

# SB 74A: NAVIGABILITY



House Committee on Agriculture, Land Use, Natural Resources  
and Water  
April 28, 2025



# Oregon-Owned Waterways

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**Owned by the people**

**Open for all to use  
and enjoy**

**Overseen by the  
Department of State  
Lands on behalf of  
the State Land Board**





# Oregon-Owned Waterways

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**Public Trust Doctrine  
protects rights of  
navigation, fishing,  
commerce and  
recreation**

**Compensation for use**

**Stewardship of  
waterways**







## MAP OF OREGON-OWNED WATERWAYS

*Online map and list  
at [Oregon.gov/DSL](https://oregon.gov/DSL)  
Click HERE*

# **HOW WATERWAYS BECOME OREGON-OWNED**



# At Statehood

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**Navigable and tidally  
influenced waterways  
used for trade and  
travel, including:**

**Territorial sea**

**Coastal bays and  
estuaries**

**Coastal rivers to  
head of tide**

# Since 1859

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**Waterways are  
determined to be  
“navigable-for-title” and  
Oregon-owned through:**

**Court decisions**

**State laws**

**Navigability declarations by  
the State Land Board**

# Navigability Declarations

**Must Answer Two Key Questions:**

- 1. Could the waterway have been used for trade and travel at the time of statehood?**
- 2. What exactly is Oregon-owned?**

**RIVER OWNERSHIP:  
A COMPLEX,  
COSTLY CHALLENGE**



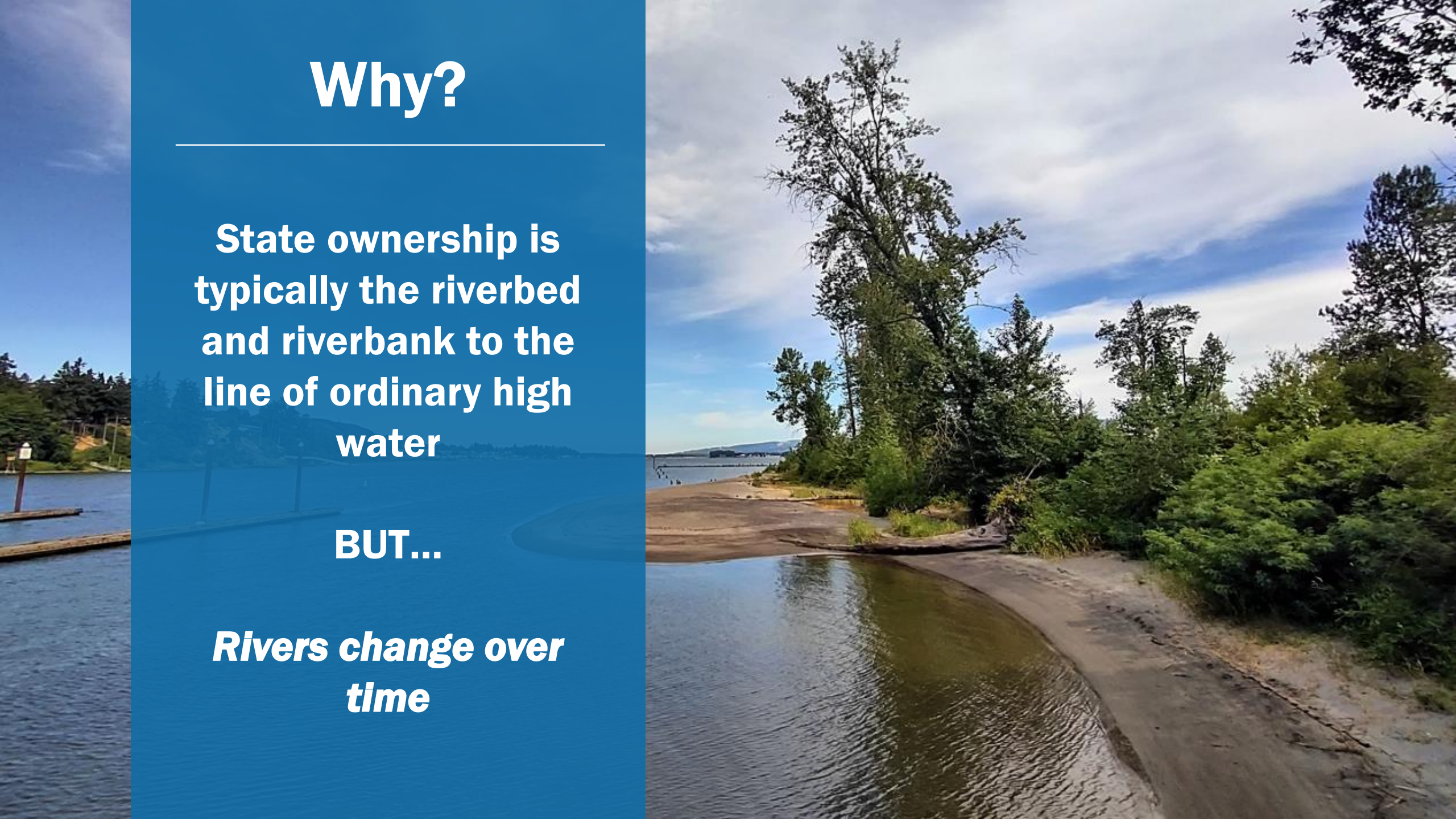
# Why?

