  
PARKS AND RECREATION DEPARTMENT

**FILED**  
03/16/2021 10:25 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Adds plan for Pilot Butte State Scenic Viewpoint to list of Master Plans.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/03/2021 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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Filed By:  
Helena Kesch  
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**NEED FOR THE RULE(S):**

The master plan for Pilot Butte State Scenic Viewpoint is being adopted to provide direction to the Oregon Parks and Recreation Department (OPRD) regarding the future management of the park resources and development of facilities for public recreation access. The plan responds to current information on park resource conditions and public recreation needs as they pertain to these park settings. The purpose of amending OAR 736-018-0045 is to adopt the plan for this park through the administrative rule process.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Pilot Butte State Scenic Viewpoint (June 2020 Draft). A digital copy is available for review at the OPRD web site, <https://www.oregon.gov/oprd/PRP/Pages/PLA-park-master-plans.aspx>. Hard copies and copies on CD are available upon request from the OPRD headquarters office in Salem.

**FISCAL AND ECONOMIC IMPACT:**

The park plan we seek to adopt through the proposed rule amendment will provide guidance to OPRD on the management of the park resources and development of facilities for public recreation access at Pilot Butte State Scenic Viewpoint. The plan may be used as a basis for seeking funding for planned projects; however, there is no guarantee that the planned projects will be funded or developed. Neither the plan nor the rule amendment for adoption of the plans will provide the funding for the planned projects. As such, we expect no positive or negative fiscal or economic impacts due to this rulemaking action.

**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).

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None. No compliance required.
2. Cost of compliance effect on small business (ORS 183.336): None. No compliance required.
  - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: None.
  - b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services: None.
  - c. Equipment, supplies, labor and increased administration required for compliance: None.

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

The plan adoption through the rule amendment has no effect on small businesses. However, businesses have had the same opportunities to provide input on the draft plan, through public meetings and written comment opportunities, as other members of the public have had.

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

An Administrative Rule Advisory Committee has not been consulted because filing of this rule amendment is not expected to have positive or negative fiscal or economic impacts. However, a planning advisory committee assisted OPRD in formulating the draft plan for the park. Committee members were chosen to represent a broad spectrum of interests related to the park resources and recreation needs. The various interests represented include recreation advocacy groups, affected state, federal and local government agencies, park neighbors and the local community.

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AMEND: 736-018-0045

RULE SUMMARY: Adds Pilot Butte State Scenic Viewpoint Master Plan to list of adopted Master Plans.

CHANGES TO RULE:

736-018-0045

Adopted State Park Master Plan Documents ¶¶

(1) The following state park master plan documents have been adopted and incorporated by reference into this division:¶¶

- (a) Fort Stevens State Park Master Plan, as amended in 2001;¶¶
- (b) Cape Lookout State Park, amended in 2012 as Cape Lookout State Park Comprehensive Plan;¶¶
- (c) Cape Kiwanda State Park, renamed as Cape Kiwanda State Natural Area;¶¶
- (d) Nestucca Spit State Park, renamed as Robert Straub State Park;¶¶
- (e) Jessie M. Honeyman Memorial State Park as amended in 2009;¶¶
- (f) Columbia River Gorge Management Units Plan, including: Lewis and Clark State Recreation Site, Dabney State Recreation Area, Portland Womens' Forum State Scenic Viewpoint, Crown Point State Scenic Corridor, Guy W. Talbot State Park, George W. Joseph State Natural Area, Rooster Rock State Park, Shepperd's Dell State Natural Area, Bridal Veil Falls State Scenic Viewpoint, Dalton Point State Recreation Site, Benson State Recreation Area, Ainsworth State Park, McLoughlin State Natural Area, John B. Yeon State Scenic Corridor, Bonneville State Scenic Corridor, Sheridan State Scenic Corridor, Historic Columbia River Highway State Trail, Bridge of the Gods Trailhead, Lang Forest State Scenic Corridor, Wyeth State Recreation Area, Lindsey Creek State Scenic Corridor, Starvation Creek State Park, Viento State Park, Wygant State Natural Area, Vinzenz Lausman Memorial State Natural Area, Seneca Fouts Memorial State Natural Area, Historic Columbia River Highway State Trail Hatfield West Trailhead, Koberg Beach State Recreation Site, Historic Columbia River Highway State Trail Hatfield East

