Rule Advisory Committee Meeting
Public Use on State Owned Lands
9 AM to 2 PM
Eugene, Oregon
This meeting is being recorded

June 18, 2019
AGENDA

Department of State Lands
Rulemaking Advisory Committee
Division 88 Public Use on State Owned Lands in Eugene
TUESDAY, JUNE 18, 2019
10:00 am – 2:00 pm
1820 Roosevelt Blvd, Eugene, Oregon

To Call-In: 1.888.278.0296, participant # 581433

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Topic</th>
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<tr>
<td>10:00 am</td>
<td>Introductions</td>
<td>Jim Owens, Facilitator</td>
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<td>10:15</td>
<td>Agenda Review &amp; Operating Principles</td>
<td>Jim Owens</td>
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<td>10:30</td>
<td>Project Purpose &amp; Scope</td>
<td>Blake Helm, DSL</td>
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<td>10:45</td>
<td>Rulemaking Process &amp; Schedule; RAC Role</td>
<td>Anne Friend, DSL</td>
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<td>11:00</td>
<td>Q/A &amp; Discussion</td>
<td>RAC Members</td>
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<td>12:00 pm</td>
<td>Lunch</td>
<td>Members on their own</td>
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<td>1:00</td>
<td>Continued Discussion</td>
<td>RAC Members</td>
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<td>Topics for Further Discussion</td>
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<td>Additional Information Needs</td>
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<td>Other Issues/Concerns</td>
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<td>1:45</td>
<td>Summary &amp; Next Steps</td>
<td>Jim Owens</td>
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<td>2:00 pm</td>
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Notes
- Future Meeting Dates (as needed): July 17 possibly last meeting; August 15 (possibly need) — both in Eugene
- Public Record: Meetings will be audio recorded, and a summary distributed to RAC members. These will represent the official public record of the RAC deliberations. Other public comments received at the RAC meetings will be included in the meeting record but not considered formal public comment. Formal public comment will be accepted during the public comment period in the Fall 2019.
- For additional information, contact:
  Jim Owens, Jim Owens Consulting Company
  503-201-4205
  jim@jgowens.com

PARKING INFO: Park in the parking lot and check-in with reception. Reception will direct RAC members to the correct room.
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<thead>
<tr>
<th>NAME (please print)</th>
<th>Affiliation (if any)</th>
<th>ADDRESS</th>
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<th>Add to Rules mailing List?</th>
<th>Are you a RAC Member or Public</th>
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<tr>
<td>Johnny Be Good</td>
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<td>Blake Helm &amp; Anne Friend - DSL</td>
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<td>Jay Vaughan - ON THE PHONE</td>
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# Rule Advisory Committee (RAC) Roster

OAR 141-088 RULES GOVERNING THE ESTABLISHMENT OF RESTRICTIONS ON THE PUBLIC RECREATIONAL USE OF STATE-OWNED LAND RULEMAKING

For the Eugene Area

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
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<tbody>
<tr>
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State Land Board

Regular Meeting
April 9, 2019
Agenda Item 6

SUBJECT

Request for approval to initiate rulemaking to impose restrictions on the public recreational use of state-owned land in Lane County.

ISSUE

Whether the State Land Board should initiate rulemaking to impose restrictions on the public recreation use of state-owned banks and islands on the Willamette River within the City of Eugene.

AUTHORITY

Oregon Constitution, Article VIII, Section 5, specifies that the State Land Board is responsible for managing lands of this state under their jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management.

ORS 274.025; describing state jurisdiction over submersible and submerged lands generally.

ORS 273.041 to 273.071; authorizing the Department of State lands to exercise the administrative functions of the State Land Board; relating to the general powers and duties of department and board.

OAR 141-088-0000; relating to the purpose and applicability of public recreational use of state-owned property.
OAR 141-088-0004; relating to restriction of the use of state-owned lands that pose a significant risk of harm or damage to the natural resources of the land or to the public.
SUMMARY

The City of Eugene currently manages most of the riverfront properties along the Willamette River, where it flows through the City limits. Actions include patrolling areas for illicit activities (camping, dumping, trash, graffiti) and the posting of occupied encampments for removal. Camping is not permitted on City property, and when active camps are encountered on parkland, a posting is left notifying campers that the area is scheduled for cleanup. The City conducts these cleanup activities along the Willamette River in the interest of protecting riparian habitat and water quality.

The City has previously cleaned up camps and dumping on islands in the Willamette River as they had assumed it was City property and therefore their responsibility. However, these islands were formed after statehood and through accretion, making them state-owned. In a typical month, the City of Eugene posts approximately 100 camps for cleanup throughout the City, approximately one third of which are along the Willamette River. Between January 1, 2017 and July 18, 2018, the City Parks Division posted and cleaned up 44 camps on islands in the Willamette River.

