



**BACKCOUNTRY
HUNTERS & ANGLERS**
OREGON

Senate Committee on Natural Resources and Wildfire
Oregon State Capitol
900 Court St. NE
Salem, OR 97301

April 28, 2025

Chair Golden, Vice Chair Nash, and Members of the Committee:

The Oregon Chapter of Backcountry Hunters & Anglers (Oregon BHA) strongly supports the proposed Dash 6 amendment to Senate Bill 74. This amendment is a critical step in ensuring that Oregon's navigable waterways are properly managed and protected for the benefit of all Oregonians, particularly those who rely on these waterways for hunting, fishing, and other outdoor recreation.

My understanding of the law is that the state has the authority to manage its public trust resources i.e., navigable waters/wildlife. While federal navigability guidelines can help make a case, the power ultimately resides with the state and is vested to the DSL and the courts. The issue at hand is, apparently DSL is having difficulty determining shifting property boundaries due to accretion/avulsion and an overly burdensome/costly process to declare navigability.

The intent of this law is to streamline that process to facilitate declarations of navigability which would be in the best interest of the public as well as private land owners. Other proponents have further testified as to the federal Laws, and courts deciding these waterways.

The basic problem here is that the State owns title to the area below ordinary high-water mark on many Oregon rivers. However, due to a complicated and burdensome process only a few rivers have actually been declared navigable, despite meeting every qualification. Hunters and anglers have been harassed for wading or anchoring in places that would have no problem meeting the controlling test of navigability.

Our hope, along with other proponents of this Bill, is that creating a new process for the State to determine which areas they've owned since statehood might incrementally increase the number of watersheds formally declared as navigable resulting in more places that boaters, hunters, and anglers have a legally protected right to wade and anchor.

Hunters and Anglers depend on clear laws and boundaries to define public from private lands and waters. With the advent of GPS technology found in various cell-phone apps like On-X, it seems a reasonable time to assess these matters to ensure private property is respected and public access is ensured.



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Outdoor recreation in Oregon contributes 172,200 jobs and \$16 Billion in consumer spending. Recreation on our states' waterways are a large portion of this economy. The bill's language provides much-needed clarity and consistency in the definition of waterway boundaries, which has historically been a source of confusion for landowners, public agencies, and the public. By affirming state ownership of submerged lands in waterways and establishing a process for declaring and adjusting waterway boundaries, this amendment will ensure that these vital natural resources remain protected under the public trust.

The protection of aquatic ecosystems and riparian habitats is of utmost importance for maintaining the health of Oregon's rivers and streams. This amendment helps safeguard those ecosystems and ensures continued public access to these waters, supporting both conservation efforts and outdoor recreation.

Oregon BHA also supports the inclusion of public notice and judicial review provisions in the amendment. These provisions will enhance transparency and ensure that all stakeholders, including the public, are informed and able to participate in decisions that affect waterway boundaries and access. The proposed amendment to SB 74 is a significant step toward maintaining Oregon's reputation as a state with abundant, accessible, and protected public lands and waters. By supporting this amendment, the committee will help ensure that these resources are preserved for current and future generations of Oregonians.

Thank you for considering this important issue. Oregon BHA encourages the committee to support the proposed Dash 6 amendment, and advance SB 74.

Sincerely,

Karl J. Findling
Board Member, Oregon Backcountry Hunters and Anglers

