

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
 A Statement of Need and Fiscal Impact accompanies this form

<u>Parks and Recreation Department</u>	<u>736</u>
Agency and Division	Administrative Rules Chapter Number
<u>Vanessa DeMoe</u>	<u>(503) 986-0719</u>
Rules Coordinator	Telephone
<u>Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301</u>	
Address	

**RULE CAPTION**

Amend OAR 736-021 General Ocean Shore State Recreation Area rules.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
1-26-12	03:00 PM	North Bend Library, 1800 Sherman Ave, North Bend OR 97459	Staff
1-27-12	03:00 PM	Gold Beach City Hall, 29592 Ellensburg Ave., Gold Beach. OR 97444	Staff
1-30-12	07:00 PM	Newport Recreation Center (Room 105), 225 Avery Street, Newport, OR 97365	Staff
1-31-12	07:00 PM	Cannon Beach City Hall (Council Chambers), 163 E. Gower Street, Cannon Beach, OR 97110	Staff
1-24-12	03:30 PM	North Mall Office Building, 725 Summer St. NE, Room 124 B, Salem, OR 97301	Staff

Auxiliary aids for persons with disabilities are available upon request.

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

**ADOPT:**  
OAR 736-021-0065

**AMEND:**  
OAR 736 Division 21

**REPEAL:**  
736-021-0110

**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**Statutory Authority:**  
ORS. 390

**Other Authority:**

**Statutes Implemented:**  
ORS. 390

**RULE SUMMARY**

Rule change allows certain department officials and peace officers the authority to order rule violators to leave or to exclude them from the ocean shore area for a period of time; establishes an appeal process for exclusions; requires domestic animal handlers to maintain control and be responsible for animal behavior; establishes specific standards for natural product removal for personal use; prohibits seasonal collection and prospecting in Western Snowy Plover areas; prohibits altering the natural environment or disturbing natural resources; prohibits or regulates certain activities to ensure safety, preservation and access for all; clarifies rules for items of value found on the ocean shore; etc.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing

any negative economic impact of the rule on business.

Those wishing to make public comment during a public hearing must register with the hearings officer in the first 45 minutes of the meeting.

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.

02-06-2012 4:00 p.m.	Vanessa DeMoe	vanessa.demoe@state.or.us	12-15-11 4:44p.m.
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 923-2003

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Parks and Recreation Department

736

Agency and Division

Administrative Rules Chapter Number

Amend OAR 736-021 General Ocean Shore State Recreation Area rules.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amending OAR 736-021 General Ocean Shore State Recreation Area rules

Statutory Authority:

ORS. 390

Other Authority:

Stats. Implemented:

ORS. 390

Need for the Rule(s):

Rule changes are needed to clarify language for the public, improve safety of ocean shore visitors and preserve the ocean shore resources for generations to come.

Documents Relied Upon, and where they are available:

N/A

Fiscal and Economic Impact:

Rule changes focus on providing clarification for the public, improving safety and preserving the ocean shore resources for generations to come. They do not add or increase fees or add out-of-pocket expense. Therefore, while the potential impact is unknown, the department expects these rule changes to have minimal or no fiscal or economic impact on the public, small businesses or other state agencies or local governments.

The only known potential economic impact may be on individuals or businesses that may be removing natural resources for commercial reasons without a permit, which is a violation of ocean shore rules and potentially of other rules.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

These rule amendments do not change the effect on state agencies, units of local government or the public. Our enforcement partners will continue to interpret and apply the ocean shore rules. Our recreation partners will continue to seek a permit when hosting activities on the ocean shore. There are no additional compliance costs to members of the general public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

The rule changes do not impose any new compliance costs on small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

N/A

c. Equipment, supplies, labor and increased administration required for compliance:

N/A

How were small businesses involved in the development of this rule?

If not, why?:

Small businesses were invited to comment during the public comment period via public meetings and outside meeting time for more than 30 days. In addition, representatives of small businesses were invited to participate in the Administrative Rule Advisory Committee.

Administrative Rule Advisory Committee consulted?: Yes

02-06-2012 4:00 p.m.	Vanessa DeMoe	vanessa.demoe@state.or.us	12-15-11 4:44 PM
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007