Since July 2018, the Department has been monitoring these state-owned lands with the assistance of Eugene Parks Division staff, the Eugene Police Department and the Oregon State Police. The City has documented illegal or nuisance activity on state-owned land. These activities include, but are not limited to:

- Offensive littering and dumping;
- Reckless burning and open fires;
- Damage to riparian vegetation and wildlife habitat;
- Interference with property; and
- Damage to property.

Attached you will find photo documentation collected by Parks and Recreation staff (Appendix B). Some of the illegal activities occur at night and are difficult for the Department and law enforcement to monitor. The repeated accumulation of garbage and human waste is a concern to wildlife habitat and water quality. Based on the ongoing issues, it is recommended that the Department engage in rulemaking to consider a permanent recreational restriction on all state-owned lands identified in Appendix A.
Below is draft rule language that the Department has proposed to use as an initial draft for this rulemaking effort.

OAR 141-088-
RESTRICTIONS FOR STATE-OWNED BANKS AND ISLANDS OF THE WILLAMETTE RIVER WITHIN THE CITY OF EUGENE
(Willamette River)

All state-owned land that is under the jurisdiction of the Department between the line of ordinary high water and the line of ordinary low water along the Willamette River, including all islands between these areas, between River Mile 178 and River Mile 184, between the Randy Pape Beltline Road Bridge and the Interstate 5 Bridge, located in Sections 18, 29, 30, 32 and 33, Township 17 South, Range 3 West, and Sections 13, 24 and 25, Township 17 South, Range 4 West, Willamette Meridian, in Lane County, Oregon is closed to:

(1) All uses between 10 p.m. and 5 a.m.
(2) The establishment of a campsite at any time. For purposes of this section, “campsite” means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove is placed, established or maintained for the purpose of maintaining a temporary place to live, whether such a place incorporates the use of any tent, lean-to, shack or any other structure.
(3) Fires at any time.

Excepted from this restriction are Government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, and Department authorized persons and adjacent landowners inspecting or maintaining property.

The draft rule language is consistent with existing recreational restrictions in OAR 141-088, will protect state-owned lands from damage, and will assist the City in the posting of occupied encampments for removal.

Upon approval to initiate rulemaking by the Board, the Department may convene a Rulemaking Advisory Committee (RAC) to review and provide input on the proposed rules, the “Notice of Proposed Rulemaking Hearing” and the “Statement of Need and Fiscal Impact.” The Department will solicit input on the proposed rules through a public comment period and will hold at least one public hearing on the proposed rules in Lane County.

The Department will take into consideration public comment, input from the RAC and other local and state agencies and affected stakeholders to determine the appropriate final proposed restrictions in accordance with OAR 141-088-0006.
Pursuant to OAR 141-088-0007(1), the Director is imposing an emergency closure of the state-lands in question while the Department works through the rulemaking process. The emergency closure will be in place for no longer than one year, as the Department intends to enact the proposed rule changes by Jan 1, 2020. Moreover, the emergency closure will help the City of Eugene address occupied encampments during the rulemaking process as well as illegal and nuisance activity.

Specific language of OAR 141-088-0007:

"Restrictions or Closures Imposed by the Director to Address an Emergency
(1) The Director may impose a restriction or closure in the event s/he determines that the restriction or closure is necessary to address an emergency.
(2) Restrictions or closures imposed by the Director to address an emergency will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.
(3) If the Director imposes a restriction or closure, the Department will:
(a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons or groups that the Department believes might be affected by the imposition of restrictions or a closure, or that have indicated that they want to be notified of such actions; and
(b) Post a notice of such proposed public use restrictions or closure:
(A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area of the subject restriction or closure within two weeks after the restrictions or closure take effect; and
(B) On the Department’s website upon imposition of the restrictions or closure at http://www.oregon.gov/DSL
Statutory/Other Authority: ORS 183, 273 & 274"

RECOMMENDATION

The Department recommends the State Land Board authorize the Department of State Lands to initiate rulemaking to impose restrictions on the public recreational use of state-owned banks and islands on the Willamette River within the city limits of the City of Eugene.

