

# Rulemaking Advisory Committee

## Division 090

Meeting #4  
Oregon Department of State Lands  
January 9, 2023



# Need for the Rules

- The proposed rulemaking will ensure information submitted to the Department is sufficient and complete, creating more efficient processes for property owners, consultants, and Department staff.
- Proposed changes include updating technical requirements and standards for reports, requesting GIS data for the study area boundary one year after the rule becomes effective and for all required GIS data two years after that date, and replacing an expired portion of rule that provided a dispute resolution process for jurisdictional determinations with a new process that will allow applicants to request an appeal decision from the Department's Director.

# Racial Equity Statement

- RAC discussion identified several groups affected by the rules: property owners, developers, natural resource consultants, and state and other municipal agencies.
- The rule seeks to address common reasons Department staff need to request additional information, conduct multiple site visits, or reject wetland delineation reports.
  - All Oregon property owners, regardless of race, are likely to be affected by these rule changes.
- The Department has determined, in agreement with the RAC and through careful consideration and evaluation, that this rule is unlikely to impact racial equity in Oregon.

# Fiscal and Economic Impact

- The proposed rules requesting GIS data is predicted to have some fiscal impact for smaller natural resource consulting firms without GIS services.
  - Firms may need to hire staff and purchase equipment or enlist services from subcontractors to meet the GIS data requirements.
  - The new requirements to map and describe wetlands and provide GIS data are already standard practice for many consultants because the same information is needed for preparing a removal fill permit application.
- The fiscal impact to the Department due to the new rules is expected to be minimal.
  - The Department will provide training and assistance to customers to implement the new rules.

# Cost of Compliance

- The economic effect for state agencies and local governments is expected to be minimal because the additional requirements to characterize wetlands and providing GIS files are steps that are already completed by these agencies for a complete removal fill permit application.
- The primary business type that will be affected the proposed rule changes are natural resource consulting firms.
- The proposed rules are for reporting, recordkeeping and administrative activities associated with submitting a delineation to the Department for approval.
- Smaller firms may need to hire staff and purchase equipment or enlist services from subcontractors to meet the GIS data requirements.
  - Software suitable for generating the GIS data, such as ArcGIS Pro, can be accessed through an annual subscription beginning at \$100/year for an individual and \$765/year for a business.
  - Equipment costs for collecting GPS field data will vary depending on the equipment chosen.



# Small Business Involvement

- Six small business representatives participated in the RAC.
  - Representing natural resource and wetland delineation report preparation consultants
- Four associations representing development, local planning, and farming communities