



Oregon

Kate Brown, Governor

Department of State Lands

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State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

STATE LAND BOARD

October 13, 2020

10:00 am – 12:00 pm

Zoom Video/Audio Meeting

**The meeting video will be livestreamed on the
[Department of State Lands YouTube Channel](#)**

AGENDA

State Land Board Awards Presentation

The State Land Board will present the 2019 Land Board Awards to:

- Stream Project Award: Opal Springs Volitional Fish Passage Project
- Wetland Project Award: ODOT Vernal Pool Mitigation and Conservation Bank Restoration
- Partnership Award: Jefferson Jacobs, Oregon Natural Desert Association
- Partnership Award: SOLVE and Metro

Consent Items

1. Request for approval of the minutes of the August 11, 2020, State Land Board Meeting.

Action Items

2. Request for direction to complete a study to determine the existence of and title to any historically filled lands within the waterway of the Rogue River between river mile 0 and 157.5. This study will also produce additional information to support an existing navigability report and determination for the Rogue River between river mile 68.5 and 157.5.

Continued on next page

Informational Items

3. Aquatic Resource Management Annual Report
4. South Slough National Estuarine Research Reserve Report
5. Wildfire Damage Report
6. Board of Forestry HCP Outcomes for Common School Forest Lands
7. Other

Meeting video will be livestreamed at:

<https://www.youtube.com/channel/UCQA7FHTWwl-gjJkQeYPJ1IA>

If you need assistance to participate in this meeting due to a disability, please notify Arin Smith at (503) 986-5224 or arin.n.smith@state.or.us at least two working days prior to the meeting.

Public Testimony - The State Land Board places great value on information received from the public. The Board accepts comments on **consent and action agenda items only**.

Providing Public Testimony During Video Meetings – When the Board meets via video, the public may submit written testimony to be read aloud during the meeting, time permitting and at the discretion of the Chair. Testimony may be submitted before or during the meeting.

Email testimony to: landboard.testimony@state.or.us

When providing testimony for a teleconference meeting, please:

- Include your name, organizational affiliation (if any).
- Indicate which consent or action agenda item your testimony relates to
- Indicate if you would like your testimony read aloud during the teleconference. Testimony that exceeds the standard time limit of three minutes per individual may not be read in its entirety.
- If you are submitting testimony while the meeting is in progress, please do so before the agenda item your testimony relates to is discussed.

Please note: The standard time limit is three minutes for each individual. The Board cannot accept testimony on a topic for which a public hearing has been held and the comment period has closed.



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M E M O R A N D U M

State Land Board

Date: October 13, 2020

Kate Brown
Governor

To: Governor Kate Brown
Secretary of State Bev Clarno
State Treasurer Tobias Read

Bev Clarno
Secretary of State

From: Vicki Walker
Director

Tobias Read
State Treasurer

Subject: 2019 Land Board Awards

Overview

Every year, the State Land Board honors exceptional projects and partners for their contributions to protecting and enhancing Oregon's treasured natural resources.

In the sixteen years since the Land Board Awards began, more than 30 awards have been presented to recipients that are as extraordinary as the people and communities of Oregon. The Board has recognized projects across the state, from Wallowa County to Astoria and Mount Hood to Coos Bay, and a wide variety of partners—from watershed councils to ports, to private landowners and nonprofits large and small.

The projects and partners honored consistently demonstrate how much can be accomplished when Oregonians work together to help our lands and waters thrive. This year's recipients are stellar examples of what can be done when many heads and hands join.

2019 Land Board Award Winners

Today, we are presenting a Wetland Award and a Stream Award for projects completed in 2019, and two Partnership Awards.

Stream Award: Opal Springs Volitional Fish Passage Project, Central Oregon. Just hours after completion of the Opal Springs fish ladder in November 2019, a steelhead swam through – marking the first time in more than 30 years a steelhead entered the Crooked River without human help. The moment, brought about by a collaboration that spanned decades and included many partners, represents the removal of a major fish passage barrier and the opening of 125

miles of habitat to Middle Columbia steelhead, Chinook salmon, and other species.

Wetland Award: ODOT Vernal Pool Mitigation and Conservation Bank Restoration, Southwest Oregon. Completion of this multi-year project represents a major achievement in restoring vernal pool habitat, with use of cutting-edge technology and innovative methods setting a new standard for how habitat restoration should be done. The project has successfully returned hydrologic function, natural landform, and abundant native species across nearly 200 acres of habitat, demonstrating effective methods for recovery of vernal pool fairy shrimp, Cook's desert parsley, and large-flowered wooly meadowfoam – all federally listed species.

Partnership Awards. Two awards are being given this year – a Team Award and an individual Catalyst Award. Partnership takes many diverse forms, and these awardees highlight the important contributions of both individuals and teams.

Catalyst Award: Jefferson Jacobs, Oregon Natural Desert Association. For more than a decade, Jefferson Jacobs has taken on riparian restoration projects on private and public lands in Oregon. His enthusiastic leadership and creative solutions for enhancing native ecosystems have inspired Oregonians to pitch in, contributing to broad and passionate stewardship and natural resource protection.

Team Award: Metro and SOLVE. As Department of State Lands' partners in Portland-area camp cleanups, Metro and SOLVE bring kindness, compassion, and positivity to difficult and sensitive work. They exemplify the ideal partner, bridging gaps in the Agency's expertise and contributing deep understanding of local communities to help protect lands, waters, and people. Our work together draws on the strengths of each organization, offering a model for making real, measurable success on tough issues.



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The State Land Board (Land Board or Board) met in regular session by teleconference on August 11, 2020. The meeting audio was livestreamed on the DSL YouTube channel.

State Land Board

Present were:

Kate Brown

Governor

Kate Brown

Governor

Bev Clarno

Secretary of State

Bev Clarno

Secretary of State

Tobias Read

State Treasurer

Tobias Read

State Treasurer

Land Board Assistants

Jason Miner

Governor's Office

Cameron Smith

Secretary of State's Office

Ryan Mann

State Treasurer's Office

Department Staff

Vicki Walker

Bill Ryan

Ali Ryan Hansen

Arin Smith

Jean Straight

Lani Ahmadian

Department of Justice

Matt DeVore

Governor Brown called the meeting to order at 10:04 a.m. The topics discussed and the results of those discussions are listed below. To view the Land Board (Board) meeting in its entirety, please visit our YouTube page: <https://www.youtube.com/watch?v=Tj7MikepRFw&t=9s>

Consent Items

1. Minutes

Treasurer Read made a motion to approve the minutes for the June 9, 2020, Land Board meeting.

Secretary Clarno seconded the motion.

The consent item was approved at 10:07 a.m.

Action Items

2. Request to authorize the exchange of deeds with VCRAF PGIM Raptor LLC to clear title of former Willamette River channel land and to establish State boundary ownership of the beds and banks of the River.

The Department recommends the State Land Board authorize an exchange of deeds and issuance of quitclaim deeds with VCRAF PGIM Raptor LLC and other adjacent land owners as applicable to consistently establish the state's ownership of land lying below the Ordinary Low Water line in the main channel of the Willamette River and in the Albany

Channel/Slough, and to remove the cloud of title for VCRAF PGIM Raptor LLC and adjacent land owners as to the formerly submerged and submersible lands from the former channel.

Deputy Director Bill Ryan went into detail regarding Appendix A, a map of the area and clarified what the action would be accomplishing.

Treasurer Read made a motion to approve Action Item 2.
Secretary Clarno seconded that motion.
The item was approved at 10:13 a.m.

3. Request for approval to permanently adopt OAR 141-088-0230, Restrictions for the State-Owned Property of the Columbia River and Oregon Slough.

The Department recommends the Land Board move to adopt the proposed rule, OAR 141-088-0230, to prohibit the public recreational use of state-owned property between 10 p.m. and 5 a.m., the establishment of a campsite at any time, and fires at any time along areas of the Columbia River and the Oregon Slough. If adopted, the proposed rule will go into effect on September 21, 2020.

Secretary Clarno made a motion to approve action item 3.
Treasurer Read seconded the motion.
The item was approved at 10:21 a.m.

Informational Items

4. DAS Hillcrest Mineral Release in Marion County

This item has been brought to the Board as an informational item. A DOGAMI mineral potential report has been ordered as required by OAR 141-073-0118. Upon completion of the DOGAMI report, the Department will review it and submit a recommendation to the Land Board on whether or not to release the minerals.

5. Other

- Director Walker gave an overview of current projects happening at the South Slough National Estuarine Research Reserve.

The meeting was adjourned at 10:30 a.m.

Kate Brown, Governor

Vicki L. Walker, Director



Oregon

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State Treasurer

State Land Board

**Regular Meeting
October 13, 2020
Agenda Item 2**

SUBJECT

Request for direction to complete a study to determine the existence of and title to any historically filled lands within the waterway of the Rogue River between river mile 0 and 157.5. This study will also produce additional information to support an existing navigability report and determination for the Rogue River between river mile 68.5 and 157.5.

AUTHORITY

ORS 274.952; relating to studies of historical filled lands.
ORS 274.402; relating to navigable waterways.

BACKGROUND

The Oregon Legislature in 2015 passed Senate Bill 912, which established a process and a deadline for determining any potential state claim to lands created when submerged and submersible lands were filled prior to May 28, 1963.

To date, budget and position constraints have limited the Department's ability to establish a stable program to review the approximately 1,200 river miles of state-owned waterways for potential fill locations. The proposed study of the Rogue River between river mile 0 and 157.5 will help DSL assess the resources needed to complete this work before the statutory deadline of December 31, 2025.

Additionally, this review will provide further information needed to support a navigability determination for the Rogue River between river mile 68.5 and 157.5. An October 2015 Oregon Court of Appeals opinion required an improved description of the state's

ownership claim to support the navigability determination issued by Land Board in June 2008.

HISTORICALLY FILLED LANDS STUDY PROCESS

Oregon statute and Department rules provide an outline for completing a study of historically filled lands. Key steps include:

- Obtaining direction from the Land Board and providing public notice of the study
- Completing the study; preparing a draft report and submitting to the Land Board
- Providing opportunity for public review and comment on the draft report
- Submitting final report to the Land Board for decisions regarding adopting the report and declaring the claim
- Providing public notice to interested parties and owners of record
- Recording declaration with county and resolving with owners as appropriate

An outreach and communication plan will be developed to encourage public participation and ensure meaningful comment opportunities. The Department anticipates comment opportunities will be held virtually to allow people to participate while also protecting their health.

Lessons learned as this study is completed will inform the Department's approach for completing studies of the remaining waterways.

NAVIGABILITY PROCESS

The documentation of the line of ownership along the waterway developed for the filled land study will also be used to revise the navigability report to provide more complete property descriptions.

The Department will provide notice of the planned work to supplement the navigability report when providing notice of the historically filled lands study. The public will be provided with the report for review and comment prior to the report being submitted to the Land Board for action.

If the Land Board adopts the revised navigability report and reaffirms the claim to title of the waterway, the Department will issue public notice of the declaration and provide a copy of the declaration to each owner of record of land described in the declaration.

RECOMMENDATION

Department staff recommend the State Land Board direct the Department to complete a study of filled lands on the Rogue River between river mile 0 and 157.5, and that information obtained during this study be used to supplement the existing navigability report and determination from 2008.

APPENDICES

- A. Map of the Rogue River showing the boundaries of the proposed filled land study and existing navigability determination.

State of Oregon Department of State Lands



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

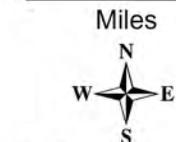
EXHIBIT A

Rogue River Filled Lands Study Area Curry, Jackson and Josephine Counties

- Filled Lands Study Area (River Mile 0 to River Mile 157.5)
- 2008 Navigability Declaration (River Mile 68.5 to River Mile 157.5)
- County Boundary

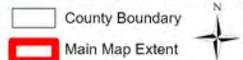
This map depicts the approximate location and extent of an Oregon Department of State Lands study area. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 5 10



Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
State of Oregon
Department of State Lands
1645 NE Forbes Rd. Suite 112
Bend, OR 97701
541-388-6112
www.oregon.gov/DSL
Date: 8/13/2020

Location Map



Oregon Department of State Lands

Aquatic Resource Management Program Report

Fiscal Year 2020
(July 1, 2019 through June 30, 2020)



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INTRODUCTION

The Oregon Department of State Lands (Department) is the administrative arm of the State Land Board, Oregon's oldest board. Established by the Oregon Constitution in 1859, the Land Board has been composed of the Governor, Secretary of State, and State Treasurer throughout its history.

The Department's Aquatic Resources Management (ARM) Program manages aquatic resources dedicated to the Common School Fund at statehood, including among other resources, submerged and submersible lands within the bed and banks of 12 waterways within the state. Those waterways include all or segments of the John Day, Chetco, Columbia, Coos, Coquille, Klamath, McKenzie, Rogue, Sandy, Snake, Umpqua, and Willamette Rivers, as well as many lakes such as the Klamath, Devils, Siltcoos, Tahkenitch and North and South Tenmile. Submerged and submersible lands also include tidally influenced bays and estuaries along the Pacific Ocean to three miles offshore (the Territorial Sea). The Department processes applications within submerged and submersible land for waterway leases, easements, boat docks and boat house registrations, public facility licenses, sand and gravel operations, and special uses.

The ARM also protects the state's waterways and wetlands through administration of Oregon's Removal-Fill Law, enacted in 1967. The Removal-Fill Law was passed by the Legislature to conserve, restore and protect water resources for their contribution to aquatic life and habitats, fisheries, aquatic-based economies, tourism, public recreation, navigation, water quality, floodwater storage, and other natural resource functions.

This report provides information regarding management of state-owned waterways and fulfills the annual report requirement in the state's Removal-Fill Law (Oregon Revised Statutes (ORS) 196.885). This report covers Fiscal Year (FY) 2020. A fiscal year for Oregon state government is July 1 through June 30.

SECTION 1 – STATE WATERWAYS

State-Owned Waterways

Upon becoming a state, the State of Oregon acquired ownership of all submerged and submersible land underlying navigable waterways, waterways affected by tidal action, and the Territorial Sea (waters and seabed extending three geographical miles seaward from the Pacific coastline). The state also owns the submerged and submersible land underlying meandered lakes within its borders.

After Statehood, other water bodies have been determined to be navigable, and therefore state-owned through legislative, judicial, or administrative proceedings which include rivers, lakes, and tidally-influenced waters. For further information, including lists of rivers and lakes that have been determined navigable, please refer to the website: <https://www.oregon.gov/dsl/WW/Pages/Waterways.aspx>.

Uses of a State-owned Waterway

The people of Oregon are the owners of the submerged and submersible land, and the Department is responsible for management of these publicly owned lands. The public has rights to use the beds and banks of navigable waterways for any legal activity, such as boating, fishing and swimming.

The following are typical uses of state-owned submerged and submersible lands that require an authorization from the Department. Authorizations include leases, licenses, easements, registrations, and short-term access agreements.

- Houseboats
- Boat ramps
- Docks, floats and wharfs
- Marinas and moorages
- Marine industrial facilities
- Bridges
- Utilities and pipeline crossings
- Sand and gravel operations
- Remedial cleanups
- Non-water dependent commercial uses (restaurants, for example)
- Pilings, mooring buoys, voluntary habitat restoration, revetments, attenuations, retaining walls, rip rap, and tide-gates

The following are common terms used with authorizations and their definitions.

- **Lease** - Uses that are generally longer term and are either water or non-water dependent.
- **Public Facilities License** - Publicly owned structures and uses such as boat ramps, docks, fishing and swimming platforms, viewing structures, and navigation aids.
- **Registrations** - Noncommercial uses and smaller structures such as boat docks, float or small boat houses (under 2,500 square feet), or floating recreational cabins (under 1,500 square feet), pilings, erosion control structures and voluntary habitat restorations.
- **Easements** - Required for long-term or permanent structures and uses on state-owned land. Types of uses include bridge and utility line crossings, erosion control structures and dredge spoils.
- **Remedial Activity** - All environmental remediation and restoration activities proposed on state-owned lands require an authorization. This includes access authorizations for individual or regular sampling, to leases and easements for long-term environmental dredging or the placement of a sediment cap.

Proprietary Authorizations

The Department manages over 5,000 authorizations for a variety of uses (see above) on state-owned submerged and submersible land. Table 1 provides an overview of the

number of authorizations managed by the Department by use classification as of the end of FY 2020. Department staff focused on obtaining authorizations for new uses of state-owned waterways and on renewing existing approved uses for authorizations that will expire.

Table 1. Active Proprietary Authorizations by Type

Authorization Type	As of June 30, 2020
Public Facility License Waterway (WW)	226
Easements WW	1,220
Registration of Waterway Structures	2,865
Waterway Lease	514
Sand & Gravel WW	14
Short Term Access Authorization	121
Special Use License/Permit	61
Special Use Lease	18
Temporary Use Permit WW	6
Totals	5,045

Table 2 looks at the Department workload for new waterway authorizations over the last five years. New authorizations are down from last year, but in line with the 5-year average. Staff has been diligent ensuring docks and other structures are authorized and in compliance with the program. Staff has also rigorously pursued easements, not just for new uses, but for existing uses that never applied for or received authorization. Most of the Special Use authorizations in Table 2 are from the Real Property Management group for upland uses. Additionally, the Special Use authorizations include Memorandum of Understanding agreements the Department has with various entities for database tracking purposes.

Table 2. New Proprietary Authorizations by Type

Authorization Type	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	5-Year Total	5-Year Average
Public Facility License WW	6	2	2	3	1	14	3
Easements WW	21	27	32	20	19	119	24
Registration of Waterway Structures	76	27	13	82	44	242	48
Waterway Lease	9	3	4	6	3	25	5
Sand & Gravel WW	0	1	1	1	1	4	1
Short Term Access Authorization	41	30	34	37	38	180	36
Special Use License/Permit	2	2	0	17	19	40	8
Special Use Lease	2	1	0	0	2	5	1
Temporary Use Permit WW	0	0	0	0	0	0	0
Totals	157	93	86	166	127	629	126

Table 3 evaluates the trend for Department workload to renew authorizations. Most notable is the high number of renewals for registration of waterway structure authorizations in FY 2020. The Department initiated an online renewal process in FY2017, which allows the public to renew an authorization and pay for it with only a few clicks online, simultaneously providing improved customer service and reducing Department staff time. The high number of renewals in the last several years continues to demonstrate the effectiveness of the online renewal process.

