



# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

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[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

## State Land Board

Tina Kotek

Governor

Tobias Read

Secretary of State

Elizabeth Steiner

State Treasurer

## State Land Board

**June 10, 2025  
11:00 am – 1:00 pm  
Meeting Agenda**

*Public Wi-Fi logon: LandsDSL*

*This is a hybrid meeting that can be attended in-person at  
**Shutter Creek Facility**  
**95200 Shutters Landing Ln, North Bend, OR 97459**  
or online through the Department of State Lands' livestream video:  
[www.youtube.com/@oregonstatelands](http://www.youtube.com/@oregonstatelands)*

**\*Please note: Item 10 has been moved to the informational agenda**

### **CONSENT ITEMS**

1. Approval of the minutes  
*Public testimony will be taken on this item.*

### **ACTION ITEMS**

2. Request to initiate rulemaking for Division 145, remediation and habitat restoration  
*Public testimony will be taken on this item.*
3. Request to initiate rulemaking for Division 83, undersea cables  
*Public testimony will be taken on this item.*
4. Subsurface mineral and geothermal rights in Morrow County  
*Public testimony will be taken on this item*
5. LaPine in-lieu lands acquisition  
*Public testimony will be taken on this item.*

*Continued on the next page*

6. ODOT I-5 overpass easement  
*Public testimony will be taken on this item.*

### **INFORMATIONAL ITEMS**

7. Geologic carbon sequestration update  
*No public testimony will be taken on this item.*
8. Legislative Update  
*No public testimony will be taken on this item.*
9. Other  
*No public testimony will be taken on this item.*
10. Department of State Lands Director Appointment  
*No public testimony will be taken on this item.*

### **WATCH THE MEETING ONLINE**

Meeting video and audio will be livestreamed, and the recording available after the meeting, on the DSL YouTube Channel: [www.youtube.com/@oregonstatelands](https://www.youtube.com/@oregonstatelands)

### **ATTEND IN-PERSON**

This meeting will be held in a facility that is accessible for persons with disabilities. If you need assistance to participate in this meeting due to a disability, please notify Arin Smith at [arin.n.smith@dsl.oregon.gov](mailto:arin.n.smith@dsl.oregon.gov) at least two working days prior to the meeting.

Visitors are **NOT permitted to bring backpacks, bags, or large purses** into the State Lands building prior to, during, or following Land Board meetings. Purses, medical bags, and diaper bags are permitted, but may be subject to inspection by the Oregon State Police.

## **PROVIDE PUBLIC TESTIMONY**

The State Land Board places great value on information received from the public. The public may provide written or spoken (online or in-person) testimony regarding consent and action agenda items, time permitting and at the discretion of the Chair.

- **Providing Written Testimony:** Testimony received by 10 a.m. on the Monday before the meeting will be provided to the Land Board in advance and posted on the meeting website. Submit your input in writing to: [landboard.testimony@dsl.oregon.gov](mailto:landboard.testimony@dsl.oregon.gov). Testimony received after this deadline may not be provided to the Land Board prior to a vote. Please indicate the agenda item your testimony relates to.
- **Providing Spoken Testimony by Video/Phone or In Person:** Advanced sign-up is required for the public to provide spoken testimony (in-person or by Zoom). The sign-up deadline is 10 a.m. the day before the meeting.  
**Please note:** When the number of people interested in speaking exceeds the time allotted for an agenda item, speakers are randomly selected for testimony slots to ensure all have an equal opportunity to testify. Speakers have the same chance of being randomly selected whether they plan to testify in person or by Zoom. The testimony order will be posted to the State Land Board Meetings webpage the day before the meeting, and everyone who signed up to testify will be notified of the testimony order via email. Be aware there may not be time for everyone who signs up to speak.

## **Additional Testimony Information**

- Testimony on action items is taken during the item's presentation, before the Land Board votes. Please review the meeting agenda and be present and prepared to provide testimony at the appropriate time.
- The Board typically accepts testimony on consent and action items only.
- The standard time limit is three minutes for each individual; the actual time available for testimony during Land Board meetings is at the discretion of the Chair.
- The Board may not be able to accept testimony on items for which a formal comment period has closed, such as a rulemaking comment period. The meeting agenda indicates whether testimony will be accepted on an item.



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## State Land Board

The State Land Board (Land Board or Board) met in regular session on April 8, 2025, in the Land Board Room at the Department of State Lands (DSL), 775 Summer Street NE, Salem, Oregon. The meeting audio and video was livestreamed on the DSL YouTube channel.

Tina Kotek

Governor

Tobias Read

Secretary of State

Elizabeth Steiner

State Treasurer

### Present were:

Tina Kotek

Tobias Read

Elizabeth Steiner

Governor

Secretary of State

Treasurer

### Land Board Assistants

Geoff Huntington

Dmitri Palmateer

Jessica Howell

Governor's Office

Secretary of State's Office

State Treasurer's Office

### Department Staff

Vicki Walker

Arin Smith

Ted Bright

Bill Ryan

Chris Castelli

Cait McCusker

Ellie Forness

Ali Ryan Hansen

Hannah Beverage

Katrina Scotto di Carlo

Linda Safina-Massey

Jean Straight

### Department of Justice

Matt DeVore

Governor Kotek called the meeting to order at 10:00 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: [April 8, 2025, Land Board Meeting](#)

### Consent Items

#### 1. Minutes

Secretary Read made a motion to approve the minutes for the February 11, 2025, and the February 27, 2025, Land Board meetings.

Treasurer Steiner seconded the motion.

The item was approved at 10:01 a.m. without objection.



## **ACTION ITEMS**

### **2. Elliott State Research Forest: Adopt, by reference, the Forest Management Plan into administrative rules.**

Director Walker stated that the Forest Management Plan (FMP) guides how the lands will be managed. The FMP was approved at the October 2024 Land Board meeting and the adoption of the plan into rule to further codify the document. Director Walker then gave an overview of the rulemaking and public process that took place.

The Department recommended the Land Board permanently adopt, by reference, the Forest Management Plan for the Elliott State Research Forest into new Administrative Rule 141-079-0001. If adopted, the proposed rule will go into effect immediately upon filing.

Public comment was taken from:

- Fergus Mclean
- Bob Zybach

Secretary Read asked if any changes have been made to the FMP since it was adopted. Director Walker stated that no changes have been made.

Secretary Read made a motion to approve the action item.  
Treasurer Steiner seconded the motion.  
The item was approved at 10:16 a.m. without objection.

## **INFORMATIONAL ITEMS**

### **3. Oregon Department of Forestry Annual Report on Common School Forest Lands**

Director Walker introduced Mike Wilson, ODF Division Chief and Kate Skinner, Interim State Forester, to present the report.

The report included information related to timber management (volume and value of harvested, sold and planned timber sales), fiscal year operating costs, revenue transferred to the Common School Fund, reforestation, intensive management accomplishments and costs, and other information affecting land management and operations for fiscal year 2024

Secretary Read asked how the uncertainty of the economy is considered when forecasting. Mr. Wilson responded that we are continuing to see a very competitive market and doubts timber prices will crash.

Governor Kotek asked how close projections were last year. Mr. Willson introduced Kevin Hass, business team lead in the State Forest Division, to answer the question. He stated that projections were close last year and we are tracking well for this year's projections as well.

Treasurer Steiner asked if the Common School Fund gets all of the revenue from the timber sales.

Mr. Hass stated that all money is transferred to the CSF and then ODF is reimbursed for their operating costs and fire protection costs.

Director Walker asked Mr. Wilson to share with the Board how the names of the timber sales are chosen.

Mr. Wilson stated that they are based on the geography of the area and then words are added to keep the names amusing.

#### **4. ~~Oregon Ocean Science Trust Report~~**

This item was postponed to a future meeting.

#### **5. Legislative Update**

Director Walker introduced Ellie Forness, Government Relations Director, and Danielle Boudreaux, Rulemaking Coordinator, to present the item.

- **HB5539:** The Department's budget bill
- **SB165:** Clears title to historically filled lands by removing ownership uncertainty for private landowners while retaining future opportunities for public ownership of high-value lands.
- **SB793 A:** Allows fair payment for easements in the territorial sea, ensures fees cover the cost of issuing those easements; gives the Department rulemaking authority.
- **SB795 A:** Promotes efficiency in Oregon's Abandoned & Derelict Vessels Program; implements community-supported fixes for effectively addressing the problem of hazardous vessels in publicly owned waterways.
- **SB74:** Improves the process for declaring rivers to be Oregon-owned and navigable.
- **SB147:** Housekeeping to more efficiently manage the Elliott State Research Forest.

Treasurer Steiner asked, regarding SB165, if there are filled lands outside of city limits. Ms. Forness stated that this bill only pertains to filled lands inside the city limits as those outside do not hold the same value.

Ms. Boudreaux gave a high-level overview of DSL's rulemaking process.

Governor Kotek stated that she appreciates the thoughtfulness in DSL's rulemaking process and that DSL is a good model for other agencies.

She then asked what the internal process is for prioritizing rulemaking. Ms. Boudreaux stated that highest priority are those with legislative effective dates and various programmatic needs.

**6. Other**

- **Shutter Creek Facility**

The facility will be used as a home base for the Elliott State Research Forest and the June Land Board meeting will be held there. The 12-ft fence surrounding the facility needed to be removed and was taken by Camas Valley Fire Dept. for their use and at no cost to DSL.

- **The Common School Fund had a record distribution**

The total distribution was \$76.8 million; the average distribution to school districts was \$389,607.

The meeting was adjourned at 11:01 a.m.

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Tina Koteck, Governor

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Vicki L. Walker, Director



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Tina Kotek, Governor

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## State Land Board

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Secretary of State

Elizabeth Steiner

State Treasurer

## State Land Board

### Regular Meeting

June 10, 2025

### Agenda Item 2

### **SUBJECT**

Rules for remediation and habitat restoration

### **ISSUE**

Whether the State Land Board should initiate permanent rulemaking for administrative rules in OAR 141-145-0060, which outlines the compensation method for authorization of remediation and habitat restoration activities on State-owned submerged and submersible lands. Limited rulemaking is needed to support active rulemaking already underway for OAR 141-082.

### **AUTHORITY**

- Oregon Constitution, Article VIII, Section 5, specifies that the State Land Board is responsible for managing lands placed under their jurisdiction by law.
- ORS 273.045; authorizing the Department of State Lands to exercise the administrative functions of the State Land Board.

### **BACKGROUND**

At its April 9, 2024, meeting, the Land Board approved initiation of rulemaking for Division 82 (see Appendix A), which governs waterway leases, licenses, and registrations. Draft rule language has been developed, and five Rulemaking Advisory Committee meetings were held between November 2024 – March 2025.

As the Department prepares for the upcoming public comment period, it has been determined that limited rulemaking is needed in Division 145 to align with the proposed changes to Division 82.

Currently, people and businesses leasing waterways may choose from one of three methods to calculate their lease rate. The proposed changes to Division 82 include replacing these options with a single calculation method based on real market value.

One of the methods proposed for removal in Division 82 is cited in OAR 141-145-0060. As a result, rule amendments are necessary to remove this citation and add references to current rates and where to find them. Although these updates are minor, they don't qualify for a Statutory Minor Correction and therefore must be included in a Notice of Proposed Rulemaking.

### **PUBLIC INVOLVEMENT**

Upon Land Board approval to initiate rulemaking for Division 145, the Department will include this minor rulemaking in all public involvement activities planned for Division 82 rulemaking. This includes the Notice of Proposed Rulemaking, public notices, website updates, and direct outreach during the upcoming comment period.

The Department will review feedback from the public, local and state agencies, Tribal governments, and affected parties to refine the draft rule language. Proposed rule language for Division 145 will be presented to the Land Board for adoption at a future meeting, alongside the proposed rules for Division 82.

### **RECOMMENDATION**

The Department recommends the Land Board authorize the Department to initiate permanent rulemaking for OAR 141-145-0060 which outlines the compensation method for authorization of remediation and habitat restoration activities of State-owned submerged and submersible lands.

### **APPENDICES**

- A. April 9, 2024, Land Board Item: Approval to initiate rulemaking for OAR-141-082 "Waterway Leases, Licenses, and Registrations"



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## State Land Board

## State Land Board

Regular Meeting  
April 9, 2024  
Agenda Item 3

Tina Kotek  
Governor

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

### **SUBJECT**

The Department of State Lands requests approval to initiate permanent rulemaking for administrative rules under OAR 141-082 governing the management of, and issuing of leases, licenses, and registrations for structures on, and uses of state-owned submerged and submersible land.

### **ISSUE**

Whether the State Land Board should initiate permanent rulemaking to simplify how the Department calculates rental rates for leases, adjust the application fee structure to cover Department expenses, amend or change financial assurance requirements, and clarify the initial term of a lease.

### **AUTHORITY**

Oregon Constitution, Article VIII, Section 5, specifies that the State Land Board is responsible for managing lands placed under their jurisdiction by law.

ORS 273.045; authorizing the Department of State Lands to exercise the administrative functions of the State Land Board.

### **BACKGROUND**

The people of Oregon own the beds and banks of all navigable and tidally influenced waterways throughout the state. Oregon-owned rivers, lakes, and the territorial sea are shared resources the public may use and enjoy for navigation, recreation, commerce, and fishing. The Department of State Lands oversees use of these Oregon-owned waterways, keeping them healthy and safe while promoting responsible waterway use.

Marinas, ports, floating homes, docks, and other uses of public waterways require authorization from the Department. Some authorizations, including leases and registrations, compensate the public for use of their waterways and ensure the use does not negatively affect the health and safety of public lands or waters.

In recent years the Department has explored strategies to achieve sustainable operations in managing waterway leases. Some of these strategies did not require rulemaking and have been implemented, such as clarifying use of land costs in lease rates and adding new lease requirements for vessel reporting and site inspections.

However, there are additional opportunities to achieve sustainable operations that require rulemaking. In 2018, the Department partnered with Portland State University's Center for Public Service Fellowships Program to review the Department's funding mechanisms for managing waterway leases. The Department offers lessees the option of three methods for calculating the lease rate. The study found:

- One of the methods (Flat Rate) often undervalues the land used.
- One of the methods (Percent of Gross) is administratively inefficient, requiring more staff time to determine lease rates and collect rent.
- One of the methods (Riparian Land Value Rate) resulted in significantly different rental rates for similar uses.

The Department plans to address these issues via rulemaking.

In addition to considerations for how lease rates are calculated, the Department has also identified best management practices for waterway leases that will help protect the health and safety of public lands and waters and minimize operational risks. Serious environmental risks and unexpected financial liability from some private uses of public lands have highlighted the need to tailor contract conditions, such as the lease duration, insurance requirements and other financial assurances to the risks associated with the activities being conducted.

Through this rulemaking process, the Department seeks to:

- simplify how lease rates are calculated;
- ensure lease rates are equitable and fair, and application fees can cover administrative costs;
- tie fee and rate increases to a price index;
- use clear and simple language where current rule is confusing or unnecessarily complex;
- clarify the initial term of a lease; and
- require financial assurance for registrations and wharf certifications.

## **PUBLIC INVOLVEMENT**

Upon Land Board approval to initiate rulemaking, the Department will convene a rulemaking advisory committee (RAC), representing those who are likely to be affected

by the rule, to review and provide input on the proposed rule language, development of a notice of proposed rulemaking, and an evaluation of fiscal impact. The Department will also gather input on the proposed rule language through a public comment period and will hold at least one public hearing.

The Department will take into consideration public comment, input from the RAC, and input from other local and state agencies, Tribal governments, and affected stakeholders to determine the final proposed rule language which will go to the Land Board for adoption at a future meeting.

### **RECOMMENDATION**

The Department recommends the State Land Board authorize the Department to initiate permanent rulemaking for administrative rules under OAR 141-082 governing the management of, and issuing of leases, licenses, and registrations for structures on, and uses of state-owned submerged and submersible land.

### **APPENDICES**

A. DSL Waterway Leasing Study Report





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## State Land Board

## State Land Board

### Regular Meeting

June 10, 2025

### Agenda Item 3

Tina Kotek

Governor

Tobias Read

Secretary of State

### **SUBJECT**

Rules for easements in Oregon's territorial sea

Elizabeth Steiner

State Treasurer

### **ISSUE**

Whether the State Land Board should initiate permanent rulemaking for administrative rules in OAR 141-083 which govern easements for undersea cables on state-owned submerged and submersible land in Oregon's territorial sea. Rulemaking is needed to conform with the updated Territorial Sea Plan: Part Four and Part Five (Appendix A), as well as improve the easement application process. Rulemaking may also be needed for establishing fees in rule, dependent on the outcome of Senate Bill 793 A.

