

Current Navigability Public Engagement Process

How the public and neighboring property owners can participate in and are informed about the process to declare rivers publicly owned

The current navigability process includes *eleven steps* of notification and/or participation:

Step One: Provide notice that a navigability study has been requested. Notice must be published in a statewide newspaper, local newspaper (local to the study) and provided to interested parties. OAR 141-121-0020(4).

Step Two: Provide notice that a navigability study is taking place and request the public provide relevant information. Notice must be published for three weeks in a statewide and local newspaper. ORS 274.404 (2)(b), OAR 141-121-0030 (1)(b), OAR 141-121-0030 (1)(c).

Step Three: Notify all affected property owners and interested parties that a navigability study will be taking place. OAR 141-121-0030 (1)(d).

Step Four: Provide notice of completion of the draft navigability study and describe how the public may obtain a copy, comment on the draft study, or present additional evidence. Describe when the State Land Board meeting will be held with public comment. Notice will be published in a statewide and local newspaper no less than once a week for three weeks. OAR 141-121-0030 (4)(b), OAR 141-121-0030 (4)(c), OAR 141-121-0030 (4)(d), OAR 141-121-0030 (4)(e).

Step Five: At least one hearing will be held by the Department of State Lands in the affected area. The public may provide written or oral comments on the draft navigability study. The public may submit testimony or other evidence in relation to the effects of the waterway separately as well. ORS 274.404 (d), OAR 141-121-0030 (4), OAR 141-121-0330 (5).

Step Six: Notifications must be sent to affected property owners and interested parties at the completion of the draft study. And a copy of the draft study must be

sent to local county public libraries. ORS 274.404 (2)(d) and OAR 141-121-0030 (4)(f).

Step Seven: The State Land Board will hold its hearing on the completed draft navigability study. The public notification of this meeting is made at least seven days prior to the State Land Board meeting. The public may testify at the State Land Board meeting and the comment period remains open for public submission of written comments for seven days after the State Land Board meeting. OAR 141-121-0030 (3), OAR 141-121-0030 (4)(b), OAR 141-121-0030 (4)(d).

Step Eight: A date to present the Final Navigability Report to the State Land Board will be selected and the public will be notified through a statewide and local newspaper for a minimum of once a week for three weeks before the Board meeting. OAR 141-121-0040 (1)(b).

Step Nine: Notification will be sent to all affected property owners and interested parties notifying them of the State Land Board meeting and the opportunity for public comment. OAR 141-121-0040 (1)(c).

Step Ten: After the State Land Board adopts the Final Navigability Report they must advise any person affected by this decision that they may seek a judicial review and of the Final Navigability Report. OAR 141-121-0040 (3)(c) (e), ORS 274.412 (judicial review).

Step Eleven: After the State Land Board adopts the Final Navigability Report the Department of State Lands must send each owner affected a copy of the declaration and a notice advising the property owners of their legal rights. ORS 274.408 (2).