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**State ownership is typically the riverbed and riverbank to the line of ordinary high water**

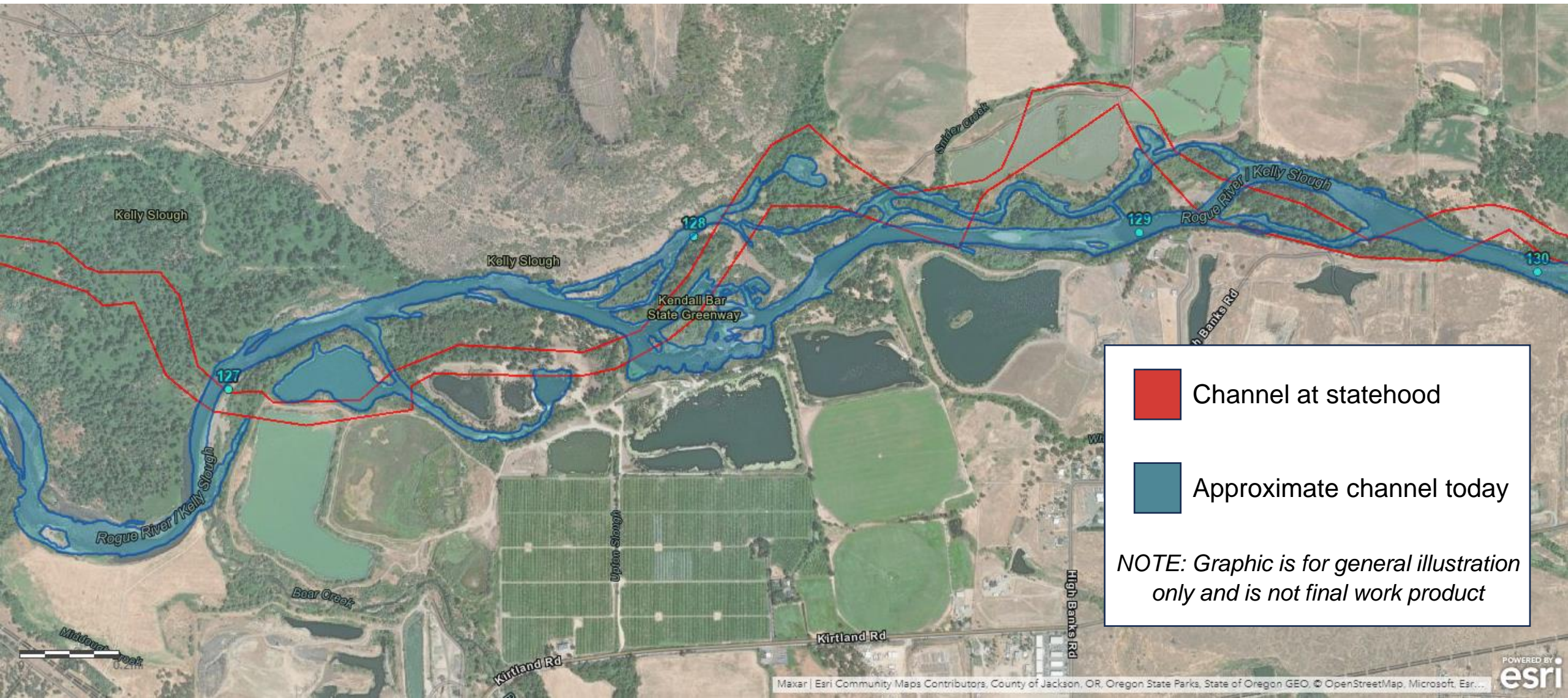
**BUT...**

***Rivers change over time***





# Rogue River: Then and Now





# How Rivers Change Matters

Under principles of common law:

When change happens gradually, the property boundary shifts with the river channel.

When change happens suddenly, due to flooding or people adding/removing materials, the property boundary stays where it was immediately before the sudden change.