APPENDICES

A. Site map of state-owned banks and islands.
B. Photo documentation of occupied encampments.
Division 88
RULES GOVERNING THE ESTABLISHMENT OF RESTRICTIONS ON THE PUBLIC RECREATIONAL USE OF
STATE-OWNED LAND
141-088-0000
Purpose and Applicability
These rules:
(1) Govern the establishment of restrictions on the public recreational use of state-owned Trust and Non-Trust Land managed by the Department of State Lands (Department).
(2) Are in addition to those contained in OAR 141-082 (Rules Governing the Management of, and Issuing of Leases, Licenses, Temporary Use Permits and Registrations for Structures on, and Uses of State-Owned Submerged and Submersible Land) which govern the imposition of restrictions on the use of, and closures of state-owned submerged and submersible land for activities subject to authorization by the Department.
(3) Identify areas of state-owned land managed by the Department for which restrictions on public recreational use have been established by rule.
(4) Do not govern the establishment of restrictions on, or closure to the public recreational use of state-owned land administered by the Department of State Lands within the South Slough National Estuarine Research Reserve.
Statutes/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 5-2009, f. & cert. ef. 6-23-09
DSL 2-2004, f. & cert. ef. 6-11-04
141-088-0002
Definitions
(1) "Asset Management Plan" is the plan adopted by the State Land Board that provides the policy direction and management principles to guide both the short and long-term management by the Department of the Common School Fund’s real estate assets.
(2) "Department" means the Department of State Lands.
(3) "Director" means the Director of the Department of State Lands or designee.
(4) "Emergency" means a human created or natural event or circumstance that causes or threatens:
(a) Human life, health or safety;
(b) Loss of, or damage to property;
(c) Loss of, or damage to natural, historical, cultural or archaeological resources; or
(d) Damage to the environment.
(5) "Firearm", as defined in ORS 166.210(3), means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder.
(6) "Limited Duration" means a public recreational use of state-owned land that does not exceed 30-calender days in the same location.
(7) "Non-Trust Land" is land owned or managed by the Department other than Trust Land. Examples of Non-Trust Land include state-owned Swamp Land, and state-owned submerged and submersible land (land below ordinary high water) under navigable and tidally influenced waterways.
(8) "Person" includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies as well as any state or other governmental or political subdivision or agency, public corporation, public authority, or Indian Tribe.

(9) "Public Recreational Use" or "Public Recreational Uses" are those recreational activities that a person may conduct on state-owned land managed by the Department without having to obtain a prior authorization from the Department as required by these or other administrative rules adopted by the State Land Board. Such uses include, but are not limited to, limited duration hunting, fishing, sightseeing, wildlife observation, hiking, boating, swimming, camping and picnicking.

(10) "Removal" means a removal as defined in ORS 465.200.

(11) "Remedial Action" means a remedial action as defined in ORS 465.200.

(12) "State Land" or "State-Owned Land" is land owned or managed by the Department or its agents and includes Trust and Non-Trust Land.

(13) "Submerged Land" means land lying below the line of ordinary low water of all title navigable and tidally influenced waters within the boundaries of the State of Oregon.

(14) "Submersible Land" means land lying above the line of ordinary low water and below the line of ordinary high water of all title navigable and tidally influenced waters within the boundaries of the State of Oregon.

(15) "Trust Land" or "Constitutional Land" is all land granted to the state for the use of schools upon its admission into the Union, or obtained by the state as the result of an exchange of Trust Land, or obtained in lieu of originally granted Trust Land, or purchased with trust funds, or obtained through foreclosure of loans using trust funds.

Statutory/Other Authority: ORS 283, 273 & 274
Statutes/Other Implemented: ORS 273 & 274

History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0004

General Provisions

(1) All Trust and Non-Trust Land under the jurisdiction of the State Land Board and the Department is open and available for public recreational use provided that such use:

(a) Is legal under local, state and federal law;

(b) Is allowed under the Department's Asset Management Plan;

(c) Does not, due to the nature or duration of the use, unnecessarily prevent other persons from using the same state-owned land; and

(d) Does not, as determined by the State Land Board or the Department:

(A) Substantially interfere with the use of land by persons holding a written authorization from the Department to use the subject site(s), parcel(s) or area(s);

(B) Pose a significant risk of harm or damage to the natural, cultural and archaeological resources of the land or to the public; or

(C) Substantially interfere with tribal treaty rights.

(2) Any person may request that the Department impose restrictions on public recreational use of state-owned land, or close state-owned land managed by the Department to public recreational use. A request must be in writing and must clearly state the reasons such a restriction or closure is necessary.

(3) The Department may also identify state-owned land on which it believes public recreational use should be restricted or that should be closed to public recreational use.

(4) Restrictions or closures by the State Land Board or the Director will be:

(a) Based on a determination that the action is necessary to:
(A) Protect human life, health or safety;
(B) Prevent loss of, or damage to property;
(C) Prevent loss of, or damage to natural, historical or archaeological resources;
(D) Prevent damage to the environment;
(E) Facilitate or protect a removal or remedial action undertaken by or pursuant to an order issued by
the Oregon Department of Environmental Quality (DEQ) or the United States Environmental Protection
Agency (EPA);
(F) Fulfill an objective of an area management plan developed by the Department; or
(G) Meet other land management objectives or terms of any use authorization granted by the
Department.
(b) As limited in area, duration and scope as necessary to address the identified need for the restriction
or closure.
(5) All restrictions or closures will be promulgated by the State Land Board except that the Director may
impose a restriction or closure when the Director determines that:
(a) The restriction or closure is necessary to address an emergency; or
(b) The restriction or closure is necessary to facilitate or protect a removal or remedial actions
undertaken by or pursuant to an order issued by the Oregon Department of Environmental Quality
(DEQ) or the United States Environmental Protection Agency (EPA).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0005
Restriction or Closure Request and Review Process
(1) Upon receipt of a request to impose restrictions on, or close state-owned land to public recreational
use, the Department will review the request to evaluate the need for the restriction(s) or closure.
(2) As a part of its review, the Department may:
(a) Determine if feasible alternative approaches exist to address the problem(s) for which the
restrictions or closure is requested; and
(b) Contact persons or groups likely to be impacted by the proposed restrictions or closure including,
but not limited to, law enforcement officials, users of the subject site, area or parcel, and adjacent
landowners.
(3) Following its review of the request, the Department will make a recommendation to the Director
concerning whether to place the requested restrictions on the public recreational use of, or to close to
such uses the state-owned land.
(4) Upon receipt of the Department’s recommendation, the Director will determine whether the
restriction or closure must be promulgated by the State Land Board pursuant to OAR 141-088-0006, or
may be imposed by the Director pursuant to either OAR 141-088-0007 or 141-088-0008.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0006
Restrictions or Closures Adopted by the State Land Board
(1) All restrictions or closures by the State Land Board will be promulgated as rules in accordance with
ORS 183.310 to 183.410.
(2) The State Land Board will adopt the proposed restriction or closure to public recreational use if the Land Board determines:
(a) That the restriction or closure is necessary to:
(A) Protect human life, health or safety;
(B) Prevent loss of, or damage to property;
(C) Protect natural, historical, cultural or archaeological resources;
(D) Prevent damage to the environment;
(E) Facilitate or protect a removal or remedial action undertaken by or pursuant to an order issued by the Oregon Department of Environmental Quality (DEQ) or the United States Environmental Protection Agency (EPA) in pursuit of identifying and remediating contaminated soil or sediments on state-owned land;
(F) Fulfill an objective of an area management plan developed by the Department; or
(G) Meet other land management objectives or terms of a use authorization; and
(b) That there is no feasible alternative to accomplish that objective without imposition of a restriction or closure.

(3) Restrictions or closures adopted by the State Land Board will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.

(4) If the State Land Board adopts a restriction or closure by rule the Department will:
(a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons or groups that might be affected by the imposition of restrictions or a closure, or that have indicated that they want to be notified of such actions; and
(b) Post a notice of such proposed public use restrictions or closure at least four weeks before the time that the restrictions or closure is to take effect:
(A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area in which the proposed restriction or closure is to occur; and
(B) On the Department's website upon imposition of the restrictions or closure at http://www.oregon.gov/DSL

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274

History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0007

Restrictions or Closures Imposed by the Director to Address an Emergency
(1) The Director may impose a restriction or closure in the event s/he determines that the restriction or closure is necessary to address an emergency.

(2) Restrictions or closures imposed by the Director to address an emergency will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.

(3) If the Director imposes a restriction or closure, the Department will:
(a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons or groups that the Department believes might be affected by the imposition of restrictions or a closure, or that have indicated that they want to be notified of such actions; and
(b) Post a notice of such proposed public use restrictions or closure:
(A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area of the subject restriction or closure within two weeks after the restrictions or closure take effect; and
Restrictions or Closures Imposed by the Director to Facilitate or Protect Removal or Remedial Actions

(1) The Director may impose restrictions on, or close state-owned land if the Director determines that the restriction or closure is necessary to facilitate or protect any removal or remedial action undertaken by or pursuant to an order issued by DEQ or EPA.

(2) Restrictions or closures imposed by the Director will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.

(3) Before imposing a restriction or closure, the Department will provide a 30-calendar-day public comment period on the proposed restriction or closure. An affected party may request a public meeting with agency staff to be held during this 30-day period to discuss the proposed action.

(4) Notice of this public comment period and the opportunity to request a public meeting with agency staff will be:
   (a) Sent to affected local, state and federal government agencies and tribal governments, as well as other interested persons that have indicated that they want to be notified of such actions; and
   (b) Posted:
      (A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area one week before the start of the public comment period; and
      (B) On the Department’s website upon imposition of the restrictions or closure at http://www.oregon.gov/DSL.

(5) A restriction or closure imposed by the Director will not take effect until a date to be determined by the Director which must be at least four weeks following posting of a notice of the restriction or closure.

(6) If the Director imposes a restriction or closure the Department will:
   (a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons that have indicated that they want to be notified of such actions; and
   (b) Post a notice of such proposed public use restrictions or closure at least four weeks before the time that the restriction or closure is to take effect:
      (A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area before the start of the restrictions or closure is to take effect; and
      (B) On the Department’s website at http://www.oregon.gov/DSL.

Unauthorized Uses and Penalties

(1) The unauthorized use of state-owned land managed by the Department constitutes a trespass.
(2) In addition to any other penalties provided or permitted by law, the Department may pursue whatever remedies are available under law to ensure that any use that is in violation with these rules is either brought into compliance with the requirements of these rules or other applicable law, or ceased or removed.