### **AUTHORITY**

- Oregon Constitution, Article VIII, Section 5, specifies that the State Land Board is responsible for managing lands placed under their jurisdiction by law.
- ORS 273.045; authorizing the Department of State Lands to exercise the administrative functions of the State Land Board.

### **BACKGROUND**

For decades, cables have been installed on the bottom of Oregon's territorial sea—the area of the Pacific Ocean extending from the shoreline to three nautical miles offshore (see Appendix B for map). Often referred to as “undersea” or “submarine” cables, existing cables transmit global data via optical fibers and are laid on, affixed to, or buried beneath the seafloor. In the future, undersea infrastructure may include power transmission cables and pipelines to serve purposes like carrying electricity from offshore wind turbines to the mainland.

With Land Board approval, the Department issues easements allowing use of the territorial sea for this undersea infrastructure, and is one of several State agencies with a regulatory role in Oregon.

First adopted in 1999, the administrative rules that govern this regulatory work have not been updated since their adoption. Specifically, these rules guide applicants with:

- Cable easement application requirements
- Pre-application and application review process
- Cable easement terms and conditions, and
- Penalties and reconsideration of the decision

Proposed updates are necessary for multiple reasons:

- **Modernize the rules to align with current practices and evolving technology:** Adopted 25 years ago, updates are needed – in particular, considering fast technological development and research on renewable energy such as offshore wind and wave-energy devices, and SMART cables that combine data transmission with sensors that support tsunami warning networks and ocean monitoring.
- **Oregon’s Territorial Sea Plan Part Four (2023) and Part Five (2019) were updated:** State agencies must amend the current undersea infrastructure policy, including the regulatory permitting process, as well as incorporate changes for the use of the Territorial Sea for the development of renewable energy facilities.
- **Modernize fee structures:** A requirement of HB 2603 (2021) is to “*evaluate fees structures and financing associated with administrative costs and the protection and management of the territorial sea and ocean shore.*” However, during implementation of HB 2063, State agency partners determined the establishment of fees to be outside the jurisdiction of the Territorial Sea Plan and requires legislative action (see Appendix C). The Department is currently seeking fee authority through legislative action via SB 793 A.

If approved to initiate rulemaking, Department staff will draft rules seeking to:

- **Align with broader goals and standards already established for ocean resource management:** Proposed changes will ensure consistency with the TSP, specifically Parts Four and Five, aligning the new processes and requirements.
- **Reduce liability and risk to the State:** Risk reduction efforts will focus on improving the application process. Pre-application meetings facilitated through the Joint Agency Review Team (JART) will ensure that all necessary information, resource inventories, and effects evaluations are collected early. Applications will also require accurate financial assurance measures, decommissioning plans, and emergency response strategies, strengthening the state's ability to manage and mitigate potential risks.
- **(Dependent on the outcome of SB 793 A) Establish the fee structure:** To create sustainable funding for the JART process and application review, a new fee structure will be proposed for application and renewal fees based on the Department’s review costs. The fee structure will also set compensation rates for

use of the Territorial Sea for undersea infrastructure. Both application fees and compensation revenues will go to the Common School Fund.

These changes will aim to better protect the Territorial Sea and its marine ecosystems while ensuring that the public receives fair compensation for seafloor usage. A more effective cooperative framework will be established among applicants, state and federal agencies, tribal governments, and local communities. Additionally, clearer guidelines will help reduce uncertainty for businesses navigating a project.

## **PUBLIC INVOLVEMENT**

Upon Land Board approval to initiate rulemaking, the Department will convene a rulemaking advisory committee (RAC) of impacted and interested parties to review and provide input on the proposed rules, notice of proposed rulemaking, and fiscal impact evaluation. Additional input will be gathered through a public comment period and at least one public hearing.

Known impacted and interested parties include:

- Industries in telecommunications, energy, and utilities
- Environmental consultants
- State and local governments (e.g. land management and regulation statewide, coastal communities, and associations representing municipal governments and regional planning bodies)
- Tribal governments
- Environmental and conservation NGOs
- Coastal communities and businesses

The Department will consider feedback from the RAC, public comments, local and state agencies, Tribal governments, and affected parties to refine the draft rule language. The final draft will then be presented to the Land Board for adoption at a future meeting.

## **RECOMMENDATION**

The Department recommends that the Land Board authorize the Department to initiate permanent rulemaking under OAR 141-083, which governs easements for undersea cables on state-owned submerged and submersible land in Oregon's territorial sea.

## **APPENDICES**

- A. Oregon's Territorial Sea Plan Part Four and Five: Summary
- B. Map of Undersea Cable Routes (as of July 2023)
- C. May 19, 2023: Department of Land Conservation and Development Memo to the OPAC "Outstanding issues regarding implementation of House Bill 2603 (2021)"

## Oregon's Territorial Sea Plan

Oregon's territorial sea is a 3-mile-wide strip of ocean under state jurisdiction that reaches from the shoreline out to sea. This area and the resources within it are managed by state and federal agencies in trust for the public. The Oregon Territorial Sea Plan (TSP) was first adopted in 1994 and consists of goals and policies that act as a coordination framework and guide for agencies to use while managing resources within the territorial sea.

Since its adoption, the plan has been amended as new ocean needs and uses have been discovered (a chapter was added on submarine cable installation in 2001, and in 2009 on marine renewable energy development). The Ocean Policy Advisory Council (OPAC) was given the responsibility of stewarding the TSP, in conjunction with the Department of Land Conservation and Development, to manage future amendments as needs arise.

The TSP consists of five parts:

- **TSP Part One:** Outlines the history and authorities of the Ocean Management Framework.
- **TSP Part Two:** Describes the process for making resource use decisions in the Territorial Sea.
- **TSP Part Three:** Coordinates planning via the Rocky Habitat Management Strategy.
- **TSP Part Four:** Establishes a framework for uses of the seafloor, such as cables, pipelines, and other utilities.
- **TSP Part Five:** Establishes a framework for uses of the Territorial Sea for the development of renewable energy facilities or other related structures, equipment or facilities.

Visit [www.OregonOcean.info/TSP](http://www.OregonOcean.info/TSP) to learn more about the TSP, future updates, and related events.

### Proposed DSL Rulemaking for Division 83: Aligning with the Territorial Sea Plan

Proposed rulemaking for OAR 141-083 seeks to align rules with TSP Parts Four and Five.

#### **Part Four: Uses of the seafloor such as cables, pipelines, and other utilities**

Oregon's coast is a prime landing zone for fiber-optic telecommunication cables that cross the ocean floor from sites around the Pacific Rim. Other utilities, such as natural gas pipelines, may eventually be routed across Oregon's Territorial Seabed. Proper placement of utility easements and installation of fixtures is required to avoid damage to or conflict with other ocean uses, such as commercial fishing, and to reduce or avoid adverse effects on marine habitats.

TSP Part Four was amended on December 16, 2024.

Learn more and download the plan: <https://www.oregonocean.info/index.php/oregon-ocean-policy/background/about-the-tsp/tsp-part-four>

#### **Part Five: Uses of the Territorial Sea for the development of renewable energy facilities or other related structures, equipment or facilities**

TSP Part Five describes the process for making decisions concerning the development of renewable energy facilities (e.g., wind, wave, current, thermal, etc.) in the state territorial sea, and specifies the areas where development may be sited. The requirements of Part Five are intended to protect areas important to renewable marine resources (i.e. living marine organisms), ecosystem integrity, marine habitat and areas important to fisheries from the potential adverse effects of renewable energy facility siting, development, operation, and decommissioning and to identify the appropriate locations for that development which minimize the potential adverse impacts to existing ocean resource users and coastal communities.

Oregon's renewable energy portfolio lists ocean energy as a renewable energy source with potential to reduce dependence on fossil fuels. Renewable energy facilities development may present opportunities to apply technologies that rely on wind, wave, current or thermal energy, which may potentially reduce the environmental impact of fossil fuels. Oregon prefers to develop renewable energy through a precautionary approach that supports the use of pilot projects and phased development in the initial stages of commercial development. If developed in a responsible and appropriate manner, in accordance with the requirements of this Part and other applicable state and federal authorities, renewable ocean energy may help preserve Oregon's natural resources and enhance our quality of life.

TSP Part Five was amended on October 17, 2019.

Learn more and download the plan: <https://www.oregonocean.info/index.php/oregon-ocean-policy/background/about-the-tsp/tsp-part-five>



# Territorial Sea Plan Part Four - Appendix B Map

## Undersea Cable Routes (as of July, 2023)







# Oregon

Tina Kotek, Governor

## Department of Land Conservation and Development

Oregon Coastal Management Program

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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May 19, 2023

To: Chair Susan Chambers  
OPAC Members

From: Lisa Phipps, Oregon Coastal Program Manager &P  
Andy Lanier, Marine Affairs Coordinator  
Marcus Chatfield, Undersea Cable Coordinator



CC: Director Brenda Ortigoza Bateman, PhD.  
Deputy Director Kirstin Greene

RE: Outstanding issues regarding implementation of House Bill 2603 (2021)

Dear Chair Chambers and members of the Oregon Ocean Policy Advisory Council,

In May 2022, the Oregon Ocean Policy Advisory Council (Council) convened the Territorial Sea Plan Part Four (Uses of the Seafloor) Workgroup, as mandated by 2021 House Bill 2603 (HB 2603), to review and draft amendments to this chapter of the Plan. Section 2 of HB 2603 identified several elements to be considered during the review by the Council. Over the course of eight meetings, Oregon Coastal Management Program staff and partners provided information to the Workgroup on the needs of the undersea cable industry and discussed potential permitting gaps to address resource impact concerns to state resources or uses in the territorial sea and ocean shore. State agencies represented on Council identified potential improvements in permitting processes, measures to address the concerns, and the group reached consensus on most topics.

The state agencies, with consensus from the workgroup, developed new sections of Part Four that incorporates the requirement for early permitting process coordination via the creation of a joint agency review team (JART). The requirement to form a JART is accompanied by new sections of the chapter that requires the completion of a Resource Inventory and Written Effects Evaluation that will be essential for understanding the potential impacts and risks associated with proposed development actions. The changes to the TSP in the proposed Part Four amendment address the directives from the following sections of HB 2603:

- Section 2(2)(a), “a coordinated permitting process for the placement of undersea cables that allows for coordination between appropriate state agencies, tribal governments and local governments”;
- Section 2(2)(e), “requirements for public information meetings or other methods for engaging communities, tribal governments, ocean users and industries affected by a proposed undersea cable”;
- Section 2(2)(g), “an application process that may include:
  - (A) A needs analysis that takes into account the socioeconomic and environmental needs of the area;
  - (B) A geological study conducted by a registered professional geologist experienced in coastal processes;

- (C) Consultation with Oregon sea floor experts, such as an expert affiliated with an Oregon university; and
- (D) A detailed drilling, mitigation and accident response plan”;
- Section 2(2)(h), “requirements for interagency preapplication process meetings”;
- Section 2(2)(j), “coordination with tribal governments on potential impacts of undersea cables on cultural and traditional resources.”

Additionally, per Section 2(2)(i), “standards for undersea cables in the States of California and Washington”, the Oregon Department of State Lands presented case studies to the Workgroup and a report, “Undersea Cable Services Best Practices Study”, was authored by Ryan Wopschall Consulting and shared with the Workgroup.

However, through the Workgroup discussions, state agencies raised questions around four directives outlined in HB2603 that were deemed outside the jurisdiction of the Territorial Sea Plan. Summaries of the Workgroup considerations and the agencies determinations of need are captured below:

1. **Fee structures:** Section 2(1), “Fee structures”, and Section 2(2)(d), “Changes to fees structures and financing associated with administrative costs and the protection and management of the territorial sea and ocean shore”.

Fees associated with authorizations required for undersea cables were discussed by the Workgroup, but changes to those fees and fee structures are beyond the jurisdiction of the Territorial Sea Plan. Pursuant to ORS 758.010, cable crossings outside of city limits are not subject to a fee, including utility crossings in the Territorial Sea. As such, DSL would require legislative action to amend current statute to allow DSL to charge for utility crossings in the Territorial Sea. Additionally, implementing the JART requirements in Part Four would require rule changes by DSL to two separate OARs, OAR 141-083 and 141-123. DEQ's 401 dredge and fill program recovers review costs using a fee structure in OAR 340-048-0055. DEQ is supportive of the JART process but reserves the right to consider means to cover additional costs required by participation in the JART and review process.

2. **Permitting:** Section 2(1), “state and federal review processes, including permitting processes, for the placement of undersea cables on state-owned submerged or submersible land within the territorial sea and under the ocean shore”, and Section 2(2)(a), “A coordinated permitting process for the placement of undersea cables that allows for coordination between appropriate state agencies, tribal governments and local governments,” and Section 2(2)(c), “The impact of other state agencies, laws, zoning requirements or statewide planning goals on potential undersea cable sites.”

Although these processes were examined by Workgroup members, there is necessarily an onshore component which could not be fully addressed in the proposed amendments. The establishment of the JART process allows for state agencies to include affected onshore jurisdictions, once identified, in the coordination process, but more work to identify a mechanism for coordination and planning on lands not in the territorial sea may be needed.



3. **Onshore landing sites:** Section 2(1) review and permitting processes for the “siting of associated landing sites”, and Section 2(2)(b), “Suitable landing sites, including a mapping analysis of opportunities, limitations, and requirements for landing sites.”

The siting of cable landings onshore is often outside the jurisdiction of the TSP. Responsible siting of onshore cable landings is directly tied to a proposed project's engineering success and minimization of impacts on natural resources and coastal communities. In partnership with DLCD, the Department of Geology and Mineral Industries (DOGAMI) conducted a comprehensive study of regional-scale landing site suitability with a geologic focus, and the geotechnical analysis was presented to the Workgroup. The DOGAMI study compiled data from the Oregon Territorial Sea and an equivalent distance (~ 3 nm) inland, while the suitability analysis only addressed characteristics of the marine portion and a distance 250 m (800 ft) inland where most cable landing manholes are located. Complete cable landing projects include infrastructure constructed farther inland which is outside the scope of the suitability study. State agencies are interested in working with local land use authorities to identify ways to perform this evaluation under a separate process or mechanism when cable routing occurs landward of the territorial sea.

4. **Horizontal directional drilling:** Section 2(2) OPAC shall evaluate (f), “The impact of drilling on biological resources, including migratory species, and on resources that are of economic, aesthetic, recreational, social or historic importance to the people of this state”, and (g) an application process that may include (D) “A detailed drilling, mitigation and accident response plan”.

Although horizontal directional drilling (HDD) is the preferred installation method of cables and utilities under the shoreline and for connecting offshore infrastructure to infrastructure in the terrestrial system, impacts can occur and should be minimized. The workgroup review of TSP Part Four discussed this topic but drilling in geographic areas outside the jurisdiction of the territorial sea cannot be evaluated through the standards and policies of the Plan. While recognizing that fact, DLCD believes that the study of coastal geology performed by DOGAMI, and funded by this legislation, utilizes the best available information at a regional scale to inform future evaluation of planned drilling activities. The working group added language in the TSP amendments requiring site-specific geotechnical studies as a means to avoid inadvertent impacts to resources in shoreline areas. The state agencies are interested in identifying ways to perform this evaluation under a separate mechanism.

As the agency responsible for staffing this review and evaluation of the undersea cable siting process, DLCD believes it has met all of the directives of HB 2603 that could be addressed. With recognition that some aspects of the mandates outlined in HB 2603 are outside the jurisdiction of the territorial sea, DLCD is committed to working with our agency partners to address the concerns associated with the permitting of infrastructure adjacent to the territorial sea and within coastal jurisdictions.

The Council will be considering the proposed amendments along with this memo at the May 23<sup>rd</sup> meeting, although we ask that no decisions be made at this meeting. To meet Secretary of State filing requirements, the Council will need to reconvene prior to September 11<sup>th</sup> to address any issues raised through Tribal consultation, the impact statement process, the Department of Justice review, the

outstanding items listed above, and any other issues identified by the Workgroup that may require additional attention by the Council.

We want to take a moment to acknowledge the hard work and commitment of the Workgroup and state agencies that developed the proposed amendments and outlined the actions that may require additional work outside of the scope of this effort. Thank you for your individual and collective commitment to this work.



# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

## State Land Board

## State Land Board

### Regular Meeting

June 10, 2025

### Agenda Item 4

Tina Kotek

Governor

Tobias Read

Secretary of State

### **SUBJECT**

Subsurface mineral and geothermal rights in Morrow County

Elizabeth Steiner

State Treasurer

### **ISSUE**

Whether the State Land Board should authorize the sale and release of approximately 274 acres of subsurface mineral and geothermal rights Morrow County, currently held by the Department of Administrative Services (DAS), to Rowan Percheron, LLC. The site is located within Section 28, Township 3 North, Range 24 East, Tax Lot 123 of the Willamette Meridian, in Morrow County, State of Oregon (see Appendix A for a site map of proposed land transaction #65383-LS).

