



OAR 141-088 RAC Meeting #1 Summary

July 7, 2022, 2:00 PM

Overview

The OAR 141-088 Rulemaking Advisory Committee was convened by the Oregon Department of State Lands on July 7, 2022 at 2:00 PM via Teams. The RAC was convened to provide input on proposed amendments to the administrative rules governing the establishment of restrictions on the public recreational use of state-owned land on Hayden Island, in Multnomah County.

RAC Members and Attendance

Present?	Name	Affiliation
Yes	Michael Leloff	Security Office, Rodeway Inn and Suite
Yes	Ron Schmidt	President, WOOO
Yes	Chris Hathaway	Staff, Lower Columbia Estuary Partnership
Yes	Cathy Evanson	Resident, Hayden Island; Board Member, WOOO
Yes	Michael Phelps	Program Supervisor, Cascadia Behavioral Healthcare
Yes	Chad Diekmann	Deputy, Multnomah Co. Sheriffs Dept, River Patrol
Yes	Lucas Hillier	Staff, City of Portland
Staff/Advisors		
Yes	Blake Helm	Proprietary Specialist, DSL
Yes	Jacob Taylor	Outreach Coordinator, DSL
Yes	Danielle Boudreaux	Rules and Records Coordinator, DSL
Interested Parties		

Welcome and Introduction/Agenda Review; Teams Protocols

Blake Helm (DSL) welcomed RAC members; staff and RAC members introduced themselves after being called on. Blake reviewed the agenda and protocols for interacting via Teams.

Rulemaking Process/Operating Principles; RAC role

Blake Helm (DSL) briefly discussed the rulemaking process, touching on major parts of the process such as the Secretary of State filing, the public comment period and public hearing, the RAC, and public documents created through the RAC, like the Fiscal Impact Statement and Final Rules. Blake Helm (DSL) reviewed the RAC Operating Principles, reviewing the roles of DSL and RAC members and what responsibilities each have. Discussion included how members are to communicate and collaborate, and their agreement to treat all parties with respect.

Rulemaking Purpose and Scope

Jacob Taylor (DSL) began discussion by providing some background of the issue and how DSL came to initiate the rulemaking process. Jacob provided context for the purpose and scope of the rulemaking, namely that the restrictions are focused on illegal and nuisance activities and are limited in scope, time and geographic extent.

Discussion: Draft Rules

Jacob Taylor (DSL) led by reading Draft Rules and providing RAC members time to review the language. Discussion began by hearing initial thoughts from RAC members. There was a suggestion to change the time restriction to 9PM to 6AM because of issues of enforcement. Information was provided that even though River Patrol currently stops patrolling at 10PM, in the past they have patrolled later and Portland Police Bureau respond to emergencies 24/7, though response may be limited because of current workloads at the Police Bureau. Law enforcement provided feedback regarding current enforcement and how camp clean ups help prevent future enforcement and reduce calls to the agencies for assistance at the site.

Concerns were raised about the language in the exceptions, namely that corporations are allowed to conduct company business on the property since this exception was being used to evade enforcement. Comments were provided that language regarding the placement of a stove was incorrect and suggest changing. Positive impacts to the environment, water quality, businesses and surrounding communities were discussed. Discussion also included how camp clean ups have reduced the number of service calls to the site.

Discussion: Draft Fiscal Impact Statement

Jacob Taylor (DSL) led by reading Draft Fiscal Impact Statement and providing RAC members time to review the language. Discussion began by hearing initial thought from RAC members. RAC members suggested that the economic impacts of these rules would likely be positive because of reduced property damage/theft experienced by members of the unhoused community living at this camp. RAC members also suggested reduced costs to law enforcement because they would not have to respond to so many issues at this location.

Concerns were raised around small businesses such as river touring/guiding that may have used this area to serve clientele between the hours of 10PM and 5AM. Further discussion pointed out that there are several other areas in the vicinity that could be used by these businesses, so the impact was thought to be minimal.

RAC members also suggested removing a statement about increased transportation costs paid by houseless individuals traveling to other locations to camp because this area was previously accessed

illegally by trespassing across private property, anyone entering the property legally will not experience any increased transportation costs.

Summary and Next Steps

RAC Members provided input on proposed rule language through thoughtful discussion. Consideration was given to small businesses and local communities that may be impacted by these rules. Discussion pointed out several issues with rule language that were incorporated into updated rule language that will be provided to RAC members for approval.

After RAC approval, the Rules will be put out for a public review period for 30 days where the Department will accept and consider comments from all Oregon residents. After comments are considered and, if necessary, incorporated into the rule language, the rules will be presented to the State Land Board at their October meeting for approval before becoming permanent rules.