MEMORANDUM

To: Sarah Gousie, RIDEM, Office of Legal Services

From: Molly Ogren

Date: May 2, 2023

Re: Regulations for the State Parks and Conservation Management Areas

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The regulatory re-write of the Parks and Management Area regulations reflects a reorganization of parts, consolidation of fees and area specific regulations, and modernizes the structure to be more user friendly. As part of regulatory re-write a small number of sections were changed substantively to reflect a closer alignment to current management by the Bureau's divisions. The sections substantively changed were the lifeguard regulations, camping regulations, and removing hunting and the target shooting range and moving it to the hunting regulations contained in the Fish and Wildlife regulations. Below are the three areas that received public testimony or written comment on. The remainder of the regulatory restructure did not have any comments.

Comment 1: Le Grand Horsemen's Camping Area

The Bureau of Natural Resources received 246 pieces of written comment objecting to removing the exclusive use for horses and horse trailers contained in the RICR 250-100-9.4. The majority of the comments received were photocopies of a form letter signed by each commenter at the bottom. All copies are retained as public record with the Division of Legal Services at the Department. The Department also received 18 comments through public testimony held on March 24, 2023 from 10:00 to 12:00 pm objecting to removing the exclusive use for horses and horse trailers as well.

Response to Comment 1:

The Department will accept this comment and will include language pertaining to LeGrand Reynolds Horsemen's Camping Area as noted below:

A. Camping in designated conservation management areas is allowed with official written permission or through a special use permit.

B. LeGrand Reynolds Horsemen's Camping Area
   a. No person may occupy Reynolds Horsemen's Area for more than a continuous four (4) day period with a one (1) day minimum break prior to any re-occupancy, unless with official written permission from Arcadia Forestry Headquarters.
   b. Use of this area is limited to campers with horses unless written permission from the Department is given.

Comment 2: Goddard Park Equestrian Area Rental

Much of the same public comment received relating to LeGrand Reynolds Horsemen's Camping Area also included opposition to charging a $30 parking fee to use the Goddard Park Equestrian Area. The fee table in current regulation indicates a $30 fee for users to occupy the equestrian area. There is no change to this fee and it is not a new fee. The Division of State Parks has been charging a $30 fee to user groups that want to use the area when they want to assemble there as a group with a special use permit.

Response to Comment 2:

The Department recognizes the confusion for the fee and its applicability and recommends making a technical change to the fee table to indicate current practice and have it say "$30 per day, per group" with an asterisk for the bottom of the page indicating that it only applies to groups with a special use permit. The Department also recommends amending the seasonal fee for the Equestrian Area to also say "$100 per season, per group" with another asterisk indicating that this only applies to groups with a special use permit.

Third Comment: First Amendment – Free Speech Concerns

The American Civil Liberties Union (ACLU) provided two objections on the proposed regulations. The first pertains to distributing materials on state property, their objection is that requiring a permit to distribute printed materials violates individuals' First Amendment rights. The second pertains to requiring a special use permit for groups to engage in any educational activities violates individuals' First Amendment rights.

Response to Comment 3:

The Department recognizes these concerns but recommends status quo with the current proposed language. This is a one-to-one shift in language and any further changes need further public input. According to internal legal analysis, speech that is afforded 1st Amendment protections does not mean that the protection is absolute. The time, place, and manner of said speech can be dictated but should be applied in a neutral manner and not geared towards the message that is being sent. These regulations have been in place for at least ten years with no further objection. There will be ample opportunity to review these regulations in the future once the restructure is finalized.