(3) In addition to any other penalty or sanction provided by law, the Director may assess a civil penalty of not more than $1,000 per day of violation for violations of any provision of these rules or ORS 274 that occurs on state-owned submerged or submersible lands pursuant to ORS 274.992.

(4) The Director will give written notice of a civil penalty incurred under OAR 141-088-0009(3) by registered or certified mail to the person incurring the penalty. The notice will include, but not be limited to the following:

(a) The particular section of the statute or this rule involved;
(b) A short and clear statement of the matter alleged or charged;
(c) A statement of the party’s right to request a hearing within 20 calendar days of the notice;
(d) The time allowed to correct a violation; and
(e) A statement of the amount of civil penalty which may be assessed and terms and conditions of payment if the violation is not corrected within the time period stated.

(5) The person incurring the penalty may request a hearing within 20 calendar days of the date of service of the notice provided in OAR 141-122-0130(3). Such request must be in writing. If no written request for a hearing is made within the time allowed, or if the party requesting a hearing fails to appear, the Director may make a final order imposing the penalty.

(6) In imposing a penalty under OAR 141-088-0009 of these rules, the Director will consider the following factors as specified in ORS 274.994:

(a) The past history of the person incurring a penalty regarding other trespasses on state-owned land managed by the Department;
(b) Any prior violations of statutes, rules, orders and authorizations pertaining to submerged and submersible land;
(c) The impact of the violation on public trust uses of commerce, navigation, fishing and recreation; and
(d) Any other factors determined by the Director to be relevant and consistent with the policy of these rules.

(7) Pursuant to ORS 183.090(2), a civil penalty imposed under OAR 141-088-0009 will become due and payable 10 calendar days after the order imposing the civil penalty becomes final by operation of law or on appeal.

(8) If a civil penalty is not paid as required by OAR 141-088-0009, interest will accrue at the maximum rate allowed by law from the date first due.

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274

History:
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0010

Restrictions for the State-Owned Property at Dibblee Point (Columbia River)

All state-owned land that is under the jurisdiction of the Department in the area known as Dibblee Point or Slaughter’s Bar, between Columbia River Mile 64.0 and Columbia River Mile 66.0, lying between the Burlington Northern Railroad and the left bank of the Columbia River, west of the Longview Rainier Bridge, in Sections 1 and 12, Township 7 North, Range 3 West, and Sections 7 and 8, Township 7 North, Range 2 West, Willamette Meridian, in Columbia County, Oregon, is closed to all uses between 10 p.m. and 5 a.m.

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Restrictions for the State-Owned Banks of the McKenzie River Bar
All state-owned land that is under the jurisdiction of the Department between the line of ordinary high water and line of ordinary low water along the north bank of the McKenzie River across from Armitage State Park, between River Mile 6.5 and River Mile 7.2, located in Sections 9 and 10, Township 17 South, Range 3 West, Willamette Meridian, in Lane County, Oregon, is closed to overnight camping and motor vehicles, except watercraft, between 10 p.m. and 5 a.m.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04
Reverted to LB 3-1989, f. & cert. ef. 5-18-89
DSL 5-1998(Temp), f. & cert. ef. 5-4-98 thru 10-28-98
LB 3-1989, f. & cert. ef. 5-18-89
LB 4-1988(Temp), f. & cert. ef. 11-7-88

Restrictions for the State-Owned Banks of the Sandy River
All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water and on river islands on the Sandy River from River Mile 0.0 to 37.5 is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Open fires at any time beginning May 1 and ending November 1 of every year.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

Restrictions for the State-Owned Banks of the Columbia River in the Vicinity of Dodson and Warrendale
All state-owned land that is under the jurisdiction of the Department in the vicinity of Dodson to Warrendale that is between the line of ordinary high water and the line of ordinary low water on the Columbia River from River Mile 139.5 to 142.5 is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Open fires at any time beginning May 1 and ending November 1 of every year.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04
141-088-0050
Restrictions for the State-Owned Banks of the Chetco River
All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the Chetco River from the Highway 101 Bridge to River Mile 11 (about one mile upstream from the mouth of Elk Creek) is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Open fires at any time beginning May 1 and ending November 1 of every year, unless a longer period is ordered by the Coos Forest Protective Association.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0055
Restrictions on Use of Motorized Vehicles in the State-Owned Bed and Banks of the Chetco River
(1) All state-owned land that is under the jurisdiction of the Department that is below the line of ordinary high water on the Chetco River from the Highway 101 Bridge to River Mile 11 (about one mile upstream from the mouth of Elk Creek) is closed to any and all use by motor vehicles within the wetted channel of the main stem of the river. Excepted from the closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching or the retrieving of boats, vehicles operating under an authorization issued by the Department, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) For the purposes of this rule, “wetted channel of the main stem” means state-owned submerged and/or submersible land of the primary segment of the river that is inundated by the waterway at the time of use.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2013, f. & cert. ef. 9-1-13