### **AUTHORITY**

- Oregon Constitution, Article VIII, Sections 2 and 5; pertaining to the Common School Fund and land management responsibilities of the State Land Board.
- ORS 273.055; relating to the power to acquire and dispose of real property.
- ORS 273.171; relating to the duties and authority of the Director.
- ORS 273.775 – 273.790; relating to Mineral and Geothermal Resource Rights
- OAR 141-73; relating to procedures for the sale, exchange, or release and transfer of mineral and geothermal resources held by agencies other than the Department of State Lands.

### **BACKGROUND**

In 2003 the Department of Administrative Services (DAS) sold 93,000 acres of surface rights in Morrow County to Threemile Farms, LLC. DAS retained all subsurface mineral and geothermal rights from this sale.

In September 2024, 274 of those acres were then sold to Rowan Percheron, LCC, a legal entity that had been formed in 2024 for the purposes of this land acquisition.

Rowan Percheron intends to build a data center at this site, which is located approximately 6 miles southwest of the city of Boardman, and just west of the Boardman Bombing Range site.

Now the current owner of the surface rights, Rowan Percheron has applied to purchase the subsurface mineral and geothermal rights from DAS to maintain full control of the parcel.

### **PUBLIC INVOLVEMENT**

Per OAR 141-73, the Department does not host a public comment period for the sale of mineral and geothermal resources held by other agencies.

### **STAFF FINDINGS**

Mineral and geothermal resource rights are retained by the state unless their sale or exchange is determined to provide the greatest benefit for the people of Oregon (ORS 273.780), and is consistent with the conservation of lands under the Department's jurisdiction. Per OAR 141-073, it is the Department's policy to sell subsurface mineral and geothermal rights on lands with low potential resource value, in exchange for a negotiated land transaction fee. The recommended fee for this sale is \$10 per acre, which is aligned with Department guidelines for low value mineral rights.

The applicant submitted a 1962 report (Appendix C) prepared by the Oregon Department of Geology and Mineral Industries (DOGAMI), which concluded that there were no commercially valuable mineral resources in the surrounding area, aside from common materials such as sand, gravel and aggregate. The applicant also submitted a November 2024 report (Appendix D) by the consulting firm Terracon which confirmed that the findings of the 1962 DOGAMI report remain valid. DOGAMI reviewed both reports and advised the Department that there are no concerns, and as a result the Department did not conduct a mineral appraisal.

### **RECOMMENDATION**

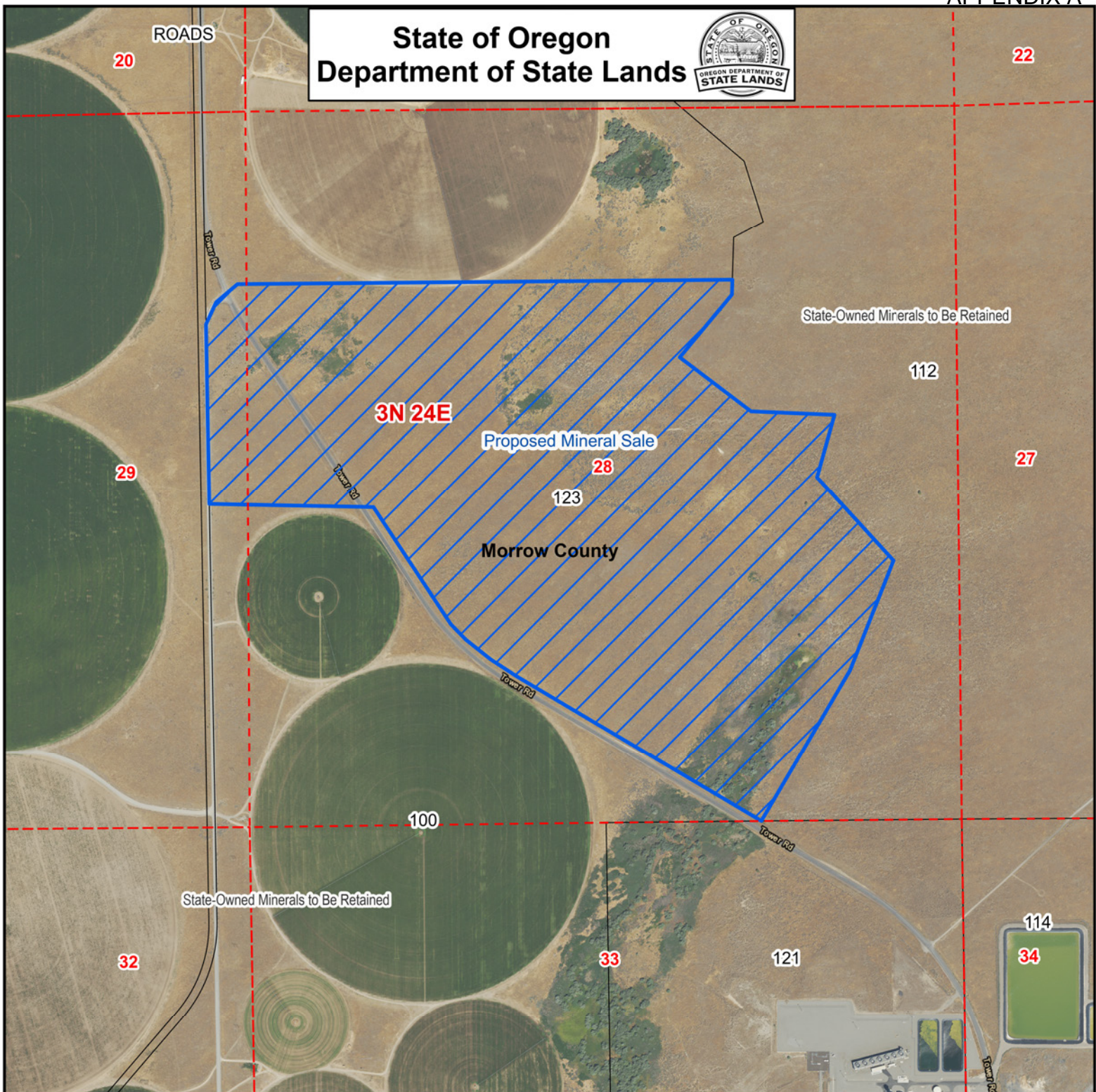
The Department recommends that the Land Board approve the sale and release of 274 acres of subsurface mineral and geothermal rights, currently held by DAS, located in Morrow County at Section 28, Township 3 North, Range 24 East, Tax Lot 123, to Rowan Percheron, LLC for \$2,740.

### **APPENDICES**

- A. Site Map
- B. Application to Purchase Land (#65338-LS)
- C. DOGAMI Mineral Report, January 1962
- D. Terracon Mineral Report, November 2024




# State of Oregon Department of State Lands



## APPENDIX A

**65383-LS**  
**T3N, R24E Sections 28 and 29**  
**Morrow County**  
**274 Acres**

 **Proposed Mineral Sale**

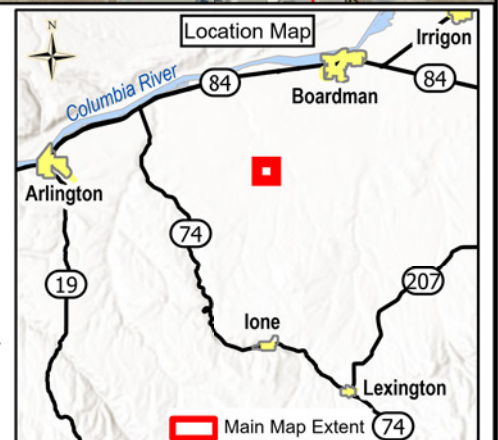
2022 Aerial Photo

This map depicts the approximate location and extent of a Department of State Lands mineral sale 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.

0 500 1,000  
 Feet



Map Projection:  
 Oregon Statewide Lambert  
 Datum NAD83  
 International Feet  
 State of Oregon  
 Department of State Lands  
 951 SW Simpson Ave Suite #104  
 Bend, OR 97702  
 541-388-6112  
[www.oregon.gov/DSL](http://www.oregon.gov/DSL)  
 Date: 4/1/2025





Oregon Department of State Lands  
 Bend Field Office  
 951 SW Simpson Avenue, Suite 104  
 Bend, Oregon 97702  
 Telephone: 541-388-6112  
 Fax: 541-388-6480

AGENCY # 65383



## APPLICATION TO ACQUIRE MINERAL AND GEOTHERMAL RESOURCE RIGHTS\*

*Please print clearly.*

Applicant Name(s): Rowan Percheron LLC Phone: 231-944-2013  
 Address: 1330 Post Oak Boulevard, Suite 1350 Fax: \_\_\_\_\_  
 \_\_\_\_\_ E-mail: jsapin@rowan.digital;  
tmacmorris@rowan.digital  
 City: Houston, TX 77056 State: TX Zip Code: 77056

I (we) hereby make application to obtain the mineral and geothermal resource rights from the following described land:

	County	Section	Township	Range	Tax Lot	Acres
	Morrow	28	3N	24E	123	274
	-----	-----	-----	-----	-----	-----
(Attach additional sheets if necessary)				Total Acres		274

**Please describe the reasoning for submitting an application to purchase State-owned minerals:**

See attached narrative and enclosures.

I acknowledge that submission of this application provides no right of priority (except as determined by the State Land Board) and that no disposal will be completed without Land Board approval.

☐ I am a Qualified Residential Property Owner \*

**\*Note: Please read the Instructions for Submitting an Application to Acquire Mineral & Geothermal Resource Rights before completing and submitting this application.**

CA Oatel

Applicant's Signature

12/10/24 - CJO  
12/10/25

Date

# **Application to Acquire Mineral & Geothermal Resource Rights**

## **Instructions and Procedures**

*Attached to these instructions is the application to purchase, exchange or release/transfer mineral and geothermal resources rights from the Oregon Department of State Lands*

The Department of State Lands (DSL) has an active program of land sales and invites the submittal of applications to acquire mineral and geothermal resource rights (also known as "mineral rights" or "subsurface interests"). The Land Board's 2012 Real Estate Asset Management Plan and rules (OAR 141-067) govern and direct DSL's sale, exchange or release/transfer of these rights and interests. Generally, it is the policy of the Land Board to retain mineral and geothermal resource rights; disposal of these rights, in whole or part is allowed only when the mineral resource potential is extremely limited or there is compensation given for these rights.

***Please note: A submittal of an application does not guarantee a sale will be authorized.***

### **Instructions**

To insure prompt processing of your application:

- Fill out the application legibly and completely.
- Sign and date the application.
- Provide an accurate description of the property location.
- Provide a copy of the tax assessor's map of the property with the parcel identified.
- Remit a check for the applicable non-refundable application fee (either \$750.00 or \$150.00 depending on the applicant, see instructions for details.)

### **Determining the Application Fee (Note: all application fees are non-refundable)**

For most applicants, the application fee is \$750.

For certain qualified residential property owners, the application fee is \$150. To qualify, the applicant must be the owner (i.e., the record holder of the fee title interest or contract purchaser of residential property sold by the Department of State Lands) of residential property that is located within an urban growth boundary or within an area zoned for residential use on a lot or parcel that is three acres or smaller.

**Send the completed application and check to:**

**Oregon Department of State Lands  
Real Property Program  
951 SW Simpson Avenue, Suite 104  
Bend, OR 97702**

### **Procedures**

- All applications are given careful and thoughtful consideration by DSL. Upon receipt of a complete application, DSL will initiate a mineral and geothermal resource potential analysis. The decision to retain or dispose of the subsurface interests is based on the results of the analysis.
- For Qualified Residential Property Owners (Owner):
  - If no significant mineral or geothermal resource potential exists, DSL will

recommend to the Land Board that the subsurface interest be released with no further cost to the Owner.

- If significant mineral or geothermal resource potential exists, the Owner may offer to purchase the subsurface rights or withdraw the application. If the Owner chooses to purchase the rights, DSL will determine the value by appraisal.
- The Land Board must approve the final release or sale.
- For other applicants:
  - If no significant mineral or geothermal resource potential exists, DSL will recommend to the Land Board that the subsurface interest be sold to the applicant.
  - If the application concerns an exchange of subsurface interests, DSL will assure that the subsurface interests are at least of roughly equivalent potential.
  - In the case where significant mineral or geothermal resource potential exists, DSL may recommend denial of the application; retention of that interest that is deemed by the analysis to have significant potential (e.g., oil and gas); or compensation based on a value determined by an appraiser.
  - The Land Board must approve the final release, sale, or exchange.

### **What are Mineral and Geothermal Resource Rights?**

Commonly referred to as “mineral rights” or “subsurface rights” these are the property rights associated with the use, exploration or development of that part of the property associated with the property’s minerals, as defined.

For the purposes of mineral and geothermal resource rights owned or managed by the Department, these subsurface rights are defined in ORS 273.775(1) and OAR 141-067-0150 (29) as, including soil, clay, stone, sand, and gravel, and all geothermal resources, as defined in ORS 273.775(2), together with the right to make use of the surface as may be reasonably necessary for prospecting for, exploring for, mining, extracting, reinjecting, storing, drilling for, and removing, such minerals, materials, and geothermal resources.

Geothermal Resources, as defined in ORS 522.005, means the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or that may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including, specifically:

- (a) All products of geothermal processes, including indigenous steam, hot water and hot brines.
- (b) Steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations.
- (c) Heat or other associated energy found in geothermal formations; and
- (d) Any by-product derived from them.

### **Who manages subsurface rights on State Land In Oregon?**

The State Land Board and its administrative agency, the Department of State Lands, manage mineral rights on nearly all state-owned land in Oregon. State law allows the following state agencies, in special cases, to manage and control their own mineral rights: Oregon Department of Fish and Wildlife, Oregon Department of Transportation, Oregon Department of Veteran’s Affairs, Oregon State Board of Higher Education. DSL is able to help an applicant determine which state agency has control over mineral rights in various locations throughout the state.

*Revised April 2021*

4860-1264-7869v.2 0120917-000001



## **Narrative for Application to Acquire Mineral & Geothermal Resource Rights**

(State of Oregon: The Department of State Lands)

### **1. Applicant:**

Rowan Percheron LLC ("Applicant")  
1330 Post Oak Boulevard, Suite 1350  
Houston, TX 77056  
Attn: Joseph R. Sapin and Tess MacMorris  
Email: [jsapin@rowan.digital](mailto:jsapin@rowan.digital) and [tmacmorris@rowan.digital](mailto:tmacmorris@rowan.digital)  
Phone: 831.345.8396

With copy to:

Davis Wright Tremaine LLP  
Attn: Michael Karas and Elaine Albrich  
560 SW 10th Avenue, Suite 700  
Portland, OR 97205  
Email: [michaelkaras@dwt.com](mailto:michaelkaras@dwt.com); and [ElaineAlbrich@dwt.com](mailto:ElaineAlbrich@dwt.com)  
Phone: 360.852.3864

### **2. Property Description:**

274 acres. Legal Description (the "Property"):

PARCEL 2 OF PARTITION PLAT 2023-3, IN TOWNSHIP 3 NORTH, RANGE 24, EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MORROW AND STATE OF OREGON.

Applicant has enclosed a copy of a recent ALTA Survey of the Property for reference as well. See enclosed *ALTA/NSPS Survey prepared by SAM, dated September 4, 2024 under job no. 1022072586*.

### **3. Background:**

The State of Oregon, through the Department of Administrative Services, reserved mineral and geothermal rights underlying the Property ("State Mineral Rights") by virtue of that a Statutory Bargain and Sale Deed, Reservation of Rights and Easements, and Grant of Option dated September 5, 2002, and recorded on September 10, 2002 as Morrow County Document No. 2002-5399 to BAIC, Inc. ("Mineral Reservation Deed"). The Applicant is the current owner of the Property pursuant to that certain Statutory Special Warranty Deed dated September 19, 2024, recorded on September 19, 2024 as Morrow County Document No. 2024-55148 ("Vesting Deed"). Applicant requests the State of Oregon to release and transfer to Applicant the State Mineral Rights upon finding that the State Mineral Rights are not significant mineral or geothermal resources pursuant to OAR 141-067-0320.

Applicant provides evidence to demonstrate that the State Mineral Rights are not significant and may be transferred under OAR 141-067-0320(2).

