



Oregon

Tina Kotek, Governor

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State Land Board

RE: Comment Opportunity: Rulemaking for General Authorizations Within Waters of Oregon

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

The Department of State Lands is seeking comments on proposed amendments to administrative rules in OAR 141-089 that guide how General Authorizations are issued and enforced in Oregon's wetlands, rivers, streams, lakes or other waters.

Tobias Read

State Treasurer

The rulemaking comment period is open from **February 1, 2024, through March 4, 2024.**

Work requiring the addition or removal of materials from Oregon's waters usually requires a removal-fill permit. Projects with minimal anticipated impacts to wetlands or waters may be eligible for a General Authorization without a removal-fill permit.

Pursuant to Oregon Revised Statutes (ORS) 196.850(7), the Department is required to review each General Authorization adopted by rule every five years, modifying, reissuing, or rescinding them as needed.

During the most recent review, the Department determined that revisions were necessary to promote habitat improvement, reflect current scientific research; increase usability for both staff and applicants; and align with current Department guidance and practices that have evolved since the last rulemaking effort in 2016.

This resulted in changes through proposed amendments to rule language, including:

- updating conditions of General Authorizations to ensure protection of the ecological and societal benefits, also known as the functions and values, of waters of this state;
- adding qualifying activities that have minimal or no adverse effect to waters of this state;
- removing two General Authorization types that are no longer being used and/or are duplicative of other regulatory tools for their authorization; and,
- generally, improving the consistency, readability, and organization of the rule language.

These amendments were informed by the experiences and recommendations of Department staff who administer General Authorizations and conduct compliance monitoring. The Department held extensive consultation with the Oregon Department of Fish and Wildlife and a Rulemaking Advisory Committee to shape the proposed rule language.

[Download a summary of the General Authorization \(GA\) activities \(PDF\)](#) that have proposed substantive changes and how the Department believes they address the staff findings from the 5-year rule review.

February 1, 2024

The Rulemaking Advisory Committee was convened monthly from May 2023 through October 2023 to advise on draft rule language, representing the interests and expertise of city and county government, home builders and property owners, ports, small businesses, environmental resource management organizations, and state agencies. The committee members greatly supported decision-making on waterway habitat restoration, encouraging the use of natural materials in improvement projects and use of native vegetation and trees in the proposed rules. For example, the committee highlighted nuanced considerations for streambeds in eastern Oregon and ensuring that tree width requirements were consistent with the native vegetation found in those areas.

How to Comment

Visit the DSL website to see a draft of the proposed rule, all related materials from the rulemaking process, and the online comment form: www.oregon.gov/dsl/Laws/Pages/Rulemaking.aspx

Feedback on the proposed rulemaking can be provided during a virtual public meeting on **Wednesday, February 21, 2024, at 6:00 p.m.** The meeting will begin with an information session, followed by a public hearing.

Meeting ID: 250 886 8653

Join online: [Click here for the meeting link](#) (Passcode: w#EnJ067)

Join by phone: 1-669-444-9171 (Passcode: 87671005)

Comments may also be submitted in writing by online form, emailed to dsl.rules@dsl.oregon.gov or mailed to DSL at 775 Summer Street NE, Suite 100, Salem, OR 97301.

The comment deadline is Monday, March 4, 2024.

Stay Updated

For the latest news on this draft rule and other proposed changes to administrative rules, subscribe to receive email updates or see the DSL website: www.oregon.gov/dsl/Laws/Pages/Rulemaking.aspx