141-088-0060
Restrictions for the State-Owned Banks of the Willamette River in the Vicinity of Wheatland Bar Island and Willamette Mission State Park and Adjacent Upland
All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the Willamette River, and all state-owned upland that is managed by the Department that is also in the vicinity of, or that comprises Wheatland Island or Willamette Mission State Park is closed to:
(1) All uses between 10 PM and 5 AM throughout the year,
(2) Open fires at any time beginning May 1 and ending November 1 of every year, and
(3) All-terrain vehicles or other motorized vehicle uses except for those involved in the loading or unloading of recreational watercraft and parking during allowable use periods (i.e., 5 A.M. to 10 P.M.).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04
141-088-0070
Restrictions for the State-Owned Bed and Banks of the Willamette River in the Vicinity of the Former McCormick-Baxter Plant
All state-owned land that is under the jurisdiction of the Department that is on the north side of the Willamette River at about River Mile 7 and fronting and abutting the site of the former McCormick-Baxter Plant, the Burlington Northern Bridge, and Willamette Cove as described in easement EA-31530 is temporarily closed to all public uses during the construction period while a sand cap is being placed over contaminated sediments.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0080
Restrictions for the State-Owned Banks of the Columbia River in the Vicinity of the Gary Island
All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the south bank of the Columbia River in the vicinity of Gary Island between River Mile 123.5 and 124.5 is closed to any use without prior written authorization from the Department.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0090
Closure of Sand Lake Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Sand Lake estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of Mean High Tide corresponds to a tide stage of 7.5 feet (Mean Lower Low Water Datum). The Head of Tide in the Sand Lake estuary extends to the upper limit of the lake. (Sections 19, 20, 29, 30, 31 and 32 of Township 3 South, Range 10 West, Willamette Meridian.)
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0100
Closure of Silcoos River Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Silcoos River estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles.
performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).

(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Siletz River estuary is approximately River Mile 6.5, at the Siletz Lake Outlet (Sections 32, 33, and 34 of Township 11 South, Range 12 West, Willamette Meridian).

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-010
Closure of Tenmile Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Tenmile Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).

(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Tenmile Creek estuary is approximately River mile 1.1, at the Tenmile Lake Outlet (Sections 22, 23, and 14 of Township 23 South, Range 13 West, Willamette Meridian).

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0120
Closure of Tahkenitch Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Tahkenitch Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities and vehicles engaged in repair of fences and placement of bank protection material.

(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).

(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Tahkenitch Creek estuary is approximately River Mile 1.2, at the Tahkenitch Creek Outlet (Sections 19 and 20, Township 20 South, Range 12 West, Willamette Meridian).

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274

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History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0130
Closure of Berry Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Berry Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).

(3) The elevation of the Mean High Tide corresponds to a tide stage of about 6.3 feet (Mean Lower Low Water Datum). The location of Head of Tide on Berry Creek is approximately the same as the line of Mean High Tide on the beach.

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0140
Closure of Sutton Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Sutton Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).

(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet, (Mean Lower Low Water Datum). The location of Head of Tide on Sutton Creek is approximately River mile 0.4 (Section 28, Township 17 South, Range 12 West, Willamette Meridian).

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0150
Closure of Twomile Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Twomile Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).

(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.3 feet, (Mean Lower Low Water Datum). The location of Head of Tide on Twomile Creek is approximately River Mile 0.6 (Section 13, Township 29 South, Range 14 West, Willamette Meridian).

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0160
Closure of New River, Floras Creek and Fourmile Creek
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within New River and its tributaries, Fourmile Creek and Floras Creek, is closed to any and all use by motor vehicles. Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).

(a) The elevation of Mean High Tide corresponds to a tide stage of about 6.3 feet (Mean Lower Low Water Datum).

(b) The Head of Tide in New River is approximately River Mile 3.1 (Section 15, Township 30 South, Range 15 West, Willamette Meridian).

(c) The location of Head of Tide in Fourmile Creek is approximately River Mile 0.7 (Section 2, Township 30 South, Range 15 West, Willamette Meridian).

(d) The location of Head of Tide in Floras Creek is approximately River Mile 0.2 (Section 5, Township 31 South, Range 15 West, Willamette Meridian).

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0170
Closure of Euchre Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Euchre Creek estuary is closed to any and all use by motor vehicles. Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).

(3) The elevation of the Mean High Tide corresponds to a tide stage of about 6.6 feet, (Mean Lower Low Water Datum). The location of Head of Tide of Euchre Creek is approximately the same as the line of Mean High Tide on the beach.