The State Mineral Rights were first evaluated by the Oregon Department of Geology and Mineral Industries (“DOGAMI”) when it conducted a firsthand examination of the former Bombing and Gunnery Range in Morrow County, Oregon (“Bombing Range”) in 1961, and published its findings in 1962. See enclosed *The Potential for Mineral Occurrences of Economic Worth on Bombing and Gunnery Ranch at Boardman, Morrow County, Oregon dated January 3, 1962* (“DOGAMI Report”). The Property is located within the former Bombing Range. See enclosed *Site Location Map* attached to the 2024 Mineral Report (as defined below). DOGAMI concluded there is no sub-surface mineral (in place minerals or oil and gas) occurrence of commercial worth. While the DOGAMI Report notes there are deposits of common sand and gravel as well as rock suitable for aggregate and ballast use, DOGAMI disregarded the analysis of these types of minerals as there is a widespread abundance of these minerals throughout the region which lessens the value of these minerals.

The Applicant also commissioned a review of the mineral and geothermal rights held by the State of Oregon (“2024 Mineral Report”). See enclosed *Percheron Data Center Mineral Resource Report dated October 23, 2024, prepared by Terracon Consultants, Inc.* The 2024 Mineral Report analyzed the State Mineral Rights and concluded that the deposits were comprised of Miocene Columbia River Basalt (“CRB”), and loess and/or catastrophic flood consisting of silica sand (“Silica Sand”). CRB covers 81,000 square miles in Oregon, Washington, and Idaho, making it the most common geological formation in the Pacific Northwest. With respect to the Property, the CRB resource value is considered low because of its depth and high extraction costs. There is also a lack of market demand for CRB aggregate in the Property’s vicinity. With respect to the Silica Sand, lab testing concluded that up to 87% of fines (material passing the U.S. No. 200 sieve) and variable amounts of calcium carbonate cementation in the Silica Sand makes it uneconomical to process into a useable silica resource. The other only use would be as fill material, which is of little economic value.

The 2024 Mineral Report found no developed geothermal resources or hot springs within Morrow County, and no water wells with temperatures exceeding 75 degrees within 20 miles of the Property. The report thus concluded that there was little to no economic viability present at the Property for the development of any geothermal resource power generation given the generally low temperature of the water wells in the vicinity of the Property and no identified hot springs in Morrow County. The 2024 Mineral Report states its findings are consistent with the findings in the DOGAMI Report and experience within the industry.

Based on this information, the State of Oregon may conclude that the State Mineral Rights on the Property are not significant and may be released and transferred pursuant to OAR 141-067-0320(2).

#### **4. Reasoning for submitting an application to purchase State-owned minerals:**

The Applicant, as the owner of the Property, is seeking to develop the Property for use as a data center and desires to have full control of the surface and subsurface estates. If the Applicant does not obtain conveyance of the State Mineral Rights, the development cannot be financed or constructed.

Rowan Percheron LLC was established in November 2020 to offer powered infrastructure-as-a-service solutions for next-generation, mission critical, hyperscale data centers in the United States, and to help hyperscale data center operators in meeting their accelerated carbon reduction and “net zero” targets. The Morrow County Board of Commissioners voted unanimously to approve Applicant’s project because of key environmental and strategic comparative advantages as well as overall benefits to the community, such as, the site having no history of agricultural use or irrigation, environmental avoidance and buffering of 250-feet between the project and the boundary of Boardman Conservation Area (BCA), close proximity to other industrial zoned properties, the Grassland Switch Station, an existing transmission right of way and compatible surrounding uses. In addition to these valuable benefits, Applicant’s project will provide very real local benefits to the community and the state as whole. Applicant’s proposed data center represents a high-value, low-impact project for the City of Boardman and surrounding Morrow County community. Tax dollars from this project will support local schools, law enforcement, and other shared priorities throughout the county – not just in Boardman. Applicant’s project provides:

- New employment, increased payroll, increased spending with vendors on construction and operations, new tax revenues, and significant indirect and induced economic activity.
- Hundreds of construction jobs and at least 35 full-time, high-quality permanent jobs in the County.
- Full-time employment at the data center is expected to pay \$75,000 per employee, well above the median annual earnings of Morrow County residents.

These types of facilities, on average, have brought between \$500 million to \$800 million in initial investment to the Oregon economy, with potential subsequent expansions bringing hundreds of millions more.

In summary, the sale or exchange of these rights is for the purpose of “...obtaining the greatest benefit for the people of this state consistent with the conservation of lands under its jurisdiction under sound techniques of land management” is met by Applicant’s project. The project objectives support and provide the greatest benefit for the people of the State of Oregon, consistent with the conservation of lands and sound land management techniques, by providing a critical service to the local communities and the state as whole while limiting the impact on the natural environment.

Given the economic benefit stemming from Applicant’s development of the Property vs the little to no economic value of the mineral or geothermal resources located at the Property, as identified in both the DOGAMI Report and Applicant’s Mineral Report, it is in the best interest of the people of the State of Oregon to convey the State Mineral Rights to the Applicant.

**Enclosures:**

1. ALTA/NSPS Survey prepared by SAM and dated September 4, 2024 under job no. 1022072586;
2. Mineral Reservation Deed, recorded on September 10, 2002;
3. Vesting Deed, recorded on September 19, 2024;
4. Subsurface Ownership Report dated November 15, 2024;
5. Percheron Data Center Mineral Resource Report dated October 23, 2024, prepared by Terracon Consultants, Inc.; and
6. The Potential for Mineral Occurrences of Economic Worth on Bombing and Gunnery Ranch at Boardman, Morrow County, Oregon dated January 3, 1962 prepared by the Oregon State Department of Geology and Mineral Industries.

# State Department of Geology and Mineral Industries

1069 State Office Building  
Portland 1, Oregon

## THE POTENTIAL FOR MINERAL OCCURRENCES OF ECONOMIC WORTH ON THE BOMBING AND GUNNERY RANGE AT BOARDMAN, MORROW COUNTY, OREGON.

### Foreword:

This report consists primarily of an analysis of the geologic conditions prevailing on, and under, the land surface in the vicinity of the bombing range in terms of the probable mineral potential of the area. It was prepared at the request of the State Planning Commission for their guidance in evaluating the worth of the land from a mineral resource standpoint. A first-hand examination of the area was made on the 14th and 15th of November, 1961 but a backlog of data collected previously by the writer in connection with other examinations in the area was also used extensively in the preparation of this report. Common sand and gravel, and occurrences of rock suitable for aggregate and ballast use, have been disregarded because the widespread abundance of these materials throughout the region as a whole effectively lessens the intrinsic value of individual occurrences at any one particular place.

### Location:

The Boardman Bombing and Gunnery Range is located near the northwestern corner of Morrow County, Oregon, a short distance south of the town of Boardman. It embraces an area of 148 sections including the four northern tiers of sections in Township 2 North, Ranges 24 and 25 East, all sections in Township 3 North, Ranges 24 and 25 East., and the southern two tiers of sections in Township 4 North, Ranges 24 and 25 East., plus Sections 15, 20, 21 and 22 in Township 4 North, Range 24 East. (1) Otherwise the range can be described as situated in the Geomorphic Division of Oregon known as the Deschutes-Umatilla Plateau. These locations are pictured graphically in Figures 1 and 2.

### Bedrock geology:

A concise description of the Deschutes-Umatilla Plateau area as a whole, taken from the Ore.-Bin, Volume 21, Number 10, is as follows: "—A north-sloping lava plateau or monocline bounded on north by Columbia River. Elevation 600 to 3,000 feet above sea level. Surface deeply dissected by youthful streams separated by broad, gently rolling inter-stream areas. Seabland channels eroded by glacial flood waters occur in northern part. Region underlain by thousands of feet of Miocene basalt flows (Columbia River basalt); in places gently warped into large open folds. Surface blanketed in part by Pliocene lake beds and river gravels (Dalles and Shutler formations), Pleistocene ice-raftered boulders and torrential flood-deposited alluvium, and loess."

The surface formations within the range boundaries consist almost exclusively of the sedimentary phase of the rock types just described. These vary in character from poorly consolidated, fossil-bearing strata, deposited originally in mid-Pliocene (2) fresh-water lakes, to aeolian dunes and loesses which even today are still subject to drift and migration. Included also are fluvial gravels introduced at different times during the Plio-Pleistocene evolution of the Columbia River drainage system.

Two firm exposures of basalt, or basaltic andesite, represent the only other rock formation observed first-hand in the range area proper. In both instances these exposures are very restricted in their aerial extent. However, conditions suggesting near exposures exist in the area surrounding these outcrops. An extended search could therefore result in the discovery of a few more outcrops. In any event, well logs and the circumstances of natural exposure combine to show that the two recorded occurrences are fairly thin flows interbedded in the sedimentary section.

Because of inadequate exposures in depth within the boundaries of the bombing range, investigation of the area was extended to include study of the adjacent terrain on the east, south and west. Well logs were utilized also for the purpose of clarifying the subsurface picture. Willow Creek Canyon provided almost continuous exposure of several hundreds of feet of the geologic section prevailing along the western and southern sides of the range from the Columbia River to Lexington. The well logs were of particular value in revealing both the character and depth of the sediments in the area east of the range where relief conditions afforded little in the way of natural exposures suitable for examination purposes.

The aggregate results of this study, that is, both within the range boundaries and outside thereof, indicate that the area as a whole is underlain at depth by massive basalts of the Columbia River formation; that the thickness of the overlying sedimentary mantle is quite variable but almost universally substantial; and that the sedimentary section contains, in places, and principally west of the range, one, and sometimes two, interbedded basalt members.

Natural exposures of the massive Columbia River flows occur throughout almost the entire length of the Willow Creek Canyon. These are for all practical intents essentially horizontal excepting in the section between Lone and a point a few miles north of Morgan where an anticlinal structure is exposed. The indicated trend of the axis of this antiline projects north-northeastward into the bombing range area.

Few well logs are available for the highland area between Lexington and the southern margin of the range. However, natural exposures in the small gullies tributary to Willow Creek combine with random exposure on the highland surface itself to indicate that the Columbia River basalt surface is topographically high in this area. In other words, the sedimentary covering can be postulated as comparatively thin here.

In contrast to the foregoing situation the average depth of the overlying sediments in the area east of the range is 130 feet as computed from thirty-seven well logs. If a cluster of nine comparatively shallow indications is disregarded as a local phenomenon, the average depth increases to approximately 160 feet. The greatest recorded depth is 288 feet. In this area the underlying basalts have been logged as belonging to the Columbia River formation. (3) Seven of the logged wells show a penetration into this basalt in excess of 500 feet, the deepest penetration being 738 feet. Pertinent statistics concerning these check wells, and others to be described hereafter, are plotted on Figure 1.

The area between the central portion of the bombing range and westward to, and beyond, Willow Creek is the one in which the sediments contain the interbedded basalt horizons. An exposure of one of these basalts occurs on the bombing range in the same general vicinity as Shotwell's mid-Pliocene fossil locality. The precise relationship between these sediments and the basalt is not currently known, however, at least insofar as can be determined by the writer from available references. Therefore, because of the attendant uncertainty concerning the age of the basalt interbeds, the depth of the Columbia River basalt surface is less easy to establish here. This is illustrated by the log of the well drilled by the Boeing Company in Section 33, Township 24 East, Range 3 North, approximately six miles south of the mid-Pliocene fossil locality but at an elevation approximately 200 feet higher. A penetration of 27 feet of basalt is recorded in this well between minus 30 and 57 feet. Another 85 foot section of basalt is logged between minus 103 and 178 feet. Finally, basalt is again reported as extending from the minus 273 foot level to the bottom of the hole at minus 564½ feet. Sediments are logged in all intervening sections of the hole.

Interpretations with widely different conclusions can be made from this log regarding the lithologic nature of the underlying Columbia River formation and the depth at which the Columbia River surface occurs. One interpretation involves presumption that both of the basalt interbeds are affiliated with the Columbia River formation in age. The other hinges on the presumption that the host sediments in the instance of one, or both, of the interbeds are mid-Pliocene or younger in age. Explanation of each of these possibilities follows.

Acceptance of the first interpretation means that the mid-Pliocene sediments must overlie the shallowest basalt and hence the thickness of the entire section of surficial sediments from the mid-Pliocene up is limited to 30 feet at the well site. If this is indeed the situation, the deposition of all sediments below the shallowest basalt must be related in time with the tapering off phase of the Columbia River emplacement. In this connection there is geologic precedent in other portions of the Columbia Basin, particularly in Washington, for occasional straggler interbeds of basalt in an overlying section of sediments closely related to the

Columbia River basalts in time of deposition. For that matter Waters describes some very late flows of the Yakima member of the Columbia River formation as interbedded with sediments equivalent to the Ellensburg formation in the general vicinity of Klickitat, at the Dalles, and even as close to the bombing range as Arlington.(4)

The second interpretation hinges on the fact that Waters also describes the very "Late Yakima" flows as having some mineralogic resemblance to the Pliocene-Quaternary basalts unconformably overlying the Yakima beds over wide areas in the Cascade Mountains and central Oregon plateaus. This leaves the door open for possible error in correlation in areas such as Boardman where geologic mapping has not been carried out on a detailed level heretofore. Applied to the present problem this means that if one or both of the basalt interbeds encountered in the Boeing well actually occur within the post Columbia River section instead of with the Columbia River formation as postulated above, the bottom of the section of mid-Pliocene and younger sediments then stands at either minus 103 or minus 273 feet respectively instead of the minus 30 foot level cited previously.

There are several other wells besides the Boeing well in which two basalt interbeds have been encountered. For this reason the logs of all other wells have been reproduced on Figure 3 by way of illustrating the problem graphically. The figure shows the great variation which exists in the thickness of the basalt interbeds, the differences that also exist in the thickness of the intervening sections of sediments and the wide differences in elevation at which these formations are reported to occur. The locations of the wells from which these logs were obtained is indicated on Figure 1 by well numbers corresponding to those indicated on the logs.

Additional study in the form of chemical and petrographic examination of the interbeds, plus careful mapping, should serve to establish the proper correlation of the interbeds without too much difficulty. In terms of the present problem, however, the question of immediate pertinency has to do with the occurrence of mineral resources of possible commercial value in the general vicinity of the bombing range. On this count it is immaterial whether the sediments overlying the massive Columbia River basalts are exclusively mid-Pliocene to recent in their make-up, or in places older as well. Either way their potential for containing mineral occurrences of a commercial nature is quite limited. This much is well established by studies and mapping done in other parts of the Deschutes-Umatilla Basin area and in related portions of the Columbia River Basin area in Washington. The remainder of this report will be devoted to a review of the mineral resource subject per se.

#### Mineral Resource Picture, Tertiary:

As indicated previously, only a small variety of mineral resources have been found to occur in commercial quantities in association with Tertiary lakebeds and later fluvial sediments in eastern Oregon. Nevertheless, those that do occur constitute a



# Memo



**TO:** Joseph Sapin, Rowan Green Data LLC

**FROM:** Ryan T. Houser, Registered Geologist, and Kristopher T. Hauck, P.E.

**DATE:** November 8, 2024

**RE:** Percheron Data Center Mineral Resource Report

Rowan Green Data LLC (Rowan) requested Terracon Consultants, Inc., conduct a review of the potential mineral resources and provide an opinion of the potential value of minerals or geothermal resources that may be present on the Percheron site on the east side of Tower Road, Morrow County, Oregon. The State of Oregon provides the following relevant definitions:

- Oregon Revised Statutes (ORS) 516.010  
(4) **"Mineral"** includes any and all mineral products, metallic and nonmetallic, solid, liquid or gaseous, and mineral waters of all kinds.
- ORS 522.005  
(11) **"Geothermal resources"** means the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or that may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances, but including, specifically:
  - (a) All products of geothermal processes, including indigenous steam, hot water and hot brines;
  - (b) Steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations;
  - (c) Heat or other associated energy found in geothermal formations; and
  - (d) Any by-product derived from them.

Terracon reviewed the following prior to preparation of this memorandum:

- "The Potential for Mineral Occurrences of Economic Worth on the Bombing and Gunnery Range at Boardman, Morrow County, Oregon," prepared by DOGAMI, dated January 3, 1962, provided by the client;
- "Metallic and Industrial Mineral Resource Potential of Southern and Eastern Oregon: Report to the Oregon Legislature," DOGAMI Open File Report O-16-06, dated 2016.
- DOGAMI's digital mineral inventory – Mineral Information Layer for Oregon (MILO)
- DOGAMI's digital geothermal resource inventory – Geothermal Information Layer for Oregon (GTILO-2)
- Geotechnical borings conducted by Terracon for the subject property and surrounding properties.

- Publicly available geologic and topographic maps;
- Oregon Water Resources Department well logs;
- United States Department of Agriculture Natural Resources Conservation Service (USDA, NRCS) Web Soil Survey;
- Morrow County records and tax lot information to summarize the potential value of the underlying geology.

### **Site Mineral Potential**

The DOGAMI Open File Report O-16-06 referenced above lists potentially economically viable minerals in many counties throughout the state, including Morrow County. The report indicates of the minerals included in the study that only silica is “present” in Morrow County. This designation indicates that MILO contains at least one entry for this mineral occurring in the county, but data is not available to indicate if the mineral is widespread or available elsewhere in the county.

