

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1501:46-2-29
Rule Type: Amendment
Rule Title/Tagline: Special activities permit fee.
Agency Name: Department of Natural Resources
Division: Division of Parks and Watercraft
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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 6/19/2018
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 1546.04
5. What statute(s) does the rule implement or amplify? 1546.02, 1546.04, 1501.09
6. What are the reasons for proposing the rule?

ODNR has determined that the \$10 fee increase for a typical special use permit is justified because the fee has not been raised since 2008. The additional fee will cover the additional administrative costs that have arisen during this time period. ODNR determined that allowing the chief discretion to charge up to \$5,000 for large scale events is justified due to the significant impact they would have on the public's use of public land. Similarly certain statutes expressly authorize the National Park Service to recover costs related to special park uses and/or charge fees for the use of park lands and facilities. These include:

- 16 U.S.C. § 3a, for cost recovery for most special park uses
- 31 U.S.C. § 9701, for land and facility charges

- 16 U.S.C. §§ 460l-6d, for cost recovery and location fees for commercial filming and certain still photography activities

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule requires a member of the public to obtain a special activity permit in order to hold special activities in state parks that may have significant impacts on normal public access and activities at the park such as triathlons, fireworks, and weddings. The amendment increases the application fee for the permit from \$40 to \$50. The proposed amendment also allows the chief to charge a daily fee up to \$5,000 for large scale activities that impact public use such as movie productions.

8. Does the rule incorporate material by reference? No

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.

This will increase revenues.

\$11,500

Currently the Division of Parks and Watercraft processes approximately 650 special activity permits annually. The rule increases the fee to process these permits by \$10 and adds a daily fee for large special events such as movie productions that may impact the public's use of the facilities.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Persons or organizations desiring to use public lands for special activities are already required to obtain a special activity permit from the Division of Parks and Watercraft and pay a \$40 application fee. For typical special events, the proposed amendment increases the application fee for such permits by \$10. The amendment also allows the Chief of the Division of Parks and Watercraft the discretion to charge up to \$5,000 a day for groups that wish to have certain large scale events on Division property that would significantly interfere with regular public use of state lands, for example, filming a movie.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

The rule requires a special activity permit to be approved by the Chief of the Division of Parks and Watercraft for special activities not commonly occurring at state parks.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The rule requires that persons applying for a special activity permit pay an application fee and also allows the Chief of the Division of Parks and Watercraft to charge applicants a special activities permit fee for large special events such as movie productions that may impact the public's use of the state property.