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0190
Closure of Pistol River Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Pistol River estuary is closed to any and all use by motor vehicles. Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.3 feet, (Mean Lower Low Water Datum). The location of Head of Tide on Pistol River is approximately River Mile 1.4 (Section 20, Township 38 South, Range 14 West, Willamette Meridian).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-068-0190
Restrictions for the State-Owned Property at Jones Beach (Columbia River)
All state-owned land that is under the jurisdiction of the Department in the area known as Jones Beach, between Columbia River Mile 46.0 and Columbia River Mile 48.0, lying north of River Front Road, in Sections 33 and 34, Township 8 North, Range 5 West, in Columbia County, Oregon, is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) All-terrain vehicles as defined in ORS 801.190–194 throughout the year. Excepted from these restrictions are Government-owned vehicles on official business, street legal class II all-terrain vehicles during open use hours, public and private vehicles performing company business, vehicles involved in rescue or emergency activities, district authorized persons and landowners inspecting or maintaining levees and fences.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 3-2013, f. 11-12-13 cert. ef. 12-1-13

141-088-0195
Restrictions for the State-Owned Property at Stevens Road
All state-owned land that is under the jurisdiction of the Department in the area known as the Stevens Road Tract, in Section 11, Township 18 South, Range 12 East, in Deschutes County, Oregon, is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Any and all use by motor vehicles, and
(3) Open fires throughout the year, and
(4) Any and all discharge of firearms.
Excepted from this restriction are government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, Department authorized persons and adjacent landowners inspecting or maintaining fences.
Restrictions for the State-Owned Property on the West Half of Juniper Canyon Parcel
All land west of Juniper Canyon Road that is under the jurisdiction of the Department in the area known as the West Half of Juniper Canyon Parcel, in Section 34, Township 15 South, Range 16 East, in Crook County, Oregon, is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Any and all use by motor vehicles, and
(3) Open fires throughout the year, and
(4) Any and all discharge of firearms.
Excepted from this restriction are government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, Department authorized persons and adjacent landowners inspecting or maintaining fences.

Restrictions for the State-Owned Property on the South Redmond Parcel
All state-owned land that is under the jurisdiction of the Department in the area known as the South Redmond Tract, in Sections 32 and 33, Township 15 South, Range 13 East, in Deschutes County, Oregon, is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Open fires throughout the year.
Excepted from this restriction are government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, Department authorized persons and adjacent landowners inspecting or maintaining fences.

Adopt:

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15

Statutory/Other Authority: ORS 183, 273 & 274
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Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15

Adopt:
141-088-0210
Restrictions for the State-Owned Banks and Islands Property on the Willamette River within the City Limits of Eugene.

All state-owned land that is under the jurisdiction of the Department between the line of ordinary high water and the line of ordinary low water along the Willamette River, including all islands between these areas, between River Mile 178.2 and River Mile 184, between the Sandy Pines Bolivian Road Bridge and the Interstate 5 Bridge, located in Sections 18, 29, 30, 32 and 33, Township 17 South, Range 3 West, and Sections 13, 24 and 25, Township 17 South, Range 4 West, Willamette Valley, in Lane County, Oregon is closed to.
(1) All uses between 10 p.m. and 5 a.m.

(2) The establishment of a campsite at any time. For purposes of this section, "campsite" means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove is placed, established or maintained for the purpose of maintaining a temporary place to live, whether such a place incorporates the use of any tent, lean-to, shack or any other structure.

(3) Fires at any time.

Excepted from this restriction are Government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, and Department authorized persons and adjacent landowners inspecting or maintaining property.

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
RULEMAKING ADVISORY COMMITTEE OPERATING PRINCIPLES

I. PURPOSE AND ROLES
The Oregon Department of State Lands (DSL) is conducting rulemaking to restrict the public recreational use of state-owned banks and islands on the Willamette River within Eugene city limits, Lane County, Oregon (OAR 141-088). The restrictions are designed 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.

A. Duties and Responsibilities
RAC members agree to fulfill their responsibilities through attending and participating in meetings, studying available information, and providing input to DSL. Members agree to participate in good faith and to act in the best interests of the group and its charge. To this end, members agree to place the interests of the State above any personal or organizational affiliations or other interests.

Members are expected to consider a range of issues and options to address them, discuss the pros and cons of the issues/options presented, and seek to develop recommendations reflecting the “sense of the group”.

Members acknowledge that the group is an advisory body to DSL and that its role is to provide advice and frame policy choices and that rulemaking authority rests with DSL and State Land Board.

Member responsibilities include:
- Review background materials to understand the issues to be addressed in the review process;
- Work collaboratively with one another to explore issues and develop recommendations;
- Consider and integrate general public input into recommendations as appropriate.
B. Membership and Term

As an advisory group, membership and terms are solely at DSL's discretion. Membership is intended to represent a diversity of expertise, skill sets and viewpoints.

Members may be represented by alternates with a minimum of 24 hours of notification to the DSL Project Manager or the Facilitator.

The RAC will convene beginning in June 2019 and is expected to meet no more than three (3) times between June 2019 and August 2019. Unless so requested by DSL and agreed to by the RAC, the RAC's responsibilities will conclude at that time. A tentative schedule of RAC meetings is:

- Meeting #1: June 18th, 2019
  Purpose: Introductions, outline process, discuss proposed rule
- Meeting #2: July 17th, 2019
  Purpose: Discuss member changes to or issues with rule, make recommendations to DSL
- Meeting #3: August 15th, 2019
  Purpose: (if needed) continue discussion, finish recommendations to DSL

C. DSL Role

DSL will provide technical support, substantive expertise, logistical assistance, administrative assistance, and advice to the RAC, but may not be represented on it, depending on the type of rulemaking that is being conducted.