Terracon conducted a subsurface investigation of the property in 2023. A map showing these locations and our boring logs are attached. Based on our previous site explorations and explorations conducted on sites surrounding the subject property, the area is generally underlain by wind-blown loess consisting of silt and fine-grained sand that extends to depths of up to about 15 feet. The loess is underlain by catastrophic flood deposits originating from glacial outburst floods of Lake Missoula. These soils were deposited repeatedly over thousands of years, with each depositional layer representing a single flood event. The flood deposits extend to depths of up to about 60 feet, and generally consist of layers of silt, sand, and clay. The flood deposits are underlain by Miocene Columbia River Basalt (CRB). Our explorations indicate the depth to basalt ranges from about 2 to over 60 feet at the site. Some exposures of basalt were observed on the site.

Of the materials listed in the previous paragraph, the CRB has the potential for development as an aggregate resource quarry. The overburden materials consisting of the loess and/or catastrophic flood deposits do not have resource value aside from general fill use. In some areas of Morrow County, the loess consists primarily of silica sand, so may have some potential use as an industrial mineral. However, based on our lab tests, the loess encountered on the site contains up to 87 percentage of fines (material passing the U.S. No. 200 sieve) and variable amounts of calcium carbonate cementation, which makes it uneconomical to process into a useable silica resource. The CRB covers 81,000 square miles in Oregon, Washington, and Idaho, making it the most common geologic formation present in the Pacific Northwest (see inset).





Inset 1: Extent of Columbia River Basalt (United States Geological Survey, 2023)

DOGAMI's MILO website indicates 18 aggregate mines along the Interstate 84/Columbia River corridor. Based on the generally high frequency of gravel mining sites within the area that are located closer to the population centers than the subject property and likely potential sources that are exposed at the ground surface, we believe there to be a relatively high cost to access the potential aggregate resources at the site. In addition, with the lack of development utilizing significant aggregate sources within the subject site vicinity, it appears that there is little to no market demand.

DOGAMI's 1962 evaluation of mineral resources for the bombing range included the subject property. The report figure attachments showing the area of coverage were not available for download, however the "Location" section of the 1962 evaluation report indicates the bombing range includes "...all of sections in Township 3 North, Ranges 24 and 25 East." The subject property is located within Section 28, Township 3 North, Range 24 East. The location of the subject property and the approximate boundaries of the bombing range as described in the DOGAMI 1962 report are shown on the attached Site Location map. The referenced report concluded there were "...no sub-surface mineral occurrences of commercial worth..." This statement is consistent with the findings of our research for the subject property and previous experience in the industry.

In general, due to a competitive market for gravel resources with lower cost existing pits in production in closer proximity to the potential market (population centers) and the common occurrence of the CRB, we believe the site to have a low mineral market value and negligible demand for the defined potential mineral resources.

### Site Geothermal Potential

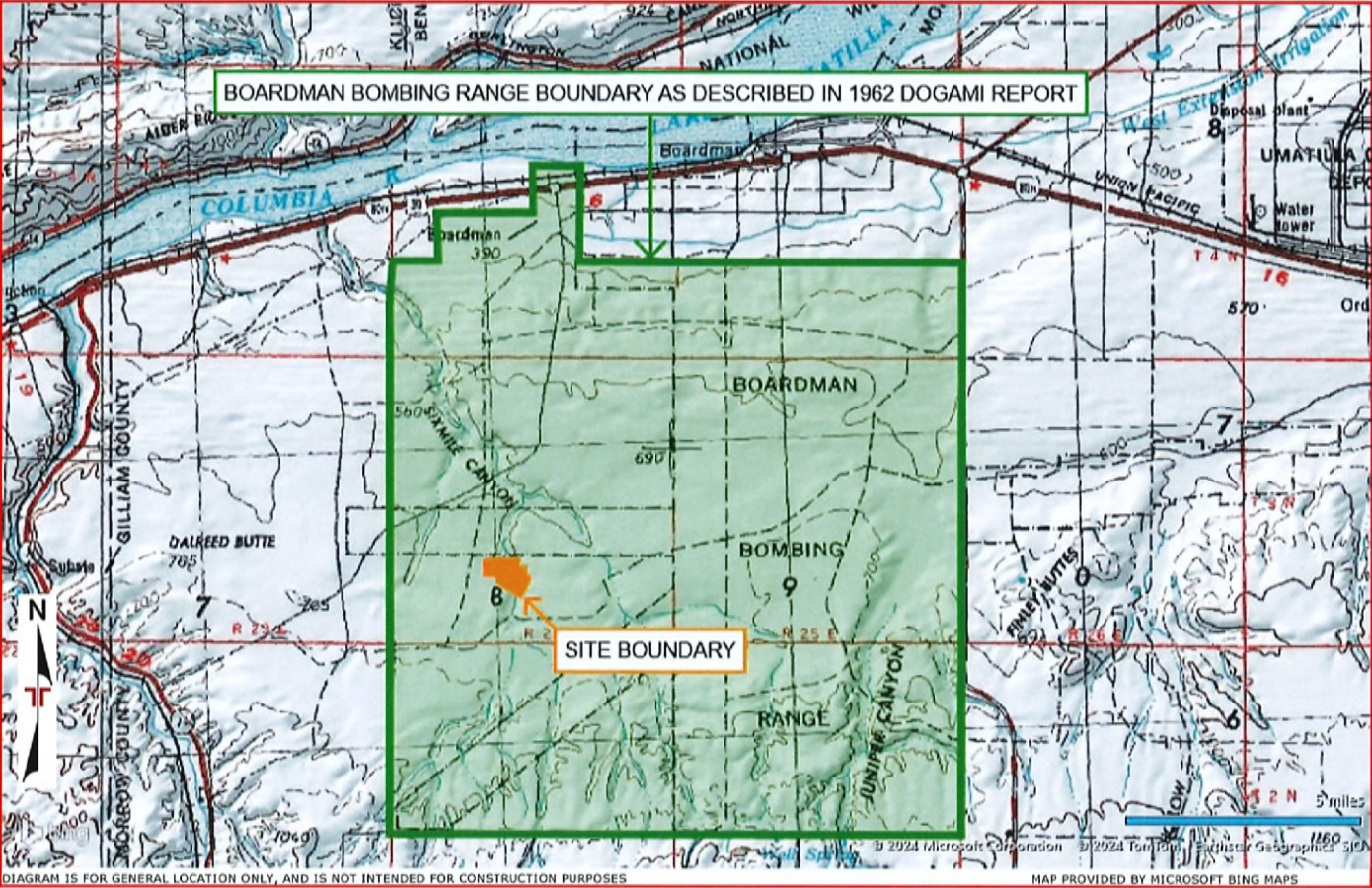
Review of DOGAMI's Geothermal Information Layer for Oregon revealed no developed geothermal resources or hot springs within Morrow County, and no water wells with temperatures exceeding 75 degrees within 20 miles of the site. Given the generally low temperature of the water wells in the vicinity of the site and no identified hot springs in the county, it is our opinion that the potential for an economically viable geothermal resource for power generation or mineral extraction being present at the site is negligible.

Attachments:

- Site Location
- 2023 Terracon Exploration Plan, Unified Soil Classification System, and Rock Classification Notes
- 2023 Terracon Exploration Logs
- "The Potential for Mineral Occurrences of Economic Worth on the Bombing and Gunnery Range at Boardman, Morrow County, Oregon," prepared by the Oregon State Department of Geology and Mineral Industries (DOGAMI), dated January 3, 1962



Site Location





# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

## State Land Board

## State Land Board

### Regular Meeting

June 10, 2025

Agenda Item 5

Tina Kotek

Governor

Tobias Read

Secretary of State

### **SUBJECT**

In-lieu lands owed to the State of Oregon.

Elizabeth Steiner

State Treasurer

### **ISSUE**

Whether the Land Board should authorize the Department to accept a patent for an 80-acre property from the Bureau of Land Management for in-lieu lands still owed to the State of Oregon. The property consists of undeveloped forested land zoned high-density residential and inside the city limits of La Pine, in Deschutes County. If accepted, this would be a new school land addition.

### **AUTHORITY**

- Oregon Constitution, Article VIII, Sections 2 and 5; relating to the Common School Fund and land management responsibilities of the State Land Board.
- ORS 273.055; relating to the power to acquire and dispose of real property.
- ORS 273.171; relating to the duties and authority of the Director.
- ORS 273.335 to 273.350; relating to the Department authority to select and receive indemnity land (i.e. in-lieu land).
- OAR 141-067-0330; relating to the sale, exchange and purchase of state land.

### **BACKGROUND**

The federal government owes the State of Oregon approximately 1,477 acres of federal lands “in-lieu” of school lands not granted upon statehood in 1859. The Department is working with the Bureau of Land Management (BLM) on identified forestlands and industrial/commercial/residential lands as a priority for in-lieu acquisitions.

Among these is an 80-acre residential-zoned BLM property in the urban growth boundary of La Pine. Selected by the Department in 2019, this flat, forested property is primarily covered with low-value lodgepole pine and offers excellent access from both Burgess Road and Huntington Road. Surrounding uses include residential housing to

the east and north and privately owned undeveloped land to the west that has been on the market for many years. To the south lies Burgess Road, an elementary school and undeveloped county-owned land. Currently zoned RMF (Residential, Multi-Family), this allows for residential development at densities of 5 to 40 units per acre (map in Appendix A).

The BLM has completed their Determination of NEPA Adequacy on the property, confirming there are no cultural or biological concerns (see Appendix B). An adjacent landowner has a small trespass issue involving fencing and vehicle parking, and the BLM will resolve the trespass prior to transferring the property to the Department. The BLM has internal actions and approvals to complete, but the transfer is anticipated between July and September. To accept this transfer, the cost to the Department is \$0.

The zoning and location of the property make it an excellent candidate to support the Governor's mandate to prioritize housing in Oregon. Once acquired, the Department will plan the quickest and most cost-effective way to build housing on the site. Options include selling the property to a developer or partnering with the City of La Pine to create a development plan and market the site for sale.

### **PUBLIC INVOLVEMENT**

Public involvement included multiple steps from both the Department and BLM. First, BLM required that a "proposed classification of public lands for state indemnity selections" letter advertised in the Bend Bulletin for five weeks. Second, the Department opened a comment period concurrently, which was open from March 22, 2024 - June 18, 2024. Four comments were received (see Appendix C):

- One commenter expressed support for the selection.
- Two commenters expressed neutral positions, pending more information on land management plans and how the transfer benefits the State and public schools.
- One commenter misunderstood the Common School Fund connection and interpreted the Department's intentions to construct a school on the site.

### **RECOMMENDATION**

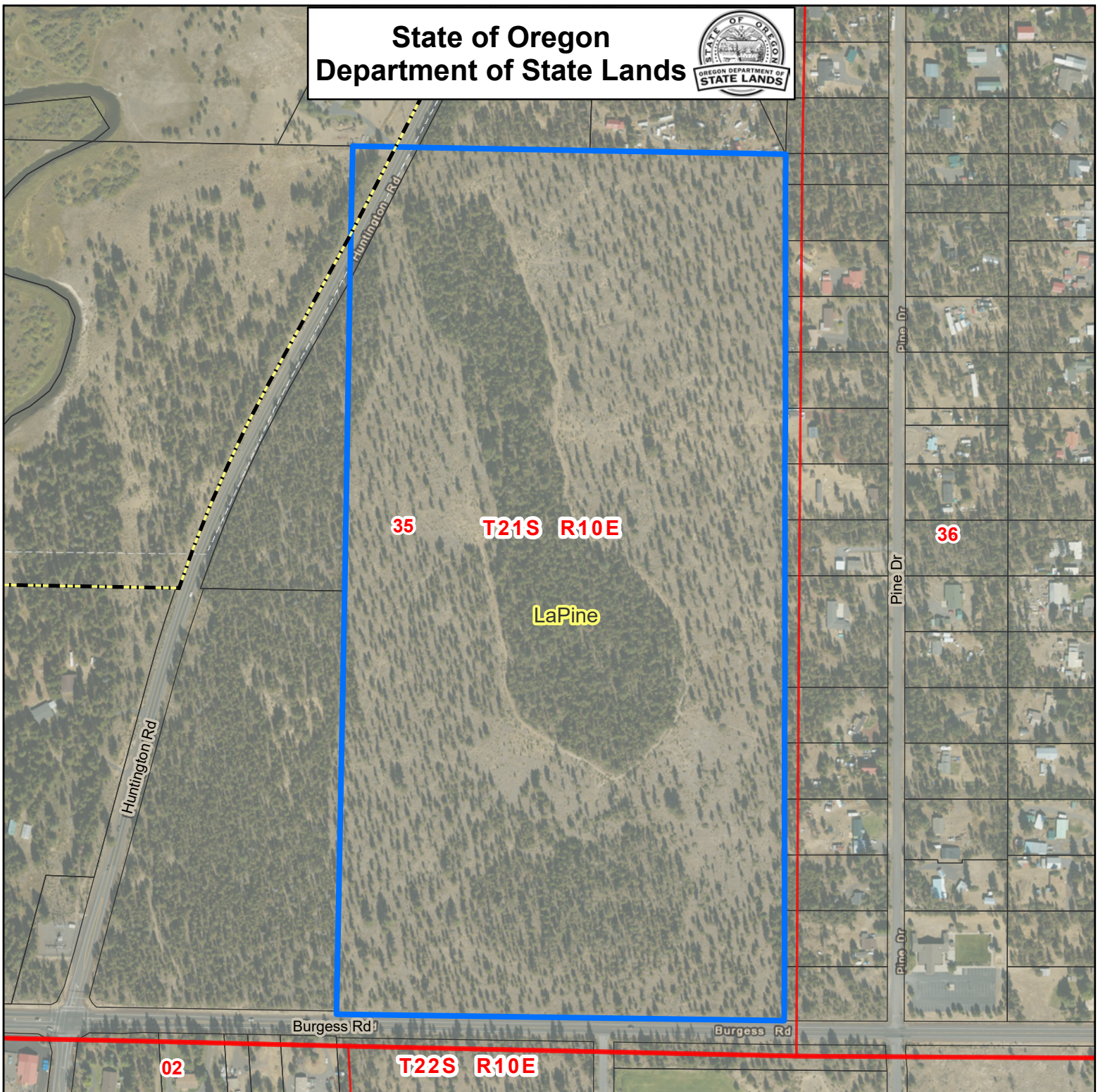
The Department recommends that the Land Board authorize the Department to accept in-lieu land, known as a patent, from BLM for an 80-acre property located in La Pine, at a cost of \$0.

### **APPENDICES**

- A. Site map
- B. Determination of NEPA Adequacy
- C. Public comments and DSL responses



# State of Oregon Department of State Lands



## Appendix A - In-lieu Property on Burgess Road, La Pine

**64934-LA In-Lieu Acquisition**  
**T21 S, R10E, Sec. 35, Tax Lot 100**  
**80 acres, Deschutes County**

- Proposed In-Lieu Acquisition
- Assessor's Tax Lot
- Township and Range
- Section
- City Limit

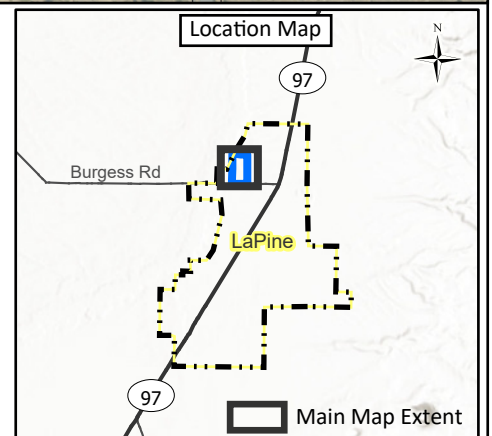
This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 200 400

Feet



Map Projection:  
Oregon Statewide Lambert  
Datum NAD83  
International Feet  
State of Oregon  
Department of State Lands  
951 SW Simpson Ave Suite #104  
Bend, OR 97702  
541-388-6112  
[www.oregon.gov/DSL](http://www.oregon.gov/DSL)  
Date: 3/19/2024







U.S. Department of the Interior  
Bureau of Land Management

## **Determination of NEPA Adequacy (DNA)**

U.S. Department of the Interior  
Bureau of Land Management  
Prineville District  
Deschutes Field Office  
3050 NE Third Street  
Prineville, OR 97754

### **A. Background**

**BLM Office:** Prineville District, Deschutes Field Office

**National Environmental Policy Act register #:** DOI-BLM-ORWA-P060-2025-0001-DNA

**Project Case File #:** Burgess Road La Pine, OR - OROR 070351

**Proposed action title:** La Pine, Oregon Land Transfer to the State of Oregon

#### **Location:**

OROR 070351- The Burgess Road parcel is located in the west portion of La Pine, OR. The legal description is:

Willamette Meridian,  
Township 21 South, Range 10 East, Section 35  
E1/2SE

**Background:** When Oregon was admitted to the United States union, legislation granted sections 16 and 36 of every township to the state for support of its public schools. If any of those lands had already been disposed of or otherwise unavailable, the United States government is required to indemnify the state for the losses (43 CFR 851 and 852). In 1992 the United States District Court confirmed that the federal government owed the State of Oregon approximately 5,200 acres in indemnity and in-lieu lands.

