



**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 for public trust values, which include navigation, fisheries, commerce and recreation. 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 2015, the Oregon Legislature passed a bill that allows DSL to earmark a portion of waterway authorization revenues for a Submerged Lands Enhancement Fund. The fund may be used for removing abandoned and derelict structures and marine debris on state-owned waterways, and to restore state-owned submerged lands.

State ownership of submerged and submersible land may be to the line of ordinary high water, line or ordinary low water or a designated elevation. Check the DSL website – [www.oregonstatelands.us](http://www.oregonstatelands.us) – for a list of state-owned waterways, or contact the Department of State Lands.

**ADDITIONAL INFORMATION**

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

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

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**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*





## Types of Authorizations

The Department of State Lands (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 an authorization 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

### 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
- Scientific experiments
- Academic research
- Vegetative sampling
- Large camp groups



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.