



**PUBLIC RECREATIONAL USE OF STATE-OWNED LAND RULEMAKING
WILLAMETTE RIVER ISLANDS WITHIN THE EUGENE CITY LIMITS
JULY 17, 2019,
RULEMAKING ADVISORY COMMITTEE (RAC) SUMMARY**

Overview

A second meeting of the OAR 141-088 Rulemaking Advisory Committee was convened by the Oregon Department of State Lands (DSL or Department) on July 17, 2019, at City of Eugene Parks and Open Space offices. The RAC was convened to provide input on proposed rules to restrict the public recreational use of state-owned banks and islands on the Willamette River within the Eugene city limits.

Action Items

Members present expressed support for:

- RAC statement as drafted by the Facilitator following the group’s July 17 meeting:
 1. The proposed rules (as amended) meet their stated purpose to protect against: (1) the loss of, or damage to property; (2) the loss of, or damage to natural resources and the environment; (3) degradation of water quality; and (4) loss of, or damage to riparian vegetation and wildlife habitat.
 2. Implementation of these rules needs to be accompanied by a clearly defined enforcement program and broad public education efforts.
 3. While the RAC recognizes that the issue of houselessness is beyond the scope of this specific rulemaking, the RAC expresses its strong concern to state and local officials and agencies that these rules have the potential consequence of shifting the impacts of unauthorized camping to other public and private lands. The unauthorized camping issue is part of a larger issue of houselessness that state and local leaders are urged to proactively address, including through replacement areas for camping and expanded community services.
- Draft Fiscal Impact Statement, amended to note (1) that the discussion of fiscal and economic impacts should reflect the potential for positive effects; and (2) the discussion of effects on small business should note that there are no business activities on the affected lands during the hours of closure.

Attendance

Name	Affiliation
Margaret Hoff	Director, U. of O. Outdoor Program

Name	Affiliation
Ryan Turner	Natural Area Operations, Parks and Open Space, City of Eugene
Michelle Emmons	Restoration Manager, Willamette Riverkeepers
Ryan Sparks	Operation Support Manager, OR. Parks & Rec. Dept. (OPRD)
John Brown	Community Member
Jim Neu	Community Member
Eric Eason and Eric Hubbard	Eugene Police Department
Blake Helm	Proprietary Coordinator, DSL
Anne Friend	Rules Coordinator, DSL
Jacob Taylor	Proprietary Coordinator, DSL
Jim Owens	Consultant/Facilitator, Jim Owens Consulting Company

Welcome/Introductions/Agenda Review

Jim Owens, Facilitator, welcomed the group and led it through introductions, trivia, and a review of the day’s agenda.

Approval of June 18 Meeting Summary

There were no comments on the draft June 18 meeting summary.

Discussion/Approval of RAC Statement

Jim asked the group whether there were any comments or concerns about the draft RAC Statement that he circulated following the June 18 meeting. Jim Neu asked how a Court of Appeals ruling barring cities from removal of personal properties affects rule implementation. Ryan Turner advised that the City stores personal possessions for 30 days. With DSL contracting with the City for rule implementation, the intent of the Appeals Court ruling will be met.

In response to email comments from Michelle, Blake indicated that rule language has been clarified to indicate that the rule addresses all state-owned lands, including islands and lands below the high-water mark.

Jim queried the group on its support for the RAC Statement, with all members present in support.

Fiscal Impact Statement

Blake explained that a Fiscal Impact Statement is required to address how state agencies, local governments, small businesses and the public may be fiscally impacted by the rules.

The question was asked whether there would be an increased financial burden on law enforcement and on the City associated with storage of personal possessions. Ryan Turner indicated that the City is already cleaning up these lands; City costs are not expected to

increase by more than 10%. Blake noted that such an increase is not considered a significant fiscal impact.

The group agreed that potential effects on small business should be minimal, as the only businesses using these lands are rafting/fishing guides and there are no business activities on the affected lands during the hours of closure. Economic impacts are expected to be positive with improved public safety and reduced environmental degradation.

Members indicated support for the draft Fiscal Impact Statement, amended to reflect the potential for positive effects and noting that there are no business activities on the affected lands during the hours of closure.

Next Steps in Rulemaking Process

Anne Friend, DSL's Rules Coordinator, explained that this rulemaking is being combined with similar rulemaking for Swan Island in Portland. As a consequence, the public comment period will be moved to October following convening of a Swan Island RAC. There will be one public hearing for the Eugene rulemaking in Eugene and one for the Swan Island rulemaking in Portland, with a combined public hearing on the two rules in Salem. The Land Board is expected to hold a hearing to adopt the two rules in December. The intent is to have the rules take effect as of January 1, 2020.

An intergovernmental agreement (IGA) between DSL and the City of Eugene can proceed forthwith.

Summary and Next Steps

Jim summarized the group's discussion on the proposed RAC Statement and draft Fiscal Impact Statement. He, Blake and Anne all thanked the group for their willingness to serve on the RAC and for its input.