

OREGON



WATER RESOURCES
DEPARTMENT

Rules Advisory Committee Member Participation Packet

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Contents

Glossary	3
I. RAC Member Packet Introduction.....	4
II. Duties and Responsibilities.....	4
The Department's Role.....	4
III. RAC Operating Protocol.....	5
IIII. Helpful Input During RAC Meetings.....	6
Preliminary Rulemaking Information: Exempt Use Rulemaking- Division 300 and 340	7

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Glossary

RAC: Rules Advisory Committee

OWRD: Oregon Water Resources Department

ORS: Oregon Revised Statute

OAR: Oregon Administrative Rules

WRC: Water Resources Commission

FIS: Fiscal Impact Statement

IAP2: International Association for Public Participation

Helpful definitions on the rulemaking process and RAC's can be found in [ORS Chapter 183](#) (Model Rules for Rulemaking) and [OAR Chapter 137](#).

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I. RAC Member Packet Introduction

The Oregon Water Resources Department (Department) may convene Rules Advisory Committees (RACs) to gather input from potentially affected parties before formally proposing new, amended, or repealed administrative rules. Rules implement, interpret or prescribes law or policy, or describes the procedure or practice requirements of any agency. ([ORS 183.310\(9\)](#)) RACs play a key role in informing the Department's development of rules and conducting a rulemaking process that is transparent, inclusive, and informed by the experience of those potentially affected.

As an RAC member, you bring valuable expertise, lived experience, and perspective to the rulemaking process. Every voice matters in the RAC process, and meaningful participation helps the Department develop rules that are realistic, fair, implementable, and aligned with Oregon statute and state priorities.

This document describes the purpose of the RAC, the roles and responsibilities of its members and the Department, and general operating procedures that guide how RACs function and how your voice can impact final proposed rules. The guide is intended to help you, as a RAC member, understand what to expect and how to participate meaningfully.

II. Duties and Responsibilities

The legal rulemaking process is guided by [ORS Chapter 183](#) (Model Rules for Rulemaking) and [OAR Chapter 137](#). The legal purpose of a RAC is for the Department to consider RAC input in the development of the fiscal impact statement and the economic effects on small businesses for the proposed rule(s). ([OAR 137-001-007](#)) In addition to this legal role, the Department may also use RACs to engage on proposed rule language, the racial equity statement, the statement of need, and other rulemaking needs. All of these components will be described further during the RAC and are ultimately included in the publication of the Notice of Proposed Rulemaking. [OAR 137-001-011](#)

An individual who commits to serving on the RAC agrees to fulfill their responsibilities through attending and participating in meetings and reviewing shared information. Through this process Department staff make recommendations to the Department's Director that is which is then brought before the Water Resources Commission (Commission) with whom rulemaking authority rests with.

The Department's Role

Members serve at the discretion of the Department and/or Commission. In addition to hosting meetings, Department staff will provide technical support, subject-matter expertise, and administrative assistance. Staff strive to conduct meetings in a manner to ensure that opinions are heard and considered. Where relevant and feasible, staff will also seek to consider the development or amendment of guidance documents to support rule implementation. To support an effective RAC process, Department staff will:

- Conduct a lawful RAC and rulemaking process;
- Provide a safe environment to host meeting in;
- Prepare and distribute meeting materials in advance (at least a week in advance when possible);
- Clearly communicate the scope and timeline of the rulemaking and RAC's role;
- Maintain an accessible public record by posting meeting materials and recordings on the

- Department's rulemaking webpage in a timely manner;
- Respond to RAC questions, comments, and information requests received outside of the RAC meeting;
- If relevant and feasible, provide track changes copies of draft rule language; and
- Document RAC feedback and public comments received during the RAC.

Members are encouraged to speak with staff with concerns about the process and provide recommendations the Department can implement to improve the RAC process.

III. RAC Operating Protocol

To create a meaningful process and supportive environment, members are encouraged to engage actively, ask questions, listen attentively, and make space for all to contribute. RAC member expectations include:

- Members agree to act in good faith in all aspects of the RAC process. This includes being honest and refraining from undertaking actions that will undermine the process.
- Members agree to try to attend all meetings. If a schedule conflict occurs, members may designate an alternate to fill in for them. Members must send notice about a designated alternate to the rule's coordinator before the meeting. If permitted to attend by the Department, the alternate is expected to have read this document and be up to speed on rulemaking information and process so that they can fully participate. Use of an alternate should be minimized.
- Members agree to participate fully in letting the group know their perspective on issues, their concerns, and their points of view. At the same time, members will respect time constraints and will share the speaking time with others.
- Members agree to treat all RAC members, staff, and public audience with respect. They commit to listening actively, seeking to understand differing perspectives even when they disagree, and identifying ways to address concerns.
- Members agree to refrain from personal attacks, intentionally undermining the process, or publicly criticizing or misrepresenting the positions of other participants.
- Members agree that any communication with constituents, the media, or other parties should focus on issues rather than individuals. While participants are not prohibited from speaking with the media or each other, they are encouraged to defer to the Department for official communications related to the rulemaking process and any resulting recommendations.
- Members agree to send emails and other electronic communications intended for the full RAC to the assigned Rules Coordinator. The Rules Coordinator will then distribute the communications to all members to maintain transparency and accurate recordkeeping.
- Members agree that participation in the RAC is voluntary and may be withdrawn by the member or the Department at any time. If self-selecting to withdraw, when appropriate, members will discuss their reasons with Department staff to help ensure understanding and improve the RAC process. Because RAC membership is selected to provide a balance of

viewpoints, the departure of a member may affect that balance.

