

## Agenda Item Summary

### BACKGROUND

On April 20, 2012 the Oregon Fish and Wildlife Commission adopted the Sauvie Island Wildlife Area Management Plan. Goal 4 of the adopted plan is: *“To control other [non-fish and wildlife oriented] public uses to minimize impacts on fish and wildlife, their habitats, and fish and wildlife related recreation and to maintain the security of the wildlife area and reduce disturbance to neighboring private lands”* {emphasis added}.

Non-fish and wildlife related summer use of Sauvie Island Wildlife Area (SIWA) continues to increase over time, and associated with the high level of public use has been a significant increase in problems associated with alcohol and drug use by visitors to the Columbia River beaches. While laws exist regarding the possession and use of illegal drugs in Oregon, there are currently no restrictions on the use of alcohol on the wildlife area. Alcohol-related problems are currently threatening the safety of Sauvie Island residents, SIWA employees, law enforcement officers, and the safety and enjoyment of the wildlife area by summer visitors.

In response to these problems, starting in 2016 the Department provided increased funding (\$30,000 per biennium) to the Oregon State Police (OSP) for additional enforcement at SIWA during peak periods of public use in the summer. The funding supports overtime compensation to allow increased OSP presence at times when public use is expected to increase significantly (e.g. weekends with air temperatures predicted to exceed 90 degrees F). Unfortunately the increased OSP presence and saturation efforts focused on Driving Under the Influence of Intoxicants (DUII) have not significantly deterred problems associated with alcohol use on the wildlife area.

Other governmental agencies in the Portland-Metro area have enacted regulations in response to alcohol-related problems on their day-use public access properties. Regulations on the prohibition of alcohol use and possession include many state, county and city owned properties with river access. While the restrictions have reduced problems on those properties, it is believed some of the problems may have shifted to SIWA where alcohol use and possession is currently not regulated. As a result, SIWA beaches appear to have become the “party location” for the Portland-Metro area during periods of hot weather in late spring and summer months.

### PUBLIC INVOLVEMENT

A public meeting was held on Sauvie Island regarding the proposed rule to seasonally restrict alcohol possession and use on the wildlife area. In addition, a news release was issued by the Department concerning this proposed rule change.

## ISSUE 1

### **SEASONALLY PROHIBIT THE POSSESSION AND USE OF ALCOHOLIC BEVERAGES AND CONSUMABLE PRODUCTS CONTAINING ALCOHOL AT SAUVIE ISLAND WILDLIFE AREA.**

## ANALYSIS

Significant alcohol-related problems and safety issues currently exist in association with public use of the Sauvie Island beaches during periods of warm weather from late spring through late summer. For example, Oregon State Police (OSP) report the following summary information from enforcement activities for the period of April 1 through August 3, 2017 (see Attachment 4 for the full report):

- 17 individuals were arrested for DUII as they travelled away from Sauvie Island beaches;
- 36% of all DUII arrests in Columbia County by OSP Troopers were drivers travelling from Sauvie Island beaches. This represents a 4% increase from 2016;
- 25% of all traffic stops by OSP Troopers working SIWA on overtime compensation resulted in contacting a person using alcohol;
- OSP Troopers responded to eight disturbance calls on SIWA during this period including fights, domestic violence, and assaults which typically involve alcohol use. These calls represented 38% of the total disturbance calls answered by OSP Troopers in Columbia County;
- 65% of all welfare/medical contacts on SIWA by the OSP Troopers involved people using alcohol;
- The one drowning on SIWA during the summer of 2017, an 18-year old male, reportedly involved alcohol use.

The Department proposes to prohibit the possession and use of alcoholic beverages or consumable products containing alcohol from May 1 through September 30 each year. The period when this restriction would be in effect coincides with the time of year when the number of people using wildlife area beaches is typically high, and alcohol-related problems are most significant. For the past five years, the average number of visitors to the beach area annually from May through September is estimated at approximately 488,465 people. During periods of peak public beach use in 2017, typically associated with hot weather, the estimated number of visitors on a single day ranged from approximately 6,000 to nearly 16,000 people (May 28, 2017). These levels of public use exceed the capacity of Oregon State Police to effectively and safely respond to alcohol related problems and crimes.

The Department is not proposing to extend the alcohol restrictions to the remainder of the year because the incidence of alcohol related issues is low during those times. In addition, the number of visitors to the wildlife area on a daily basis from October through April is significantly lower than what occurs during summer months, and any alcohol-related issues

that may arise can typically be addressed by the OSP Trooper assigned to the wildlife area.

The proposed rule includes a prohibition on consumable products containing alcohol. The intent is to also prohibit items such as “Jello-shots” or other products that could be created and used to facilitate alcohol intoxication. Omitting this aspect of the rule would leave a loophole that staff are confident would be utilized by some visitors.

The proposed rule includes an exception for ODFW employees, members of their families and their guests on residential properties on the wildlife area. Employees stationed on SIWA are required to live in agency-owned housing as a condition of employment. This rule exception allows these employees to possess and use alcohol in their homes and on the residential properties they lease from the Department.

Adoption of the proposed rule would make the use and possession of alcoholic beverages and consumable products containing alcohol illegal annually from May through September on the wildlife area. The Department and Oregon State Police believe this rule will significantly reduce the current problems and safety issues associated with the use and over-use of alcohol on the Sauvie Island Wildlife Area during summer months. If successful, the change should result in an increase in traffic-related safety on and in the vicinity of the wildlife area for Sauvie Island residents and visitors, and a more secure and enjoyable environment for summer visitors to the wildlife area. Seasonally prohibiting the possession and use of alcohol is also expected to reduce the need for emergency medical response and calls for law enforcement response to the wildlife area. Adoption of the proposed rule would also be consistent with Goal 4 of the Commission-adopted Management Plan for the Sauvie Island Wildlife Area.

## OPTIONS

1. Approve staff recommendation
2. Amend staff recommendation
3. No Action

## STAFF RECOMMENDATION

Option 1.

DRAFT MOTION  
EFFECTIVE DATE

I move to amend OAR Chapter 635, Division 008 as proposed by staff.

Upon filing with the Secretary of State.