

Agenda Item No.:	6
Work Plan:	State Forests Work Plan
Topic:	Proposed State Forest administrative rule revision addressing recreation and House Bill 2453 (Raves Bill)
Presentation Title:	Forest Recreation Rules Revision
Date of Presentation:	September 9, 2015
Contact Information:	Liz Dent, State Forests Division Chief (503) 945-7351 Liz.F.DENT@Oregon.gov Justin Butteris, Policy and Planning Specialist (503) 945-7481 Justin.Butteris@Oregon.gov

CONTEXT

The purpose of this agenda item is to discuss the need for revisions to Oregon Administrative Rule (OAR) Division 25. State Forests are managed for multiple purposes including public recreation opportunities for which demands have increased over time. There is a need to revise recreation-related administrative rules found in Division 25 to address increased use, changes in use, and other recreation issues.

Additionally, State Forests are open to public access and as such a wide variety of uses occur including large, commercial events known as “raves.” House Bill 2453, otherwise known as *the rave bill*, was passed and signed by Governor Brown during the 2015-2017 legislative session. The Department will provide a summary of House Bill 2453 which requires the Department to conduct rulemaking related to permitting large commercial events on State Forest lands.

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

potentially fee rates will allow the Department to 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 becomes law on January 1st, 2016. At that point it will be 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. Consultation has been ongoing with the Department of Environmental Quality and the Oregon Health Authority.

NEXT STEPS

Pending Board of Forestry direction to begin rule making, next steps include:

- The Department will return to the Board in November with draft proposed rules and seek consent to initiate formal rulemaking on proposed rules, which would then begin immediately.
- The Department will return to the Board after the public rulemaking process has concluded to present a summary of public hearings, changes based on the feedback, and to obtain approval of the final rules by the Board.

RECOMMENDATION

Direct the Department to begin OAR revision process and return in November with draft rule language.

ATTACHMENT

(1) House Bill 2453 – Enrolled