



RULEMAKING ADVISORY COMMITTEE OPERATING PRINCIPLES

OAR 141-085-0545, -089-0635, -090-0032, -093-0105, -093-0120

Removal-Fill, General Authorizations, and Wetland Delineation Reports Fee Rules

I. PURPOSE AND ROLES

The Oregon Department of State Lands (DSL) has convened a Rulemaking Advisory Committee (RAC) to advise DSL on rules relating to the fees for removal-fill permits, wetland delineation reports, and general authorizations. The goals of this rulemaking are to implement the changes set forth in HB2238 (2023), which instructs DSL to adopt, by rule, fees to fund DSL's removal-fill program (i.e., individual permits, general permits, general authorizations, and wetland delineation reports).

A. Duties and Responsibilities

RAC members agree to fulfill their responsibilities through attending and participating in meetings, studying available information, and providing input to DSL. Members agree to participate in good faith and to act in the best interest of the group and its charge.

Members are expected to consider a range of issues and options to address them, discuss the pros and cons of the issues/options presented, and seek to develop recommendations reflecting the "sense of the group."

Members acknowledge that the group is an advisory body to DSL and that its role is to provide advice and frame policy choices. Rulemaking authority rests with DSL and the State Land Board.

Members are responsible for:

- Reviewing background materials to understand the issues for discussion at RAC meetings.
- Working collaboratively with one another to explore issues and develop recommendations.
- Considering the perspectives and input of other stakeholders and the public and including them in recommendations as appropriate.

B. Membership and Term of Service

Group membership and term of service is at DSL's discretion. Membership is intended to represent a diversity of expertise, skillsets, and viewpoints. Members may be represented by alternates and must provide notice to the facilitator at least 24 hours before the meeting.

The RAC will convene beginning in July 2024 and is expected to meet a minimum of five times, with two additional meetings to be scheduled if necessary, between July 2024 and December 2024. Unless requested by DSL and agreed to by the RAC, the RAC's responsibilities will conclude at that time.

II. DSL Role

DSL will provide technical and administrative support, information, institutional knowledge and expertise, and advice to the RAC. DSL, with the aid of a facilitator, is responsible for distributing meeting materials, scheduling meetings, and maintaining a public record of the RAC process.

III. Facilitator Role

DSL has contracted with an independent, neutral third-party facilitator, who will not act as an advocate on behalf of any issue, interest group, or member. While the facilitator may make recommendations regarding the process, they will not make any substantive decisions.

The facilitator will provide coordination between meetings, serving as the primary communicator between RAC members and between the RAC and the Department. Emails or messages meant for the group will be distributed by the facilitator. Information disclosed in confidence will be kept confidential by the facilitator, though written communications may be subject to public records law. RAC members are encouraged to approach the facilitator if/when procedural issues arise.

Additionally, it is the responsibility of the facilitator to:

- Ensure a safe, welcoming environment where all members can participate.
- Conduct meetings to foster conversations which will provide input on the proposed rule language and fees.
- Prepare meeting summaries that outline the topics discussed and any remaining issues which need to be further explored.

Members will not interfere with the facilitator's conduct of meetings. Concerns regarding how meetings are facilitated should be brought to the attention of the facilitator and/or DSL without disrupting meeting activities (i.e., during meeting breaks or between meetings).

IV. OPERATING PROCEDURES

A. Protocols

All members agree to act in good faith through all aspects of the RAC process. This includes acting with honest intentions and refraining from undermining the process both inside and outside of RAC meetings. Members agree to:

- Attend all meetings. If a meeting is missed, the member is encouraged to contact the facilitator.
- Direct any requests for information made outside of meetings to the facilitator. Responses to such requests may be limited to items that can be provided within a reasonable amount of time.

- Be respectful of other members, interested parties, staff, and members of the public. Members should listen to and seek to understand different perspectives, even when there is disagreement. Members should refrain from personal attacks or publicly criticizing or misstating the positions taken by other participants during the process.
- Make every effort to address their concerns with the group.
- Ensure any written communications regarding the RAC or rulemaking process are mindful of these procedural ground rules and are respectful, even if highlighting different perspectives. Written communications may include emails, blogs, and social media posts or comments.
- Generally defer to DSL for all media communications related to the group’s process and recommendations, and represent only their own perspective in interviews unless otherwise discussed with the group or DSL.
- Raise all concerns, especially those being discussed for the first time, at RAC meetings and not in or through the media.

The Department also encourages RAC members to share questions asked or information provided outside the RAC meetings with the full committee, to ensure fully informed RAC discussions and to avoid the perception that information is being withheld.

B. Operating Procedures

The facilitator will lead discussion about the proposed rule language and fees to ensure the RAC benefits from the individual views, experiences, background, training, and expertise of the members.

Expectations for the decision-making process include:

- Members are asked to provide input on the proposed rule language, fees and fee tiers, and the fiscal impact.
- Those with differing recommendations are responsible for proposing alternative solutions or approaches to resolve differences.
- Meetings will be conducted in a way that fosters collaborative discussion.
- Members will honor decisions made and avoid re-opening issues once resolved.

C. Public Meetings and Records

RAC meetings are considered public meetings and are open to the public. DSL provides public notice about the RAC meetings to the public and interested parties (i.e., members of the public who wish to keep apprised of rulemaking activities). Time is set aside before the close of each meeting to allow interested parties to provide comments to the RAC regarding their discussion.

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. “Communications” refers to all statements made during meetings, memoranda, work projects, emails and correspondence, and documents or materials developed to fulfill the goals of the rulemaking.