

**MEMORANDUM**

**TO:** Ashley Montgomery-Hively, Ohio Department of Natural Resources

**FROM:** Danielle Dillard, Regulatory Policy Advocate

**DATE:** March 21, 2018

**RE:** **CSI Review – Concessions (OAC 1501:46-2-07, 1501:46-2-29, 1501:46-2-37, 1501:46-3-26, and 1501:46-5-01)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of five amended rules proposed by the Ohio Department of Natural Resources (ODNR). The rule package was submitted to the CSI Office on February 5, 2018 and the public comment period was held open through February 26, 2018. No comments were received during this time.

The rules detail the permits and fees associated with concessionaires and vendors operating in state parks, and special activities that impact normal public access. The Department is amending 1501:46-2-29 to increase the administrative and daily fees for special activities permits. The other amendments simply reflect a change in the statutory authority allowing ODNR to adopt rules.<sup>1</sup>

As part of early stakeholder outreach, ODNR contacted eight interested parties, including the Ohio Film Office, the Ohio Travel Association, and the Ohio Parks and Recreation Association.

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<sup>1</sup> Senate Bill 293 of the 131<sup>st</sup> General Assembly

The Department did not receive any feedback on the proposed amendments.

The amended rules impact individuals who need to obtain special activities permits. Persons holding special activities on state lands will have to pay an additional \$10 to obtain a special activity permit. Groups that wish to have certain large-scale events, such as filmmaking, may be charged a higher fee for use that would significantly interfere with regular public use of state lands. ODNR justifies the \$10 fee increase because the fee has not been raised in ten years, and administrative costs have increased during this time period. The Department contends that increasing the maximum fee for large scale events to \$5,000 is justified by the significant impact large-scale events have on state lands. It also notes that its fee structure is in line with similar federal statutes authorizing parks services to recover costs related to special uses. Finally, ODNR notes that it only assesses fines for violations on a case-by-case basis, and has dedicated staff to assist with compliance.

### **Recommendation**

For the reasons explained above, this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Natural Resources should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.