



Rulemaking Advisory Committee

Waterway Leases, Licenses, and
Registrations (Division 82)

January 22, 2025





Meeting Agenda

9:00 AM	Introductions
9:15 AM	Discussion – Draft Rules on Lease Rates and Application Fees
10:45 AM	Break
10:55 AM	Discussion – Financial Assurances
11:10 AM	Background: Application review process for new & renewal applications
11:45 AM	Interested Party Comments
11:55 AM	Next Steps
12:00 PM	<i>Meeting ends</i>

Meeting Goals: Continue discussion on proposed lease rates, application fees, and financial assurances. Provide background information on and begin to discuss the application review process for new & renewal applications.

Zoom Protocols



Each person who wishes to speak will be asked to raise their hand.

- To raise your hand, click the reactions near the bottom of your screen and click “raise hand” or by pressing star 9 if you are on the phone.
- Will seek a balance of speaking time during discussions
- *For technical support, please message us in the chat.*
- Please keep your mic muted unless it is your turn to speak. Use of video is encouraged.
- We ask that all participants be respectful of each other and DSL representatives.

Updates



Remaining Topics:

- Application Review Process for New and Renewal Applications
- General Provisions and Lease Conditions
- New application forms & WUA Templates
- Customer communication plan
- Fiscal Impact and Racial Equity statements

Lease Compensation Discussion



DSL Objectives



- Create a single method for calculating rent
- Charge a reasonable, market-based rate for use of public lands
- Discontinue the use of gross revenue to determine rent
- Allow fees and rent to increase over time, accounting for inflation and other market increases
- Mitigate negative impacts to lessees, as DSL transitions to new method

Discussion: Financial Assurance Requirements





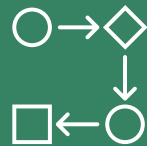
Financial Assurance Requirements

- The Department is proposing adding financial assurance (FA) requirements for new and renewing waterway registrations.
- Requirements are intended to ensure structures over Oregon-owned waterways are protected from risks associated from being on a waterway.
- Currently, holders are not required to obtain insurance policies protecting against bodily harm, death, or property damage.

Overview: Application Review Process



Review Process Changes



Lease and Public Facility License Application Review Process

- Mostly minor tweaks meant to clarify process, remove duplicative language
- Preference Right process provided its own rule (141-082-0281)
- Consolidate reasoning DSL may reject/deny the application into one section.
- New criteria for public comment are intended to define better what type of comments the Department will consider.

Consolidate reasoning DSL may reject/deny an application

- If the application does not include the information requested on the application form.
- If the applicant has not responded to a request for more information within 120 days.
- If the proposed use does not conform with the provisions of these rules.

Public Comment Criteria

- The presence of state or federal listed threatened and endangered species (including candidate species) and archaeological and historic resources within the requested area that may be disturbed by the proposed use.
- Conformance of the proposed use with local, state, and federal laws and rules.
- Conformance of the proposed use with the local comprehensive land use plan and zoning ordinances.
- Conformance with the general provisions described in OAR 141-082-0860.
- Potential conflicts of the proposed use with existing or public trust uses of the requested area.

Preference Right and Competitive Bid Process

- New language mirrors statute for advertising process
 - Bids must contain:
 - Application for a specific use and activity
 - Application fee
 - Amount per year the bidder will pay for rent

Preference Right and Competitive Bid Process *(cont.)*

- Clarifies preference right and public bid exemption
 - For renewal of lease in good standing, with continuous authorization
 - For applications to modify the lease
 - For applications where the applicant is the preference right holder.

Lease and Public Facility License Renewal

- Defines when the applicant can and should apply for renewal
 - Not less than 180 days, not more than 1 year before expiration of current authorization
- Clarify when new application (not renewal) fee is required
 - Change in use
 - Change in leasehold area
 - Application received less than *90 days before expiration of the existing authorization.

Lease and Public Facility License Renewal

- Clarify existing process
 - Renewal applications that include a change in use or leasehold area to be processed as new applications.
 - Renewal applications with changes in area/use will not require a new preference right process unless the proposed expanded leasehold impacts adjacent tax lot's preference right area.

Interested Party Comments

Please raise your hand
to speak.

Please keep comments
limited to 3 minutes.



Interested Party Comments



Use the "Raise Hand" feature to provide community input. Time is limited and we may not be able to hear from all of you today.

- To raise your hand, click the reactions near the bottom of your screen and click "raise hand" or by pressing star 9 if you are on the phone.
- You will be called in the order in which hands are raised.
- Please keep your mic muted unless it is your turn to speak.

When it's your turn to speak:

- When your turn is coming up, the moderator will call on you to begin speaking.
- Please say your name, where you're from, and any organization you're representing.
- Please keep your remarks to **three minutes** and be respectful of each other and agency representatives. We will help track your time.

What's Next?

John Day River / Photo: Dan Cary

- DSL staff will be meeting with ARM program managers to discuss outcomes of today's meeting and any potential changes to the compensation calculation.
- In the next week, a meeting summary will be sent to RAC members and today's meeting recording will be posted.
- Prior to each meeting, a meeting agenda will be sent.
- All meeting materials will be posted to DSL's Rulemaking website: www.oregon.gov/dsl/Pages/rulemaking.aspx



Thank You!

Facilitator

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