In 1995, the Bureau of Land Management (BLM) entered into a Memorandum of Understanding (MOU) with the State of Oregon to establish procedural guidelines to comply with the court's direction and complete the land selections. Consistent with the 1995 MOU, the State of Oregon requested the La Pine parcel be assessed and processed for disposal as partial fulfillment of the federal government's obligation to the State. To date, the BLM still has approximately 1,400 acres to fulfill the court order, the parcel discussed here constitutes 80 acres or 5.7% of the remaining acres.

**Proposed Action:** The BLM proposes to administratively convey approximately 80 acres of Land Tenure Zone 3 (Z-3) lands to the State of Oregon. This conveyance consists of one parcel: Burgess Road in La Pine, OR at 80 acres. The parcel location is listed above and displayed on the map in Appendix A. These lands are classified for disposal (Z-3) under the governing land

use plan, there are no BLM proposed actions or ongoing projects within the parcel. The land conveyance partially fulfills BLM's obligation under the Indemnity Act of 1891, Oregon Admission Act of 1859, District Court Decision (1992, Civil No. 85-646-MA), and the MOU between the State of Oregon, division of State Lands and the BLM.

## **B. Land use plan conformance**

**Land use plan name:** Upper Deschutes Record of Decision and Resource Management Plan (RMP)

**Date approved:** September 2005

The proposed action is in conformance with the above plan because it is specifically provided for in the following land use plan decisions. The Upper Deschutes RMP classified these lands as Zone 3 or Z-3. Z-3 lands generally do not provide substantial resource, public, or tribal benefits; they are generally not cost effective for BLM to manage; or they represent a greater public benefit in other ownership. Z-3 lands are suitable for transfer, sale, or other disposal, including lands identified as having potential land use benefits for local community expansions (RMP, p. 184).

The subject parcel satisfies these criteria and has been designated in the RMP as Z-3. The La Pine parcel is a relatively small and isolated parcel of public land with limited resource values, is somewhat difficult and uneconomic to manage, and is situated adjacent to developed areas.

The RMP is available at the BLM office or on the internet at:

Upper Deschutes RMP: <https://eplanning.blm.gov/eplanning-ui/project/36346/510>

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and related documents that cover the proposed action**

The following NEPA document(s) cover the proposed action:

- Upper Deschutes Resource Management Plan/Final Environmental Impact Statement, September 2004 (FEIS)
- Upper Deschutes Record of Decision and Resource Management Plan September 2005

## **D. NEPA adequacy criteria**

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes, the proposed action was analyzed in the Upper Deschutes FEIS. The Preferred Alternative described on page 182 Volume I, Executive Summary of the Upper Deschutes RMP/FEIS dated January 2005, refers to lands in the FEIS Map 6 as Z-3. The map and decision include

approximately 15,186 acres of land classified for transfer. These Z-3 lands include the parcel located in La Pine, OR.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes, seven alternatives were considered in detail in the Upper Deschutes RMP/FEIS. Alternatives include one No Action/No Change Alternative and six action alternatives (Alternatives 2-7) that reflect various levels of change in direction from the previous Brothers-La Pine RMP.

An overview of the alternatives in the Proposed Upper Deschutes RMP/FEIS is provided in the Executive Summary on pages xxvii to xxxv, dated January 2005. Management Direction common to Alternatives 2-7 identifies lands for both retention and disposal based on resource values and overall management objectives.

All of the action alternatives strive to develop a balance of uses. The range of alternatives analyzed with respect to the proposed action is appropriate, given the current environmental concerns, interests, resource values, and circumstances. Alternative 7 is the Preferred Alternative and identified 15,186 acres as Z-3 lands suitable for transfer. The subject parcel is included in the Z-3 designation under the Upper Deschutes RMP/FEIS.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Site specific surveys have been conducted for cultural, botanical, and wildlife resources, there are no Threatened and Endangered Species or their habitat within the parcels. A Minerals Potential Report and an Environmental Site Assessment have been completed. The methodology and analytical approach used in the existing NEPA document (Upper Deschutes FEIS, January 2005) is appropriate for the current proposed action. The proposed transfer of this parcels was reviewed by an interdisciplinary team of resource specialists. The staff reports show that there are no conflicts in this area and they are appropriately classified for disposal (Z-3) under the Upper Deschutes RMP.

Botanical surveys (2024): botany surveys found no BLM Special Status Species requiring protection or special management. There are no known Threatened and Endangered Species within the parcel.

Cultural surveys (2023/2024): cultural surveys were conducted, and no eligible sites are present within the parcel. On January 28, 2025, the State Historic Preservation Office (SHPO) concurred with BLM findings that the cultural resources identified are not eligible for listing in the National Register of Historic Places and no historic properties are affected by this undertaking (SHPO Case No. 25-0726).

Wildlife surveys (2024): The unit is outside of Threatened and Endangered Species habitat; no species of concern occur on the parcels. Consultation with regulatory agencies is not required for the proposed action.

Recreation: There are no BLM developed recreation facilities (trailheads or trails) located within the parcel described in the proposed action. The BLM is not aware of recreational uses on the Burgess Road parcel in La Pine. The BLM is aware of a socially developed trail system in the Rickard Road parcel.

Mineral rights: The petition filed by the Oregon Department of State Lands for the classification and application to obtain public lands also includes obtaining ownership of the mineral estate. The BLM completed a Mineral Potential Reports for the parcel and nothing in those reports precluded land transfer.

Encumbrances: Based on BLM records, approximately four existing and valid rights are present within the parcel. All valid and existing rights, in the form of rights-of-way, will be reserved and maintained during the land transfer process to the State of Oregon.

**4. Are the environmental effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes. The lands to be conveyed were specifically identified in the RMP and the impacts of disposal were addressed in Chapter 4 of the Upper Deschutes FEIS, Environmental Consequences on pages 256-265. About 15,422 acres or 4% of the planning area are designated for transfer or disposal. The proposed action described here is 80 acres or 0.5% of the 15,422 acres analyzed as Z-3 in the RMP. Therefore, the acres described in the proposed action are within the limits of the analysis within the FEIS.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

An extensive public involvement process took place during development of the Upper Deschutes RMP and FEIS. Federal, state and local representatives, nongovernment organizations, numerous environmental groups and private individuals were engaged throughout the process. Several issue teams consisting of ten to fifteen people each were organized to address transportation and access, land ownership, grazing, recreation, and wildlife issues. Issue teams met periodically over a period of two years to provide input into designing the various aspects of the plan. Public meetings were also held and public comments were taken and analyzed by BLM staff.

The Oregon Department of State Lands published a Proposed Classification in the Bend Bulletin once a week for five weeks beginning on March 20, 2024. The Proposed Classification initiated a 45-day claims period and a 60-day comment period. Comments were received by the Department of State Lands and the BLM. Sixteen total comments were received (fifteen within the comment period and one outside of the comment period). All the comments were specific to a parcel that

was include in the Proposed Classification but later withdrawn by the Oregon Department of State Lands. The BLM proposed action is an administrative conveyance of federally administered lands, and because of this those interested in the potential future use of lands were directed to contact the Department of State Lands.

In the future, the BLM will publish an Initial Classification Decision in the Bend Bulletin. The Initial Classification Decision is protestable for a 30-day period. If no protests are received the decision becomes effective immediately. The signed conclusions in this DNA worksheet are an interim step in the BLM's internal review process and do not constitute a protestable or an appealable decision. Those who wish to protest the decision must wait for the publication of the Initial Classification Decision in the Bend Bulletin at a future date.

During preparation of this DNA the BLM mailed government-to-government consultation letters to four tribes with interest in the project area. The BLM mailed letters to the Burns Paiute Tribe, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes of the Umatilla Indian Reservation, and The Klamath Tribes. None of the tribes responded to the consultation request. The BLM meets with the tribes on an annual basis to discuss projects, including this project.

#### E. Preparers

Name	Title	Resource Represented
Larry Ashton	Wildlife Biologist	Wildlife
Kurt Hunt	Archaeologist	Cultural resources and Tribal relations
Ian Grinter	Botanist	Special status and invasive species
Kirby Bean	Geologist	Mineral report
Faith Simitiz	Realty Specialist	Environmental Site Assessment
Bradon Sikes	Realty Specialist	Administrative process and project management
Ferris Couture	Planning and Environmental Coordinator	NEPA review

Note: Refer to the FEIS for a complete list of the team members participating in the preparation of the original NEPA analysis documents.

#### F. Conclusion

**Management Determination** Based on the review documented above, the BLM has concluded that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

---

Authorized Officer:  
Lisa M. Clark, Deschutes Field Office Manager

*The signed conclusion in this DNA worksheet is an interim step in the BLM's internal review process and does not constitute a protestable or an appealable decision. The decision on the action being implemented may be subject to protest under 43 CFR 2621.2 and program-specific regulations.*

## **G. Contact Person**

For additional information concerning this DNA worksheet, contact Ferris Couture, BLM, Prineville District Office, 3050 NE Third St., Prineville, OR 97754, telephone: (541) 416-6711 or email at [fcouture@blm.gov](mailto:fcouture@blm.gov).

## **H. References**

USDI BLM. 2004. *Final Environmental Impact Statement for the Upper Deschutes Resource Management Plan*. Prineville, Oregon.

USDI BLM. 2005. *Upper Deschutes Record of Decision and Resource Management Plan*. Prineville, Oregon.

USDI BLM. 2008. *BLM National Environmental Policy Handbook H-1790-1*. Washington, D.C. *Appendix 4 BLM Categorical Exclusions*.  
[https://www.ntc.blm.gov/krc/uploads/366/NEPAHandbook\\_H-1790\\_508.pdf](https://www.ntc.blm.gov/krc/uploads/366/NEPAHandbook_H-1790_508.pdf).





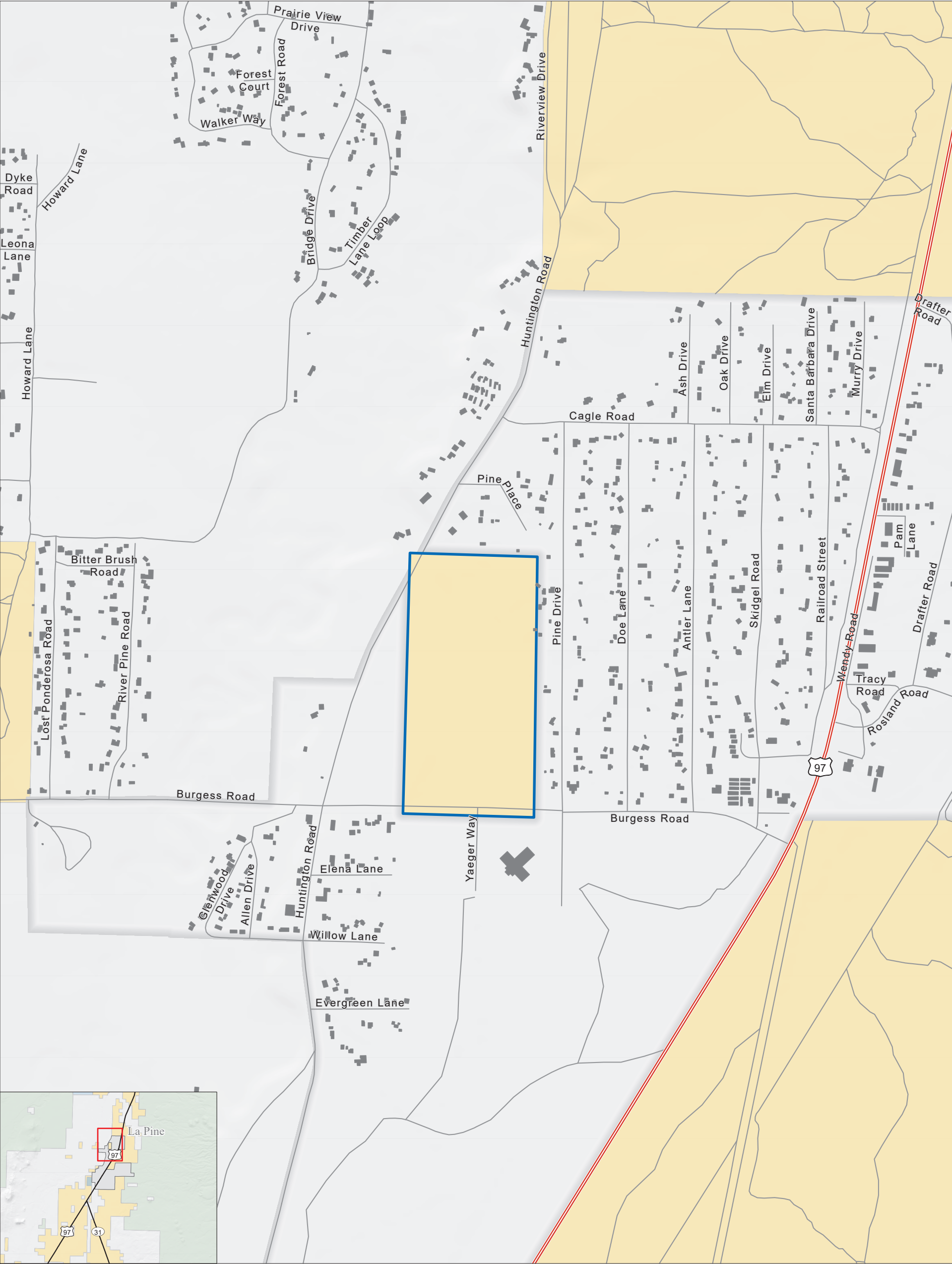
# Department of State Lands Transfer

Burgess Road Parcel

Bureau of Land Management  
Prineville District Office  
3050 NE 3rd St  
Prineville, OR 97754  
(541)416-6700



8/31/2024



## Legend

- Road
- Urban Growth Boundary
- Private/Other
- U.S. Highway
- Administered Lands
- DSL Parcel
- Bureau of Land Management



0 250 500 750 1,000 US Feet  
0 100 200 300 400 500 Meters

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this map or the data displayed for individual use or aggregate use with other data.



## Public Comments and Agency Responses: 80 acre BLM Property in La Pine

Oregon Department of State Lands

The Oregon Department of State Lands held a public comment period from March 22 to June 18, 2024.

The Department received **4 comments** specific to the 80-acre property in La Pine, currently owned by the Bureau of Land Management. These comments are summarized below.

There was a second 440-acre BLM property in the Bend area that was also part of this same public comment process. As a result, some of the comments below also reference this other property. The Department is not pursuing acquisition of this other property.

*Comments are presented in the order they were received by the Department:*

**1. John Lilly 3/22/2024, [jel110248@gmail.com](mailto:jel110248@gmail.com) received by email to staff:**

Are these selections being made to eventually transfer to the Baldwin Trust??

Thanks

John Lilly, Salem OR

BTW, I think the LaPine selections are good ones....we'd have selected them in the 2000's but LaPine was a mess, still in the county, with water and sewer challenges. We tried for a large BLM tract north of Bend adjacent to the canal and right across from the Bend Wastewater Treatment Plant...alas the neighbors killed the transaction

**Department Response:** These selections are not related to the Baldwin Trust. If these selections are acceptable, they would transfer to the State as part of the remaining 1,477 acres of in-lieu lands. Please let me know if you have additional questions.

**2. Dan Stone 3/25/2024 - [daniel.stone@gilchristfp.com](mailto:daniel.stone@gilchristfp.com) has submitted the following comment on land transaction # 64934-LA & 64940-LA:**

To Department of State Lands,

Regarding the two land parcels in Central Oregon, Deschutes County that have been identified to meet criteria for In Lieu lands owed to the State of Oregon, I would like to know what the DSL's management plan is if these lands were to become part of the

common school's fund? To my understanding, the purpose of these lands is to support public schools. If these lands were to transfer ownership and management to the DSL, how would public schools' benefit? Does DSL plan to sell timber off these lands to create revenue for public schools? Is there timber on these parcels to create said revenue? Does it plan to charge a recreational fee to users to create revenue? Are firewood sales going to create a profit? Has any other revenue creating plans been considered? How, if at all, will this land benefit public schools? If there is no plan to create a benefit for public schools, what is the purpose of this land transfer? The sheer transfer of this land to DSL will unarguably create more work, time, effort, and money spent for DSL to manage it. How is this future expense for Oregon taxpayers worth it, if there is no benefit for public schools?