- Members agree that depending on the rulemaking scope, timelines, and RAC meeting agenda, discussions may need to move on to other subjects. When this occurs, the Department will consider whether additional time should be allotted to continue the discussion during or in future meetings.
- Members agree that RAC meetings are open to the public and that all RAC records are public records. Communications within the RAC are not confidential. “Communications” refers to all statements made during meetings, memoranda, work projects, records, documents, or materials developed, including social media and electronic mail correspondence ([ORS 192.410\(4\)](#)).
- Members agree that once the RAC has concluded they may continue engaging with the rulemaking process as any other member of the public.

III. Helpful Input During RAC Meetings

The Department receives all types of input during the RAC process, some input the Department [must consider](#) others the Department may consider. Helpful input is constructive, informed, novel, and grounded in members’ experiences, expertise, and perspectives. The Department encourages members to avoid giving feedback that is not specific, actionable, or within the scope of the rulemaking. Below is a list of specific types of input that are particularly valuable to the Department:

- Identify potential positive and negative impacts of the proposed rulemaking on your represented “Person.” As defined by [ORS 183.310\(9\)](#), A “Person” means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than an agency.
- Share examples or scenarios that illustrate how the rulemaking might be implemented in practice, including unintended consequences.
- If requested and relevant, provide feedback on draft rule language, such as unclear terms, areas needing definition, or places where wording may cause misinterpretation.
- Highlight areas where burdens, costs, or compliance challenges may arise and suggest ways the Department might mitigate or address them.
- Offer alternative approaches and implementation options the Department should consider, grounded in practical and lived experience or technical knowledge.
- Ask questions that help the group better understand the rule’s purpose, scope, or technical components.
- Provide data, resources, or research that may help inform the FIS, cost-of-compliance analysis, and Racial Impact Statement.
- Identify where implementation guidance or communication materials may be needed to provide clarity and compliance once the rule is adopted.

Preliminary Rulemaking Information: Exempt Use Rulemaking – Division 300 and 340

Rulemaking Summary: During the months of May and June the OWRD hosted 10 open houses across the state to collect input on the scope of this rulemaking. For a summary of the feedback on how it was used to identify the scope see the [Summary of Comments](#) document. The purpose of this rulemaking is to implement Senate Bill (SB) 85 (2023), SB 326 and House Bill (HB) 3327 (2025). HB 3327 allows for exempt groundwater use up to 3,000 gallons per day to irrigate a half-acre of lawn, personal garden, or commercial garden. The new commercial garden exemption cannot be used for growing cannabis. Additionally, HB 3327 caps the total use, when combined with commercial or industrial exempt uses, at 5,000 gallons per day. SB 85 requires OWRD to review a Water Supply Plan filed with a Confined Animal Feeding Operation (CAFO) permit to the Oregon Department of Agriculture. SB 326 prohibits the use of water to grow cannabis at a location not licensed or registered with waters of the state. Other anticipated changes to the rules include:

- Clarifying the groundwater exemption for domestic purposes;
- Clarifying the groundwater exemption for stockwater;
- Clarifying that the standard of beneficial use without waste applies to exempt uses; and
- Completing administrative clean up.

For more information on this rulemaking process, please see [Exempt Use rulemaking webpage](#).

Level of Engagement: The level of engagement for this RAC will be at the consult level of the IAP2 Spectrum. We will obtain feedback from RAC members, consider that feedback and let you know how the input influenced our decision. More information on the IAP2 Spectrum can be found [HERE](#). The rulemaking decision lies with the Water Resources Commission.

RAC Focus: During the Rules Advisory Committee Meetings The RAC will be asked to:

- Provide Input on the Statement of Need
- Provide Input on development of Fiscal Impact Statement and small business analysis
- Provide input on the Racial Equity Impact Analysis; and
- Review and comment on draft rule language

The Department will explain each item during the RAC meetings.

Anticipated RAC Meetings:

- RAC Meeting Number 1: September 28, 2026, 1 – 4 PM
- RAC Meeting Number 2: October 27, 2026, 9 AM – 12 PM

RAC meetings are open to the public. All meetings will be recorded and published by the Department along with meeting materials. OWRD may host a third RAC meeting if needed.

Draft Rulemaking Timeline:



Public Comment

- January – March 2027

Water Resources Commission Decision

- June 2027

Anticipated Adopted Rule Filing

- June 2027

Key Rulemaking Contacts

Rules Coordinator: Kelly Mainz, Kelly.A.Meinz@water.oregon.gov, 971-718-7087

The above information is draft. All dates, details, and materials are subject to change at any time at the Department's discretion and in compliance with all applicable laws and regulations. For more information on rulemaking generally please see the [rulemaking website](#).

If you have any questions about your role or the rulemaking, the Department encourages you to contact the Rules Coordinator named above.