



Oregon

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**Testimony of the
Department of State Lands
on
House Bill 2463 A
Senate Committee on Environment and Natural Resources
May 13, 2015**

State Land Board

Kate Brown
Governor

Jeanne P. Atkins
Secretary of State

Ted Wheeler
State Treasurer

Thank you for the opportunity to testify in support of HB 2463, as amended, which would establish a Submerged Lands Enhancement Fund to be used by the Department of State Lands for the management and enhancement of state-owned waterways.

State-owned submerged and submersible lands are under the management of the Department of State Lands to protect them for 'public trust' uses of navigation, recreation, fisheries and commerce. We oversee more than 1.2 million acres of state-owned waterways, including many lakes, rivers and the Territorial Sea.

Throughout Oregon, many of these waterways are littered with derelict and abandoned structures, vessels and other debris that often pose a danger to the public and interfere with the public's right to use the waterways.

The Department has the statutory authority to pursue these situations as trespasses. However, because most derelict structures are abandoned or the owner of record is unable to pay, the Department has to cover expenses for removal.

Though we do not have a dedicated fund to handle derelict structure removal, we've partnered in the past with the Marine Board to help remove abandoned vessels. In recent years, we've earmarked about \$25,000 per biennium for this effort, which is clearly not sufficient. The Marine Board has \$150,000 to cover the removal of derelict boats only while many more problems also exist with abandoned pilings, derelict docks and boathouses or just plain garbage.

As the "owners" of Oregon's navigable waterways, the Department and State Land Board see a great need for a dedicated fund to more actively manage these troublesome and often dangerous situations on public waterways. We feel it's our duty to put money back into the waterways we oversee, and to be able to partner with state and local agencies to keep Oregon's waterways safe and open. The Submerged Lands Enhancement Fund could also be used for waterway restoration and enhancement work

as needed. Please see the attached exhibit for examples of derelict structures and debris that this fund could be used to address.

This bill would establish a Submerged Lands Enhancement Fund which would be funded by a portion (up to 20 percent) of the revenues currently collected by the Department from waterway authorizations. Typical annual revenue from authorizations is over \$1 million, so the fund could potentially have in excess of \$400,000 per biennium.

The first three sections of HB 2463 lay out the definitions and process for how the Department would inform owners and the public about plans to remove derelict structures on state-owned waterways to avoid inappropriate removals. Section 4 describes the Fund.

The Department worked with Surfrider Foundation on one amendment. The amendment added a definition for "marine debris", and listed marine debris as something that the fund can be used to remove. The amendment also added Section 5, which requires the Department to conduct rulemaking to set the parameters for how the fund will be utilized and how the Department will provide notice and opportunity for a contested case hearing prior to removing and abandoned or derelict structure.

Thank you, and I would be happy to answer any questions you might have.