



# Oregon

Tina Kotek, Governor

## Department of State Lands

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### State Land Board

April 4, 2025

Tina Kotek  
Governor

Senate Committee on Natural Resources and Wildfire  
Chair Golden, Vice Chair Nash and Members of the Committee

Tobias Read  
Secretary of State

Vicki L. Walker, Director, Oregon Department of State Lands

Testimony on Senate Bill 74 and the forthcoming amendment

Elizabeth Steiner  
State Treasurer

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Chair Golden, Vice-Chair Nash, and members of the committee. My name is Vicki Walker, and I am the Director of the Oregon Department of State Lands. I appreciate the opportunity to provide testimony regarding Senate Bill 74 and the forthcoming amendment.

The Department of State Lands is in support of SB 74 as amended and would like to explain the forthcoming amendment and intent.

We are expecting a forthcoming amendment that will include SB 74 and the -3 amendment and add two additional changes. Legislative Counsel are the experts on language selection for amendments, so the two additions could be worded differently that I am explaining here, but our intent with the language change is as follows.

The requested language is underlined. Section 2, subsection 2 we add “Notwithstanding common law principles of accretion and avulsion, if an agreement with the immediately impacted landowner is reached, as provided in subsection (4), then the Department of State Lands may include in a report under ORS 274.404 a finding that the state’s interest in a waterway should extend to the current submerged and submersible lands within the waterway. If an agreement with the immediately impacted landowner is not reached, then the Department shall follow the common law principles of accretion and avulsion in determining state ownership.”

This is consensus language with the folks who had brought forward concerns with the intent of SB 74. I believe the amendment will provide the clear intent of the Department, which is to create an easier and less onerous process for the Department and property owners if we come to an agreement in the navigability process but will default to the current process if no agreement can be reached.

Our reference to “common law principles of accretion and avulsion in determining state ownership” in the amendment allows the Department to default to the original navigability process that is laid out in ORS 274.406 and ORS 274.408. The current navigability process in statute also relies on common law

(court law) to inform the legal process. By referencing common law principles, we believe this language will allow the Department to “connect the dots” between statute, common law and the implementation of this bill.

Thank you for the opportunity to provide this testimony. I am happy to answer any questions.