

OAR Division 141-090 Wetland Determinations and Delineation Reports

Information Session and Public Rule Hearing
Oregon Department of State Lands
March 15, 2023, 6:00 p.m.



Agenda

6:00

Information Session:

- Overview of Proposed Rules
- Question and Answer Session

6:30

Public Rule Hearing

- Oral Comments

Zoom Protocols

- Raise your hand to ask a question or provide a comment:
 - Click the Reactions icon near the bottom of your screen and click “raise hand”
 - Press *9 if you are on the phone.
- Participants will be called in the order in which hands are raised.
- Keep your mic muted unless it is your turn to speak.
- Be respectful of each other and DSL representatives.
- If there are numerous participants who wish to speak, time will be limited to 3 minutes per person in order to accommodate each participant.

For technical support, please message us in the chat.



Information Session

Overview of Proposed Rules



Need for the Rules

- The proposed rulemaking will ensure information submitted to the Department is sufficient and complete, clarifying processes for property owners, consultants, and Department staff.
- Proposed changes include updating technical requirements and standards for reports, a phased in requirement for requesting GIS Data, and replacing an expired portion of rule that provided a dispute resolution process for jurisdictional determinations with a new process that will allow applicants to request an appeal decision from the Department's Director.



Reasons for Updating Division 90 Rules

- Last updated in 2013.
- Provides technical information necessary for permitting.
- Rules need general cleanup and editing.

Division 90 Rulemaking – Proposed Changes Include

- Remove all references to the independent review process per Oregon Laws 2012, c. 108, § 2, which sunsetted on January 2, 2022.
- Add new requirements for identifying, describing, and mapping Cowardin, HGM, ARSC types, and CWM sites.
- Add new requirement for submitting GIS data for delineation mapping.
- Add new definitions.
- Edit and clean up language throughout rules.

Division 90 Rulemaking – Some Specific Examples

New definitions:

- ARSCs
- Fill, and Removal
- GIS
- SWI
- Uplands

Cleanups and Edits:

- Substitute “tax lot” for “parcel”
- Substitute SWI for other inventories
- Change “precision” to “accuracy”
- Add additional reason for rejection

Questions?



Public Rule Hearing

Oral Comments



Provide Written Comment

- May be submitted through March 31 at 5:00 p.m.
- Written comments can be submitted by
 - Email
dsl.rules@dsl.oregon.gov
 - Online form
www.oregon.gov/dsl/Laws/Pages/RuleComment.aspx
 - Mail
Oregon Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301