Table 3. Renewed Proprietary Authorizations by Type

Authorization Type	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	5-Year Total	5-Year Average
Public Facility License WW	9	12	12	11	2	46	9
Easements WW	2	4	5	8	3	22	4
Registration of Waterway Structures	282	390	331	557	776	2,336	467
Waterway Lease	50	55	20	25	15	165	33
Sand & Gravel WW	2	7	1	2	4	16	3
Short Term Access Authorization	2	0	0	0	0	2	0
Special Use License/Permit	3	2	3	1	3	12	2
Special Use Lease	1	1	1	0	2	5	1
Temporary Use Permit WW	0	0	0	0	0	0	0
Totals	351	471	373	604	805	2,604	519

Table 4 outlines the revenue received for the past four fiscal years. Gross revenue in FY 2020 was up approximately one million dollars compared to the previous three years as fiber optic cable easements in the territorial sea and waterway leases continue to be large sources of revenue for the Department. Revenue from Sand and Gravel authorizations is primarily from royalty payments based on the volume of material extracted. This revenue decreased 53% on average from the previous three years. Reasons for less gravel extraction in FY 2020 are not known, but the decrease occurred for multiple authorizations so was likely market-driven. Revenue from Public Facility Licenses has steadily decreased over the last four years as the Department has received fewer renewals and new applications each year since 2017. These licenses for publicly owned structures and uses such as boat ramps, docks, fishing and swimming platforms and navigation aids are free aside from an application or renewal fee for a term of 15 years.

Table 4. Gross Revenue Received by the Department

Agency Object Type	FY 2017	FY 2018	FY 2019	FY 2020
Public Facility License	\$40,666	\$9,000	\$7,125	\$4,750
Easements-WW	\$768,133	\$177,300	\$718,136	\$1,323,103
Registration of Waterway Structures	\$128,353	\$119,590	\$204,320	\$235,078
Waterway Lease	\$2,040,479	\$2,182,514	\$2,070,827	\$2,747,035
Sand & Gravel WW	\$677,043	\$521,478	\$578,205	\$275,608
Short Term Access	\$4,250	\$1,000	\$1,625	\$2,750

Authorization				
Special Use License/Permit	\$3,050	\$0	\$6,080	\$8,194
Special Use Lease	\$40,474	\$74,058	\$23,094	\$45,224
Totals (rounded)	\$3,702,448	\$3,084,940	\$3,609,412	\$ 4,641,742

Table 5 forecasts proprietary authorizations that are scheduled for renewal for the upcoming year. The number of forecasted renewals is lower than the 805 renewals processed in FY 2020 (Table 3), so staff should be able to address the anticipated workload.

Table 5. Future Renewing Proprietary Authorizations by Type

Authorization Type	FY 2021
Public Facility License WW	5
Easements WW	39
Registration of Waterway Structures	297
Waterway Lease	47
Sand & Gravel WW	4
Short Term Access Authorization	26
Special Use License/Permit	1
Temporary Use Permit WW	1
Totals	424

Submerged Lands Enhancement Fund

The Department funded three projects in 2018 that were all successfully completed in 2019 through the Submerged Lands Enhancement Fund. The projects granted were diverse in nature and ranged from controlling invasive aquatic plants, removal and replacement of a boat ramp and dock structure, and removal of large-scale debris in the Portland Metro area. The Department was prioritizing the focus of the current grant cycle when the impacts of COVID-19 caused the Department to pause on funding due to potential economic impacts. Additionally, the Department understands that COVID-19 hardships have delayed necessary field work, contracting, and the ability of applicants to be able to perform their projects with any certainty. In light of COVID-19, and in consideration to potential applicants, the Department decided to delay the next grant cycle until FY2021.

Abandoned and Derelict Vessels and Illegal Camps

The Department has witnessed an increase in the frequency and cost of abandoned and derelict vessels in recent years and has dedicated more and more staff time to this issue. The Department's Abandoned and Derelict Vessel and Camping (ADVAC) team, formed in 2019, has increased the Department's responsiveness and coordination of this work to leverage the currently designated \$250K in funding to work on ADVAC issues throughout the state. The Department recently hired one full-time Compliance and Outreach Specialist who will be dedicated to ADVAC issues. Oregon, particularly

metro areas, has experienced a rise in houselessness that is expected to increase as the continued impacts of COVID-19 are realized. The Department, along with partner agencies and local municipalities, has seen an increase in the unauthorized use of abandoned and/or derelict vessels related to houseless issues. Recent reports of marina owners allegedly cutting vessels of concern loose from their moorage under suspicious circumstances or giving away boats for free on Craigslist ads in light of the Governor's current moratorium on commercial evictions is alarming. The Department is investigating these reports along with Oregon State Marine Board (OSMB) and local law enforcement.

The Department continues to work with OSMB in cost sharing for the disposal of abandoned and derelict vessels (ADV's). Staff recently finalized guidance for how the Department will process ADV's and prioritize them for removal and disposal. In coordination with OSMB, the Department removed 24 ADV's in FY 2020. Most (19) of the removals occurred in 2019 due to COVID-19 issues in 2020. Staff was actively part of a regional work group that worked to identify strategies that may assist states in handling both commercial and recreation ADV's. Specifically, a Blue-Ribbon Program was developed and released to the public for use in January 2020 in coordination with staff from the states of Alaska, Washington, and California, as well as British Columbia (http://oilspilltaskforce.org/docs/ADV_Blue_Ribbon_Program_FINAL.pdf). The Blue-Ribbon Program covered the following topics as they relate to ADV's: authorities, funding, prevention, removal and deconstruction, and public outreach and education. The Department is coordinating with OSMB and Department of Environmental Quality staff on discussing next steps for implementing strategies from the Blue-Ribbon Program.

In addition to the growing problem of ADV's on state-owned waterways, there is still a growing incidence of unauthorized transient use on state-owned banks and islands, specifically overnight camping throughout the state. The major concerns around these unauthorized uses are the accumulation of trash, debris, and human waste; the environmental degradation caused from the camps and fires; restriction and loss of public access; and illegal activities occurring at camps. DSL staff worked with new partners such as the Metro Regional Government, the Port of Portland, City of Portland, and SOLVE on several camp cleanups in the Portland Metro area. In FY 2020, more than 43 tons of solid and hazardous waste was removed from state-owned land in the Portland Metro area. All cleanup actions were in January and February. The Department and our partners have been reluctant to displace people during the COVID-19 pandemic.

The Metro Abandoned and Derelict Vessel and Camping (Metro ADVAC) Group

The Metro ADVAC Group (formerly Transient Boater Work Group) was formed in Summer 2014 to address the increased number of people living on boats or on land adjacent to waterways without an authorization in the Portland Metro area. The work group includes representatives from the following agencies and citizen groups:

- Department of State Lands (DSL)
- Portland Housing Bureau

- Oregon State Marine Board (OSMB)
- Department of Environmental Quality (DEQ)
- Oregon State Police (OSP)
- Oregon Department of Justice (DOJ)
- Multnomah County Sheriff's Office (MCSO)
- Multnomah County Housing
- Multnomah County Chair's Office
- Citizens
- City of Portland Parks and Recreation
- City of Portland Office of Neighborhood Involvement
- City of Portland Mayor's office
- JOIN, Connecting a Street to a Home
- Columbia River Yachting Association
- Waterfront Organization of Oregon
- City of Portland Police Dept. Intensive Street Engagement
- Metro Regional Government

In the spring of 2019, the group developed a 2019/2020 work plan of its top priorities.

- Reduce impacts of transient boats - work within this focus area concentrates on reducing the impacts (environmental, social, and otherwise) of illegal live-aboard boating.
- Clean up unoccupied boats - work within this focus area concentrates on removing boats that are unoccupied, abandoned, or derelict from the water.
- Proactively address potential problem boats - work within this focus area concentrates on encouraging proper disposal or reuse of boats and structures that are derelict or have the potential to become derelict.

The Department, OSMB, MCSO, Port of Portland, and Metro Regional Government have coordinated river and beach cleanups in both the Swan Island Basin and the North Portland Harbor on the Columbia River areas. The cleanup efforts were directly tied to the Metro ADVAC workplan. While Metro ADVAC has not met in the last several months due to COVID-19, the group will resume meeting in the fall once the new Compliance and Outreach Specialist is fully trained and transitioned into their new role to lead those meetings.

Rulemaking

Rules Governing the Establishment of Restrictions on the Public Recreation Use of State-Owned Land

The Department engaged in several rulemaking efforts related to the public recreation use of state-owned land in an effort to protect against: (1) the loss of, or damage to property; (2) the loss of, or damage to natural resources and the environment; (3) degradation of water quality; and (4) loss of, or damage to riparian vegetation and wildlife habitat.

The Oregon State Land Board approved the public use recreational restriction of state-owned banks and islands on the Willamette River within Eugene city limits, Lane County, Oregon (OAR 141-088) for the above listed reasons on December 10, 2019. The rules went into effect on January 1, 2020. To this end, all state-owned banks and islands on the Willamette River within Eugene city limits are closed to:

- (1) All uses between 10 p.m. and 5 a.m.; and

- (2) The establishment of a campsite at any time; and
- (3) Fires at any time.

For the purposes of this section, “campsite” means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove is placed, established or maintained for the purpose of maintaining a temporary place to live, whether such a place incorporates the use of any tent, lean-to, shack or any other structure. Excepted from this restriction are Government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, and Department authorized persons and adjacent landowners inspecting or maintaining property.

The Department also closed river miles 0 - 11 of the lower Willamette River, including the Swan Island lagoon, to certain public recreation uses. These restrictions were approved by the State Land Board on December 10, 2019. These rules, which went into effect on January 1, 2020, mimic the use restrictions of the Eugene and Columbia River/Oregon Slough closures.

In August 2019, the Department stated an emergency closure on the banks of the Columbia River between river miles 102 to 106 and 120 to 121, and along the Oregon Slough between river miles 0 to 2.5 to public recreational use, including campsites, on state-owned land. The Department initiated rulemaking for this closure at the October 2019 Land Board Meeting and held one RAC meeting on May 13, 2020. A public hearing was held on June 17, 2020 for the closure and had two people in attendance; no public testimony was provided. The State Land Board approved the closure at the August 11, 2020 meeting; the planned effective date is September 21, 2020. The rule will be filed permanently with the Secretary of State.

Inter-Governmental Agreements for Management of Some State Lands

The Department is currently party to the following agreements:

- Inter-Governmental Agreement (IGA) with Multnomah County Sheriff’s Office (MSCO) – assistance with monitoring of state waterways in Multnomah County, \$10,000 per biennium.
- Inter-Agency Agreement (IAA) with Oregon Parks and Recreation (OPRD) – monitoring and cleaning up property owned by the Department along the Sandy River on or near Dabney State Park and Lewis and Clark State Park, \$26,000 per biennium.
- IAA with OPRD – monitoring and cleaning up property owned by the Department near the South Jetty of the Siuslaw River, \$5,000 per year.
- IGA with Metro Regional Government – assistance with cleanup of illegal camps on state-owned lands in the Portland Metro area, \$10,000 per fiscal year.
- IGA with the City of Eugene – assistance with cleanup of illegal camps on state-owned lands in the Eugene area, \$15,000 per fiscal year.
- Memorandum of Understanding with Willamette Riverkeepers – assistance with

cleanup of illegal camps, as well as the restoration and stewardship of Department owned lands.

- Memorandum of Understanding with SOLVE – Assistance with cleanup of illegal camps.

Portland Harbor Superfund Site

The Department continues to engage with public partners and other stakeholders on various aspects of the Portland Harbor Superfund Site on the Willamette River. Department staff processed applications from parties to conduct EPA-required sediment sampling on state-owned submerged and submersible lands and for other activities directly and indirectly related to response actions and cleanup on submerged and submersible lands. In response to current and anticipated applications, the Department continued to refine and develop its procedures, guidance, and other materials for authorizing remediation activities on state-owned lands. Staff also coordinated with other public agencies (including EPA, ODOT, DEQ, and Oregon Health Authority (OHA), the Governor's Office, and others on issues associated with investigation, cleanup, and other matters. The Department engaged in outreach to stakeholders through public presentations and participation in events and workshops.

The Department provided funding and staff participated in public entity partnership efforts including the Willamette Cove Remedial Design, an Institutional Control Implementation and Assurance Plan (ICIAP), and an Information Management Plan (IMP). Staff continued work to clarify the state's ownership boundaries within the Portland Harbor Superfund Site and supported Department of Justice work related to the nonjudicial allocation of Portland Harbor response costs, including reviewing technical information and materials and researching and providing program information. The Department fulfilled its obligations for the Portland Harbor Remedial Design Trust, a partnership effort with the City of Portland and the EPA to provide funding to encourage parties to undertake remedial design. The Department continued to provide support to Multnomah County fish consumption advisory outreach.

SECTION 2 – REMOVAL-FILL PROGRAM TRENDS

Removal-Fill Permits

There are four types of permits available to conduct work in wetlands and waterways:

Individual Permits (IP): A permit for projects that have more than minimal adverse effects to waterways and wetlands, are more complicated and often involve more than one removal-fill activity, may involve a substantial mitigation obligation, and do not qualify for any of the General Permits or General Authorizations. The processing timeline is up to 120 days.

General Permits (GP): A streamlined permit covering activities substantially similar in nature, recurring or ongoing, and have predictable effects and outcomes. A GP may be established by order or by rule. GPs issued by rule may be on a statewide basis or a geographic basis. GPs issued by order are for an applicant or group of applicants. The processing timeline is up to 40 days for most GPs.

General Authorizations (GA): A streamlined permit for nine specific types of removal-fill activities that have minimal adverse effects on wetlands and waterways. General Authorizations are pre-approved but require a 30-day notice to the Department prior to the removal-fill activity.

Emergency Permits (EP): Authorizations for emergencies that pose a direct threat to human health, safety or substantial property, and where prompt removal-fill action is required to address the threat. Approval is given as quickly as possible in emergency situations. Work must be limited to the minimum necessary to alleviate the threat.

Table 6 shows permit activity in FY 2020 by permit type. The Department saw an 8% decrease in permits approved during FY 2020 compared to last year (613 to 567). This includes decreases in IPs by 10% (406 to 367), an increase in GAs by 4% (92 to 96), and a decrease in GPs by 21% (87 to 69). Emergency Permits increased by 25% (28 to 35). The similar number of permits issued is somewhat surprising considering the tumultuous last quarter of the fiscal year but seem to reflect active project development despite the unusual circumstances. Emergency Permits are unique in that they are driven by weather events rather than the economy. There were significant flooding events in the northeast portions of the state in the last quarter of the fiscal year. The subset of authorizations approved in essential indigenous anadromous salmonid habitat (ESH) is provided separately as required by ORS 196.885.

Table 6. Removal-Fill Authorizations by Type

Authorization Type	Applications Received	Approved	Denied	Total Decisions	Approved in ESH
IP	195	367	2	369	144
GA	94	96	0	96	67
GP	49	69	1	70	18

EP	40	35	0	35	21
Totals	378	567	3	570	250

One GP of interest is the Bureau of Land Management/U.S. Forest Service permit, GP-42104, which is issued by order and is represented in Table 6 as one authorization. However, this GP authorizes projects that fall within 11 aquatic restoration activities through a notice-based process. In FY 2020 there were 80 projects constructed under that authorization, with 95 notifications of projects in the fiscal year.

A permit type that has changed significantly in the recent past is the Placer Mining GA. In 2013 legislation created a temporary moratorium on placer mining. Legislation in 2017 lifted the moratorium but placed significant limitations in ESH waters, including only allowing non-motorized placer mining. As a result, the number of placer mining GA's dropped off precipitously over the past few years. A more efficient web-based application and permit process also eliminated duplicate authorizations. There were 3 authorizations issued in FY 2020, which is a decrease from eighteen in FY 2019.

Essential Indigenous Anadromous Salmonid Habitat (ESH)

The Department's essential indigenous anadromous salmonid habitat (ESH) requirements were established by the 1993 Legislative Assembly and fully implemented by the Department in 1996. An authorization is required for any amount of fill or removal for activities occurring within stream reaches used for spawning or rearing of state and federally listed anadromous fish species, unless the activity is specifically exempt. Tables 6 and 7 include the subset of permits issued for work in ESH waters.

The Department works with the Oregon Department of Fish and Wildlife to update the ESH designations for Oregon's waterways to reflect new data, improved mapping techniques, and habitat reopened to salmonid and other species through recovery and restoration efforts. Designations are available on the Department's website through an online map. The designations and map were last updated and adopted into rule in March 2015. ODFW generated the data needed for the Department to update the ESH map in early 2020 and the Department anticipates completion of rulemaking process for the updated map by late 2020 or early 2021.

Authorized Volumes of Removal and Fill

Table 7 contains total volumes (in cubic yards) of material permitted to be removed and filled in waterways and wetlands by authorization type. The first two columns include all permits, the following columns are subsets of material removed and filled in ESH waters and wetlands as noted. Figure 1 depicts the location of the authorized removal-fill activities. It is important to note the total volume authorized each year will always be more than the actual volume removed or filled. Many projects take several years to complete, but the permit is granted for the total amount and kept active each year. There are significant volumes permitted for some activities, particularly maintenance dredging, that occur on an as-needed basis, but are kept active, some of them for decades.

