

Rulemaking Racial Equity Statement

Division 141-089: Administrative Rules Governing the Issuance and Enforcement of General Authorizations in Waters of This State

The Oregon Department of State Lands (DSL or Department) is committed to the fair, just, and unbiased treatment of people of all races. Actively identifying and addressing inequities to ensure inclusive public service is one of the Department's five core values.

Evaluating who a proposed administrative rule will impact, and how the rule may impact some groups of people differently than others, is essential to providing equitable service. During the rulemaking process for proposed changes to the issuance and enforcement of General Authorizations in waters of this state, the Department and the Rulemaking Advisory Committee examined the following to ultimately determine the impacts the rule may have on racial equity:

- **What persons and groups are subject to the rule?** Persons and groups subject to this rule include those seeking to fill or remove material from waters of this state (e.g., rivers, streams, lakes, ponds, wetlands, some ditches, bays, estuaries, and the Territorial Sea). Such persons and groups may be private, commercial, institutional, or governmental owners (or controllers) of land within or along such waters, Tribes (discussed further below), nonprofit organizations for habitat improvement, and, in some cases, professional consulting services that may be employed for regulatory compliance services. Activities may be for the purposes of certain land improvements that have minimal impact to aquatic resources, maintenance and reconstruction of improvements, or habitat enhancement within or along waters of this state.
- **What issues are the rule seeking to address?** Proposed are certain changes to existing rules for the administration and enforcement of General Authorizations in waters of this state. Broadly, the changes include updating general and activity-specific conditions of authorizations to ensure protection of the functions and values of aquatic resources, adding some additional minimal impact and habitat enhancement activities that may qualify for these expedited General Authorizations, and deletion of two previously qualifying activities (removal of sediment behind tidegates and certain limited transportation-related activities) because they are no longer used or can be authorized by other administrative tools.
- **Which racial groups are likely to be affected by those issues?** The Department does not collect data of the racial make-up of General Authorization applicants, however the number of General Authorization applications from the Tribes is known. While the Tribes are infrequent users of General Authorizations (three uses in the last five years), it is conceivable that the proposed rule changes may increase the use of this expedited regulatory tool by the Tribes.

Racial groups not regulated by these rules may still experience some benefit from the additional environmental protections afforded by the proposed rule changes and may benefit from the more rapid approval of certain public benefit projects that involve

removal or fill in waters of this state. It is expected that these benefits would be accrued proportionately to the racial make-up of a given community or area.

- **Ultimately, what impacts may this rule have on racial equity?** Considering the information above, the Department concludes that the proposed changes to this rule are unlikely to impact racial equity in Oregon.