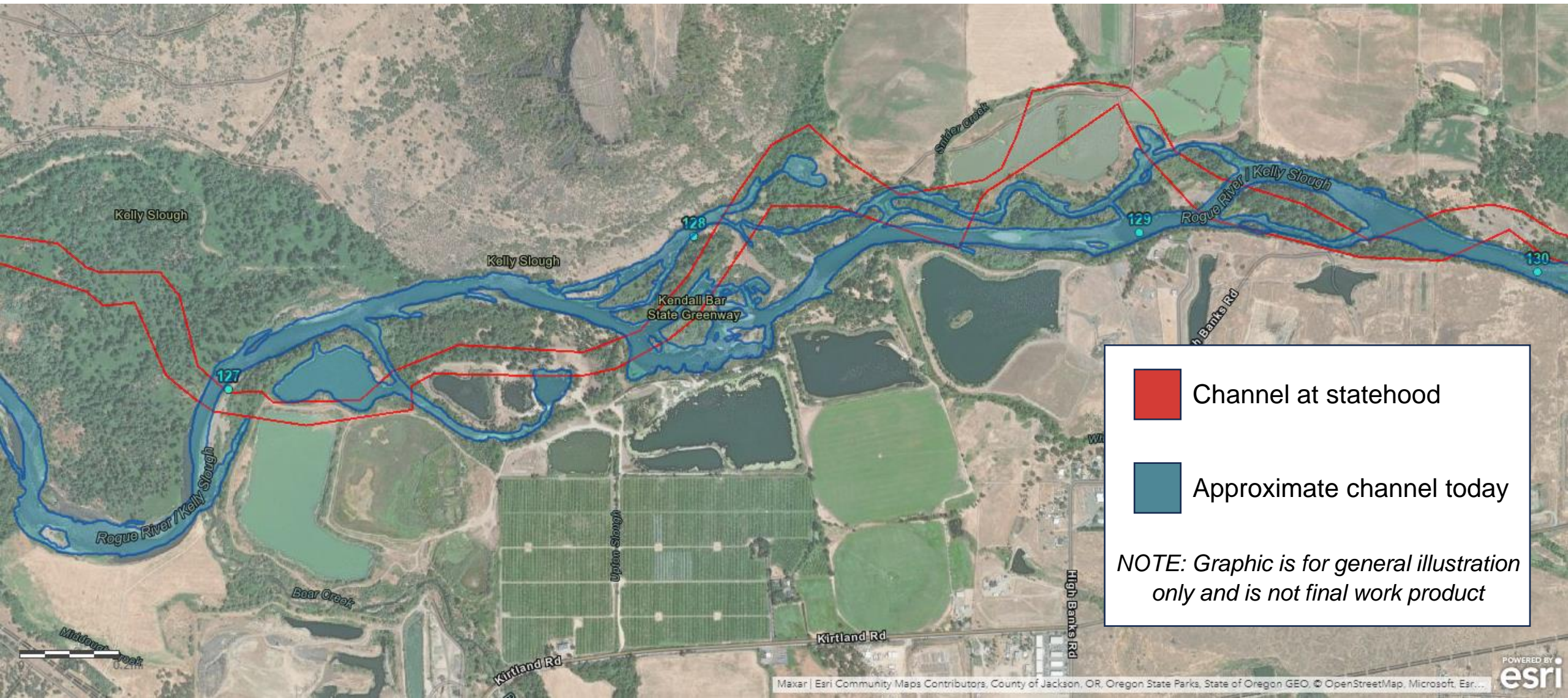
# The Problem: Part One

To declare a waterway navigable-for-title and Oregon-owned, existing law *requires* the state to exactly map **ALL** gradual and sudden changes *since statehood*

- Lengthy, costly mapping process
- Property boundaries depend on type of change, creating uncertainty and confusion
- For sudden changes:
  - State may own what's now dry land far from the river
  - Private party may own riverbed and bank



# Rogue River: Then and Now



# **The Problem: Part Two**

**Exchanging land to ensure public ownership of riverbeds and banks must by law occur AFTER exact mapping is complete and the Land Board declares a river navigable and Oregon-owned**

- **Legal challenges and appeals can follow a navigability declaration**
- **Extended uncertainty for adjacent private landowners, potential impacts to land sale or improvements**



# Solution

## Statutory changes to:

- **Provide a straightforward option for declaring Oregon ownership as the current riverbed and bank to the line of ordinary high water, if property owners agree**
- **Retain performing exact mapping of all change since statehood as an option, to provide flexibility for adjacent property owner preference and to avoid unlawful taking of property**

# Benefits

**Statutory changes will result in:**

- **More certainty for state and adjacent property owners**
- **Less costly process for state and adjacent property owners**
- **Potentially faster process**
- **Overall, fewer state resources needed for navigability declarations**



QUESTIONS?