Table 7. Removal-Fill Authorized Volumes (cubic yards) for FY 2020

Auth Type	Removal Volume	Fill Volume	Removal Volume in ESH	Fill Volume in ESH	Removal Volume in Wetlands	Fill Volume in Wetlands
IP	4,677,801	4,472,579	931,386	497,774	636,302	2,162,612
GA	856	1,062	467	633	3	2
GP	76,222	56,833	26,347	10,919	13,354	20,194
EP	5,781	5,768	4,594	4,507	984	634
Totals	4,760,660	4,536,242	962,794	513,833	650,643	2,183,442

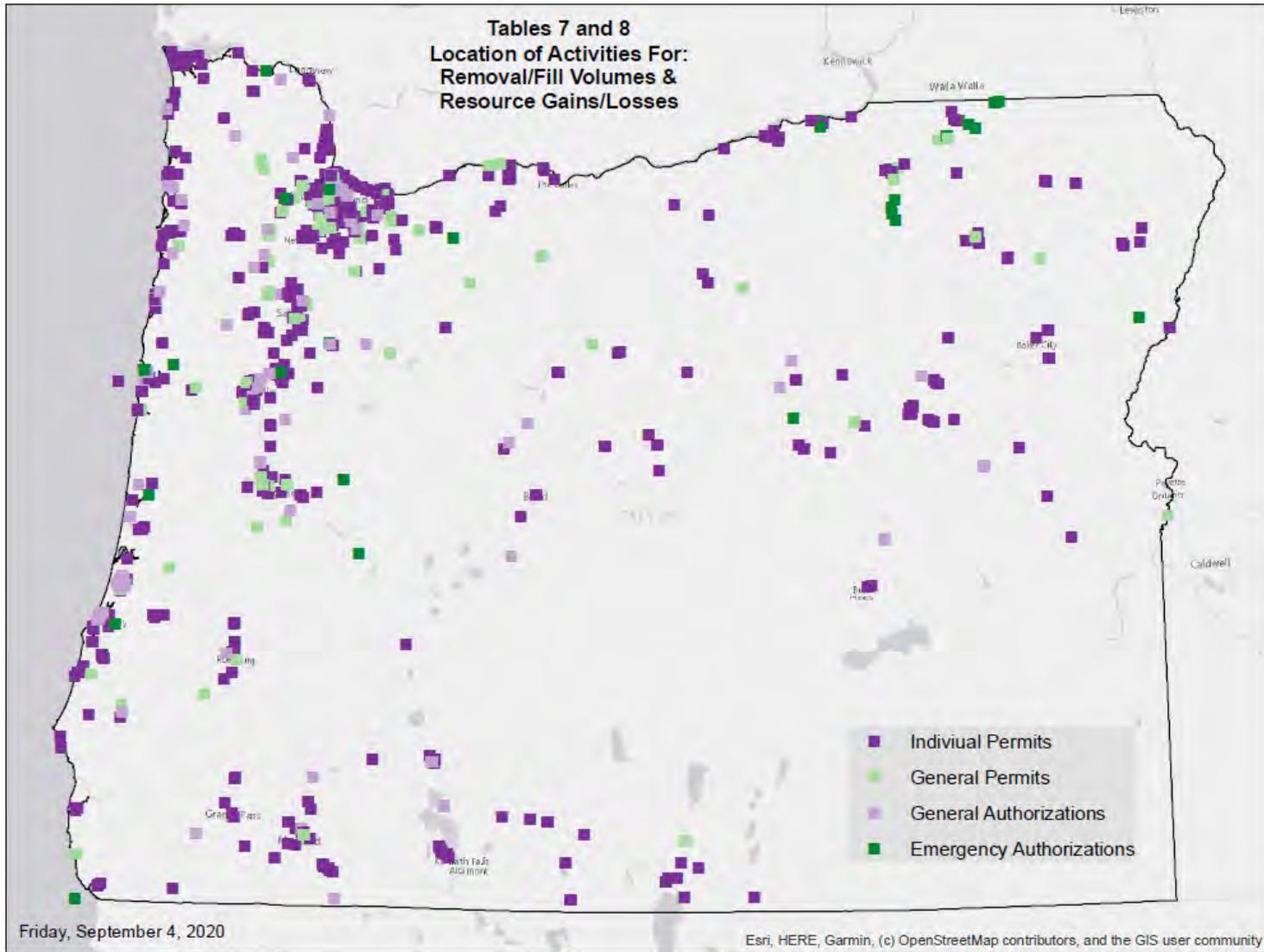
Table 8 shows the number of acres of wetlands authorized to be removed from the landscape or gained through creation or restoration. The net gain or loss of acres is a meaningful measurement for wetlands but is not useful for waterways. Wetlands can be removed from the landscape entirely, whereas streams can be improved or degraded, but they generally are not removed from the landscape.

The Department's goal is no net loss of wetlands over time from the aggregate of property development and creation and restoration of wetlands (including from mitigation banks). In FY 2020 there was a net gain of 42.49 acres of wetland from authorized activities. Wetland gains have outpaced authorized wetland losses over the past five years mainly due to a few large voluntary restoration projects.

Table 8. Authorized Gains and Losses in Wetlands for FY 2020

Authorization Type	Wetland Acres Gained	Wetland Acres Lost	Net Wetland Acres
IP	111.16	65.46	45.70
GA	0.20	0.00	0.20
GP	0.00	3.37	-3.37
EP	0.00	0.01	-0.01
Totals	111.36	68.84	42.52

Figure 1. Location of Activities for Removal-Fill Volumes & Resource Gains/Losses for FY 2020



Legislation

House Bill 2436

House Bill 2436 enacted by the 2019 Legislative Assembly directs the Department to put together recommendations, including proposed legislation, for the 2020 Legislature to allow DSL to continue plans to take on partial assumption of the federal Clean Water Act 404 dredge and fill program currently administered by the U.S. Army Corp of Engineers (Corps). Successful implementation of a partial 404 assumption program would result in saving applicants the time and money of obtaining overlapping state/federal approvals over development in wetland and waters and could have a positive impact on the state's housing availability.

Partial 404 assumption means that DSL would apply to the Environmental Protection Agency (EPA) to partially assume the 404 authorities from EPA for "development activities" within urban growth boundaries, mining and activities associated with mining; and the creation of mitigation banks. Farming, ranching, and forestry activities are specifically excluded (i.e., DSL would not assume authority and the *status quo* remains for those activities).

DSL's key accomplishments during FY 2020 and as of the writing of this report are:

- Collaborated with other state agencies and federal agencies that have a role in implementing 404 assumption, including but not limited to the Oregon Department of Justice, Department of Environmental Quality, Department of Land, Conversation and Development, Department of Fish and Wildlife, Department of Agriculture, Department of Forestry, Department of Geology and Mineral Industries, and the Corps, Oregon federally-recognized tribes, and the US Environmental Protection Agency.
- Created a workgroup of over 100 members representing state, local and federal agencies, mining, private development, farmers, forestry, irrigators, wetland consultants and mitigation bankers, public utilities, public interest and conservation organizations, and Oregon tribes and tribal organizations; and held monthly workgroup meetings to discuss the Partial 404 Assumption Initiative and to evaluate how a partial assumption program may affect other state, federal and tribal programs, existing state, federal, and tribal authorities, and a broad spectrum of special interests.
- Initiated discussion with Oregon's nine federally recognized tribes on issues of interest including: Federal Trust Responsibility, Treaty Rights, federal Endangered Species Act, Sovereign Immunity, and federal National Historic Preservation Act (Section 106).
- Defined permitting activity within urban growth boundaries as part of partial assumption.
- Defined assumable waters.
- Created a comprehensive 404 Assumption webpage filled with meeting notes, resources, references, and including an interactive GIS-layered map specific to the Partial 404 Assumption Initiative in Oregon.
- Met with the Corps to discuss handling of culturally sensitive permitting issues and processing methodology.

- Collaborated with ODFW on creation of a Habitat Conservation Plan and/or Biological Opinion, and hired an ODFW fish biologist to assist with these efforts.
- Participated in a nationwide discussion on 404 Assumption hosted by the Association of State Wetland Managers.
- ODFW developed a flow chart and approach for consulting with the federal Services under either Section 7 or Section 10 of the federal Endangered Species Act.

The EPA's rules and policies regarding 404 Assumption have been in flux, so the Department was not able to make recommendations to the 2020 Oregon legislature. There have been some developments that DSL believes are beneficial and would facilitate 404 Assumption should the State decide to do so including EPA determining that it would consult on 404 Assumption decisions under Section 7 of the federal Endangered Species Act and under the National Historic Preservation Act. The Department will present a report to the Oregon legislature in November of this year with details for what a partial 404 Assumption program would look like and the resources required to implement such a program.

House Bill 2437

House Bill 2437, also enacted by the 2019 Legislative Assembly, directs the Department of State Lands, Oregon Department of Agriculture (ODA) and Oregon Department of Fish and Wildlife (ODFW) to work together to put ODA in the lead on managing a notice-based process for reviewing removal-fill activities in traditionally maintained agricultural drainage channels that are not designated Essential Salmonid Habitat and that are seasonally dry. The shift in oversight for these activities aims to increase communication and relationships between the state and the agricultural community and promote use of best management practices that will protect wetlands, waterways, and wildlife. The Department participated in ODA's rulemaking to implement these changes, which were filed with Secretary of State in September. The Department, ODA and ODFW continue to develop a Memorandum of Understanding to describe how the agencies will consult to implement their responsibilities under ORS 196.906 through 196.919, adaptively manage the notice-based process, and report to the legislature.

Statewide Wetlands Inventory and Goal 5 Planning Assistance

Statewide Wetlands Inventory

The Department is responsible for developing, maintaining, and distributing the Statewide Wetlands Inventory (SWI). The SWI initially was based upon the National Wetlands Inventory (NWI) developed by the U.S. Fish and Wildlife Service (USFWS). Local Wetlands Inventories (LWIs) that cover many urban and urbanizing areas in Oregon are added to the SWI as they are approved. The SWI also includes other recognized mapping that indicates potential locations of wetlands and waters including portions of the U.S. Geological Survey (USGS) National Hydrographic Dataset (NHD) and subsets of the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Soil Survey STATSGO and SSURGO datasets. Other Department-approved wetland mapping such as wetland delineations and

compensatory mitigation sites are part of the SWI but are not yet available in digital GIS format. In FY 2020 DSL gained an EPA Wetland Program Development grant to digitize all compensatory mitigation sites for display on the SWI.

Development of the SWI web map tool began in 2017 and the web map was released in early 2020. Internal and external reviews were completed in previous years and revisions to the web page and web map continued into FY 2020. The Department obtained an EPA Wetland Program Development grant to support the digitization and standardization of all approved LWI mapping for display on the SWI web map and distribution to those jurisdictions that were previously without Esri GIS datasets. The LWI dataset project delivery was completed in early 2020. Integration of the LWI datasets into the SWI and distribution has been delayed because of COVID-19.

Outreach for the initial release of the web SWI, without LWI mapping, began in 2018 with multiple presentations and other communications. Email pre-release and training announcements were sent between December 2019 and the official release of the web SWI on February 3, 2020. These were sent to local governments, tribal representatives, state and federal agency representatives, Councils of Governments, Oregon Planners Network listserv, Soil and Water Conservation Districts, Watershed Councils, and other interested parties. Outreach and training about the SWI are ongoing and included a large training hosted by Lane Council of Governments.

Local governments use the SWI to check for the need to submit a Wetland Land Use Notice (WLUN) to DSL upon receipt of certain land use applications as required in Oregon Revised Statutes. Others may use the SWI to check for the likely presence of wetlands and waters for project planning. They may then make an offsite wetlands and waters determination request for more information from DSL.

Local Wetland Inventories

Local Wetland Inventories (LWIs) have much more detailed and accurate mapping than the NWI and include other descriptive information and wetland functional assessments that are used to make Locally Significant Wetland determinations for Goal 5 compliance. LWIs are used by cities and counties for planning purposes; they also provide more accurate wetland location information for the public, landowners, and developers. The Department's Aquatic Resource Planner (ARP) assists local governments and their consultants with LWI development, and ultimately reviews and approves LWIs. In FY 2020, the ARP provided continued support for LWIs in progress in Beaverton, Dallas, Grants Pass, Hillsboro, Springfield, Pendleton and Portland, reviewed draft materials for the two study areas in Hillsboro, provided pre-LWI-initiation training for Central Point, and responded to inquiries from Halsey and Yachats.

DSL staff have been leading an effort to develop a new wetland functional assessment method for local planning efforts, especially for LWIs, with assistance from the Lane Council of Governments under an LCOG EPA grant. This new assessment method will replace the Oregon Freshwater Wetland Assessment Methodology for Locally Significant Wetland determinations. The Department staff has worked through some

technical issues this year and are continuing to discuss how to integrate the new assessment method into the Division 86 Locally Significant Wetland rules.

Outreach

Outreach and presentations about the SWI, the WLUN process, regulations, and participation in long-range wetland planning efforts is a significant part of the ARP's position. In addition to the outreach described above, some in-person trainings planned for March through June were changed to a video conference or delayed to a future date due to COVID-19.

The ARP corresponded with county and city representatives and with members of the public about general notices, land use planning, related wetland topics, regulatory process and other inquiries. In FY 2020 (FY 2019 for comparison), there were 730 (570) general notices received from 22 (21) counties, 38 (42) cities and 9 (13) other federal, state and non-governmental organizations regarding proposed activities. The ARP reviews these for WLUN outreach opportunities. These notices also are reviewed by the DSL Real Property Analyst for potential proprietary concerns.

Wetland Conservation Plans and Advance Aquatic Resource Plans

Wetland Conservation Plans (WCP) were developed as a method for local governments and communities to make long-range plans for development, mitigation and protection of wetlands identified on LWIs. WCPs are approved by final order of the Director and include local land use planning decisions. To date, West Eugene has the only WCP which was approved in 1994.

Advance Aquatic Resource Plan (AARP) rules were developed from a long process involving multiple state, federal, local government and other stakeholder participation. AARPs are similar in many ways to WCPs. Wetlands and waters are identified, functional assessments completed, and decisions are made regarding the best use of each wetland; then the plan is approved by final order of the Director. AARPs differ from WCPs because the plan is not a land use decision; the plan area is determined by the participants, and both the landowners and future developers voluntarily agree, or not, to the conditions of the plan. If the participant chooses to comply with the terms of the AARP, then the removal-fill permitting process is streamlined as outlined in the plan.

Two AARPs have been approved and are active. The first, for 19 selected industrial sites in Linn and Benton Counties sponsored by the Oregon Cascades West Consortium was approved on October 2, 2015 and will expire on October 2, 2020. The Port of The Dalles sponsored an AARP for six industrial sites, approved July 8, 2016. After participating in the development of both plans, the U.S. Army Corps of Engineers declined to recognize the plan efforts with either a Letter of Permission or a Regional General Permit, respectively, on October 6, 2017. This is unfortunate because the wetlands planning, and regulatory permit streamlining provided by the AARP process for state removal-fill permits is not realized in the federal Section 404 wetlands permitting process.

SECTION 3 – PROGRAM REPORTING FOR THE REMOVAL-FILL

LAW

Monitoring

The Department monitors permits for compliance with the type of authorization issued and specific conditions described in the authorization. In addition to the permit types described in Section 2 of this report, the Department monitors projects where the Department determined that no state permit was required. In FY 2020 staff sought to monitor 25% (126) of the permits that expired in FY 2018 and FY 2019. As shown in Table 9, this target was not met due to travel difficulties associated with COVID-19, but 115 permits were still monitored. Compliance with key permit requirements was high at 89% but the Transportation General Permit showed a relatively low compliance rate of 68%. The most common reasons for non-compliance issues among all permits monitored were failure to construct the project as designed and failure to meet some specific permit conditions.

Table 9. Permit Compliance Monitoring

Authorization Type	Number Monitored	Compliant	Non-compliant
Individual Permit	55	49	6
GP: Transportation	22	15	7
GP: Minor Impact	1	1	0
GA: Waterway Habitat	6	6	0
GA: Bank Stability	1	0	1
GA: Piling	12	12	0
GA: Minimum Disturbance	6	6	0
GA: Temporary Impact	1	0	1
Emergency Permit	5	5	0
No State Permit Required	6	6	0
Totals	115	100	15

The Department monitors mitigation sites and impact sites that require restoration, both for permitted activities and violations. Due to the nature of the time it takes for establishment of mitigation sites and restoring impact sites, including soil stability and plant development, there will always be a quantity of sites actively being monitored. Currently, the Department is actively monitoring 547 projects (Table 10). The Department's goal is to keep pace by closing as many files as are opened; however, this will vary from year to year depending on the number of permits or enforcements.

Table 10. Mitigation Monitoring FY 2020

Authorization Type	Active	Opened	Closed
Wetland	285	26	78
Stream	262	54	34
Totals	547	80	112

Enforcement

When the Department becomes aware of potential noncompliance issues, the

alleged violation is investigated to determine whether a violation has occurred. Table 10 shows the number of permitted and nonpermitted enforcements opened and closed. Also shown are the subset of those violations specifically occurring in ESH waters. Civil penalties may or may not be assessed or collected in the same year the violation occurred so civil penalty amounts for a fiscal year are not directly related to the number of enforcement files. The total amount of civil penalties collected will also be affected by negotiations during resolution of the violation.

The Department opened 89 enforcement files during the reporting period. Of the almost 550 active permits only 10 enforcements were opened for projects with a permit. This is likely due, at least in part, to the interaction, coordination, and education that is made possible through permitting and monitoring. The Department closed 40 enforcement files in FY 2020. Enforcement files are closed either through Consent Agreements and other orders, or when further investigation reveals either no violation occurred or there was insufficient evidence to confirm a violation.