As a Deschutes County resident myself, I need a better understanding of how this land transfer benefits the State and public schools before I can fully support it.

Thank you,  
Dan Stone  
Deschutes County Resident  
Timber Industry Professional

**Department Response:** Thank you for your questions on the proposed BLM Classification Decision for in-lieu land transfer in Deschutes County. The Department of State Lands considers revenue potential in future land management on all possible in-lieu land transfers. These lands have been evaluated to have income potential for the Common School Fund. Timber management, firewood, and special use recreation were not considered for these sites. Because of the proximity to urban growth boundaries, these lands will be managed as industrial/commercial/residential (ICR) lands. These lands are usually sold for development, similar to the Stevens Road lands in southeast Bend or the industrial lands in South Redmond.

The majority of Oregon's school lands are managed with net operating income to benefit the Common School Fund. Please see this link about recent information about the Common School Fund:

[https://www.oregon.gov/dsl/Documents/NewsRelease\\_CommonSchoolFundDistribution\\_2024.pdf](https://www.oregon.gov/dsl/Documents/NewsRelease_CommonSchoolFundDistribution_2024.pdf)

This classification decision notice is one step closer to acquiring these lands, but it is possible that one or both properties end up not being acquired by the Department of State Lands.

Thank you for your comments and interest in this proposed BLM Classification Decision.

**3. Katrina Manning 4/26/2024 - katemanning53@gmail.com has submitted the following comment on land transaction # 64934-LA:**

I don't believe using the property for schooling is the best idea for the land. I believe it's moving in the wrong direction unless the school is agriculture and horticultural wildlife based. Outdoor schooling would be the only appropriate type of schooling in BLM land or it doesn't honor the land it's on. It's promoting a concrete society and ripping down forestry that otherwise would remain in touched to do so. So if the majority of the land can not be preserved and used in the purpose of education of that specific land than it should remain as it is and be opened to the public as a state park hiking and gathering/foraging by the people. But we are already heading in the wrong direction with too many public school buildings as it is. We are a nation of school buildings, prisons and nursing homes when we should be walking back in the opposite direction promoting families not slavery.

**Department Response:** Commenter misunderstood the Common School Fund explanation and interpreted the Department's intentions to construct a school on the site.

**4. Rory Isbell 6/17/2024 - rory@colw.org has submitted the following comment on land transaction # 64934-LA and 64940-LA:**

I am writing on behalf of Central Oregon LandWatch. LandWatch is a non-profit, public interest organization with over 900 members, located in Bend. LandWatch's mission is to defend and plan for Central Oregon's livable future, and we have advocated for responsible land use planning and the preservation of natural resources in Central Oregon for over 35 years.

Thank you for soliciting public comment on the potential transfer of BLM lands to the Oregon Department of State Lands in the City of La Pine and near Deschutes County's Conestoga Hills neighborhood. LandWatch is neutral on the proposed transfers, but we have an interest in the future use and management of these lands by the State of Oregon. The Conestoga Hills property in particular is zoned EFU, which protects these lands for exclusive farm use, open space, and wildlife habitat preservation, and any change in use of these lands is not allowed under Oregon land use law. Please notify us of the BLM's final decision on this potential transfer, including any terms or limitations concerning the transfer that may apply. Thank you.

Rory Isbell  
Staff Attorney & Rural Lands Program Director  
Central Oregon LandWatch

**Department Response:** Central Oregon LandWatch comment on Conestoga Hills (Rickard Road) was partially related to DSL's decision not to pursue that acquisition. The La Pine property is zoned RMF and fits within the Department's Asset Management Plan for ICR land classification for acquisition.



# Oregon

Tina Kotek, Governor

## Department of State Lands

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## State Land Board

Tina Kotek

Governor

Tobias Read

Secretary of State

Elizabeth Steiner

State Treasurer

## State Land Board

### Regular Meeting

June 10, 2025

Agenda Item 6

### **SUBJECT**

Permanent easement in Multnomah County

### **ISSUE**

Whether the State Land Board should approve a request from the Oregon Department of Transportation (ODOT) for a permanent easement to maintain the freeway overpass crossing the Willamette River in Township 01 North, Range 01 East, Multnomah County.

### **AUTHORITY**

- Article VIII, Section 5 of the Oregon Constitution; requiring the Land Board to “manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management.”
- ORS 273.171; relating to the duties and authority of the Director.
- OAR 141-123-0010 to 141-123-0120; establishing procedures for granting easements and rights-of-way on trust and non-trust lands and requiring Land Board approval of easements granted in perpetuity.

### **BACKGROUND**

In preparing for the I-5 Rose Quarter Improvement Project, ODOT determined there was no easement on the existing overpass. To address this, ODOT is seeking a permanent easement for the freeway overpass connecting Interstate 5 (I-5) South and Interstate 84 (I-84) East near the Rose Quarter in downtown Portland.

The overpass arcs high over the eastern bank of the Willamette River and will not be impacted by the larger project as no work will occur on the overpass directly above the Willamette River. Most of the work will occur on the I-5 transit lanes north of the overpass, with additional work occurring on the section of I-5 below this overpass.

Approval of this permanent easement does not equate to approval of the broader I-5 Rose Quarter Improvement Project. This approval only authorizes an individual easement for the existing overpass structure. This use is allowed under the Lower Willamette River Management Plan.

Processing of this easement application has been a lengthy process. ODOT submitted an application on August 18, 2022. The application was incomplete, and it took several months to obtain a complete application. There were also questions about ownership of adjacent uplands and historically filled lands which took 16 months to research and address. Mapping and processing of the easement took time as DSL's GIS staff had, and still have, a significant backlog of work.

### **PUBLIC INVOLVEMENT**

The Department circulated the application for a 30-day public review and comment from May 4 - June 5, 2023, and received 0 comments.

### **STAFF FINDINGS**

Department staff find that the proposed permanent easement for the I-5 to I-84 freeway overpass to be in line with general provisions for easements under OAR 141-123-0020. Additionally, no removal-fill permit is required as there is no removal-fill work proposed for this easement.

### **COMPENSATION**

Pursuant to OAR 141-123-0060, a compensatory payment of \$100.00 was paid in advance for the easement area on April 11, 2025, prior to approval.

### **RECOMMENDATION**

The Department recommends the Land Board approve permanent easement 64044-EA to the Oregon Department of Transportation to maintain and operate freeway overpass on, over, under or across the Willamette River.

### **APPENDICES**

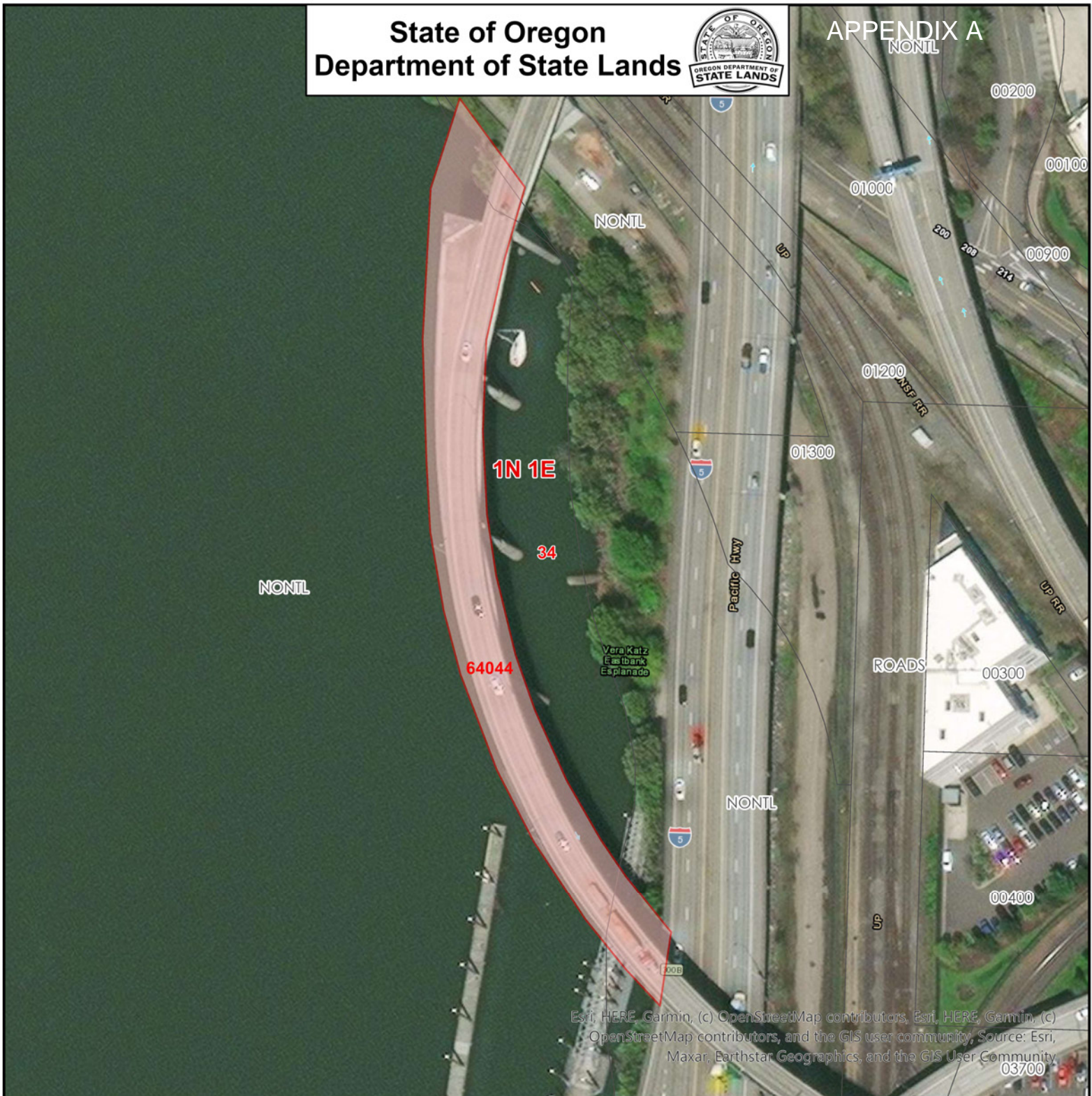
- A. Site Map
- B. Draft Easement 64044-EA



# State of Oregon Department of State Lands



## APPENDIX A



### Appendix A

**64044-EA Easement**  
**Township 1N, Range 1E, Section 34**  
**Multnomah County**  
**32,080 Square Feet (0.7364 Acres)**

Easement Area

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. 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 50 100  
Feet



Map Projection:  
Oregon Statewide Lambert  
Datum NAD83  
International Feet

State of Oregon  
Department of State Lands  
775 Summer St NE, Suite 100  
Salem, OR 97301  
503-986-5200  
www.oregon.gov/DSL  
Date: 11/14/2024



**STATE OF OREGON**  
**Department of State Lands**

**EASEMENT NO. 64044-EA**  
**S & S Bridge**

The STATE OF OREGON, by and through its Department of State Lands, GRANTOR, for and in consideration of \$ 100.00, hereby grants to GRANTEE,

NAME of GRANTEE:

State of Oregon, by and through its  
Department of Transportation

ADDRESS:

123 NW Flanders St.  
Portland, OR 97209

an easement and right to construct, maintain, operate, and replace an overhead bridge ramp over, upon, and across the property described in Exhibit A-1, situated in Multnomah County, Oregon, and depicted in the attached Exhibit A-2 and A-3.

TO HAVE AND TO HOLD the same unto GRANTEE in perpetuity, subject to the following conditions:

1. GRANTOR has the right to grant additional easements within the area authorized by this easement subject to the provisions of the administrative rules governing the granting of easements.
2. GRANTEE shall obtain prior written approval from GRANTOR prior to:
  - a) Changing the type of use authorized by this easement;
  - b) Expanding the number of authorized developments or uses;
  - c) Changing the authorized area; and/or
  - d) Permitting other persons to utilize the easement for uses and developments requiring separate written authorization by GRANTOR pursuant to the administrative rules governing the granting of easements or other GRANTOR requirements.
3. The easement area shall remain open to the public for recreational and other non-proprietary uses unless restricted or closed to public entry by the State Land Board or GRANTOR.
4. GRANTOR and/or its authorized representative(s) shall have the right to enter into and upon the easement area at any time for the purposes of inspection or management.
  - a) Except as expressly authorized in writing by the Department, GRANTEE shall not: Cut, destroy or remove, or permit to be cut, destroyed or removed any vegetation, or

- b) Remove any sand and gravel, or other mineral resources for commercial use or sale, that occur in the easement area except as expressly authorized in writing by GRANTOR.

Routine right-of-way maintenance including vegetation trimming shall be allowed.

5. GRANTEE shall compensate GRANTOR for the fair market value of any commercially valuable timber or sand and gravel resources in the easement area that must be removed during or after placement of the authorized use, or which cannot be developed because of the authorized use.
6. GRANTEE shall conduct all operations within the easement area in a manner that conserves fish and wildlife habitat; protects water quality; and does not contribute to soil erosion, or the introduction or spread of noxious weeds or pests. Upon completion of construction, GRANTEE shall reclaim disturbed lands to a condition satisfactory to GRANTOR.
7. GRANTEE shall obtain a surety bond in the amount of \$N/A to ensure compliance with the terms and conditions of this easement.
8. The right to use this easement shall automatically terminate if it, or the development authorized by GRANTOR, is not used within five (5) consecutive years of the date this easement was granted, pursuant to the provisions of the administrative rules governing the granting of easements.
9. Unless otherwise approved in writing by GRANTOR, GRANTEE shall remove all cables, pipes, conduits, roads, and other developments placed by GRANTEE on the easement, and shall restore the surface of the easement area to a condition satisfactory to GRANTOR within one (1) year following termination of use or expiration of this easement.
10. GRANTEE shall inspect the condition of the area authorized by this easement and the developments authorized by this easement on a frequency of: as needed.
11. GRANTOR shall have the right to stop operation of the use authorized by this easement for noncompliance with the conditions of this easement, the provisions of the administrative rules governing the granting of easements, and/or any lawful requirement by a regulatory agency of this STATE.
12. If this easement authorizes the use of state-owned submerged and/or submersible land:
  - a) Construction in navigable waters shall conform to the standards and specifications set by the U.S. Army Corps of Engineers and the U.S. Coast Guard for the use authorized by this easement.

- b) Any blasting which may be necessary, or in-water placement, maintenance, or repair of the authorized use shall be performed according to the laws of this STATE, including strict adherence to Oregon Department of Fish & Wildlife in-water work windows.
- 13. GRANTEE shall pay to GRANTOR the current market value, as determined by GRANTOR, for any unnecessary and non-approved damages to state-owned lands caused by construction or maintenance of the easement.
  - 14. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the easement area or STATE by the assessing agency.
  - 15. GRANTEE shall use the authorized easement area only in a manner or for such purposes that assure fair and non-discriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin.
  - 16. GRANTEE shall ensure that all state, federal and local permits are consistent and compatible with this authorization prior to work commencing.
  - 17. If a crossing listed in this easement is later found to have a valid easement from the GRANTOR, then the easement with the latest expiration date will be the “prevailing easement.”
  - 18. This easement is freely transferable. However, no transfer may increase the burden on the easement area or detract from the value of the underlying state-owned land.

*[remainder of page intentionally left blank]*



STATE OF OREGON DEPARTMENT OF TRANSPORTATION  
WILLAMETTE RIVER  
64044-EA  
Page 4 of 5

**CERTIFICATE OF APPROVAL OF CONVEYANCE  
(ORS 93.808)**

State of Oregon, by and through its Department of Transportation, Grantee, hereby approves and accepts, pursuant to ORS 93.808, the grant of an interest in real property from State of Oregon, by and through its Department of State Lands, Grantor, as described in the instrument to which this Certificate is attached.

A copy of this Certificate may be affixed to, and recorded with, the instrument described above.

DATED this 10<sup>th</sup> day of April, 2025.

State of Oregon, by and through its  
Department of Transportation,  
Grantee

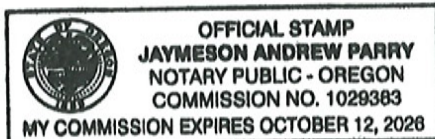
By: [Signature]

Name: Grant Casebeer

Title: Right of way and Utilities Manager

STATE OF OREGON           )  
  ) ss.  
County of Multnomah )

On this 10<sup>th</sup> day of April, 2025, before me personally appeared Grant Casebeer, who being duly sworn stated that he/she is the Right of way & Utilities Manager of Oregon Department of Transportation, Grantee, and acknowledged the foregoing instrument to be the voluntary act of said Grantee and that he/she executed the foregoing instrument under authority granted by said Grantee.



