



Oregon

Tina Kotek, 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

State Land Board

March 27, 2023

To: Chair Jeff Golden, Vice-Chair Fred Girod, Committee Members,
Senate Committee on Natural Resources

Tina Kotek
Governor

From: Bill Ryan, Deputy Director, Oregon Department of State Lands

Shemia Fagan
Secretary of State

Re: Testimony on Senate Bill 949

Tobias Read
State Treasurer

Chair Golden, Vice-Chair Girod, and members of the Committee. My name Bill Ryan, I am the Deputy Director of the Oregon Department of State Lands. I appreciate the opportunity to speak with you today about Senate Bill 949.

The Department of State Lands has no position on this bill, but has identified two major impacts to our stewardship of public waterways and the Common School Fund.

First, and of great concern, is potential implications for public ownership of waterways. The people of Oregon own the submerged and submersible lands of the state's navigable and tidally influenced waterways, which include major rivers and the territorial sea. Ports and other businesses who use the public's waterways must be authorized to do so by DSL, through a waterway lease or other authorization. SB 949 creates a statutory definition of port waters as "waters owned or controlled by the port." Any statutory definition of waterway ownership must be carefully examined and fully considered to avoid impacts to the absolute fact of public waterway ownership.

Second, the Department is a public body that oversees waterways, and as such, would be subject to the maintenance dredging charges proposed in this bill. Paying for port dredging is likely to have a significant financial impact on the Department. Because dredging costs would likely exceed revenue generated by waterway leases and other use authorizations, Common School Fund dollars would ultimately be used to pay for port dredging.

The Department greatly values the partnership of ports and is committed to working collaboratively on solutions for maintenance dredging. In addition to overseeing the state's publicly owned waterways, we oversee Oregon's Removal-Fill Law, and would welcome conversations on this issue from the perspectives of both waterway ownership and regulation.

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