

Summary of Rules Advisory Committee

In attendance:

Anne Friend	Department of State Lands, Rules Coordinator
Bree Yednock	Department of State Lands/South Slough Reserve
Jonathan Forth	Department of State Lands/South Slough Reserve
Rebecca Muse	Department of State Lands/South Slough Reserve
Fiona Bai	Oregon International Port of Coos Bay
Laura Dorbuck	Public/Neighboring Landowner
Dave Lacey	South Coast Tours
Marty Giles	Wavecrest Discoveries
Larry Qualman	Qualman Oyster Farms
Courtney Krossman	Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
Stacy Scott	Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

The Rules Advisory Committee (RAC) met on August 20, 2019, at 9am at the South Slough Reserve Visitor Center. The meeting started with an overview of the rulemaking process by Anne Friend and a summary by Bree Yednock of the Reserve's governing structure and history related to the development of a special use permit for regulating commercial guiding the reserve.

Input on Proposed Rule Language

The RAC provided input on the proposed rule language, emphasizing the need to clarify terms. For example, the term *noncommercial* is used in the proposed rule language, but it is not included in the Definitions section of OAR 142-010-0010. There was discussion of who would be considered *noncommercial*: examples included community college and noncommercial groups like paddle clubs and 501c(3) non-profit groups that lead naturalist trips at no cost. The Port of Coos Bay would also be considered a noncommercial entity.

It was also recommended that the rule language or permit language include wording to indicate that changes have been made to Oregon statutes and rules relating to cultural artifacts.

Overall, the RAC was in favor of the proposed rule language because it provided flexibility for the Commission and Reserve Manager to modify the permit conditions if needed in the future without having to go through another rule change.

Input on Notice of Proposed Rulemaking Filing Including Statement of Fiscal and Economic Impact

The RAC reviewed the filing document and recommended clarification that commercial guiding has been an existing use for years. It was also recommended that language be added to describe that the annual permit fee could have a significant financial impact on small guiding businesses who choose to apply for a permit.

It was recommended that the required reporting by commercial guides include a comments section for additional information that would be helpful to the Port of Coos Bay, the Tribes, and the Reserve, such

as: launch and take out sites, time spent on the water, the number of other paddlers/public observed at the Port of Coos Bay and Reserve launch sites and on the water, location of any observed looting or impacts to cultural resource sites, and the location of any observed activities the Reserve should be aware of (e.g. illegal camping, vandalism, dumping).

Additional Input

The RAC provided additional information for the Commission to consider related to the permit process and guidelines. The need for an outreach plan was identified to make all potential guides aware of the permit requirement and process. A need was also identified for outreach to local rental companies and the general public about approved paddle launch and rest sites, as well as prohibited areas, as specified in the permit.

Recognizing that the Reserve regularly reviews its fee schedule, it was suggested that a flexible fee range be considered in the future to make permits more accessible to smaller operations that may only be interested in leading a few trips per year.

There was concern that the South Slough could become overcrowded. Bree Yednock and Jonathan Forth provided information on the Reserve's Management and Monitoring Plan (currently in draft form) that will be implemented to assess any potential impacts and adaptively manage this activity.

Moving Forward – steps left to complete rulemaking process

1. Adjust the definitions to include “noncommercial” and make any other changes needed to the proposed language.
2. Submit to the Secretary of State (SOS) by the last week of September the proposed permanent rule for the public comment period to be held during the month of October.
3. Send out notices via listserv and interested parties list that the rule will be open for public comment.
4. Hold a public hearing at the South Slough Reserve Visitor Center during the last part of October; details to be determined.
5. Close the comment period and create a summary of all comments received.
6. Send final proposed rule to DOJ for review.
7. Bring to SSNERR Management Commission for final approval to adopt the rules at the November 2019 meeting.
8. File w/SOS the permanent rule to be effective December 1, 2019, before the temporary rule expires on December 10, 2019.