



## OAR 141-090 RAC Meeting #1 Summary

Thursday, October 20 – 10AM to Noon

### Overview

The OAR 141-090 Rulemaking Advisory Committee was convened by the Oregon Department of State Lands on October 20, 2022, via Zoom. The RAC was convened to provide input on proposed amendments to the administrative rules for wetland delineation report requirements and for jurisdictional determinations for the purpose of regulating fill and removal within waters of the state.

### RAC Members and Attendance

Name	Affiliation	Present?
<b>Members</b>		
Allen Martin	Geo Resources	Y
Brad Livingston	Oregon Department of Transportation	
Jessica Dorsey	League of Oregon Cities	
Jodi Forgione	Schott & Associates, Inc.	Y
John van Staveren	Pacific Habitat Services, Inc.	
Branden Pursinger	Association of Oregon Counties	
Lauren Poor	Oregon Farm Bureau	Y
Phil Scoles	Terra Science, Inc.	Y
Stacey Reed	AKS Engineering & Forestry	Y
Katie Ryan	The Wetlands Conservancy	Y
Samantha Bayer	The Oregon Home Builders Association	Y
Ed Strohmaier	Tetra Tech	Y
<b>Staff/Advisors</b>		
Bill Ryan	DSL, Deputy Director	
Danielle Boudreaux	DSL, Rules and Records Coordinator	Y
Pete Ryan	DSL, Project Manager	Y
Lynne McAllister	DSL, Jurisdiction Coordinator	Y
Dana Hicks	DSL, Planning & Policy Manager	
Steve Faust	3J Consulting, Inc., Facilitator	Y
<b>Interested Parties</b>		
Melanie O'Meara	US Army Corps of Engineers	
Chris Stevenson	DSL, Jurisdiction Coordinator	
Daniel Evans	DSL, Jurisdiction Coordinator	
Jess Salgado	DSL, Jurisdiction Coordinator	Y
Jevra Brown	DSL, Jurisdiction Coordinator	Y

Name	Affiliation	Present?
<b>Members</b>		
Matt Unitis	DSL, Jurisdiction Coordinator	Y

**Welcome and Introductions/Agenda Review/Zoom Protocols**

Steve Faust, Facilitator, and Peter Ryan, DSL Project Manager welcomed the group and introduced themselves and asked attendees to also introduce themselves to the group. Steve then proceeded to explain the agenda and Zoom protocols for the meeting including utilizing the chat and hand raise function to be called on by the facilitator.

**Rulemaking Process and RAC Operating Principles**

Danielle Boudreaux, DSL Rules and Records Coordinator, then outlined the rulemaking process and the RAC operating principles and procedures. The expectations for the RAC members being that all members will review all background materials provided to understand the issues for discussion. Participate in all RAC meetings and work collaboratively to achieve consensus and develop recommendations. Members can be represented by alternates, but must provide notice to the rules coordinator, project manager, or facilitator at least 24 hours prior to the meeting that the alternate will attend.

The Department role is to provide technical and administrative support, information, institutional knowledge and expertise, and advice to the RAC. The Department will also be responsible for scheduling meetings, preparing meeting summaries, and maintaining a public record of the RAC process.

The facilitator’s role will ensure a safe, welcoming environment where all members can participate. Conduct meetings to foster collaborative decision-making and consensus building. Distribute meeting summaries that outline the topics discussed, the areas where there is agreement, and any remaining issues on which agreement was not reached. Information disclosed in confidence to the facilitator will be kept confidential, though written communications may be subject to public records law.

Finally, the role of interested parties includes individuals with a desire to stay informed about the rulemaking process, Department employees or external stakeholders providing technical feedback, and all are nonvoting advisors that may provide written feedback after the meeting.

All participants are expected to be respectful of others and act in good faith through all aspects of the RAC process. A consensus model will be used to facilitate the decision-making. Consensus is a participatory process where the RAC members strive for recommendations that they can accept, support, live with, or agree not to oppose. When consensus cannot be reached, the facilitator may invite documentation of differing opinions or viewpoints. RAC members should be advised that all rulemaking records, including formal documents, rule drafts, meeting summaries and exhibits, meeting recordings, and communications, are public records and may be released in response to a public records request.

**Rulemaking Purpose and Scope**

Peter explained the purpose and scope of the rulemaking. The primary reasons being the rules were last updated in 2013, DSL’s Aquatic Resource Coordinators have requested additional information for the removal-fill permitting process, and due to the long stretch without updates, the rules require cleanups and edits.

The proposed changes will include:

- Remove all references to the independent review process.

- Add new requirements for identifying, describing, and mapping Cowardin, HGM, ARSC types, CWM sites, and Wetlands Below OHW.
- Add new requirement for submitting GIS data for delineation mapping.
- Add 6 new definitions to that section of the rule.

### **Summary and Next Steps**

Steve and Danielle then conducted a Zoom poll to determine potential dates for the RAC Meetings #2 and #3. Steve notified the members that they will be receiving access to the recording of this meeting and copies of the presentation and draft rules for review.