



# Oregon

Kate Brown, Governor

## Department of State Lands

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**TO:** Oregon Legislative Assembly

**FROM:** Oregon Department of State Lands

**RE:** ORS 183.403 – Report on Rulemaking

ORS 183.403 requires state agencies to report annually on their rulemaking actions, both permanent and temporary. In 2019, the Oregon Department of State Lands processed several permanent rulemaking actions that adopted, amended, or repealed ten divisions within the department's Oregon Administrative Rules (OARs). There were eight different rulemaking efforts conducted over the course of the calendar year. Table 1 below gives additional detail on what was accomplished in those rulemaking efforts.

The department also processed one temporary rulemaking (that then became permanent) that amended OAR 142-010-0020. Table 2 below outlines what was accomplished and the reason behind proceeding with the temporary rule process in this case.

For questions, contact: Jean Straight, Deputy Director, [jean.straight@state.or.us](mailto:jean.straight@state.or.us) or 503-986-5227

Table 1: Permanent rules adopted, amended, or repealed in 2019

Description of Rulemaking	Action taken	Rule numbers
<p>Adopted rules establishing restrictions for the State-Owned Banks and Islands of the Willamette River within the city of Eugene.                      Filed: 9/29/2019                      Effective: 1/1/2020</p>	<p>Adopted</p>	<p>141-088-0210</p>
<p>Adopted rules establishing restrictions for the State-Owned Banks and Islands within the boundaries of Swan Island inside the city limits of Portland.                      Filed: 9/29/2019                      Effective: 1/1/2020</p>	<p>Amended</p>	<p>141-088-0220</p>
<p>Amended the rule to allow for guiding by commercial groups within the South Slough National Estuarine Research Reserve.                      Temporary Rule Filed: 6/10/2019                      Effective 6/14-12/10/2019                      Permanent Rule Filed: 9/26/2019                      Effective: 12/7/2019</p>	<p>Amended</p>	<p>142-010-0010                      142-010-0020</p>
<p>Clarification for claiming Military Medals. This filing amended two divisions: 141-040 and 141-045. This filing was done simultaneously with the rulemaking effort for Savings Bonds that amended three divisions: 141-030, 141-040, and 141-045                      Filed: 4/25/2019                      Effective: 7/1/2019</p>	<p>Amended</p>	<p>141-030-0015                      141-030-0028                      141-040-0007                      141-040-0020                      141-040-0211                      141-040-0212                      141-045-0010                      141-045-0015                      141-045-0021                      141-045-0031                      141-045-0041                      141-045-0061                      141-045-0100                      141-045-0105                      141-045-0115                      141-045-0120                      141-045-0121                      141-045-0122                      141-045-0123                      141-045-0124                      141-045-0125                      141-045-0126                      141-045-0130                      141-045-0150                      141-045-0155                      141-045-0160</p>

Description of Rulemaking	Action taken	Rule numbers
		141-045-0170 141-045-0180 141-045-0185
Updates to the Wetland Mitigation rules in three divisions 141-085-0510 to 0765, 141-089-0630, and 141-093-0141 to 0165. Filed: 10/29/2018 Effective: 4/1/2019	Amended	141-085-0510 141-085-0550 141-085-0680 141-085-0685 141-085-0690 141-085-0692 141-085-0694 141-085-0695 141-085-0700 141-085-0705 141-085-0710 141-085-0715 141-085-0720 141-085-0725 141-085-0730 141-085-0735 141-085-0750 141-085-0755 141-085-0765 141-089-0630 141-093-0141 141-093-0145 141-093-0160 141-093-0165
Created a new rule division to separate the Trust lands from the Non-Trust Lands regarding easements. Filed: 7/31/2018 Effective: 1/8/2019	Adopted	141-123-0010 141-123-0020 141-123-0030 141-123-0040 141-123-0050 141-123-0060 141-123-0070 141-123-0080 141-123-0090 141-123-0100 141-123-0105 141-123-0110 141-123-0120
Amended rule division to separate the Trust lands from the Non-Trust Lands regarding easements. Filed: 7/31/2018 Effective: 1/8/2019	Amended	141-122-0010 141-122-0020 141-122-0030 141-122-0040 141-122-0050

Description of Rulemaking	Action taken	Rule numbers
		141-122-0060 141-122-0070 141-122-0080 141-122-0090 141-122-0100 141-122-0105 141-122-0110 141-122-0120 141-122-0130
Amended the rule to allow for guiding by commercial groups within the South Slough National Estuarine Research Reserve. Temporary Rule Filed: 6/10/2019 Effective 6/14-12/10/2019 Permanent Rule Filed: 9/26/2019 Effective: 12/7/2019	Amended	142-010-0010 142-010-0020

Table 2: Temporary Rule Amendment in 2019

<b>Description</b>	Amended the rule to allow for guiding by commercial groups within the South Slough National Estuarine Research Reserve.
<b>Action taken</b>	Amended Rule Temporarily while permanent rulemaking occurred
<b>Rule number</b>	142-010-0010 & 142-010-0020
<b>Need Statement</b>	The previous OAR did not allow for commercial guiding within the South Slough National Estuarine Research Reserve. A temporary rule was put in place to allow commercial guiding.
<b>Explanation</b>	The Oregon Department of State Lands identified the need to have a rule to define and guide the commercial guiding that was happening within the Reserve. By creating a temporary rule, the department was able to allow commercial guiding during the active season while conducting the permanent rulemaking process.