Table 11. Compliance Checks, Enforcements, Civil Penalties, & Final Orders FY 2020

	Number of compliance checks	Enforcement Files Opened	Enforcement Files Closed	Civil Penalties Assessed	Civil Penalties Collected	Final Orders
Permitted	289	10	5	\$92,148	\$92,148	6
Unpermitted Work	243	79	67	\$138,221	\$124,598	34
ESH Permitted	68	4	1	\$12,000	\$12,000	3
ESH Un-permitted Work	103	39	28	\$28,325	\$39,574	16

The BLM/USFS general permit, GP-42104, though only one permit, authorizes many restoration projects statewide. As a result, there are many compliance checks unrepresented in Table 11. In FY 2020, staff reviewed nine project reports for the BLM/USFS general permit and conducted three on-site project compliance checks.

Contested Cases

There were three contested cases requested related to enforcements opened in FY 2020. Of these, one was denied because the request for a hearing was not received within the allowed 20-day timeline, and two are pending a hearing.

Wetland Land Use Notification

The wetland land use notification process was initiated in 1989 as part of the Oregon Wetlands Conservation Act. All counties and cities are required to notify the Department of certain development activities proposed in wetlands that are mapped on the Statewide Wetlands Inventory. The Department reviews the notice and provides a written response within 30 days to the applicant and local government as to whether the proposed action is likely to require a removal-fill permit and/or a more precise wetland boundary location (wetland delineation). The objective of the notification process is to

provide coordination between local (city or county) development approvals and state wetland regulations. Overall, the wetland land use notice process has proven to be an effective “early warning” mechanism for landowners and developers that a state permit may be required in addition to the local approval.

The Department continues to receive more notices each year. The increase can be attributed to the Department’s continuing outreach efforts to local government planners and a growing economy - at least until the slowdown due to COVID-19. Table 12 shows the Department was successful in responding within 30 days for 761 notices but exceeded that time for 43 notices (5% of all notices) in FY 2020. There was a dramatic decrease in FY 2020 for the number of notices that took more than a 30-day response time. This decrease can be attributed to the Department hiring additional staff near the end of the 2019 calendar year using funds allocated by the 2019 Legislature (HB 2436), as well as corrections of problems with the online land use notice system and a better balance of workload between staff.

Table 12. Department Response Time for Wetland Land Use Notices

Response Time	FY 2018	FY 2019	FY 2020
30 Days or Less	677	634	761
More than 30 Days	19	121	43
Totals	696	755	804

Jurisdictional Determinations and Delineation Report Review and Approval

The Department offers the public an agency determination on whether wetlands or other waters of the state may be present on a parcel of land and provides reviews of delineation reports. Determinations are conducted by the Department without charge. A determination identifies if wetlands or other waters of the state are present on a site that may be subject to state permit requirements. If wetlands and/or waters are present, a delineation and report by a wetland consultant may be needed to accurately locate and map the wetlands and waters (a delineation report). Staff review the delineation reports submitted to the Department with payment of the applicable fee. Landowners, developers, and local governments use the approved delineation report and maps to avoid or minimize impacts to waters of the state, or to determine the impacts that will require a state permit. The Department prepared 317 determinations and reviewed 296 delineation reports in FY 2020 (Table 13).

Table 13. Jurisdictional Determinations and Delineation Report Reviews

Number of Reviews	FY 2018	FY 2019	FY 2020
Determination	330	320	317
Delineation	333	319	296
Totals	663	639	613

Compensatory Mitigation

Oregon Administrative Rule 141-085-0006(3) defines compensatory mitigation as “*replacement of water resources that are damaged or destroyed by an authorized*

activity.”

Applicants have several mitigation options to choose from. They may conduct their own mitigation at the impact site or elsewhere nearby by either creating or restoring wetlands, enhancing degraded wetlands, or in certain limited cases, preserving high-value wetlands that are threatened. Some applicants have the option of purchasing wetland credits from a mitigation bank or an in-lieu fee project, or they may pay into the Department’s Removal-Fill Mitigation Fund. The Department promotes mitigation banking because it is ecologically valuable to consolidate mitigation and generally more efficient and cost effective to perform compensatory mitigation on a larger scale.

Mitigation Banking

There are currently 29 approved mitigation banks in Oregon, of which 8 have sold out of credits. Table 14 shows the cumulative sales and balances of the mitigation banks for FY 2020. During the fiscal year, 15 active mitigation banks made 60 separate sales totaling 45.67 credits, with an average size credit purchase of less than 0.75 acre. Six bank sponsors are currently working on new Mitigation Bank Instrument agreements that have yet to be approved. In addition to the wetland banks shown in Table 14, there is one stream mitigation bank, operated by the City of Salem. The Salem Stream Bank has had 75% of its credits released, and 5% have been sold. The stream credit units are not equal to wetland credits.

Table 14. Mitigation Bank Credit Sales and Balances as of June 30, 2020

Mitigation Bank	County	Total possible credits	% of credit released	% sold to date	Balance of credits remaining
Amazon Creek	Lane	39.78	100	100	0
Butler	Washington	45.60	71	53	21.22
Claremont	Clatsop	11.62	59	58	4.84
Cow Hollow	Douglas	15.22	100	100	0
Coyote Prairie North	Lane	78.68	91	78	17.01
Evergreen	Benton	84.52	100	97	2.6
Foster Creek	Clackamas	27.57	95	88	3.33
Frazier Creek	Benton	13.00	100	100	0
Garret Creek	Clackamas	15.49	50	45	8.47
Long Tom	Lane	59.51	85	85	8.96
Marion	Marion	34.09	89	88	3.77
Mary’s River	Benton	71.41	30	3	68.84
Mid-Valley phase 1	Benton	16.80	100	100	0
Mid-Valley phase 2	Benton	4.73	90	90	0.47
Muddy Creek	Benton	59.08	85	81	11.06
Mud Slough phases 1-2	Polk	73.82	100	100	0
Mud Slough phase 3	Polk	41.50	100	100	0
Mud Slough phase 4	Polk	43.8	73	54	19.93
Oak Creek	Linn	38.98	58	58	16.41

ODOT Bobcat Marsh	Washington	5.26	100	28	3.76
ODOT Crooked River	Crook	5.32	90	27	4.11
ODOT Greenhill	Lane	8.11	20	14	6.97
ODOT Lost River	Klamath	13.41	80	32	9.1
ODOT Vernal Pool	Jackson	20.95	83	54	9.64
One Horse Slough	Linn	66.91	98	93	4.57
Rogue Vly. Vernal Pool	Jackson	24.70	80	47	13.18
South Santiam	Linn	50.49	30	0	100
Tualatin Valley	Washington	31.13	75	75	7.81
Weathers	Marion	9.19	100	100	0
West Eugene	Lane	135.52	100	100	0
Wilbur Estuary	Lane	44.12	75	6	41.37
Total Wetland Credits		1,190.31			387.42

Mitigation Bank Program Compliance and Efficiency

Mitigation banking represents an important efficiency for both the Department and for permit applicants. Mitigation banks can provide greater ecological benefits and are more efficient for Department staff to manage than smaller mitigation sites. The economy of scale with larger mitigation adds to the profit margin for the bank sponsor's business venture and allows lower per-credit pricing. Purchase of bank credits is generally the preferred option for applicants because the costs are known up front and development of mitigation is then not part of the applicant's project critical path. Because the obligation for the mitigation requirement is transferred to the bank sponsor once credits are purchased, the credit purchaser has no further uncertainties to maintain, monitor, report, or remediate their own mitigation project.

Department staff inspect each mitigation bank annually to evaluate whether expectations have been met, to verify information in the monitoring reports, and to discuss and resolve emerging issues. In FY 2020 one bank was asked to develop a remedial plan to address weed invasion. Staff have also been working with bank sponsors and land trusts to promote the establishment of long-term stewardship plans to ensure the gains of wetland functions and values are sustained. Staff have also coordinated with the Corps to update and improve Mitigation Bank Instrument templates for more efficient preparation of new bank documents.

Compensatory Mitigation – Department In-Lieu Programs

In-lieu fees are accepted into the Oregon Removal-Fill Mitigation Fund as a form of compensatory mitigation for unavoidable adverse effects on waters of this state. The funds are used by the Department to construct mitigation sites and compensate for lost functions and values. There are two in-lieu fee programs available. The Payment In-Lieu (PIL) program allows payment for compensatory mitigation for small impacts (generally <0.2 acres) to waters of this state when other methods of providing compensatory wetland mitigation are not available or are inadequate. The Corps does not accept PIL mitigation for their federal 404 permits. The Oregon Department of State

Land In-Lieu Fee (ILF) program was approved by the Corps in 2009 and provides compensatory mitigation for both waters of this state and waters of the United States; i.e., the credits may be used to satisfy mitigation requirements for both Oregon removal-fill permits and federal 404 permits. Under the ILF program, areas are approved to sell a maximum number of “advanced” credits, but a project must be approved and meet performance requirements before credits are released and the mitigation obligation is fulfilled.

The Department’s in-lieu programs provided mitigation for 29 permit authorizations and three enforcements for a total of 3.69 credits. Credits sales for PIL and ILF, and ILF credit sales and balances are shown in Table 15 and 16, respectively. Funds are deposited in the Oregon Removal-Fill Mitigation Fund.

One new project in the Umpqua Basin was partially funded through the Oregon Removal-Fill Mitigation Fund in FY 2020. \$213,000 in mitigation funds were distributed to the Yoncalla Creek mitigation bank project from PIL payments received in that basin. Future payment to that project will be from the collected ILF funds for the Umpqua Interior Foothills Advance Credit area. The Department has ongoing projects funded in previous years for the areas shown in Table 16.

Table 15. Deposits into the Oregon Removal-Fill Mitigation Fund in FY 2020

Number of Permits using the PIL Program	25
PIL \$ Totals	\$412,285.92
PIL Credits Sold	2.895
Number of Permits using the ILF Program	7
ILF \$ Totals	\$75,352.94
ILF Credits Sold	0.803
Mitigation Fund Deposits \$ Total	\$ 496,672.48
Total Mitigation Credits Sold	3.698

Table 16. In-Lieu Credit Sales and Balances as of June 30, 2020

Site Name	County	Credits Released	Cumulative Credits Sold	Balance of Credits Remaining
Tamara Quays	Lincoln	2.16	1.81	0.34
Half Mile Lane	Washington	13.24	5.03	8.21
Pixieland	Lincoln	4.02	2.08	1.94
Lower Columbia advance credit area	Clatsop	0	3.35	-3.35
Umpqua Interior Foothills advance credit area	Douglas	0	7.52	-7.52
Wilson Trask Nestucca advance credit area	Tillamook	0	2.21	-2.21

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State Land Board

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Governor

Bev Clarno

Secretary of State

Tobias Read

State Treasurer

M E M O R A N D U M

October 13, 2020

To: Governor Kate Brown
Secretary of State Bev Clarno
State Treasurer Tobias Read

From: Vicki L. Walker
Director

Subject: South Slough National Estuarine Research Reserve Report

Background

The South Slough National Estuarine Research Reserve is a 5,900-acre natural area located in the Coos estuary on the south coast of Oregon. South Slough Reserve was designated in 1974 as the first reserve of the National Estuarine Research Reserve System, a national network of estuaries protected and managed for the purposes of long-term research, education, and coastal stewardship. The system is administered as a partnership between the National Oceanic and Atmospheric Administration (NOAA) and coastal states.

In Oregon, the Legislature established the South Slough Reserve through ORS 273.553, which also designated the Department of State Lands (DSL) as the state partner for the Reserve.

Evaluation of Potential State Partners for South Slough Reserve

The question of whether a different state partner would be a better fit for South Slough Reserve has come up many times over the years. South Slough Reserve's extensive and varied responsibilities and services defy easy categorization. The Reserve's contributions to Oregon touch many values equally and deeply.

In early 2018, the State Land Board asked me to complete the ongoing work to evaluate alternative management options for the Reserve. Over the past two years, this work has included:

- Reviewing the Legislative decisions and direction that led to the current administration and funding model.
- Discussing potential partnership with University of Oregon and Oregon State University, and gathering the perspectives of Tribes, stakeholders, partners, and communities regarding state partner alternatives
- Developing a full, current understanding of South Slough Reserve's many contributions to Oregon, to assess how those contributions align with the alternatives under consideration.

A report on this work is included as Appendix A. The report is summarized below along with key considerations for determining a path forward.

Report Summary

Legislative and Funding History

South Slough Reserve was designated through the Coastal Zone Management Act on June 27, 1974, as the first unit of the National Estuarine Research Reserve System. Initial federal funding for the Reserve was provided to the Oregon Department of Land Conservation and Development (DLCD), which provided critical administrative support in the early years. However, with the acquisition of lands for creation of the Reserve, a state partner that could oversee land transfers and title holdings was needed.

DSL's land ownership capabilities, as well as the alignment between Reserve educational programming and the Common School Fund's support of K-12 public education, and DSL's stewardship of land and waters, led to DSL becoming South Slough Reserve's state partner in the early 1980s.

In the early years, Reserve funding was a mix of General Fund through DSL and DLCD, the Common School Fund, and annual operations awards from NOAA. Over the next decade, statewide budget cuts reduced General Fund support for the Reserve. Ultimately, all General Funds supporting the Reserve were removed from DSL's budget bill during the 1997 Legislative Session. A companion bill transferred ownership of the South Slough Reserve property to the Common School Fund, allowing Reserve operations to be supported with the Fund's statutory revenue. Discussions with the

Land Board at that time also noted exploration of other potential funding sources may be necessary or desirable.

Evaluating Alternative State Partners

In 2014, DSL began conversations with the University of Oregon (UO) and Oregon State University (OSU) to assess their interest in managing the South Slough Reserve. Alternative state agencies were also considered as potential state partners, but lack of funding and fit were determined to be unsurmountable obstacles. Subsequently, a DSL-OSU-UO workgroup formed, and an agreement of cooperation was developed to facilitate a collaborative process for determining the feasibility of one or both universities managing South Slough Reserve. DSL also formalized exploration of management alternatives for the Reserve within the DSL 2017-2021 Strategic Plan, which included an objective to complete an evaluation to determine the best state partner for management of the Reserve.

In March 2017, a work plan was developed to guide the evaluation process, but little progress was made due to leadership transitions at the universities, South Slough Reserve, and DSL.

In early 2018, at the request of the Land Board, I resumed talks with UO and OSU. Over the next two years, Reserve Manager Bree Yednock and I had multiple conversations with OSU and UO, as well as the South Slough Reserve Management Commission, Friends of South Slough, Tribes, and stakeholders. I provided the Land Board with an update on these conversations in February 2019; that memo is included in the report, along with input received from Tribes and the Friends of South Slough Reserve.

In these discussions, we learned OSU's primary interest was ongoing partnership on programming and research; UO remained interested, but funding, management structure, and stakeholder concerns presented significant obstacles; and the Reserve's management commission, friends group, Tribes, and stakeholders universally supported DSL continuing as South Slough Reserve's state partner.

South Slough Reserve's Contributions to Oregon

Our evaluation also assessed how well South Slough Reserve aligns with DSL's priorities and its contributions to Oregon. Conversations with staff and stakeholders illustrated the tremendous value and reach of South Slough Reserve's work. The Reserve is a trusted source of data and information, educational programming, and coastal training, as well as a safe, protected, natural area for recreation and reflection, and a model for stewardship of public lands and waters. Their contributions extend far beyond the South Coast, to people across Oregon and to regional and national initiatives through the National Estuarine Research Reserve System.

Through partnerships with local Tribes, state and federal agencies, nonprofits, local jurisdictions, and community groups the Reserve is also a valuable collaborative partner with regional, national, and even international reach.

The enduring connection between South Slough Reserve's contributions and the responsibilities and priorities of the State Land Board and DSL are undeniable. The work of South Slough Reserve reflects the State Land Board's commitment to stewardship of Oregon's public trust resources, with the Reserve's emphasis on thriving public lands and waters directly contributing to DSL's mission and strategic goals.

The leadership, support, and stability provided by DSL has been essential to many South Slough Reserve successes. In particular, stable funding allows Reserve staff to be nimble and responsive in meeting research and education needs, and to leverage external funding to further the state's investment. For example, from 2015 to 2020, the Reserve brought in over \$5.6 million in funding to support Reserve-based projects and programs. In addition, in the most recent competitive funding cycle of the National Estuarine Research Reserve System's Science Collaborative, South Slough Reserve partnered on successful research proposals that awarded over \$1.9 million to Oregon academic and nonprofit partners whose work will further understanding of estuarine hydrology, impacts of local restoration projects, resilience of estuarine wetlands, and blue carbon.

Key Considerations in Moving Forward

The Department's two-year evaluation identified the following key considerations:

- The connection between education, stewardship of land and waters, and land ownership that originally made DSL the right partner for the Reserve remain strong today.
- Common School Fund support for South Slough operations and programs has provided stability for enduring delivery of services to Oregonians, as envisioned by the Legislature.
- South Slough Reserve's physical property is an asset of the Common School Fund.
- Exploration of other funding sources, such as grants and new program revenue, remains important, as does having a state partner who can bring funding and administrative resources.
- There is great potential for partnerships with Oregon universities, but university management raises significant concerns with stable funding, a suitable management structure, and changes to the Reserve's existing emphasis on natural and cultural resource stewardship and education.
- The South Slough Reserve Management Commission, the Friends of South Slough, Tribes, and stakeholders universally supported DSL continuing as the Reserve's state partner.

- South Slough Reserve’s focus on stewardship of public lands, wetlands, and waterways directly contributes to DSL’s mission and strategic goals.
- The Reserve’s science, education, and outreach work aligns with and supports Oregon’s priorities in areas such as climate change and wildfire prevention.
- South Slough Reserve is a cornerstone on Oregon’s South Coast, providing rich opportunities for research, education, recreation, and a model for stewardship of public lands and waters.
- The contributions of Reserve programs extend across Oregon, as well as regionally, nationally, and internationally.
- As the first reserve in the National Estuarine Research Reserve System, established nearly 50 years ago, the South Slough Reserve provides a unique legacy for Oregonians.

RECOMMENDATION

Based on the findings outlined in this memo and the attached report, it is my recommendation to the State Land Board that DSL continue serving as the state partner to the South Slough National Estuarine Research Reserve.

