

WATER RESOURCES COMMISSION

WORK SESSION

PORTLAND

JANUARY 30, 1992

MINUTES

Commission members present:

Lorna Stickel  
Cliff Bentz  
Anita Johnson  
Jim Howland  
Hadley Akins  
Roger Bachman  
Mike Jewett

Others:

Curt Loop  
Audrey Simmons  
Karen Russell  
Doug Myers  
Larry Sprecher  
Mike Simms  
Gary Miniszewski

Water Resources Staff:

Bill Young  
Jan Shaw  
Becky Kreag  
John Borden  
Bev Hayes  
Steve Applegate  
Fred Lissner  
Bill Fujii  
Tom Kline  
Steve Sanders  
Tom Paul

The staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes, are on file in the Office of the Director of the Water Resources Department, 3850 Portland Road, NE, Salem, Oregon. Written information submitted at this meeting is hereby made a part of this record and is on file at the above address. Audiocassette recording tapes of the meeting are also on file in the Water Resources Department office.

1. Scenic Waterway River Management Plan Schedule

Under the Scenic Waterways Act (ORS Chapter 390), the Water Resources Commission's concurrence is required on:

- 1) Administrative rules relating to scenic waterway management
- 2) Condemnation of private property
- 3) Recommended additions to the scenic waterway system

The Parks and Recreation Commission is currently developing a management plan for the Nestucca Scenic Waterway and joint state

and federal management plans for the McKenzie River and North Umpqua River Scenic Waterways. At least fourteen other management plans will be developed over the next two years.

Director's recommendation:

The briefing by Gary Miniszewski of the Parks and Recreation Department provided the Commission with an opportunity to ask questions and orient the Commission to the process. No action was required.

The Commission discussed the scenic waterway activities and responsibilities of Parks but took no formal action on this item.

2. Consideration of a Commission Policy on the Acceptance of Late Testimony.

Recently, the issue arose about how the Commission should handle material submitted for Commission consideration on agenda items where the record has closed but on which parties continue to submit letters or make comments during the public comment period during meetings.

A memorandum from Assistant Attorney General Steve Sanders described some of the Commission's options in this matter.

This item was deferred from the Commission's December 20 meeting and scheduled to be taken up at its January meeting.

Director's Recommendation:

The staff recommended that the Commission discuss the proposed options and provide direction to the Department.

The Commission agreed to schedule agenda items on contested cases before the "Public Comment" portion of the Commission's regular meeting agenda. The Commission left open to its discretion the ability to allow the audience to comment on substantially changed rules.

The Director said that the Department would return to the Commission at its next meeting with an analysis of the options outlined by the Assistant Attorney General and make its recommendation on how to deal consistently and fairly with public comments.

Karen Russell, WaterWatch of Oregon, Inc., claimed that the Department's public notices for rulemaking are written so broadly that sometimes one cannot foresee what changes in the rules might be contemplated.

3. Proposed Approval of Revised Mission Statement, Goals and Objectives

(Carried over from December 20, 1991 Agenda with no changes)

The Commission originally considered developing a mission statement at a retreat in 1987. The original statement was approved in 1988. The Commission has revisited the mission statement at subsequent retreats following the 1989 and 1991 legislative sessions.

The Commission reviewed modifications suggested by Commissioner Bentz and others at its work session November 14, 1991. Consensus appeared to be reached on all but one issue.

The mission statement is a Commission document that guides general program direction and provides an overview for the public and other government officials.

The one area of significant disagreement was whether the mission statement should continue making any reference to the "public trust." The current mission statement uses the term in the first sentence as "steward of the public trust." It then describes public trust under one of the assumptions (now labeled "shared values"). A majority of Commission members felt the term could be dropped. The deleted assumption read: "'Public trust' is a legal concept which reserves and uses a resource as a common heritage on a long-range basis for all public uses, purposes, benefits, and values."

The Chair said there would be an opportunity to raise the issue again including whether the definition might be modified. General reading material on the subject of public trust was provided to Commission members in an earlier mailing. In addition, the Commission requested that Steve Sanders, Assistant Attorney General, provide some options for defining public trust.

The mission statement is not intended as a legally binding document. This matter is strictly a policy choice for the Commission.

Director's Recommendation

The staff recommended that the Commission discuss the proposed mission statement and approve a final version.

The Commission discussed concepts of "public trust" and asked the Department to bring the matter back before the Commission the following day with their recommended wording.

There being no further business, the work session was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jan Shaw".

Jan Shaw  
Commission Assistant

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