



# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

February 1, 2021

**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 the permanent and temporary rules filed during the preceding calendar year. In 2020, the Oregon Department of State Lands permanently adopted, amended, or repealed 11 rules, as seen below in Table 1.

In the same year, the Department adopted two rules and amended three rules using the temporary filing process. Table 2 outlines these rule changes and provides the justification for temporary filing.

Please direct any questions to Jean Straight, Deputy Director by email ([jean.straight@dsl.state.or.us](mailto:jean.straight@dsl.state.or.us)) or by phone (503-986-5227).

Table 1: Permanent Rule Filings in 2020

| <b>Rule Numbers</b>  | <b>Action Taken</b>  | <b>Description of Rulemaking</b>   |
|--|--|--|
| 141-088-0230   | Adopt  | The new rule restricts the public recreational use of state-owned land along portions of the Columbia River and the Oregon Slough in Multnomah County between 10 p.m. and 5 a.m., and prohibits campsites and fires at all times.<br><br>Filed: 08/12/2020<br>Effective: 09/21/2020  |
| 141-093-0185   | Amend  | The rule amendment extends the Jackson County Vernal Pool General Permit by five years, from January 1, 2021 to January 1, 2026, to avoid permit expiration.<br><br>Filed: 11/04/2020<br>Effective: 12/01/2020   |
| 141-141-0100<br>141-141-0110<br>141-141-0120<br>141-141-0130<br>141-141-0140<br>141-141-0150<br>141-141-0160<br>141-141-0170<br>141-141-0180 | Amend<br>Amend<br>Amend<br>Amend<br>Amend<br>Amend<br>Adopt<br>Adopt | The new and amended rules provide the Oregon Ocean Science Trust (OOST) with direction on how to exercise its statutory authority under SB 753 (2019) for entering into agreements with private, nonprofit organizations for fundraising purposes.<br><br>Temporary Rules Filed: 02/13/2020<br>Effective: 03/01/2020<br>Permanent Rules Filed: 07/28/2020<br>Effective: 08/15/2020 |

Table 2: Temporary Rule Filings in 2020

|  |  |
|--|--|
| <b>Description</b>                     | Oregon Ocean Science Trust, SB 753 (2019)  |
| <b>Rule Numbers &amp; Action Taken</b> | 141-141-0100, Amend<br>141-141-0110, Amend<br>141-141-0130, Amend<br>141-141-0170, Adopt<br>141-141-0180, Adopt  |
| <b>Need Statement</b>                  | The amendments and new rules are needed to provide the Oregon Ocean Science Trust (OOST) with direction on how to exercise its statutory authority under 2019 SB 753 (ORS 196.570) for entering into agreements with private, nonprofit organizations for fundraising. |

|  |  |
|--|--|
| <b>Justification of Temporary Filing</b> | <p>In 2019, the legislature passed HB 2829, which allocated \$1,000,000 to the Oregon Department of Fish and Wildlife (ODFW) for the Oregon Conservation and Recreation Fund. The Fund is intended to provide ODFW with money for the conservation, management, research, habitat improvements, enforcement, outdoor recreation, education and other activities that serve to protect, maintain or enhance the fish and wildlife resources of Oregon. However, money in this Fund cannot be released unless ODFW has raised matching funds from sources other than state government. Matching funds must be deposited into the Fund before July 1, 2021.</p> <p>Also in 2019, the legislature passed SB 753, which allowed the OOST to partner with private, nonprofit organizations for fundraising. Together, these new legislative authorities allow the OOST to tap into the resources of private, nonprofit organizations to reach private donors who could provide matching funds for the Oregon Conservation and Recreation Fund.</p> <p>Given the legislative deadlines on the Fund, the opportunity will diminish if action is not taken quickly. The failure to adopt rules could result in serious prejudice to the public in the form of lost opportunities that could be realized from use of funds made available under HB 2829 (2019). Failure to enact temporary rules will delay and may hinder the ability of the OOST to form agreements and begin fundraising efforts.</p> |
|--|--|