APPENDIX

- A. South Slough National Estuarine Research Reserve Report

South Slough National Estuarine Research Reserve Report

October 2020



Introduction

The South Slough National Estuarine Research Reserve (South Slough Reserve) is a 5,900-acre natural area located in the Coos estuary on the south coast of Oregon. The Reserve was designated in 1974 as the first unit of the National Estuarine Research Reserve System (NERRS), a national network of estuaries protected and managed for the purposes of long-term research, education, and coastal stewardship. Established by Congress in 1972 as part of the Coastal Zone Management Act, the NERRS is administered as a partnership between the National Oceanic and Atmospheric Administration (NOAA) and coastal states.

In Oregon, the Legislature established the South Slough Reserve through ORS 273.553, which also designated the Department of State Lands (DSL) as the administering agency for the Reserve. ORS 273.554 created the South Slough National Estuarine Research Reserve Management Commission, which is comprised of nine Governor-appointed members and serves as the Reserve's governing and policy making board. The Director DSL serves as chair of the Commission. The Management Commission has the authority to make administrative rules (OAR Chapter 142) to carry out the management policy of the Reserve.

In the decades since its designation, South Slough Reserve has become a cornerstone on Oregon's South Coast, providing rich opportunities for research, education, recreation, and a model for stewardship of public lands and waters.

The question of whether the Reserve would be better suited with a different state partner has come up many times over the years. South Slough Reserve's extensive and varied responsibilities and services have defied easy categorization, with the Reserve's contributions to Oregon touching many values equally and deeply.

In early 2018, the State Land Board charged newly appointed DSL Director Vicki Walker with completing the ongoing work to evaluate alternative management options for the Reserve. Over the past two years, work has included:

- Reviewing the Legislative decisions and direction that led to the current administration and funding model.
- Assessing the current viability of University of Oregon or Oregon State University as a potential Reserve state partner.
- Gathering perspectives of Tribes, stakeholders, partners, and communities on potential alternatives.
- Developing a full, current understanding of South Slough Reserve's many contributions to Oregon to assess how those contributions align with the alternatives under consideration.

This report provides an overview of work completed, along with key considerations for determining the best state partner for the treasure that is South Slough National Estuarine Research Reserve.

Funding and Legislative History of South Slough Reserve

The South Slough National Estuarine Research Reserve was designated through the Coastal Zone Management Act on June 27, 1974, as the first unit of the National Estuarine Research Reserve System. The initial operations award from the National Oceanic and Atmospheric Administration (NOAA) was established within the Oregon Department of Land Conservation and Development (DLCD). Because DLCD also housed the NOAA-funded Oregon Coastal Program, DLCD provided critical administrative support in the Reserve's early years. However, with the acquisition of lands for the creation of the Reserve, it was clear the Reserve needed to be housed in an agency that could handle land transfers and title holdings. As a result, the South Slough Reserve was transferred to the Oregon Department of State Lands (DSL) in the early 1980s.

At the time of the transfer, DSL was considered to be the best agency to administer the South Slough Reserve because: 1) the educational programming at the Reserve constituted a justifiable use of K-12 education funds from the Common School Fund, and 2) the land management component of the Reserve constituted a justifiable use of DSL General Funds. In the early years, funding for the Reserve was split across General Fund through DSL and DLCD, the Common School Fund, and annual operations awards from NOAA.

During a financial crisis in the early 1990s, the state imposed multiple budget reductions for General Fund programs, including South Slough Reserve. For example, in developing a budget for the 1993-1995 biennium, DSL was required to propose a budget for the Reserve showing a 20 percent reduction in General Funds and a 10 percent reduction in Federal Funds.

On July 28, 1992, the South Slough Reserve Management Commission shared their concerns with the State Land Board about the proposed budget reductions: *"The South Slough program is a nationally significant, internationally recognized program focused on coastal resource stewardship and education... The proposed budget submitted for your consideration could erode the reputation this small program has earned as a national leader. The proposed general fund budget reductions will reduce staff working hours, which will result in fewer public services at the reserve and could impair the ability to develop and implement the grants and cooperative agreements which support research, education, and overall operations."*¹

The budget agenda item for the Land Board's July 28 meeting also noted the Commission urged the Land Board for help to secure approval of a decision package to restore full funding and expressed their interest in exploring over the long-term a fund shift, whereby the Reserve would become part of DSL's Common School Fund operating budget.

¹ State Land Board Meeting Archives: July 28, 1992 Meeting – Agenda Item 4

After several more years of continued budget uncertainty, DSL sponsored legislation in 1997 to shift the South Slough Reserve's non-educational program operating funds from General Fund to Common School Fund statutory revenue.

During the 1997 Legislative session, the Ways and Means Committee approved DSL's budget and removed all General Fund for the Reserve. The non-educational functions of the Reserve were noted to instead be funded out of the statutory revenue to the Common School Fund. To address potential constitutional and statutory issues related to that funding source, the Joint Committee on Ways and Means sponsored HB 3693 to transfer ownership of the Reserve property to the Common School Fund. DSL's amended budget received unanimous approval on the Senate floor and was referred back to the Ways and Means Committee to await consideration of HB 3693.

At the April 8, 1997, meeting of the State Land Board, then-DSL Director Paul Cleary indicated the Agency budget had, *"gotten through the Ways and Means Committee, gotten through the Senate, is now back in the Ways and Means Committee, we're waiting consideration of a bill that deals with the South Slough Estuarine Reserve."* He explained HB 3693 would make the 4800-acres of Reserve uplands and submerged/submersible lands an asset of the Common School Fund and would allow the Agency to back out the remainder of the General Fund support going to South Slough Reserve's operating budget.²

HB 3693 was passed by the House on May 15, 1997, and the Senate on May 22, 1997.

The June 10, 1997, legislative update to the State Land Board noted DSL's 1997-1999 budget had been signed and that HB 3693, the companion bill that transfers ownership of the South Slough Reserve property to the Common School Fund to allow non-educational functions of the Reserve to be funded out of the Fund's statutory revenue, had passed both chambers.³

The Legislative Update at the August 5, 1997 meeting of the State Land Board included the following: *"The most significant change in the budget was the shift of the South Slough Reserve's non-educational program operating funds from General Fund to the Common School Fund statutory revenue...The current statutory program revenue stream is sufficient to cover the operation of the Reserve and other Division existing statutory programs, but there is minimal cushion for unanticipated revenue reductions, program cost increases or program expansion. If statutory revenue decreases significantly the Division may have to investigate other funding sources for the Reserve and other statutory programs."*⁴

² State Land Board Meeting Archives: August 8, 1997 Meeting Transcript

³ State Land Board Meeting Archives: June 10, 1997 Meeting – Agenda Item 4

⁴ State Land Board Meeting Archives: August 5, 1997 Meeting – Agenda Item 3

Key Considerations

Review of Legislative decisions and direction over the past four decades regarding Reserve administration and budget identified the following key considerations:

- The connections between education, stewardship of land and waters, and land ownership that made DSL the best state partner for South Slough Reserve remain strong today.
- Common School Fund support for South Slough operations and programs has provided stability for enduring delivery of services to Oregonians, as envisioned by the Legislature.
- South Slough Reserve's physical property is an asset of the Common School Fund; DSL's responsibilities for school land management are clear.
- Exploration of other funding sources, such as grants and new program revenue, remains important. Equally important is a state partner with resources – both in terms of funding and administrative capacity – to support the Reserve in exploring emerging and exciting opportunities.

Evaluating Alternative State Partners

Exploring University Management

In 2014, then-DSL Director Mary Abrams started conversations with the University of Oregon (UO) and Oregon State University (OSU) to assess their interest in managing the South Slough Reserve. Alternative state agencies were also considered as potential state partners, but lack of funding and fit were identified as insurmountable obstacles.

Discussions around a university-managed model began in earnest in 2015, when a workgroup was formed comprised of DSL, UO, and OSU administrators. The workgroup executed an Agreement of Cooperation (DSL AGMT#17-123) on April 19, 2016, to facilitate the sharing of information, technology, expertise, and labor to determine the feasibility of transferring management of the South Slough Reserve to one or both universities.

DSL also formalized exploration of management alternatives for the Reserve within the DSL 2017-2021 Strategic Plan, which included an objective to complete an evaluation to determine the best administrative location (host partner) for management of the South Slough Reserve. In March 2017, a work plan was developed to guide the evaluation process, but little progress was made that year due to transitions in leadership at the universities, the South Slough Reserve, and DSL.

On February 13, 2018, in a unanimous decision, the State Land Board appointed Vicki Walker as interim DSL Director. Director Walker began her official appointment on March 1 and was tasked with completing the evaluation work started by previous directors. In early 2018, she began working with Reserve Manager, Bree Yednock, to resume talks with UO and OSU.

OSU Conversations in 2018-19

With a restart of discussions in the spring of 2018, DSL determined OSU was no longer interested in taking a management role for the Reserve. OSU was, however, interested in continuing to partner with the Reserve on education and research efforts and in exploring further options for collaboration.

Following a change in university leadership, OSU in 2019 expressed interest in re-engaging in discussions with DSL. On February 11, 2019, Director Walker and Bree Yednock met by phone with Dave Hansen (OSU Extension Outreach and Engagement Leader/Interim Associate Provost) and Lindsey Shirley (OSU Outreach and Engagement Associate Provost). They expressed interest in the OSU Extension Service continuing to partner on programming and research faculty partnering on projects, but stated OSU was unable to provide funding or take over the Reserve in a management capacity.

UO Conversations in 2018-19

Due to UO personnel changes and a university strategic planning effort, discussions were put on hold until September 2018.

Director Walker provided an update to the State Land Board on February 5, 2019 (Appendix 1). This memorandum covers discussions that occurred from September 2018 through January 2019 with UO faculty and administrators, the Oregon Department of Justice, the South Slough Reserve Management Commission, and stakeholders of the Reserve. The update also includes a letter from the Coquille Indian Tribe entreating the Governor and DSL to keep the South Slough Reserve within DSL and funded through the Common School Fund.

In June 2019, attempts were made to schedule a meeting with faculty and staff from the UO Oregon Institute of Marine Biology, but a meeting date was never confirmed.

On July 26, 2019, Director Walker and Bree Yednock met with UO administrators in Eugene, who determined the University should conduct outreach with the local Tribes to better understand their concerns. To date, confirmation of tribal outreach has not been received.

Tribal and Stakeholder Conversations

On March 21, 2019, Director Walker and Bree Yednock met with Tribal Council members and staff from the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI). The meeting covered several topics, including potential transfer of Reserve management to UO. CTCLUSI staff shared concerns related to cultural resource protection and the use of cultural sites in South Slough for academic research. Director Walker requested the CTCLUSI Tribal Council send a letter outlining their thoughts related to UO managing the Reserve. The letter was received on June 18, 2019 and is included as Appendix 2.

On March 22, 2019, Director Walker and Bree Yednock met with Jamie Fereday, a retired teacher and former member of the South Slough Reserve Management Commission, who shared his experience working with the South Slough Reserve to create the Millacoma Marsh Trail in Coos Bay. He spoke of the critical role Reserve staff had in leveraging grant funding for the trail and the value the trail continues to provide for local schools and the community. Also attending the meeting was Christine Moffitt, President of the Friends of South Slough (FOSS), who spoke about the valuable partnerships South Slough Reserve has with local and regional nonprofits. She shared one example of the Reserve hosting a benefit concert in partnership with the Oregon Coast Music Association at the request of world-renowned musicians who travel to Oregon every year to perform in the Oregon Coast Music Festival. These musicians have developed a strong connection and appreciation of the Reserve from their annual visits.

On June 12, 2019, Director Walker and Bree Yednock met with members of the FOSS Board in Coos Bay. The conversation led to FOSS conducting an evaluation of potential state partners for the South Slough Reserve, which was presented to the South Slough Reserve Management Commission on August 29, 2019. That report is attached as Appendix 3 and includes the following recommendations:

“The Friends of South Slough enthusiastically support continuing the existing partnership of the Department of State Lands with NOAA’s Office of Coastal Management to continue the important research and educational opportunities at the South Slough National Estuarine Research Reserve. We further recommend that the DSL increase opportunities to use the skills of the research, educational and the Coastal Training Program staff at SSNERR to meet the mission of the Aquatic Resource Management Department of DSL.”

Key Considerations

Evaluation of past and current conversations with potential university partners, Tribes, stakeholders and communities identified the following key considerations:

- There is great potential for partnerships with Oregon universities, but the university management alternative raises significant concerns with stable funding, a suitable management structure, and changes to the Reserve’s existing emphasis on natural and cultural resource stewardship and education.
- The South Slough Reserve Management Commission, the Friends of South Slough, Tribes, and stakeholders universally supported DSL continuing as the Reserve’s state partner.

South Slough Reserve’s Contributions to Oregon

Since its founding nearly 50 years ago as the first National Estuarine Research Reserve, the South Slough Reserve has become a trusted source of data and information, educational programming, and coastal training, as well as a safe, protected, natural area for recreation and reflection, and a

model for stewardship of public lands and waters. The value and reach of the Reserve's programs also extend beyond the South Coast, serving audiences across Oregon and contributing to regional and national initiatives through the National Estuarine Research Reserve System.

Through partnerships with local Tribes, state and federal agencies, nonprofits, local jurisdictions, and community groups the Reserve is also recognized as a valuable collaborative partner with regional, national, and even international reach.

Unique Protected Place

The nearly 6,000 acres of coastal lands and waterways managed by the South Slough Reserve support a surprising diversity of habitats and species, some of which have seen significant declines across their native range, such as Sitka spruce swamps and coastal Coho salmon. Native eelgrass beds, tidal mudflats, and emergent marshes provide important habitat for a diverse assemblage of commercially and culturally important species, such as Dungeness crab, salmonids, and Pacific lamprey. The Reserve also supports rare and endangered species, including the largest known population of Western lily, a coastal bog plant.

To maintain long-term protection of these natural resources, the Reserve has established sound stewardship practices to protect these critical habitats and species, while also facilitating a wealth of recreation, education, and research activities that are enhanced by the Reserve's near pristine natural surroundings.

In addition to protecting natural resources, the Reserve recognizes the vital connection that local Tribes have had with the land and waters of the South Slough since time immemorial. Therefore, a central tenet of the Reserve's stewardship program is strong collaboration with local Tribes to appropriately manage culturally important resources and sensitive sites. As such, the Reserve works closely with the Tribes to understand potential impacts of activities in the Reserve and implement measures to avoid or minimize impacts.

Public Access and Participation

South Slough Reserve takes pride in managing its lands and waterways for public access and offers a diverse range of activities, including hiking, kayaking, wildlife viewing, hunting, fishing, crabbing, and recreational mushroom and berry picking. The Reserve also provides a place where local Tribes can continue cultural practices, such as gathering of spruce root and cedar bark.

The Reserve's Visitor Center creates a centralized location for learning through its interpretive exhibits and classrooms, as well as access to over 5 miles of maintained hiking trails. Community education programs provided by Reserve staff enhance visitors' experiences and fosters an appreciation and stewardship of public lands. These place-based programs serve the local community, but also draw visitors from outside the area, contributing to the Oregon Coast tourism and South Coast economies. Recognizing the importance of a growing ecotourism industry, the

Reserve recently established a mechanism for creating public-private partnerships to expand ecotourism offerings in the Reserve.

The Reserve also has an active volunteer program that provides meaningful opportunities for the public to assist the Reserve in its mission. Volunteers help with research and monitoring projects, education programming, and stewardship work. In partnership with the Friends of South Slough Reserve, Inc. the Reserve also offers internship opportunities to provide hands-on work experience and career training in the fields of natural resources and science education. The Reserve also regularly leverages support for additional internship opportunities through Oregon Sea Grant, NOAA, and the National Science Foundation. On average, volunteers and interns provide 2,807 hours of time, valued at over \$67,590 per year.

Quality Science

As the only research reserve in Oregon, the Reserve provides a unique long-term natural laboratory to study coastal and estuarine science. The rich research history of the Reserve extends nearly 50 years, providing rare and invaluable decades-long data sets to characterize short-term variability and long-term trends in environmental conditions.

Over the years, Reserve staff played a central role in developing core research and monitoring programs for the National Estuarine Research Reserve System. Examples include the System-Wide Monitoring Program (SWMP) and Sentinel Sites Program, through which all 29 National Estuarine Research Reserves are collecting standardized water quality and meteorological data and measuring the impacts of climate change on estuarine wetland habitats in a coordinated effort across the country. Reserve staff have received national recognition for their contributions to these coordinated networks of publicly accessible data. South Slough Reserve's monitoring data and staff expertise have also contributed to statewide, regional, and international efforts to further the collective understanding of coastal and estuarine systems, such as the Oregon Ocean Acidification and Hypoxia Monitoring Network, the Northwest Association of Networked Ocean Observing Systems, and SeagrassNet.

Reserve staff actively conduct research projects in response to information needs from the coastal management community. For example, in recent years, Reserve staff completed several research projects to fill data gaps in environmental inventories and develop a process to assist Coos County in updating the Coos Bay Estuary Management Plan. This process is now being used as a template by two other counties in Oregon to update their estuary management plans. Another important example includes the Reserve's partnership with researchers at the University of Oregon to develop a hydrodynamic model to characterize water circulation and sediment dynamics in the Coos estuary. This model provides critical information for managing estuarine wetlands, including eelgrass beds, and understanding the potential impacts of proposed land use modifications to the system, such as dredging.

Reserve staff also provide support for visiting scientists to conduct field and lab-based experiments in the Reserve or establish reference sites for projects that extend beyond the Reserve's boundaries. The Oregon Department of Fish and Wildlife, for example, has established data collection sites in the Reserve to monitor mosquito, bird, and fish populations, including a decades-long life cycle monitoring program for Coho salmon.

