



OAR 141-088-0250 Rulemaking Advisory Committee Meeting Summary

April 11, 2023, 12:00 p.m. – 3:00 p.m.

Overview

The OAR 141-088-0250 Rulemaking Advisory Committee (RAC) was convened by the Oregon Department of State Lands on April 11, 2023, both in person and via Zoom. The RAC was convened to provide input on proposed rule language for the administrative Rules Governing the Establishment of Restrictions on the Public Recreational Use of State-Owned Land.

RAC Members and Attendance

Name	Affiliation	Present?
Members		
James Williams	Lake County Commissioner	Y
Blake Dornbusch	Bureau of Land Management	Y
Les Anderson	Klamath Tribes	
Ryan Tague	Oregon State Police	Y
Joe Cahill	Local Citizen/DSL Lessee	Y
Tyler Dungannon	Oregon Hunters Association	Y
Mike Totey	Oregon Hunters Association	
Ryan Niehus	Oregon State Police	Y
Joshua Novac	Oregon State Police	Y
Staff/Advisors		
Danielle Boudreaux	DSL; Meeting Facilitator	Y
Shawn Zumwalt	DSL	Y
Amber McKernan	DSL	Y
Gary Curtis	DSL Archaeologist	Y
Interested Parties		
Siera Watson	Senator Findley Chief of Staff	Y

Welcome and Introductions

Danielle Boudreaux, Facilitator and DSL Rules & Records Coordinator, welcomed the group and introduced themselves and asked attendees to also introduce themselves to the group.

Meeting Protocols

Danielle 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; Operating Principles; RAC Role

Danielle Boudreaux 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 & Scope

Shawn Zumwalt, DSL Property Manager, explained the purpose and scope of the rulemaking. The primary reason being the need to establish permanent rules for closures around Crump Lake due to damage to cultural, archaeological, and natural resources. Crump Lake has had various Emergency Closures as authorized by the DSL Director since 2014.

The proposed rule will include:

- Closure to all state-owned lands under the jurisdiction of the Oregon Department of State Lands within and around Crump Lake.
- Closed to:

- All access by motorized vehicles and pedestrian traffic.
- The collection, removal, defacement, or destruction of any archaeological site, objects or artifacts including arrowheads, as defined by ORS 358.905(1)(a)
- Excepted from this restriction are government personnel on official business, vehicles and persons involved in rescue or emergency activities, Department authorized persons, and adjacent landowners inspecting or maintaining fences.
- All public access routes will be posted when an official closure through this rule is enacted.

Discussion – Draft Rule

The RAC discussed each line of the proposed rule providing each member an opportunity to provide input and ensure clarity of the proposed rule. Through this discussion the proposed rule was revised to allow for additional exceptions, define the limits to the location of the closure, and provide some more clarity in the overall language of the proposed rule. More specifically, the RAC discussed terminating the northern extent of the closure of Crump Lake at the well-known and established Stone Bridge site with a latitude location provided. In addition, the RAC concluded that providing a latitude line at Tern Island versus a point location to determine when the rule would need to be posted for enforcement. The RAC also incorporated additional language to allow exceptions to hunters with valid controlled hunt tags for deer and antelope. Finally, the RAC discussed language to provide clarity that “designated” public access routes would be posted when closure was enacted.

At the conclusion of the RAC discussion, Lake County Commissioner, James Williams brought up his and his fellow commissioners’ concerns over any public land closures. Danielle asked if the proposed draft, rules as discussed, would be sufficient to achieve consensus. Commissioner Williams said “No” not until he and the other commissioners had a chance to discuss. At this time, it was determined that a second RAC meeting would be held. Further discussion regarding various points of clarification with DSL providing additional maps showing designated routes, limits of the closure locations, more discussion on public land closure, the RAC all agreed a second meeting was warranted. The RAC all agreed that a second meeting would be held in Lake County in May 2023.

Summary & Next Steps

It was discussed that the original plan was to hold a public hearing over the proposed rules on May 24th and if it would work for the RAC to just have the second RAC meeting on that date. It was agreed upon by the RAC that the 24th of May. It was also confirmed that a Hybrid Zoom meeting from 1pm to 4pm was preferred. Danielle 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.

RAC members were informed of a proposed rulemaking timeline based on the addition of a second RAC meeting. The publication of the Notice of Proposed rulemaking is tentatively scheduled for July 1.

Interested Party Comments

No comments.