D. Facilitator Role

DSL will contract with an independent, neutral third party whose role is to facilitate the meetings, help develop recommendations, and produce meeting summaries. As a neutral collaborative process provider, the Facilitator will not act as an advocate on any issue, any interest group, or any member. While the Facilitator may make recommendations regarding the process, he/she will not make any substantive decisions.

The Facilitator will both facilitate meetings and provide coordination between meetings. The Facilitator will serve as liaison among members and between the group and DSL; in that role, the Facilitator will be responsible for communications with and within the group. Information disclosed in confidence will be kept confidential by the Facilitator. To the extent issues arise with the process, group members are encouraged to approach the Facilitator.

In addition, it is the responsibility of the Facilitator (whether DSL or outside facilitator) to:

- Ensure a welcoming meeting environment where all members can participate.
- Ensure a safe environment for minority opinions.
- Conduct meetings in a manner to foster collaborative decision-making and consensus building.
- Prepare meeting summaries that outline the issues discussed, the areas in which there is agreement, and any remaining issues on which agreement was not reached.
Members will not interfere with the Facilitator’s conduct of meetings. Concerns regarding how meetings are being facilitated may be brought to the attention of the Facilitator and/or DSL at times that they do not disrupt meeting activities, e.g. during breaks in meetings or between meetings.

II. OPERATING PROCEDURES

A. Protocols

All members agree to act in good faith in all aspects of the RAC process. This includes being honest and refraining from undertaking any actions that will undermine or threaten this process. It also includes behavior outside of meetings. Expectations include:

- Members should try to attend all meetings. If a meeting is missed, the member is encouraged to contact the Facilitator for a briefing. Members who do not attend a meeting may not seek to revisit issues from the missed meeting that were noticed on the agenda and on which discussion was completed at the missed meeting.
- Members agree to be respectful at all times of other representatives, staff, and audience members. They will listen to each other to seek to understand the other’s perspective, even if they disagree.
- Members agree to make every effort to bring all aspects of their concerns about these issues into this process to be addressed.
- Members agree to refrain from personal attacks, intentionally undermining the process, and publicly criticizing or mis-stating the positions taken by any other participants during the process.
- Any written communications, including e-mails, blogs and other social networking media, will be mindful of these procedural ground rules and will maintain a respectful tone even if highlighting different perspectives.
- Members are advised that e-mail, blogs and other social networking media may be considered public documents. E-mails and social networking messages meant for the entire group will be distributed via the Facilitator.
- Requests for information made outside of meetings will be directed to the Facilitator. Responses to such requests will be limited to items that can be provided within a reasonable amount of time.
- While not precluded from communicating with the media, members agree to generally defer to DSL for all media communications related to the group’s process and its recommendations;
- Members agree to raise all of their concerns, especially those being raised for the first time, at group meetings and not in or through the media.

B. Operating Procedures

A consensus decision-making model will be used to facilitate decision-making and to ensure that the group receives the collective benefit of the individual views, experience, background, training and expertise of its members. Consensus is a participatory process whereby, on matters of
substance, the representatives strive for agreements that they can accept, support, live with, or agree not to oppose.

Expectations for the decision-making process include:

- Members agree that consensus has a high value and that the group should strive to achieve it. As such, decisions recommendations will be made by consensus of all present members.
- The commitment to work for consensus means that members will participate in the give and take of the process in a way that seeks to understand the interests of all and will work together to find solutions workable for all.
- When consensus cannot be reached, the Facilitator may invite minority opinions for documentation. Those with minority opinions are responsible for proposing alternative solutions or approaches to resolve differences.
- Meetings will be conducted in a manner deemed appropriate to foster collaborative decision-making and consensus building.
- Members will honor decisions made and avoid re-opening issues once resolved.

C. Public Status Meetings and Records

Meetings are open to the public; however public testimony will generally not be allowed at RAC meetings. There will be an opportunity for public comment and public hearings prior to the completion of the rulemaking process, but not as part of the RAC meetings. The Public Meetings Law does not apply to meetings of the RAC but will serve as a guide to the operation of the meetings. DSL encourages members to deliberate in formal RAC meetings and share information equally with all RAC members when responding to questions that are asked outside of the RAC meeting, in order to avoid the perception that information is being withheld from the public RAC process.

RAC records, including formal documents, discussion drafts, meeting summaries and exhibits, are public records. Communications of the RAC are not confidential because the meetings and records of the RAC are open to the public. “Communications” refers to all statements and votes made during meetings, memoranda, work projects, records, documents or materials developed to fulfill the charge, including email correspondence in the custody of DSL.