



# Oregon

Tina Kotek, Governor

## Department of State Lands

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## State Land Board

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### Regular Meeting

February 07, 2023

### Agenda Item 6

Tina Kotek

Governor

Shemia Fagan

Secretary of State

Tobias Read

State Treasurer

### **SUBJECT**

Request for approval to initiate rulemaking to restrict public use of state lands in and around Crump Lake, in Lake County, Oregon.

### **ISSUE**

Whether the State Land Board should initiate rulemaking within OAR 141-088, Rules Governing the Establishment of Restrictions on the Public Recreational Use Of State-Owned Land, to restrict public use of Crump Lake located in Lake County at Township 38 South, Range 24 and 25 East and as illustrated on Appendix A.

### **AUTHORITY**

Oregon Constitution, Article VIII, Section 5, specifies that the State Land Board is responsible for managing lands placed under their jurisdiction by law.

ORS 273.041 to 273.071; authorizing the Department of State Lands to exercise the administrative functions of the State Land Board; relating to the general powers and duties of department and board.

OAR 141-088-0000; relating to the purpose and applicability of public recreational use of state-owned property.

OAR 141-088-0004; relating to restriction of uses of state-owned lands that pose a significant risk of harm or damage to the natural resources of the land or to the public.

### **BACKGROUND**

When referring to the Department's ownership at Crump Lake, there are about 1,500 acres of Crump Lake proper which does not dry up and, surrounding that, about 13,500

acres of shallow lakebed granted to the State Land Board through the Swamp Lands Act of 1859. Crump Lake is part of the Warner Valley closed basin system, which includes a series of connected shallow lakebeds that flow south to north and are fed by direct precipitation, and runoff from Twentymile Creek and Deep Creek. Due to frequent and significant drought conditions the larger lakebed surrounding Crump Lake proper is subject to extensive water recession during the summer months and extending into dry years. It can take multiple years for the lake to fill up, and conversely, multiple years to dry out. When Crump Lake experiences low water conditions, members of the public have been able to travel by foot and vehicle across the lakebed.

Beginning in 2014 DSL received reports from Oregon State Police, the Burns Paiute Tribe and the Klamath Tribe regarding vandalism and looting of significant cultural artifacts in and around Crump Lake. The concerns led the DSL Director to declare an emergency closure (Appendix B) for all uses by the public during the low water conditions of Crump Lake.

The Department has continued to receive reports since then, including incidents such as members of the public using equipment to cut into the lakebed, and nearby fences and gates being cut or destroyed. There have been incidents of culturally significant historical objects being looted, objects believed to have been placed during ceremonies or death rites alongside human remains. DSL Directors have implemented emergency closures several more times, most recently in July of 2022.

The emergency restrictions, which are pursuant to OAR 141-088-0007, temporarily close the area in and around Crump Lake when low water conditions are present. Executive emergency closures have helped to reduce negative impacts. However, the Department has determined that the adoption of a permanent rule during low water conditions is the most effective method to protect natural and cultural resources from looting and vandalism, prevent loss and damage to property, and to prevent damage to the environment in and around Crump Lake.

The Department has been studying water levels at Crump Lake using satellite mapping. The data collected will help inform the proposed rulemaking process which would explore making these restrictions permanent during low water conditions, while allowing for access by government personnel, emergency responders, lessees and adjacent landowners needing to inspect or maintain the property or lease area.

## **PUBLIC INVOLVEMENT**

Upon Land Board approval to initiate rulemaking, the Department will convene a rulemaking advisory committee (RAC) to review and provide input on the proposed rules and related development of a notice of proposed rulemaking and evaluation of fiscal impact. The Department will also gather input on the proposed rules through a public comment period and will hold at least one public hearing on the proposed rules.

The Department will take into consideration public comment, input from the RAC, and input from other local and state agencies, Tribal governments, and affected stakeholders to determine the appropriate final proposed restrictions in accordance with OAR 141-088-0006 which will go to the Land Board for adoption by rule at a future meeting.

