



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

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State Land Board

To: Representative Marty Wilde, Chair, House Committee on General Government Kate Brown
Governor
Representative Gary Leif, Vice-Chair, House Committee on General Government
Representative John Lively, Vice-Chair, House Committee on General Government Shemia Fagan
Secretary of State
House Democratic Leader Barbara Smith Warner, House Committee on General Government Tobias Read
State Treasurer
Representative Jack Zika, House Committee on General Government

From: Christopher Castelli, Policy and Legislative Analyst, Oregon Department of State Lands
Andrea Celentano, Policy and Legislative Analyst, Oregon Department of State Lands

Re: Follow-up on House Bill 3371

Thank you for the opportunity to provide testimony on HB 3371 on Tuesday, March 30. We appreciated having time to speak with you about this issue. The Department would like to provide some clarification on the questions posed during the hearing.

Statutory Timelines for Abandoned and Derelict Vessels and Structures:

The process for addressing, seizing, and removing abandoned and derelict vessels is described in the Oregon State Marine Board statutes (ORS 830.908-ORS 830.938). A pre-seizure notice must be posted and mailed at least 10 business days before seizing an abandoned vessel or a derelict vessel. An enforcement agency may immediately seize without notice a vessel that presents a hazard to navigation or an imminent threat to public health or safety.

A post-seizure notice must be issued not more than seven days after a vessel is seized and give an owner not less than thirty days to resolve this situation before the title of the vessel is vested to the enforcement agency.

The process for addressing and removing an abandoned and derelict structure is described in the Department of State Lands statutes (ORS 274.376-ORS 274.385). The Department must give an owner notice of the proposed removal; and allow 20 days or a longer reasonable time as specified in the notice, to remedy the situation prior to seizure. Again, the Department may immediately seize without notice a structure that presents a hazard to navigation or an imminent threat to public health or safety.

Both the Oregon State Marine Board (ORS 830.938) and Department of State Lands (ORS 274.382) can hold an owner liable for the seizure and removal of an abandoned and derelict vessel or structure, and attempt to recoup costs incurred with these actions. Our ability to recoup costs is however dependent on the owner's ability to pay those expenses.

Waterway leasehold inspections:

The testimony of the Oregon Public Ports Association mentioned the Department of State Lands could better manage state-owned submerged and submersible lands by increasing inspection of leaseholds and other waterway authorizations. The Department would like to note that that the limited duration position mentioned in the last paragraph of our written testimony does that sort of compliance and outreach work, and has been vital to inspection efforts over the past biennium. Working with applicants and authorization holders to tailor insurance coverage is another proactive step to help address the impacts of abandoned and derelict vessels. DSL does not currently have staff with insurance expertise.

The Department appreciates the partnership of Oregon's public ports as one of our largest waterway leasing customers. The Department values our ongoing communication and collaboration with ports as we work to manage waterways for the public trust rights of fishing, commerce, navigation, and recreation.

Thank you for the opportunity to provide this additional information. We are happy to answer questions or follow up as needed.