The Reserve also has a history of implementing foundational wetland restoration projects, such as the Winchester Tidelands Restoration Project, to test and monitor the effectiveness of different restoration methods. The information gained from these projects has been nationally recognized and continues to contribute to the collective understanding of best practices for coastal restoration and mitigation projects.

High-Impact Education and Training

The location of the South Slough Reserve's education program within a coastal research reserve provides unique place-based educational opportunities for students to learn from and participate in active research projects. These experiences help students connect core scientific concepts to real-world conditions, which enhances their critical thinking and data analysis skills and understanding of complex topics. School groups visit the Reserve from locations across Oregon for meaningful, hands-on educational experiences on the Reserve's forested trails, wetland boardwalks, and tidal mudflats. The value of these program is evident by the number of teachers that return year after year and have built the Reserve's lessons and fieldtrips into their curriculum.

Reserve staff also visit classrooms, develop lessons, and share educational tools to reach teachers and students who are not able to visit the Reserve. Teachers can access content online to use in their classroom or attend teacher training opportunities like the Teachers on the Estuary (TOTE) Program, a core program of the National Estuarine Research Reserve System. The impact of these trainings can best be told by a recent participant: *"This workshop was super important for me! It offered current data and information that is directly usable...The science and data site directly support one of the middle school Next Generation Science Standards on abiotic/biotic interface and influence on health of ecosystem. Students using data and understanding graphs is super important for the standards."*

Beyond actual programming, Reserve staff contribute their expertise to support and shape state initiatives around Science, Technology, Engineering, Arts, and Math (STEAM), career-connected learning, outdoor education, and environmental literacy.

As with the TOTE and SWMP programs, the Reserve's Coastal Training Program exists in Oregon because the South Slough Reserve is part of the National Estuarine Research Reserve System. This nationally coordinated program fills a valuable niche of providing training for coastal managers, natural resource practitioners and decision makers in the best available science. Through this program, Oregon has access to a wealth of coastal management trainings from NOAA and the

flexibility to develop trainings to meet local information needs and ensure local management decisions are made with the most up to date information.

Connection to the Department of State Lands Mission and Oregon's Priorities

The successes of the South Slough Reserve have been made possible through the effective leadership and management support from DSL and reflect the State Land Board's commitment to stewardship of Oregon's public trust resources. DSL provides a positive workplace and efficient administrative systems and support that have been instrumental in furthering the effectiveness and scope of the South Slough Reserve's programs.

The stability provided by DSL through permanent, full-time positions, allows Reserve staff to be nimble and responsive to research and education needs and leverage external funding to further the state's investment. For example, from 2015 to 2020, the South Slough Reserve brought in over \$5.6 million in funding to support Reserve-based projects and programs. In addition, in the most recent competitive funding cycle of the National Estuarine Research Reserve System's Science Collaborative, South Slough Reserve partnered on successful research proposals awarding over \$1.9 million to academic and non-profit partners in Oregon whose work will further our understanding of estuarine hydrology, impacts of local restoration projects, resilience of estuarine wetlands, and blue carbon.

With a focus on stewardship of public lands, wetlands, and waterways, the work of the South Slough Reserve directly contributes to the mission and goals of DSL. The Reserve's science program contributes to the Aquatic Resources Management program by conducting research to fill data gaps and inform best management practices for state wetlands and submerged/submersible lands; and the Coastal Training Program is poised to facilitate the transfer of information from DSL to its customers. The Reserve's education program provides opportunities, resources, and tools that schools and teachers throughout the state rely on, and the program consistently receives high praise through DSL's biennial customer surveys.

In addition to supporting DSL's work, much of the Reserve's science, education, and outreach is directly in line with Oregon's high priority areas as identified by Governor Kate Brown, such as Climate Change (Appendix 4) and Wildfire Prevention (Appendix 5).

Lasting Legacy

While the Reserve's education, science, and training programs often hold the spotlight for the Reserve's success, it is important to recognize the long-term value the Reserve has provided for its visitors. With nearly 50 years of providing place-based educational and recreational opportunities for all ages, the positive impact of the Reserve on the local community spans generations. These impacts are evident in the countless examples of community members who visited the Reserve as children and whose lives have been shaped by those positive experiences. Staff regularly hear of these experiences from teachers who bring their classes for field trips; local contractors, volunteers,

interns, and partners who work on Reserve projects; and visitors who come to hike the trails with their children and grandchildren to pass on the information they learned through their many visits to the Reserve. This legacy is something that DSL and the State Land Board can be proud of providing to Oregonians.

Key Considerations

Evaluation of South Slough Reserve's contributions to Oregon identified the following key considerations:

- South Slough Reserve is a South Coast treasure, providing rich opportunities for research, education, recreation, and a model for stewardship of public lands and waters.
- The contributions of Reserve programs extend across Oregon, as well as regionally, nationally, and internationally.
- As the first reserve in the National Estuarine Research Reserve System, established nearly 50 years ago, the South Slough Reserve provides a unique legacy for Oregonians.
- South Slough Reserve's focus on stewardship of public lands, wetlands, and waterways directly contributes to DSL's mission and strategic goals.
- The Reserve's science, education, and outreach work aligns with and supports Oregon's priorities in areas such as climate change and wildfire prevention.

Appendices

- Appendix 1:** Progress on Evaluating Alternative Funding and Management Options for South Slough Reserve. Memo to the State Land Board, dated February 5, 2019.
- Appendix 2:** Letter to Director Walker from Tribal Chair of Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians dated June 18, 2019.
- Appendix 3:** Evaluation of Proposed State Partners for the Successful Future of South Slough National Estuarine Research Reserve. Prepared by Friends of South Slough Board, adopted August 27, 2019.
- Appendix 4:** Summary of the South Slough Reserve's Work Related to Climate Change. Memo to the State Land Board dated February 5, 2019.
- Appendix 5:** South Slough Reserve's Forest and Fire Management Project. Memo to the State Land Board dated February 4, 2020.



Oregon

Kate Brown, Governor

Department of State Lands

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State Land Board

Kate Brown

Governor

M E M O R A N D U M

Dennis Richardson

Secretary of State

Date February 5, 2019

Tobias Read

State Treasurer

To: Governor Kate Brown
Secretary of State Dennis Richardson
State Treasurer Tobias Read

From: Vicki L. Walker
Director

Subject: **Progress on Evaluating Alternative Funding and Management Options for South Slough Reserve**

Background

The South Slough National Estuarine Research Reserve (South Slough Reserve) is a 5,900-acre natural area located in the Coos estuary on the south coast of Oregon. The Reserve was designated in 1974 as the first unit of the National Estuarine Research Reserve System (NERRS), a national network of estuaries protected and managed for the purposes of long-term research, education, and coastal stewardship. Established by Congress in 1972 as part of the Coastal Zone Management Act, the NERRS is administered as a partnership between the National Oceanic and Atmospheric Administration (NOAA) and coastal states.

In Oregon, the legislature established the South Slough Reserve through ORS 273.553, which also designated the Department of State Lands (DSL) as the administering agency for the Reserve. ORS 273.554 created the South Slough National Estuarine Research Reserve Management Commission, which is comprised of nine Governor-appointed members and serves as the Reserve's governing and policy making board.

The Reserve's operating funds come from NOAA and the State of Oregon. Early on, state funding was a mix of General Fund and Common School Fund but was transferred entirely to the Common School Fund in the 1980s amid a state-wide financial crisis.

At the direction of the State Land Board, I have been tasked with investigating alternative funding and/or management options to shift the South Slough Reserve's funding away from the Common School Fund. Bree Yednock, Reserve Manager, has been integral in that discussion.

The idea of moving the South Slough Reserve out of DSL has been explored many times, but the idea gained the most traction with the execution of an Agreement of Cooperation on April 19, 2016, that established a workgroup comprised of administrators from DSL, University of Oregon (UO), and Oregon State University (OSU) to determine the feasibility of transferring the management of the South Slough Reserve to one or both universities.

Since then, OSU determined they were no longer interested in a management role. Therefore, discussions since September 2018 have focused on a potential transfer of Reserve management to UO. This memo provides a summary of information gained to date through discussions with UO, as well as outreach to the South Slough Reserve Management Commission, local tribes, and Reserve stakeholders.

Discussions with UO

Several meetings have occurred with UO to share information and identify areas where more research is needed for evaluating a potential transfer of management.

On September 25, Bree Yednock (Reserve Manager) met with the UO Strategic Planning Committee to provide an overview of the Reserve, including information on the governing structure and management policy, personnel, programs, public use, land management, and funding. The Strategic Planning Committee is comprised of faculty who have been tasked with identifying opportunities for strengthening linkages between the Oregon Institute of Marine Biology (where the Reserve's science lab is located) and other departments on UO's main campus. UO faculty expressed interest in developing an archaeological field school in the Reserve and expanding the university's research and teaching related to estuarine and coastal environments. There was concern among some faculty about the availability of stable funding and long-term management from the university given recent funding challenges.

On October 4, myself, Bree Yednock, and Matt DeVore (Department of Justice) met with Cass Moseley (UO Associate Vice President for Research) and Libby Batlan (UO Vice President for State and Community Affairs) and identified a need for more information related to options for leasing the reserve land and facilities, details on how existing personnel might be transferred to UO, due diligence requirements by both parties, clarity in the role of the South Slough Management Commission in a transfer, the proposed management structure under UO, tribal relations, and funding options.

On November 26, Bree Yednock met by phone with Cass Moseley, Jason Younker (UO Assistant Vice President and Advisor to the President), and Scott Fitzpatrick (UO Department of Anthropology) to better understand UO's interest in expanding their archaeology field school to include sites along South Slough. Yednock explained the Reserve defers to the local tribes for managing cultural resources in the reserve. Any activities that require ground disturbance are discussed with the local Tribal Historic Preservation Officers who evaluate potential impacts and provide guidance. The Reserve's Oregon Administrative Rules (OARs) specifically restrict digging for artifacts.

On January 4, Reserve staff provided UO with information they had requested on the Reserve's existing partnerships and agreements; a summary of how the Reserve collaborates with tribes; a detailed valuation of reserve assets and deferred maintenance; and a summary of regular land management challenges and public use issues.

Outreach

South Slough Reserve Management Commission – On November 29, at the 152nd regular meeting of the South Slough Reserve Management Commission, Vicki Walker provided an update on the discussions related to a potential transfer of the Reserve to UO. The Commission had questions and concerns, primarily centered around: 1) the need for a stable and sustainable funding source to support the Reserve and its mission; and 2) the Commission's role in the decision-making process for the future of the Reserve. There was also a question regarding how public input would be received and weighed by UO if the existing management commission is disbanded.

I then worked with Bree and Matt DeVore to address the Commission's question about their role and authority in a potential transfer. In short, because the Commission is given authority through state statutes and associated OARs, changes to this structure will require legislative action.

Local Tribes – On October 12, I requested consultation with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI), the Coquille Indian Tribe, and the Confederated Tribes of Siletz Indians (CTSI).

Consultation with the Coquille Tribal Council occurred on November 29. On January 14, 2019, the Tribe sent a letter entreating the Governor and DSL to keep the Reserve within DSL and funded through the Common School Fund (see Appendix A).

A date for consultation with CTCLUSI has not been set, but conversations with their Tribal Historic Preservation Officer indicated the date will likely be set for the spring.

The CTSI accepted the request for consultation, but a date has not been set.

Reserve Stakeholders – I received meeting requests from several stakeholders, including: Bob Bailey, former director of Oregon Department of Land Conservation and Development who was involved in the establishment of the Reserve; Louise Solliday, former DSL Director and Interim Manager of the Reserve; Peggy Lynch, Natural Resources Coordinator at the Oregon League of Women Voters who indicated local members are heavily vested in the Reserve; Jamie Fereday, a former South Slough Reserve Management Commissioner (2005-2013) and retired middle school teacher; and Mike Graybill, former Reserve Manager.

A common theme of these meetings was the stakeholders' concern for stable funding and a suitable management structure for the Reserve. Additional stakeholder comments highlighted the importance of land management. It was noted that legislation was passed in the 1980s to designate South Slough Reserve as constitutional lands, thereby allowing DSL to use constitutional revenue to fund the Reserve. One stakeholder acknowledged the scope of managing the Reserve goes beyond research and would mean a change of culture for a university to emphasize stewardship and education as much as research. Another stated if the Reserve is to be transferred out of DSL, it would be better suited in an agency like State Parks, which already manages land, and could help local efforts to connect the parks and fill existing gaps in the Oregon Coast Trail. And, more recently, I've received comments that the South Slough should become part of the OSU effort to purchase the Elliott State Forest as a research forest.

Upcoming Meetings

As mentioned previously, consultation will be scheduled with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and the Confederated Tribes of Siletz Indians.

Bree Yednock and I have also requested a meeting with OSU administrators, including OSU Extension, to determine if they have renewed interest in the management or participation in funding options for the Reserve.



COQUILLE INDIAN TRIBE

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January 10, 2019

Vicki Walker
 Department of State Lands
 775 Summer St. NE
 Salem, OR 97301

Re: South Slough National Estuarine Research Reserve

Dai'sla! I hope this letter finds you well! I am writing to document our interest and preferences for management of the South Slough National Research Reserve (SSNERR).

You visited our offices on November 30, 2018. During that meeting, we discussed two high priority issues: co-management concerns on Winchester Creek and proposed budgetary changes that may affect future management of the SSNERR. I write this letter to express my support of the Department of State Lands (DSL) and SSNERR's efforts for the management of the Reserve.

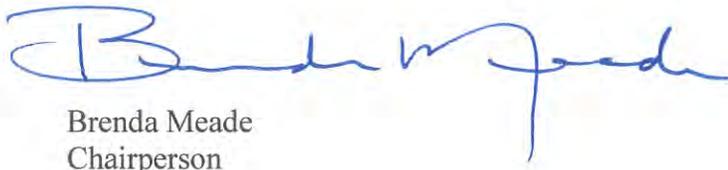
Winchester Creek currently serves as the only suitable spawning habitat for Coho salmon and Pacific lamprey in the South Slough Watershed. The Coho spawning reach is approximately $\frac{3}{4}$ mile long and is located within portions of the Coos County Forest, approximately 2 miles south of the Reserve. We have no information indicating that Coos County Forest management practices along the Creek are sufficient to protect the instream spawning habitat for these threatened and culturally significant species. SSNERR staff and Coos County Commissioners have explored options for increasing protection of the spawning reaches, including a land exchange. I support the proposal to exchange lands around Winchester Creek with the four proposed parcels along Seven Devils Road as the most feasible and timely solution to allow the Reserve to manage the Creek for conservation and stewardship for natural and cultural resources.

The SSNERR was established with the support of Coquille Tribal Members, who have lived on that landscape since time immemorial. The Tribe endeavors to see the lands of its ancestors managed meaningfully and with care. It has come to our attention that DSL has been directed to seek alternate funding for the management of the SSNERR, currently supported in part by the Common School Fund. We entreat the Governor and DSL to continue funding the SSNERR through the Common School Fund or to seek funding which will not alter the management scheme at the Reserve. Continued management by DSL affords the SSNERR the protections of the state including the government-to-government relationship between the State and tribes.

CRT18222

The South Slough Watershed is a significant part of our traditional cultural landscape and plays an important role for our ecosystem. We look forward to our continued relationship with DSL and the SSNERR as stewards for this invaluable place that we call part of our home. The Tribe requests that you stay in contact with us as you consider options to move forward with management of the Reserve and the resources within it. If you have any questions regarding these comments, please contact our Tribal Historic Preservation Officer, Kassie Rippee, at 541-756-0904 x1216 or thpo@coquilletribe.org

Shuenhalni,



Brenda Meade
Chairperson



CONFEDERATED TRIBES OF COOS, LOWER UMPQUA & SIUSLAW INDIANS

TRIBAL GOVERNMENT OFFICES

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June 18, 2019

Vicki L. Walker
Oregon Department of State Lands
775 Summer St. NE
Salem, Oregon 97301-1279

Dear Director Walker:

Thank you for your commitment to early and frequent communication with the tribes on a number of different issues. We appreciate that the Oregon Department of State Lands (“DSL”) continues to engage the Confederated Tribes of Coos, Lower Umpqua and Siuslaw (“Tribe”) on many matters in our ancestral lands. Our Tribe has endured and persevered through many hardships to retain our cultural identity, practice and connection to place. We are dedicated to our role as stewards of our 1.6 million acre homelands on the Oregon coast encompassing the Coastal watersheds of the Coos, Umpqua, and Siuslaw Rivers all which take their name from our heritage.

We hope to continue to work with the DSL to collaborate to protect resources and build opportunities on our lands for future generations of Tribal members.

1. South Slough National Estuary Research Reserve Management

The South Slough National Estuary Research Reserve (“Reserve”) is a resource that is highly valued by the Tribe. The Reserve’s scientific and outreach priorities are aligned with the Tribal Cultural and Natural Resource missions and we currently work collaboratively to provide outreach to youth and community members, monitor water quality and assess climate change to better understand stressors on our local resources in Coos Bay. While we continue to build a strong relationship to support scientific and traditional knowledge research and work to protect cultural resources with the Reserve and DSL, we have struggled to effectively and meaningfully communicate and consult to protect cultural resources with other organizations, such as universities or local governments.

We have concerns that failure to engage early and often with the Tribe can lead to cultural resources being damaged, burials being inadvertently uncovered, inappropriate handling of Tribal cultural items, and general disrespect of the Tribes culture. Every village site has associated resources such as gathering, hunting, fishing sites, ceremonial sites, and burial sites, which are not mutually exclusive of one another. The Tribe is not typically supportive of archaeological research for research sake and it is opposed to disturbing the ancestors from their final resting locations. The Reserve as it is currently managed has been very understanding of working with the Tribe to ensure these cultural sites are identified and that any future work avoids these areas and that work in proximity to these sites is closely monitored by a Tribal monitor. Recently, however, we have run into issues where there is outside interest in conducting research within the South Slough Reserve and the Tribe has not been at the table.