### **RECOMMENDATION**

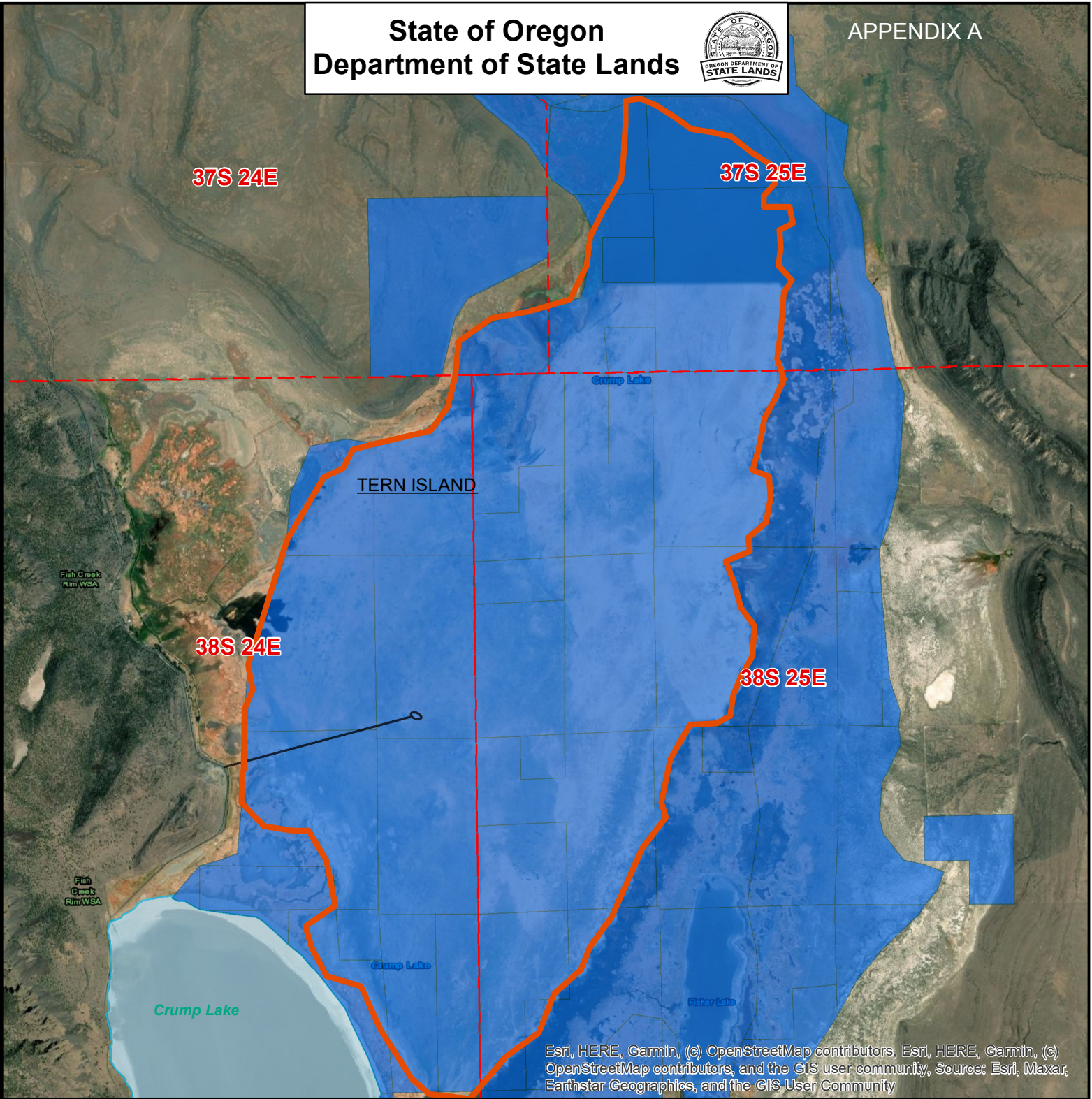
The Department of State Lands recommends the State Land Board authorize the Department to initiate rulemaking within OAR 141-088 to impose permanent restrictions on public use of State-owned lands during low water conditions in and around Crump Lake located in Lake County as illustrated on Appendix A.

### **APPENDICES**

Appendix A - Site Map

Appendix B - Previous Director Emergency Closure Memos





Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**Appendix A**

**Crump Lake DSL- Ownership Division 88 Rulemaking**

- DSL\_Waterways
- DSL Properties
- Tern Island
- Proposed Closure Area

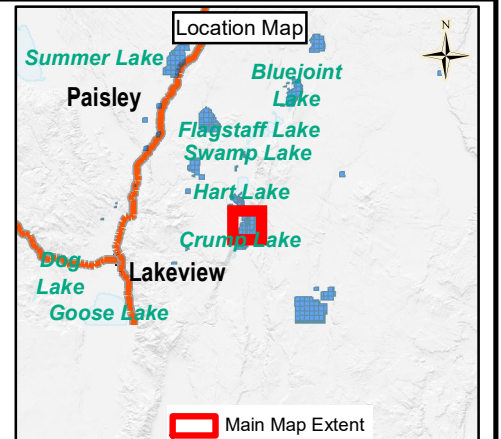
This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

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Feet



Map Projection:  
Oregon Statewide Lambert  
Datum NAD83  
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Date: 1/17/2023



Main Map Extent