



**State Ownership of Lands**

At statehood in 1859, the federal government gave Oregon the ownership of submerged and submersible land underlying navigable waterways, waterways affected by tidal action, and the Territorial Sea. The state also owns the submerged and submersible land underlying numerous lakes within its borders.

The State Land Board is charged with managing this land on behalf of all Oregonians. The Department of State Lands (DSL), the Land Board's administrative arm, is responsible for the day-to-day management of these publicly owned resources.

Revenues from waterway authorizations are deposited into the Common School Fund, a trust fund for public education in Oregon. In fiscal year 2010, revenues from 3,743 authorizations generated more than \$1.8 million for the fund. In 2010, Oregon's 197 K-12 public school districts received \$50.5 million from the fund.

**ADDITIONAL INFORMATION**

All application forms and informational documents are located on the DSL Web site: [www.oregonstatelands.us](http://www.oregonstatelands.us)

References to the statutes and administrative rules governing DSL waterway-use authorization programs are also on the Web site.

If you don't have Web access, or need more information, contact DSL:

**Western Region Office - Salem**  
 (serving Oregon west of the Cascades)  
 775 Summer St. NE, Suite 100  
 Salem, OR 97301-1279  
**(503) 986-5200**

**Eastern Region Office - Bend**  
 (serving Oregon east of the Cascades)  
 1645 NE Forbes Road, Suite 112  
 Bend, OR 97701  
**(541) 388-6112**



**Does your use of a waterway require state authorization?**

*Houseboats*

*Marinas and Moorages*

*Log Storage Areas*

*Docks, Floats and Wharfs*

*Marine Industrial Facilities*

*Bridges*

*Floating Recreational Cabins*

*Public Use Facilities*

*Sand and Gravel Removal*

State-ownership of submerged and submersible land is typically to the **line of ordinary high water**. This is generally defined as the upward limit to which a waterway will normally rise each year. This is not the floodline.

In the 1870s, the Oregon Legislature sold certain parcels of submersible land (between the line of ordinary high and low water) to upland owners along a number of waterways and tidelands. On these waterways, state ownership is to the **line of ordinary low water**, which is the line on the bank or shore to which the water ordinarily recedes every year.

**Please contact DSL with any questions regarding your line of ownership.**



**OREGON DEPARTMENT OF STATE LANDS**



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## Types of Authorizations

DSL issues several types of authorizations for the use of state-owned submerged and submersible land. The uses subject to these authorizations are varied, and range from marinas and moorages to small docks and log storage areas. Examples of uses requiring an authorization from DSL include:

### Lease

- Industrial and commercial business areas: structures such as restaurants, hotels and condominiums built over the water
- Houseboats and houseboat moorages
- Log storage and booming areas, including millside boom makeup and breakdown areas
- Historic vessels
- Combination structures
- Marinas
- Private non-commercial docks, floats and boat-houses larger than 2,500 square feet, excluding associated gangways, dolphins, pilings and booms
- Aquaculture facilities (excluding commercial cultivation of oysters, clams and mussels which requires a plat from the Oregon Department of Agriculture)
- Floating recreational cabins larger than 1,500 square feet (excluding associated gangways, dolphins, pilings and booms)
- Waterway structures associated with a homeowners' group or condominium association
- Wharfs located outside a city or port district
- The removal of sand and gravel under certain circumstances

**Note:** DSL is required by law to first offer a preference right to lease state land to the upland property owner. For further information, please contact DSL.

### License

- Publicly owned and operated boat ramps, landings, fishing piers, docks, boat houses and viewing structures
- Navigation aids
- Sand and gravel removal under some circumstances

### Easement

- Fiber optic cables
- Gas, electric and communications cables
- Water supply pipelines
- Sewer, storm and cooling water lines
- Bridges

*Although many uses subject to easement may be exempt by law from payment of compensation, an easement still must be obtained from DSL.*

### Registration

- Non-commercial, private-use docks, floats or boat houses 2,500 square feet or less in size
- Floating recreational cabins 1,500 square feet or less in size
- Water sport structures
- Wharfs located within a city or port district
- Revetments, attenuators and retaining walls

### Short-Term Access Agreement

If you want to gain access to, or use state-owned submerged and submersible land for a specific project such as a scientific experiment or drilling investigation, you may need to obtain an STAA from DSL.

**Note:** These examples are not inclusive. Other uses in addition to those listed may be subject to authorization by DSL.



Regardless of whether a lease, license or other authorization is required, you may also need to obtain a **removal-fill permit** from DSL, required in many instances if you remove, alter or fill the bed and banks of any waters of the state. This permit must be obtained whether or not the state owns the submerged and submersible land underlying the waterway.

By Oregon law, DSL cannot issue any authorization that does not conform to local land use planning laws. You will be required to obtain approval from your city or county planning office before obtaining a registration, lease, easement or other type of authorization.



## Failure to Comply with the Law

DSL welcomes your questions concerning the waterway authorization program, and encourages your voluntary compliance. However, if you do not obtain the necessary authorization, you will be subject to trespass and possible imposition of civil penalties or other action allowable by law.