Vicki L. Walker, Director

June 20, 2019

This is especially concerning when the proposals involve archaeological investigations at known village sites with known burial locations within the South Slough Reserve. If management of South Slough changes hands, we have concerns that cultural research will be valued over protection of those resources. Especially concerning would be increased interest involving archaeological investigations of these village sites without proper consultation with the Tribe. Archaeological research at significant and sensitive cultural sites that would cause irreparable harm to the sites, the Tribe's ancestors, and harm Tribe's beliefs, practices, and identity. Therefore, the Tribe supports the continued management by the State, as it currently exists in order to best protect and preserve the Tribe's cultural resources and identity.

2. SSNERR and Coos County Land Transfer to Protect Spawning

Habitat restoration for species of importance is central to permit cultural continuity for future generations of Tribal members. The management of the South Slough reserve has been aligned with promoting resilience natural resources and natural areas. Our ancestors ate salmon and lamprey and so do tribal members today. ESA-listed Coho are especially important to protect. Winchester Creek is prime habitat Coho and understand the objectives of the SSNERR to protect the reaches for Coho spawning and other water quality and species benefit and support land exchange with Coos County to accomplish this long-term objective.

Similar to our comments about the Reserve, the Tribe is concerned that communication with the Tribe respective to project development, especially early and ongoing engagement, will not occur if this land is exchanged with Coos County. We would appreciate if DSL and Land Board consider how to require communication with resident Tribes when land is transferred. We also have brought this up the case of the Elliott and it is in line with the state's desires to retain public access and conservation on lands in Oregon that were set aside for this purpose.

In conclusion, we appreciate the ongoing communication and consultation on these issues and look forward to future meetings and conversations. If you have questions or would like to discuss more please contact Margaret Corvi at 541-435-7151 or mcorvi@ctclusi.org.

Sincerely



Doc Slyter
Tribal Chair

cc: Land Board

Evaluation of Proposed State Partners for the Successful Future of South Slough National Estuarine Research Reserve

Prepared August 20, 2019

by Christine Moffitt and Todd Buchholz, Friends of South Slough Board

Adopted 27 August 2019

Summary Recommendation:

The Friends of South Slough enthusiastically support continuing the existing partnership of the Department of State Lands with NOAA's Office of Coastal Management to continue the important research and educational opportunities at the South Slough National Estuarine Research Reserve.

We further recommend that the DSL increase opportunities to use the skills of the research, educational and the Coastal Training Program staff at SSNERR to meet the mission of the Aquatic Resource Management Department of DSL. Through increased interactions, they and others can test and explore appropriate mitigation, management and planning tools that can assist the state with regulation and management decisions to benefit and protect the public trust.

Background and Sequence of Review Process:

On June 12, Director Vicki Walker met with Friends of South Slough (FOSS) President and Vice President Christine Moffitt and Todd Buchholz to discuss options regarding the role of the ideal state partner for the South Slough National Estuarine Research Reserve. FOSS leaders volunteered to use this opportunity for independent conversations and interviews with SSNERR staff to discuss their concerns, and future visions for the reserve relative to the next 25 years in light of the 50th anniversary planning. We further our efforts to synthesize information about the partnership options and evaluate documents prepared from several sources relative to options for the state partnership. The results of efforts to review the documents, options and future visions is provided in the following document.

This report is provided as part of our review and presentation for the SSNERR Management Commission meeting on August 29. In addition we plan to provide a more comprehensive report on our assessment to the October 22 State Land Board meeting in Salem.

Overview of NERR System:

The National Estuarine Research Reserve System is a network of 29 coastal sites designated to protect and study estuarine systems. Established through the Coastal Zone Management Act, the reserves represent a partnership program between NOAA through its Office for Coastal Management and the coastal states. NOAA provides funding and national guidance, and technical assistance but each site is managed daily by a lead state agency or university with input from local partners. The NERR system is one of four major programs in the Office for Coastal Management. As a scientific organization, NOAA provides access to the science and environmental intelligence communities need for these tasks. Individual reserves are listed in alphabetical order providing location and date established (Table 1).

Table 1. Summary of National Estuarine Research Reserves by name, state and date established.

Name	State	Established	Name	State	Established
ACE Basin	SC	1992	Mission-Aransas	TX	2006
Apalachicola	FL	1979	Narragansett Bay	RI	1980
Chesapeake Bay	MD	1985, 1990	North Carolina	NC	1985, 1991
Chesapeake Bay	VA	1991	North Inlet-Winyah Bay	SC	1992
Delaware	DE	1993	Old Woman Creek	OH	1980
Elkhorn Slough	CA	1979	Padilla Bay	WA	1980
Grand Bay	MS	1999	Rookery Bay	FL	1978
Great Bay	NH	1989	San Francisco Bay	CA	2003
Guana Tolomato Matanzas	FL	1999	Sapelo Island	GA	1976
He'eia	HI	2017	South Slough	OR	1974
Hudson River	NY	1982	Tijuana River	CA	1982
Jacques Cousteau	NJ	1998	Waquoit Bay	MA	1988
Jobos Bay	PR	1981	Weeks Bay	AL	1986
Kachemak Bay	AK	1999	Wells	ME	1984
Lake Superior	WI	2010			

The partnerships with NOAA in each of the NERR locations are diverse in their engagement. A review of the present status for the Pacific Coastal NERRs includes the following.

Alaska:

Kachemak: formerly with Alaska Department of Fish and Game – Sport Fish Division. Since 2017, now with University of Alaska Anchorage Alaska Center for Conservation Science: 372,000 acres

Washington

Padilla Bay, WA: Wash Dept Ecology: 11,966 acres

Oregon:

S. Slough: Oregon Department of State Lands, currently manages approximately 6,000 acres.

California

San Francisco Bay: San Francisco State: 3710 acres

Elkhorn Slough: Cal fish and Game: 1,439 acres

Tijuana River, California State Parks and the U.S. Fish and Wildlife Service, 2,293 acres

Interviews and Gathering of Information from SS Staff:

Our interviews and collection of information were conducted in August using face to face interviews with 7 of the 16-fill-time, permanent staff, and by reading written reports prepared by members of each of the three teams that provide leadership and direction for SSNERR programs: Research, Education and Coastal Training Program. Although the timing for many staff was not good as staff were highly engaged with the many public workshops and educational programs SSNERR provides, many were able to take time to articulate their concerns and visions for the future.

The questions for the in-person interviews included information on the individual's familiarity with the proposed plans, and their personal viewpoint about the challenges with the proposals, and their vision for the challenges ahead for the NERR.

1. How long have you been employed at SSNERR?
2. Have you heard about proposals to divest the financial partnership of SSNERR to other entities?
3. What have you heard about these proposals?

Future Visions

1. We are approaching the 50th anniversary of the first ever Estuarine Reserve in the USA, where do you see SSNERR's mission and activities should be focused in the next 25 years?
2. Are there elements of the management that you would like to learn more or participate in?

Summary of Staff Input:

Staff considered their roles at the SSNERR as important and full of rewarding opportunities. They have heard rumors and received vague emails over the past two years regarding potential scenarios to remove SSNERR from the Common School Fund. Everyone interviewed was uncomfortable with the uncertainty and lack of specific alternatives. Each staff member expressed his/her interest in having the opportunity to participate in discussions of future options for the structure and management of the reserve.

The staff had clear visions of the focus needed for the next 25 years. All responses emphasized the clear importance of the need to understand the complexities of climate change on estuary ecosystems. Understanding and preparing for challenges of estuarine management was a key mission and theme of their vision. They articulated the importance of estuarine environments as the intersection of land and water systems and the communities that depend upon those systems. Staff recognized the need to increase public awareness across the State and Region of the important resources that the South Slough NERR provides to all Oregonians, not just those of the immediate Coos Bay area. The educational, research and management opportunities to understand estuarine environments would benefit by increasing and expanding partnerships with agencies, educational institutions, tribes, and NGOs. Many staff expressed a desire to increase their collaborations for interdisciplinary research and educational opportunities. Existing successful collaborations included the University of Oregon, and Oregon State University. They supported interest in continuing and expanding roles for collaborations and internships with community colleges.

Additional documents provided for our review:

1. *UO DSL Discussions and Research* – this document summarizes all the meetings that have occurred to date related to a potential transfer of South Slough Reserve to UO
2. *Memo on Progress of Evaluation Option for South Slough* – this is a memo Director Walker presented to the State Land Board at their February 5th (2019) meeting. It includes similar information to the UO DSL Discussions and Research document.
3. *CRT18222_SSNERR Management letter to DSL* – this is the letter sent to Director Walker from the Coquille Indian Tribe in support of keeping the South Slough Reserve in DSL
4. *SLB resolution about South Slough* – this is the resolution made by the State Land Board on 12/18/2018 calling on the legislature to move funding for the South Slough Reserve away from the Common School Fund. No action has been taken yet by the legislature on South Slough. A bill successfully moved through the 2019 legislative session for the other item in this resolution (moving the Unclaimed Property division from DSL to the State Treasurer's Office).
5. *Strategic Plan Comments* – A document summarizing UO's strategic plan for creating a Coastal Campus in Charleston; managing South Slough Reserve is proposed as part of this plan.
6. *OIMB Strategic Plan Final 21*
7. *2019-07-18 CTCLUSI letter RE South Slough Reserve* – letter sent to Director Walker in support of continued management by the State, as it currently exists.

Existing State Partnership with DSL and DSL Mandates

The Department of State Lands (DSL) is the administrative arm of the State Land Board, Oregon's oldest board. Established by the Oregon Constitution, the State Land Board has been composed of the governor (chair), secretary of state and state treasurer throughout its history.

In 1859, at statehood, the federal government granted Oregon about 3.4 million acres of land for financing public education as it did with other states. Although the total acreage is now smaller, revenues from state owned lands are dedicated to the Common School Fund, a trust fund for kindergarten through grade 12 public schools.

In addition to the State Land Board, the department is charged with protecting public rights to use state-owned waterways for navigation, fishing, commerce and recreation.

Other responsibilities within DSL assigned by the legislature include: the state's unclaimed property program (1957) and also includes money and estates including those dying without will although these programs are transitioning to the State Treasury; protecting state wetlands and waterways (1967: removal-fill law; 1989: wetland conservation law); and serving as the state partner for the South Slough National Estuarine Research Reserve (1974).

According to the Secretary of State webpage, DSL employs just over 100 people and is headquartered in Salem in a building that is an asset of the Common School Fund. The Eastern Region Office is located in Bend, and the South Slough National Estuarine Research Reserve is headquartered in Charleston on the south coast.

According to the web, the DSL is organized in two divisions in addition to the State Land Board and Director's Office: Operations (Aquatic Resource Management and Real Property) and Administration (Business Operations and Support Services, and the South Slough). The Department of Lands' requested programmatic 2-year budget for the 2019-2021 Biennium breaks down into \$66,823,565 for Common School Fund Programs; \$4,585,705 for SSNERR, which includes all of the reserve's funding (Common School Fund, annual federal operations award from NOAA, and all other federal and non-federal grant funding); and \$1,996,518 for the Aquatic Resources/Removal-Fill Program.

The Aquatic Resource Management Program conserves and protects waters of the state and public access to state-owned waterways. The program has four core functions: 1) regulating removal-fill activities in waters of the state; 2) managing mitigation programs, including mitigation banking and payment-in-lieu programs; 3) managing the state's aquatic resource planning program; and 4) issuing authorizations for use of and overseeing navigable waterways to protect public trust rights.

In addition to its department mandates, the Department of State Lands is responsible for providing a facility and administrative support for the meetings of the Oregon Ocean Science Trust, a program the Legislature established in 2013 (ORS 196.565-569). The duties of the Trust are to:

- Promote peer-reviewed, competitive research and monitoring that leads to increased knowledge and understanding of Oregon's ocean and coastal resources.
- Promote innovative, collaborative, community-oriented, multi-institutional approaches to research and monitoring related to Oregon's ocean and coastal resources.

- Enhance the state's capacity for peer-reviewed scientific ocean and coastal research.
- Subject to available funding, establish and execute a competitive grant program to conduct research and monitoring related to Oregon's ocean and coastal resources.

FOSS Conclusion and Synthesis of the Need for Continued and Enhanced Partnerships

Clearly DSL is highly engaged in aquatic land management directly through their Aquatic Resource Management Program and the Ocean Science Trust, as well as their partnership at South Slough. The management partnership for South Slough National Estuarine Reserve provides a presence for the department to partner directly with the NOAA and network with other states to obtain relevant expertise and opportunities only available through this partnership. NOAA provides funding, national guidance, and technical assistance to this partnership.

With the unique and historic role of the DSL in wetland and aquatic management and mitigation, we utilize the opportunity of this report to increase the awareness of need for increased proactive partnerships with regulators, and managers of state held and other lands to work to address the needs of the future. The reserve system is dedicated to address National Ocean Service's priorities, including stewardship, recreation, and tourism, preparedness and risk reduction, and safe and efficient transportation and commerce. These mandates mesh well with the DSL's mandates. For example, two objectives of the NERRS 2017-2022 Strategic Plan are as follows:

Objective 1 "Coastal practitioners will enhance resiliency of reserves and their watersheds by improving the protection and function of coastal habitats."

Objective 3: "scientific, management, and educational audiences will know about and effectively use reserve research, data, and products to understand the effects of climate and land-use change on estuaries, ecosystem services, and human well-being."

We urge the DSL to increase interactions with South Slough staff and others to pose important research questions that can be explored that will help DSL managers and regulators of Oregon's wetland and aquatic systems assure that the tools used for management and regulation benefit and protect the public trust. South Slough staff have articulated their goals and interest in increasing collaborations with multiple partners to improve our understanding of ecological processes of estuarine systems to changing habitats and climate challenges.



Oregon

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State Land Board

Kate Brown

Governor

M E M O R A N D U M

Dennis Richardson

Secretary of State

Date: February 5, 2019

Tobias Read

State Treasurer

To: Governor Kate Brown
Secretary of State Dennis Richardson
State Treasurer Tobias Read

From: Vicki L. Walker
Director

Subject: Summary of the South Slough Reserve's Work Related to Climate Change

Climate change presents a significant threat to the Oregon coast. Developed shorelines, coastal roads, and natural ecosystems are vulnerable to sea level rise and extreme weather events that can negatively impact infrastructure, coastal economies, coastal accessibility, and human safety. Ocean acidification has serious implications for water quality, shellfish industries, and ecosystem services, and it has already noticeably impaired shellfish production in Oregon.

The South Slough Reserve identifies Climate Change as a management priority in its 2017-2022 Management Plan. As such, reserve staff are engaged in several research and education efforts to increase understanding and communication of climate change. This memo summarizes the Reserve's research related sea level rise, climate change, ocean acidification, and carbon storage in coastal wetlands; education and training related to these topics; and actions the Reserve is taking to reduce greenhouse gas emissions.

Sea Level Rise and Climate Change

The South Slough Reserve participates in the National Estuarine Research Reserve System's Sentinel Sites program, which is a national initiative centered on monitoring

the response of tidal wetlands to changes in sea level and tidal inundation patterns. Essentially, this program is designed to answer the question: *What will happen to tidal wetlands as sea level changes?*

Reserve staff maintain the necessary infrastructure in South Slough to: 1) measure changes in sea level and tidal inundation patterns, 2) quantify changes in wetland elevation, both from geologic processes and the rate at which sediment accumulates in or erodes from wetlands, 3) measure changes in plant diversity and species richness within wetland study sites, and 4) measure changes in weather and water quality. The Reserve's Sentinel Site Plan that describes this work has been highly regarded by the National Oceanic and Atmospheric Administration (NOAA) and disseminated amongst the reserve system as a gold standard.

The value of the Reserve as a Sentinel Site extends beyond understanding local impacts of sea level rise. The Reserve is part of a national study to assess the resilience of marshes across the country. The resulting peer-reviewed publication¹ includes a calculation tool to help coastal managers evaluate the resilience of marshes and inform their decisions for the most appropriate coastal management strategy. In addition, the Reserve's monitoring infrastructure and data attract visiting researchers to the Reserve and facilitates a broader range of climate and biological research.

The Reserve is mapping density and distribution of tidal marshes, eelgrass beds, and other habitats in the South Slough watershed. Habitat maps provide essential baseline data for assessing habitat changes over time, and the Reserve's work is being used to inform mapping protocols for use across the State of Oregon. The Reserve has also partnered with University of Oregon to incorporate sea level rise into land use and infrastructure planning to increase resilience of waterfront areas in the Coos Estuary.

The Reserve participates in the U.S. Climate Reference Network, a partnership with NOAA's National Climatic Data Center, by maintaining a climate observing station in the Reserve at Fredrickson Marsh that measures changes in precipitation, air temperature, and a suite of other meteorological parameters. At the time of its installation, the Reserve's station was the first marsh station in the Climate Reference Network that now includes over 130 climate observing stations across multiple habitat types.

Ocean Acidification

The Reserve maintains equipment in South Slough for continuous measurements of pH and dissolved carbon dioxide (pCO₂) in the estuary and is partnering with other researchers to assess impacts of changing pH on submerged aquatic vegetation. Combined with data from a recently installed NOAA networked ocean buoy near the mouth of Coos Bay, the Reserve's data will help characterize pH and pCO₂ patterns at the interface of nearshore and estuarine waters.

Reserve staff sit on the West Coast Ocean Acidification and Hypoxia Science Panel and participate in the Oregon Ocean Acidification and Hypoxia Monitoring Workgroup. Additional partners for this work include the Confederated Tribes of the Coos, Lower

Umpqua and Siuslaw Indians; the Northwest Association of Networked Ocean Observing Systems; and NOAA.

Carbon Storage in Tidal Wetlands

Blue Carbon refers to carbon that is stored and sequestered in coastal ecosystems that would otherwise be released and contribute to increasing CO₂ levels in the atmosphere.