[Signature]  
NOTARY PUBLIC FOR OREGON  
My commission Expires: 10/12/26



# Exhibit A-1

Page 1 of 2

File 9779033  
Drawing RW9470M  
7/30/2021

## Permanent Easement for Highway Right-of-Way Purposes

A parcel of land lying in Section 34, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County, Oregon; the said parcel being all state-owned submerged and submersible land lying below the lines of ordinary low-water line on the Easterly bank of Willamette River and included in a strip of land variable in width located on the Easterly side and Westerly side of the center line of the relocated Eastbound lane of the Pacific Highway, which center line is described as follows:

Beginning at Engineer's center line Station "NE" 2+39.09, said station being South 7,597.47 feet and West 1,054.57 feet of the Northeast Corner of Section 27, Township 1 North, Range 1 East, Willamette Meridian; thence South 21°38'11" West 1.19 feet; thence on a spiral curve left (the long chord of which bears South 18°24'38" West, 219.72 feet) 220.00 feet; thence on a 651.09 foot radius curve left (the long chord of which bears South 47°50'07" East, 1,125.34) 1,358.90 feet; thence on a spiral curve left (the long chord of which bears South 27°18'25" East, 219.72 feet) 220.00 feet; thence North 62°41'35" East 226.23 feet to Engineer's center line Station "NE" 22+65.41, said station being South 8,369.02 feet and East 111.34 feet of the Northeast Corner of Section 27, Township 1 North, Range 1 East, Willamette Meridian.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
"NE" 3+95.00		"NE" 10+15.00	22.00

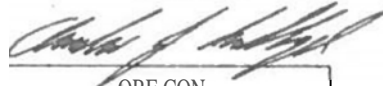
The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
"NE" 3+80.00		"NE" 4+09.00	24.00
"NE" 4+09.00		"NE" 4+13.00	24.00 in a straight line to 53.50
"NE" 4+13.00		"NE" 5+47.00	53.50 in a straight line to 33.50
"NE" 5+47.00		"NE" 6+29.00	33.50 in a straight line to 27.00
"NE" 6+29.00		"NE" 10+65.00	27.00

Bearings are based on the Oregon Coordinate Reference System - Portland Zone, NAD 83 (2011) epoch 2010.00.

This parcel of land contains 32,080 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



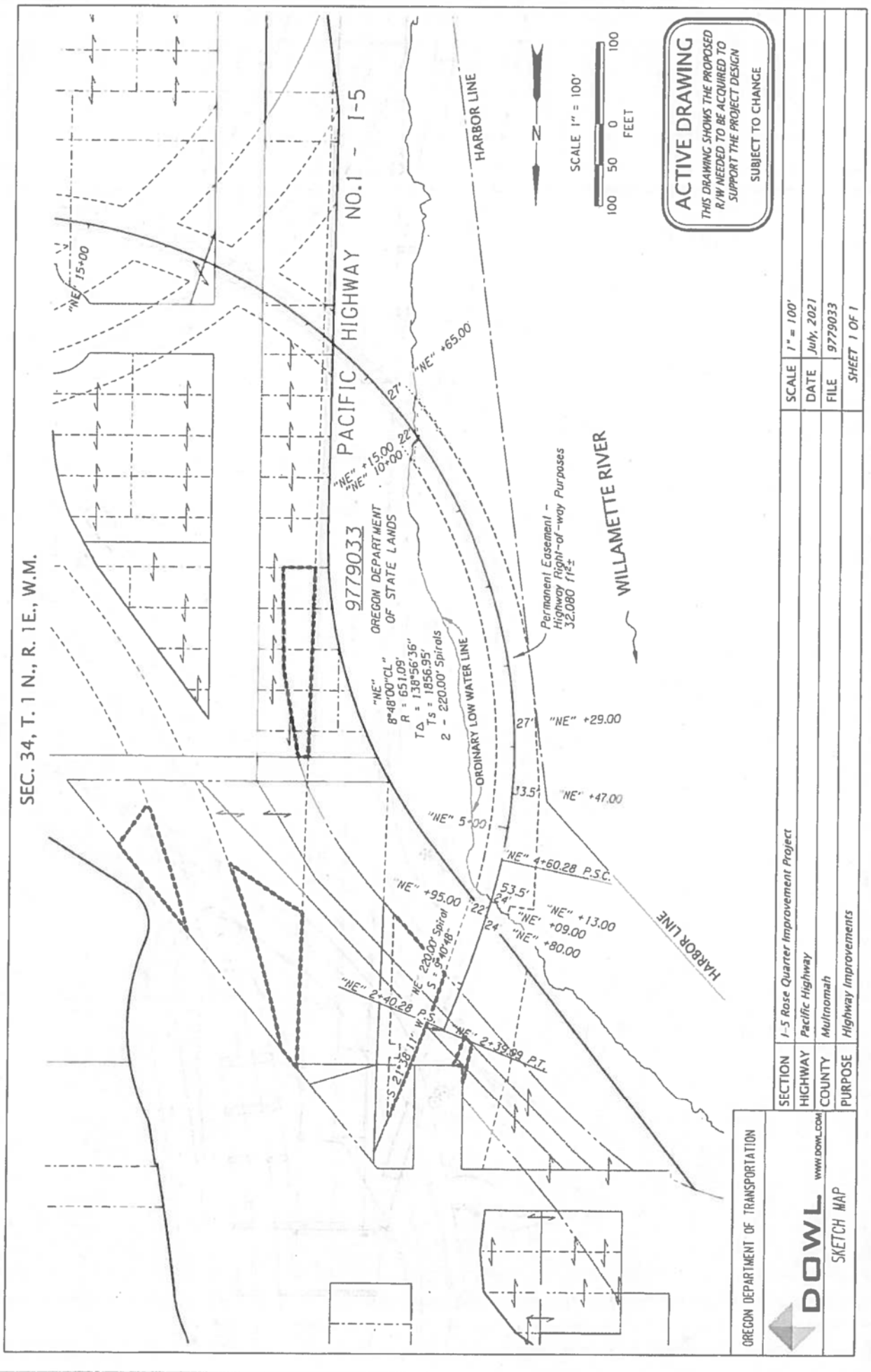
ORE.CON  
MAY 12, 2011  
ANDREW JOSEPH SILBERNAGEL  
•79198

RENEWS: JUNE 30 2022

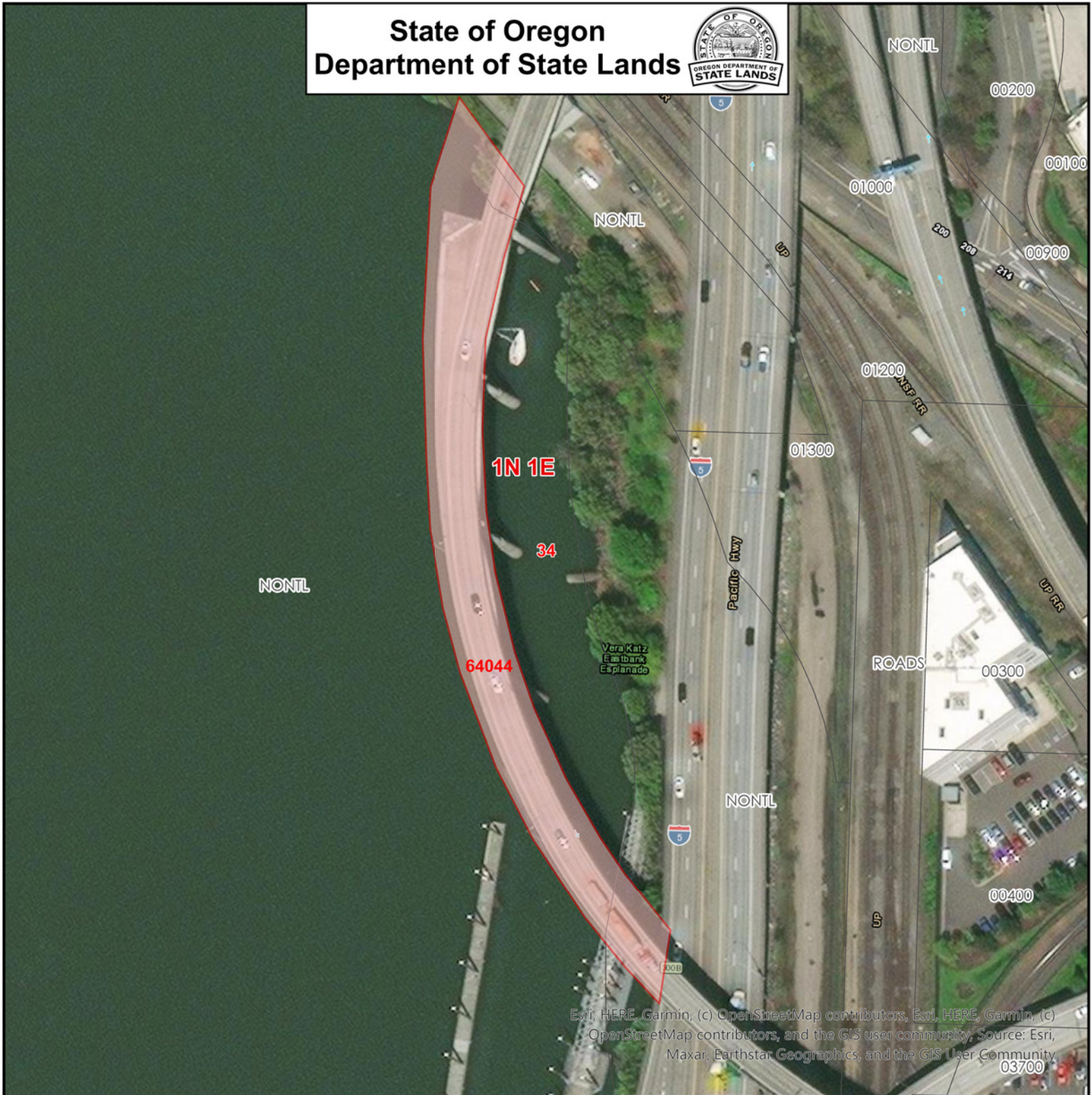
SIGNED: 0/3/11°f:-...L

# Exhibit A-2

SEC. 34, T. 1 N., R. 1 E., W.M.



State of Oregon  
Department of State Lands



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community 03700

**Exhibit A-3**

**64044-EA Easement**  
**Township 1N, Range 1E, Section 34**  
**Multnomah County**  
**32,080 Square Feet (0.7364 Acres)**

 Easement Area

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. 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 50 100  
Feet



Map Projection:  
Oregon Statewide Lambert  
Datum NAD83  
International Feet

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Salem, OR 97301  
503-986-5200  
[www.oregon.gov/DSL](http://www.oregon.gov/DSL)  
Date: 11/20/2024



Map Producer: russell





# Oregon

Tina Kotek, Governor

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### State Land Board

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Governor

Tobias Read

Secretary of State

Elizabeth Steiner

State Treasurer

## M E M O R A N D U M

Date: June 10, 2025

To: Governor Tina Kotek  
Secretary of State Tobias Read  
State Treasurer Elizabeth Steiner

From: Vicki L. Walker  
Director

Subject: Geologic Carbon Sequestration – June 2025 Project Update

Oregon's Department of Geology and Mineral Industries (DOGAMI) has been examining opportunities for storing carbon dioxide in underground rock formations in a process known as geologic carbon sequestration. Carbon sequestration is the process by which carbon dioxide is removed from the atmosphere and permanently stored, an action that has been identified as integral to reducing global climate change. Carbon sequestration reduces the amount of carbon dioxide in the atmosphere and can generate revenue through the sale of carbon credits, fee-based programs, or other funding mechanisms.

Northeast Oregon's Columbia Basin has been recognized by the U.S. Geological Survey as an area of geologic carbon sequestration study and opportunity – one of two in the Pacific Northwest. There is an opportunity for interagency collaboration on contributing to climate goals and diversifying revenue, as DSL owns the surface and subsurface rights for sixteen parcels totaling 1,558 acres within the opportunity area.

In October 2024, DOGAMI provided the State Land Board with an overview of geologic carbon sequestration in Oregon; in December 2024 DOGAMI provided an overview of a potential project, including goals for community engagement.

Today, DOGAMI staff will provide an update, focusing on near-term engagement efforts.



# Oregon

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Secretary of State

Elizabeth Steiner

State Treasurer

## M E M O R A N D U M

Date: June 10, 2025

To: Governor Tina Kotek  
Secretary of State Tobias Read  
State Treasurer Elizabeth Steiner

From: Ellie Forness, Government Relations Manager

Subject: 2025 June Legislative Update

The Department of State Lands is tracking several agency priority bills for the 2025 Legislative Session and will provide an update on status during today's State Land Board meeting.

### **Priority Bills for 2025**

#### **HB 5539: The Department's budget bill.**

HB 5539 was the first agency budget bill to move out of the Joint Committee on Ways and Means Subcommittee on Natural Resources. The bill passed out of the subcommittee with a unanimous vote and no discussion. The bill received strong bipartisan support throughout the legislative session.

*Disclaimer: At the time of writing this memorandum the 2025 Legislative Session is still occurring, and we do not know the outcome of HB 5539.*

**Senate Bill 165 A: Clears title to historically filled lands by removing ownership uncertainty for private landowners while retaining future opportunities for public ownership of high-value lands.**

SB 165 A received strong bipartisan support in both Senate and House policy committees and floors. The bill has been signed by Governor Kotek.

**Senate Bill 793 A: Allows fair payment for easements in the territorial sea, ensures fees cover the cost of issuing those easements; gives the Department rulemaking authority.**

SB 793 A is currently awaiting a work session in the Joint Committee on Ways and Means due to the fee authority it provides the Department. This bill has a minimal fiscal impact that can be absorbed using existing resources.

*Disclaimer: At the time of writing this memorandum the 2025 Legislative Session is still occurring, and we do not know the outcome of SB 793 A.*

**Senate Bill 795 A: Promotes efficiency in Oregon's Abandoned & Derelict Vessels Program; implements community-supported fixes for effectively addressing the problem of hazardous vessels in publicly owned waterways.**

SB 795 A is the first Department bill to move through the full legislative process for the 2025 legislative session. The bill received strong bipartisan support in the Senate chamber and passed the House unanimously.

**Senate Bill 74 A: Improves the process for declaring rivers to be Oregon-owned.**

SB 74 A received strong bipartisan support in the Senate and House chambers. The bill has now been signed by Governor Kotek.

**Senate Bill 147 B: Housekeeping to more efficiently manage the Elliott State Research Forest.**

SB 147 B moved through the Joint Committee on Ways and Means Subcommittee on Natural Resources with a unanimous vote and the Full Ways and Means Committee and the Senate Floor with strong bipartisan support.

*Disclaimer: At the time of writing this memorandum the 2025 Legislative Session is still occurring, and we do not know the outcome of SB 147 B.*





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## State Land Board

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Governor

Tobias Read

Secretary of State

Elizabeth Steiner

State Treasurer

## M E M O R A N D U M

Date: June 10, 2025

To: Governor Tina Kotek  
Secretary of State Tobias Read  
State Treasurer Elizabeth Steiner

From: Vicki L. Walker, Director

Subject: Director Updates

During this time, the Director will provide additional informal updates on agency activities as part of the Director's Update.



# Oregon

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## State Land Board

***NOTE – Agenda Item 10 is now an informational item***

## State Land Board

**Regular Meeting  
June 10, 2025  
Agenda Item 10**

Tina Kotek

Governor

Tobias Read

Secretary of State

Elizabeth Steiner

State Treasurer

### **SUBJECT**

Department of State Lands Director appointment.

### **ISSUE**

The State Land Board's appointment of the Department Director.

### **AUTHORITY**

- ORS 273.161(1); Appointment of Director of Department.

### **BACKGROUND**

In December 2024, Department of State Lands Director Vicki L. Walker formally notified the State Land Board of her intent to retire June 30, 2025. By statute, the State Land Board shall appoint a Director of the Department of State Lands to serve for a term of four years (ORS 273.161 (1)).

On February 27, 2025, the Land Board approved a recruitment framework for the Director position and delegated authority for implementing a recruitment process to identify a final candidate or candidates to Geoff Huntington as Governor Kotek's Land Board Assistant and Senior Natural Resource Policy Advisor.

The final recruitment plan and timeline are available on the Department's [Director recruitment webpage](#). The recruitment process sought multiple perspectives on the Department's next Director and included candidate conversations with state staff; representatives of communities and organizations the Department works and partners with; Tribal leaders; and each individual Land Board office.

Today, Mr. Huntington will provide an update.