- Trailhead, Memaloose State Park, and Mayer State Park as amended in 2015;¶
- (g) Molalla River State Park;¶
- (h) Champoeg State Park;¶
- (i) Willamette Mission State Park;¶
- (j) Cascadia State Park;¶
- (k) Willamette River Middle Fork State Parks Master Plan, 2006, including: Elijah Bristow State Park; Jasper State Recreation Site; Pengra Access; Dexter State Recreation Site; Lowell State Recreation Site; and the parks that comprise the Fall Creek State Recreation Area, including Winberry Park, North Shore Park, Sky Camp, Cascara Campground, Fisherman's Point Group Camp, Free Meadow, Lakeside 1 and Lakeside 2;¶
- (l) Cove Palisades State Park Master Plan, as amended in 2002;¶
- (m) Silver Falls State Park Master Plan, as amended in 2009;¶
- (n) Curry County State Parks Master Plan, including: Floras Lake State Park, renamed as Floras Lake State Natural Area; Cape Blanco State Park; Paradise Point Ocean Wayside, renamed as Paradise Point State Recreation Site; Port Orford Heads Wayside, renamed as Port Orford Heads State Park; Humbug Mountain State Park; Otter Point Wayside, renamed as Otter Point State Recreation Site; Cape Sebastian State Park, renamed as Cape Sebastian State Scenic Corridor; Otter Point Wayside; Port Orford Cedar Forest Wayside, renamed as Port Orford Cedar Forest State Scenic Corridor; and Buena Vista Ocean Wayside; Pistol River State Scenic Viewpoint; Samuel H. Boardman State Scenic Corridor; Harris Beach State Recreation Area; McVay State Recreation Site; Winchuck State Recreation Site; Crissey Field State Recreation Site; Alfred A. Loeb State Park;¶
- (o) Hat Rock State Park Master Plan, renamed as Hat Rock State Recreation Area;¶
- (p) Deschutes County State Parks, including: La Pine and Tumalo State Parks; and Cline Falls, renamed as Cline Falls State Scenic Viewpoint; and Pilot Butte, renamed as Pilot Butte State Scenic Viewpoint;¶
- (q) Sunset Bay District Parks, including: Umpqua Lighthouse State Park (this chapter was replaced by the Umpqua Lighthouse State Park Master Plan, 2004); William M. Tugman State Park; Yoakam Point State Park, renamed as Yoakum Point State Natural Site; Sunset Bay State Park; Shore Acres State Park; and Cape Arago State Park;¶
- (r) Bullards Beach District Parks, including: Seven Devils State Wayside, renamed as Seven Devils State Recreation Site; Bullards Beach State Park; Bandon Ocean Wayside, renamed as Face Rock State Scenic Viewpoint; and Bandon State Park, renamed as Bandon State Natural Area;¶
- (s) Tillamook County Coastal State Parks, including: Oswald West State Park; Nehalem Bay State Park (this chapter was replaced by the Nehalem Bay State Park Master Plan, 2009); Cape Meares State Park, renamed as Cape Meares State Scenic Viewpoint; Neahkanie-Manzanita State Wayside, renamed as Neahkanie-Manzanita State Recreation Site; Manhattan Beach State Wayside, renamed as Manhattan Beach State Recreation Site; Rockaway Beach State Wayside, renamed as Rockaway Beach State Recreation Site; Twin Rocks State Wayside, renamed as Twin Rocks State Natural Site; Oceanside Beach State Wayside, renamed as Oceanside Beach State Recreation Site; and Neskowin Beach State Wayside, renamed as Neskowin Beach State Recreation Site;¶
- (t) Beverly Beach District Parks South, including: Boiler Bay State Park, renamed as Boiler Bay State Scenic Viewpoint; Rocky Creek State Wayside, renamed as Rocky Creek State Scenic Viewpoint; Otter Crest State Wayside, renamed as Otter Crest State Scenic Viewpoint; Devil's Punchbowl State Park, renamed as Devil's Punchbowl State Natural Area; Beverly Beach State Park; Agate Beach State Wayside, renamed as Agate Beach State Recreation Site; and Ellmaker State Park, renamed as Ellmaker State Wayside;¶
- (u) Smith Rock State Park;¶
- (v) Collier District Parks, including: Booth State Wayside, renamed as Booth State Scenic Corridor; Chandler State Wayside; Collier Memorial State Park; Goose Lake State Recreation Area; Jackson F. Kimball State Park, renamed as Jackson F. Kimball State Recreation Site; and Klamath Falls-Lakeview Forest Wayside, renamed as Klamath Falls-Lakeview Forest State Scenic Corridor;¶
- (w) Banks-Vernonia State Park, renamed as Banks-Vernonia State Trail;¶
- (x) Sumpter Valley Dredge State Park, renamed as Sumpter Valley Dredge State Heritage Area;¶
- (y) Illinois River Forks State Park;¶
- (z) Wallowa Lake Management Unit Master Plan, 2018;¶

- (aa) L.L. "Stub" Stewart Memorial State Park Master Plan, 2005;¶
- (bb) Master Plan for Clay Myers State Natural Area at Whalen Island, 2003;¶
- (cc) South Beach State Park Master Plan, 2003;¶
- (dd) Prineville Reservoir Resource Management Plan/Master Plan, 2003;¶
- (ee) Detroit Lake State Park Master Plan, 2002;¶
- (ff) Umpqua Lighthouse State Park Master Plan, 2004;¶
- (gg) Fort Yamhill State Heritage Area Master Plan, 2004;¶
- (hh) Thompson's Mills State Heritage Site Master Plan, 2006;¶
- (ii) Luckiamute State Natural Area Master Plan, 2009;¶
- (jj) Iwetemlaykin State Heritage Site Master Plan, 2009;¶
- (kk) Kam Wah Chung State Heritage Site Master Plan, 2009;¶
- (ll) Nehalem Bay State Park Master Plan, 2009;¶
- (mm) Bates State Park Master Plan, 2010;¶
- (nn) Cottonwood Canyon State Park Comprehensive Plan, 2012;¶
- (oo) Milo McIver State Park Comprehensive Plan, 2014.¶
- (pp) Sitka Sedge State Natural Area Master Plan, 2016¶
- (qq) Tryon Creek State Natural Area Comprehensive Plan, 2013.¶
- (rr) Brian Booth State Park Master Plan, 2014.¶
- (ss) Pilot Butte State Scenic Viewpoint Master Plan, 2020.¶

(2) The master plan documents which have been incorporated by reference into this division are available from the State Parks and Recreation Department, 725 Summer Street NE, Suite C, Salem OR 97301.¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 390.180(1)(c)

Statutes/Other Implemented: ORS 390.180(1)(c)