The Reserve helped create and continues to be part of the Pacific Northwest Blue Carbon Working Group, which is a group of research scientists, restoration practitioners, conservation leaders, land managers, and policy experts who are working to organize the region's approach to coastal blue carbon research and policy. With this group, Reserve staff are working to: 1) quantify the carbon storage potential of tidal wetlands throughout the Pacific Northwest, 2) characterize environmental drivers that influence carbon storage in wetlands, and 3) understand how carbon storage potential changes when wetlands are converted to alternate uses, such as pastures or developed sites. This work was highlighted in an invitational presentation to the legislative Joint Interim Carbon Reduction Committee on July 24, 2018, where it was well received.

Reserve staff are also contributing to efforts to develop coastal climate adaptation and mitigation strategies for Oregon. This includes partnering on a Blue Carbon Market Feasibility Assessment and surveying the needs of natural resource managers, restoration professionals, and decision makers for blue carbon information.

Education Related to Climate Change

The Education Program at the South Slough Reserve incorporates climate change themes into its school programs, volunteer trainings, community education, public outreach, and teacher trainings. Recently, the Reserve partnered with the Oregon Department of Land Conservation and Development to deliver a presentation on the effects of sea level rise in Coos Bay, as well as a "King Tides Tour" and photo sharing event to help the community visualize what increasing sea levels will look like.

Upcoming teacher training workshops will focus on ocean acidification and sea level rise to provide teachers with resources and training in using scientific data to investigate climate issues in the classroom with their students. Teachers and students also benefit from hands-on learning at the Reserve's demonstration Sentinel Site where they can collect their own data and learn how the Reserve is studying climate change.

The Coastal Training Program at the South Slough Reserve provides training for coastal managers and decision makers in Oregon. Recent workshops addressed climate adaptation for coastal communities and mapping of estuarine wetlands and sea level rise inundation in coastal areas.

The Reserve also provides applied work experience opportunities for recent high school and college graduates by partnering with external programs. For example, much of the

work described in this memo involved interns funded through NOAA, the National Science Foundation, Oregon Sea Grant, and Friends of the South Slough Reserve, Inc.

Facilities and Operations

The Reserve is in the process of completing facility upgrades to increase its energy efficiency and water conservation practices. With grant funding from NOAA, the Reserve recently replaced outdated HVAC systems at the Reserve's Visitors Center and housing facility with high efficiency heat pumps that greatly reduce energy use and associated costs. The Visitor Center also has an array of solar panels that offset a portion of the facility's energy use. A recent remodel at the Reserve's science lab also included several energy savings measures, including the installation of high efficiency LED lights and energy efficient windows and doors.

¹ Raposa, K.B., K. Wasson, E. Smith, J.A. Crooks, P. Delgado, S.H. Fernald, M.C. Ferner, A. Helms, L.A. Hice, J.W. Mora, B. Puckett, D. Sanger, S. Shull, L. Spurrier, R. Stevens, and S. Lerberg. 2016. Assessing tidal marsh resilience to sea-level rise at broad geographic scales with multi-metric indices. *Biological Conservation*, 204(B): 263-275.

<https://www.sciencedirect.com/science/article/pii/S0006320716305742>



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Tobias Read

State Treasurer

MEMORANDUM

Date: February 4, 2020

To: Governor Kate Brown
Secretary of State Bev Clarno
State Treasurer Tobias Read

From: Vicki L. Walker
Director

Subject: South Slough Reserve's Forest and Fire Management Project

Background Information

Since the fall of 2019, the South Slough Reserve has been undertaking an exciting multi-benefit forestry project at its visitor center. This update provides a summary of the key accomplishments to date and explains how the project is enhancing education opportunities at the reserve.

The Visitor Center was constructed in the mid-1980s on cleared forest land at the top of a ridge overlooking the South Slough estuary. The forest surrounding the Visitor Center was never thinned; it grew back incredibly dense and tall and eventually blocked the view from the observation deck to the water.

In spring of 2018, the Reserve received a grant of \$137,000 from the National Oceanic and Atmospheric Administration for improvements at the Visitor Center, which included:

- replacing the observation deck,
- forestry work to re-establish a view corridor from the observation deck to the slough,
- renovating the gutter system on the building, and
- installing a demonstration raingarden to capture rainwater runoff and provide interpretive information on ecologically and culturally significant native plants.

Dr. Alice Yeates (PhD) was hired as the Reserve's stewardship coordinator in the summer of 2019. As the project lead, she has contributed invaluable expertise and experience in forest ecology, science education, and collaborative project management.

With input from a technical advisory group, Dr. Yeates developed a comprehensive Forest Enhancement Plan that expanded the project focus to reduce fire risk, improve forest health, increase wildlife habitat, and enhance education and outreach opportunities. The advisory team included representatives from OSU extension, Oregon Department of Forestry (ODF), Bureau of Land Management (BLM), Department of State Lands (DSL) and Coos Watershed Association.

The Plan was approved by the South Slough Reserve Management Commission in August 2019.

During the planning process, Dr. Yeates coordinated site visits with the advisory team to complete fire assessments and develop a plan to reduce fire risk. After implementation commenced, two representatives from OSU Forestry and Natural Resources Extension conducted an additional site visit to reassess fire risk after the first phase of work was completed; they identified additional management actions to further protect the building and surrounding areas.

Forest Enhancement Project and Raingarden Project work began in November 2019 and included the following:

Reserve staff worked with the Coos Forest Protective Association (CFPA) and a local tree service to thin a 0.75-acre area of dense regrowth forest within a 200-foot radius of the South Slough Reserve's visitor center. The CFPA work crews pruned lower tree limbs, removed dead Port-Orford-cedar trees, and thinned the dense understory shrubs and trees.

The Department of State Lands believes these fire prevention activities are an excellent example of the work envisioned by Senate Bill 1536, a bill introduced by Governor Brown in the 2020 Session. Among many objectives, SB 1536 hopes to reduce wildfire risks by demonstrating defensible space on public and private lands. South Slough Reserve is proud to showcase how fire and landscape mitigation on public land can meet those objectives.

In addition to reducing fire risk, these thinning activities will promote diversity and habitat complexity, and benefit a myriad of animals including songbirds, bats and insect pollinators.

Through partnership and creative thinking, the Reserve was able to expand the positive impacts of this project by donating and utilizing many of the felled trees.

- 120 logs of approximately 10 ft. in length were equally divided between the Coquille Indian Tribe and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indian (CTCLUSI) for cultural use. Attached is a letter from the CTCLUSI about this donation.
- Additional Port-Orford-cedar logs were split on site and staff are constructing benches to be installed along the trails. Remaining logs are being milled at a local sawmill and will be used in education programs for building wildlife boxes.
- Western hemlock and Sitka spruce logs will be used in an upcoming stream restoration project.
- The Reserve made efforts to donate firewood from the removed Douglas fir trees to Oregon Coast Community Action for its energy assistance program, but it was not possible at this time. Future forestry projects will work towards this.

The demonstration raingarden was completed by Reserve staff and volunteers in January 2020 and enriched with a diversity of native pollinator food plants and culturally important plants donated by CTCLUSI. The garden incorporates an ADA-accessible path for all visitors to access the observation deck and will include interpretive signage and bench seating.

Education and Outreach

Staff at the South Slough Reserve recognize that clear communication is an important element of any land management activity. For this project, staff obtained approval from the local tribes and the Reserve management commission, conducted public site tours and presentations, and created interpretive signage to help visitors understand the forestry work and visualize the project objectives.

The project also created a large gathering area along the trail for school groups and community programs. The area will be enhanced with native flowering shrubs and wildlife boxes. Reserve staff are working with local tribes to incorporate culturally significant plants and develop education materials. Participants of the Reserve's inaugural *Second Saturday Stewards* program will plant shrubs and install wildlife boxes on February 8, 2020.

The project area will serve as a demonstration site for workshops and community classes to educate the public on how to reduce fire risk on their own property. Reserve staff are currently working with Oregon State University Extension agents to host a spring workshop focused on creating defensible space for reducing risk of wildfire. Outreach opportunities the Reserve plans to complete in the future will educate others on how to promote these important tasks in reducing wildfire risk and being good stewards of the land.

After many years of dense forests enclosing the Visitor Center, Reserve visitors are now able to view the South Slough estuary and obtain a sense of connection with the surrounding watershed. Through these efforts the area has been, and will continue to be, enhanced to benefit all those that belong to the South Slough community in a way that promotes an increased understanding of its ecology and cultural importance, and the benefits of managing our land in a multifaceted and inclusive manner.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

October 8, 2020

Ms. Vicki Walker, Director
Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301-1279

Dear Ms. Walker:

The National Oceanic and Atmospheric Administration's (NOAA) Office for Coastal Management values the long-term partnership with the South Slough National Estuarine Research Reserve (Reserve) and Oregon Department of State Lands (DSL). The Reserve is one in a network of 29 coastal sites designated nationally to protect and study estuarine systems and is the only site in Oregon. The role of the Department of State Lands is critical to the success of the Reserve and is illustrative of the long-standing partnership between the State of Oregon and NOAA that has existed for over 45 years. Thank you for your continued support of the Reserve. Please see below an overview of how the Oregon Department of State Lands has met and exceeded the programmatic and fiscal expectations of a state agency host and partner for the South Slough Reserve.

NOAA provides annual funding to DSL in the form of cooperative agreements for the management of the Reserve. Additionally, the Reserve has successfully competed for NOAA grants to support Reserve construction and land acquisition projects. Over the most recent decade, NOAA has provided 19 awards exceeding \$6.5 million in federal funding for the Reserve annual operations. Additionally, DSL has successfully competed for \$2.64 million for land acquisition and construction projects. DSL staff have repeatedly demonstrated outstanding management of these cooperative agreements and grants with complete and thorough application submissions, timely and comprehensive submission of progress reports, and proactive communications about award modifications.

DSL has consistently met foundational roles of a state host while also addressing the growing and evolving needs of the communities they serve. For example, the state has not only routinely funded core staff and provided facilities and equipment to implement programs and provisions outlined in the Reserve management plan, but also found ways to support new and emerging staffing needs around GIS and additional educational support.

One critical role for DSL in the management of the Reserve is conducting and coordinating research and monitoring programs that encourage scientists from a variety of institutions to work together to understand the ecology of the Reserve ecosystem to improve coastal management. The DSL staff have done an excellent job fulfilling this role, with 27 research and monitoring projects currently being carried out in or within partnership with Reserve staff.

Section 312 of the Coastal Zone Management Act requires NOAA to conduct periodic evaluations of reserves to assess accomplishments, needs and recommendations for program enhancements. The most recent evaluation of the Reserve (2017) highlights the strength of DSL as a state host through detailing 10 major accomplishments during the review period. The accomplishments were comprehensive covering the wide variety of services and programs

including education, research, and land stewardship, monitoring and community engagement. The Reserve worked diligently to address the needs and recommendations NOAA outlined for program enhancements, and has either completed or made solid progress on all recommendations.

The Office for Coastal Management's website highlights stories from research reserves where they have made significant positive impacts on coastal management. On average, research reserves feature 3-4 stories; currently, South Slough Reserve has 9 stories highlighting their many accomplishments and successes working with local, state and national partners. Of the 29 sites, the Reserve has the most success stories, which highlights both their program impacts and their strong partnership with our Office to document and share the Reserve's successes.

As the first research reserve designated in the reserve system, the South Slough National Estuarine Research Reserve holds a special place within our network. Thank you for meeting and exceeding our expectations of a reserve state agency host. NOAA looks forward to our continued partnership with the Reserve and the State of Oregon to ensure the continued success of the Reserve.

Sincerely,

A handwritten signature in cursive script that reads "Erica Seiden".

Erica Seiden
Program Manager
National Estuarine Research Reserve System
Office for Coastal Management



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M E M O R A N D U M

October 13, 2020

To: Governor Kate Brown
Secretary of State Bev Clarno
State Treasurer Tobias Read

From: Vicki L. Walker
Director

Subject: Wildfire Damage

The following memo summarizes the potential loss of value and future costs to Department of State Lands forestland resulting from the 2020 wildfires.

Approximately 1,227 acres of DSL forestland west of the Cascades burned in this year's wildfires. The affected land was in five different counties across five different fire incidents. All except 40 acres are Common School Forestland (certified forest), managed by Oregon Department of Forestry. The following table summarizes the acres of forestland by county and fire.

DSL Forested Parcels in 2020 Wildfires

Fire Incident	Acres	County
Slater	649	Josephine
Archie Creek	40	Douglas
Holiday Farm	40	Lane
Beachie Creek	458	Marion
Riverside	40	Clackamas
TOTAL	1,227	

Since most of the fire areas are not yet open for on-the-ground reconnaissance, it is difficult to determine the extent of the timber loss and reforestation needs specific to DSL lands at this time. However, wildfires typically burn in mosaic patterns, meaning that some forested areas

experience 100% mortality, while other areas are a combination of underburn and mixed mortality. It is safe to say DSL forestlands did experience some level of damage, but precise estimates are unknown. Therefore, in this analysis a range of burn severity (30%-70%) along with current forest inventory data was used to estimate potential losses.

Timber volume loss due to the wildfires ranges from 6.8 million board feet to 14.6 million board feet, with an estimated value of \$2.6 to \$5.3 million. Costs to reforest damaged areas ranges from \$175,500 to \$395,000. A portion of this loss may be recovered through some salvage logging. As field assessments are completed over the next several weeks more accurate estimates will be available.

Estimated Range of Damage Loss and Cost to Reforest as of 9/30/2020

	Low*	Mid **	High***
Acres in fire perimeter	1,227	1,227	1,227
Acres of timber damaged	351	570	790
Estimated Timber Volume Loss (mbf)	6,856	10,744	14,630
Stumpage Value (\$/mbf)	\$350	\$350	\$350
Estimated Total Timber Value Loss (\$)	\$2,625,000	\$3,760,400	\$5,355,000
Estimated Cost to Reforest	\$175,500	\$285,000	\$395,000
*Assuming 30% of the standing timber was damaged in fire			
**Assuming 50% of the standing timber was damaged in fire			
***Assuming 70% of the standing timber was damaged in fire			
++Note that actual timber burned will need to be determined from field recon			

*After this original memo was complete, remote sensing data showing wildfire burn severity was received for all the large western Oregon fire areas. This data helps delineate forest cover loss and soil burn severity within the wildfire perimeters. Although not yet verified on-the-ground, this data shows that wildfire effects on DSL forestland may be on the low-end of the range shown in the table above. As stated earlier, field assessment will be needed to affirm its accuracy.

I'd like to thank Ryan Singleton, the Department's forester, for providing this overview. Please let us know if you have any questions.

Sincerely,



Vicki L. Walker, Director
Department of State Lands



Oregon

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M E M O R A N D U M

October 13, 2020

To: Governor Kate Brown
Secretary of State Bev Clarno
State Treasurer Tobias Read

From: Vicki L. Walker
Director

Subject: Board of Forestry HCP Outcomes for Common School Forest Lands

The Oregon Department of Forestry (ODF) is pursuing development of a Habitat Conservation Plan (HCP) for management of west side forestlands. ODF presented a draft HCP to the Board of Forestry (BOF) October 6th, 2020, and the BOF directed ODF to move forward with development of the HCP. The HCP would cover approximately 640,000 acres of ODF-managed land west of the Cascades. Those lands include roughly 26,000 acres of Common School Forest Land. The HCP does not include the Elliott State Forest. The Department of State Lands (DSL) has been partnering with ODF in development of the HCP with representation on the steering and policy teams.

The following memo summarizes the results of a Comparative Analysis commissioned by the Oregon Department of Forestry evaluating the expected outcomes and tradeoffs for three potential forest management scenarios. The executive summary of that report, prepared by ECONorthwest, can be found at <https://www.oregon.gov/odf/board/Documents/fmp-hcp/odf-ca-fin.pdf>.

The Comparative Analysis resulted in a relative ranking of key economic, conservation and social outcomes for three forest management scenarios for west-side ODF-managed forest lands. Those scenarios included:

- Current Forest Management Plan (cFMP): continue to implement the current Forest Management Plan and the associated take avoidance approach to ESA compliance;

- Draft Forest Management Plan (dFMP): implement the draft revised FMP and associated take avoidance approach to ESA compliance which allows more harvest than the cFMP; and
- Habitat Conservation Plan scenario: implement the HCP, which would include a companion draft FMP that would address measures to inform management of State Forest Lands for other nontimber resource values.

The Outcomes analyzed and ranked include:

- Economic Outcomes
 - Acres available for harvest
 - Annual harvest income
 - ODF costs (these are passed on to DSL for CSFL)
 - Net Revenue
- Conservation Outcomes
 - Covered terrestrial species habitat quality
 - Covered aquatic species habitat quality
 - Quantity and quality of monitoring
- Social Outcomes
 - Carbon storage
 - Recreation and cultural values

Key findings include:

- The HCP Scenario generates the greatest total harvest volume over the 75-year timeframe.
- ODF's costs are lowest under the HCP Scenario.
- Net revenue is greatest for the HCP Scenario, followed by the dFMP and finally the cFMP.
- The HCP Scenario would result in the protection and stewardship of more suitable habitat for covered species within areas designated for conservation relative to the cFMP and dFMP.
- The cFMP and HCP both have strong conservation outcomes for terrestrial species. The cFMP results in increased suitable habitat for covered species in the entire permit area.
- HCP conservation areas protect larger, less fragmented occupied and suitable habitat for covered species.
- Strategies for aquatic species for all three scenarios are strong; however, the HCP provides the best potential outcomes.
- Carbon sequestration is highest under the cFMP, due to anticipated reductions in harvest levels over time.
- All management scenarios provide benefits for recreation opportunities and culturally significant uses. However, the funding stability afforded by the HCP provides more opportunities for investment.

The Comparative Analysis indicates that economic, conservation, and social outcomes would be more reliable and provide greater benefits when considering uncertainties under an HCP than under the dFMP or cFMP scenarios and therefore supports inclusion of CSFL in the HCP.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Vicki L. Walker". The signature is written in a cursive style and is set against a light gray rectangular background.

Vicki L. Walker, Director
Department of State Lands