

# Rulemaking Advisory Committee

## Division 88

Sandy River Delta Use Restrictions  
Oregon Department of State Lands  
October 2, 2023



# Meeting Agenda

- 11:00 Welcome and Introductions
- 11:10 Agenda Review; Zoom Protocols
- 11:20 Rulemaking Process
- 11:30 Operating Principles; RAC Role
- 11:40 Rulemaking Purpose & Scope
- 11:50 Discussion – Draft Rule
- 12:30 Discussion – Draft Notice of Proposed Rulemaking
- 12:45 Interested Party Comments
- 12:55 Summary & Next Steps
- 1:00 Adjourn



# Meeting Participation Protocols

- Each person who wishes to speak will be asked to raise their hand.
  - For Zoom Participants
    - To raise your hand, click the reactions near the bottom of your screen and click “raise hand” or by pressing star 9 if you are on the phone.
    - *For technical support, please message us in the chat.*
    - Please keep your mic muted unless it is your turn to speak.
- Members will be called in the order in which hands are raised.
- We ask that all participants be respectful of each other and DSL representatives.



# Rulemaking Process

- The need for rulemaking is established and proposed rule language is drafted.
- The Department convenes a Rulemaking Advisory Committee.
  - The draft rule language is reviewed and approved.
  - The draft “Need for the Rules,” “Fiscal Impact Statement,” and “Racial Equity Statement” are reviewed and approved.
- A Notice of Proposed Rulemaking is published by the Secretary of State in the Oregon Bulletin.

# Rulemaking Process

- A public comment period is open for 30 days following the publication of the Notice.
- A public rule hearing is held approximately 15 days after the Notice is published.
- The proposed rule language is presented to either the State Land Board or the Department's Executive Director for final approval.
- The approved rule language is filed with the Secretary of State.



# RAC Operating Principles: Purpose and Roles

- Duties and Responsibilities of RAC Members
  - Advise the Department on proposed rule language.
    - Group is an advisory board.
    - Role is to provide advice and frame policy choices.
  - Attending and participating in the meeting.
  - Studying available information and providing input.
  - Consider a range of issues and options to:
    - Address them,
    - Discuss the pros and cons,
    - Seek to develop recommendations.



# RAC Operating Principles: Department Role

- Provide technical and administrative support, information, institutional knowledge and expertise, and advice to the RAC.
- Responsible for scheduling meetings, preparing meeting summaries, and maintaining a public record of the RAC process.

# RAC Operating Principles: Facilitator Role

- It is the responsibility of the facilitator to:
  - Ensure a safe, welcoming environment where all members can participate.
  - Conduct meetings to foster collaborative decision-making and consensus building.
  - Distribute meeting summaries that outline the topics discussed, the areas where there is agreement, and any remaining issues on which agreement was not reached.



# RAC Operating Principles: Facilitator Role

- The facilitator will not act as an advocate on behalf of any issue, interest group, or member.
- While the facilitator may make recommendations regarding the process, they will not make any substantive decisions.
- The facilitator will provide coordination between meetings, serving as the primary communicator between RAC members and between the RAC and the Department.

# RAC Operating Principles: Operating Procedures

- A consensus model will be used to facilitate decision-making and ensure the RAC benefits from the individual views, experiences, background, training, and expertise of the members.
- Consensus is a participatory process where the RAC members strive for recommendations that they can accept, support, live with, or agree not to oppose.

# RAC Operating Principles: Operating Procedures

- Expectations for the decision-making process include:
  - Members agree on the value of consensus; the group should strive to achieve it. As such, recommendations will be made by consensus of all present members.
  - Members agree to compromise and work together to find workable solutions in the commitment to achieving consensus.
  - Those with differing recommendations are responsible for proposing alternative solutions or approaches to resolve differences.
  - Meetings will be conducted in a way that fosters collaborative decision-making and consensus building.
  - Members will honor decisions made and avoid re-opening issues once resolved.
  - When consensus cannot be reached, the facilitator may invite documentation of differing opinions or viewpoints.

# RAC Operating Principles: Public Meetings and Records

- RAC meetings are considered public meetings and are open to the public.
- RAC members should be advised that all rulemaking records, including formal documents, rule drafts, meeting summaries and exhibits, meeting recordings, and communications, are public records and may be released in response to a public records request.
  - “Communications” refers to all statements and votes made during meetings, memoranda, work projects, emails and correspondence, and documents or materials developed to fulfill the goals of the rulemaking.

# RAC Operating Principles: Interested Parties

Interested parties are:

- Nonvoting meeting attendees.
- Invited to observe, but not permitted to participate during RAC member discussion.
- Able to provide a timed comment, as time allows, after RAC members have concluded business.

At a later date, after the RAC process has concluded, DSL will invite public comments on the proposed rules and will hold a public hearing, prior to consideration and adoption.



# Rulemaking Purpose and Scope

- DSL's public safety partners are reporting increased vehicle use and discharge of firearms at the Sandy River Delta.
- These permanent use-restrictions are meant to protect public health and safety and the environment.
- This rulemaking process is our opportunity to get feedback directly from those affected by these rules.
  - It may be helpful to examine proposed rule text through the lens of "how will this affect my day-to-day operations."
- DSL will factor significant feedback from the RAC into the proposed rule language, then the final proposed use-restrictions will be released for public review. After relevant public input has been considered, DSL will make a final recommendation on use-restrictions to the State Land Board in February of 2024.



# Need for the Rule

- The Department and partners are receiving increased reports of vehicles being driven and parked on Oregon-owned lands, and of firearms being discharged. Concerns with these uses include:
  - Firearm discharge puts people using the natural area at risk. Thick brush reduces visibility past 100 yards in most places. In addition, Troutdale Airport is directly across the river and aircraft frequently fly directly overhead.
  - Driving and parking in the natural area creates safety and health risks. Since trails are unlit and for pedestrian use only, the use of vehicles on them increases the risk and likelihood of injury. Fire risk is also increased when vehicles access the natural area as the heat from the engine and exhaust can ignite dry brush. The area has no maintained roads, and therefore vehicles park over brush.
  - Additionally, vehicles leak fuel, oil, and other toxic liquids, and introduce exhaust, affecting both human and environmental health. They can damage vegetation, create rutted trails, and increase runoff and soil erosion through soil compaction, both of which contribute to the degradation of water quality.

# Next Steps

- Public Comment Period
  - November 2023
- Public Rule Hearing
  - November 15, 2023
- Present to the State Land Board for Adoption
  - February 2024
- File with the Secretary of State
  - February 2024