OAR 141-082 Rulemaking Public Comments and Agency Responses

Comments & Agency Response

The comment period was open from July 1, 2025, to August 15, 2025, at 5:00 PM. The Department held six public rule hearings (two virtual and four in-person). Fifty-one written comments were received in total; 23 of those comments were regarding the definition of floating recreational cabin (commonly referred to as “duck shacks”) and the inclusion of the term stiff boom. All oral comments were submitted as written comments.

Please note that comments are presented in the order they were received by the Department, with most recent comments listed first and all floating recreational cabin and stiff boom comments grouped together. Comments that were received via PDF are attached at the end of the document.

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Ron Schmidt – August 15 (via email)

Comment:

You have an opportunity to remove a horrible burden that could bankrupt Oregon residents and businesses through no fault of their own. Either don’t hold your submerged lands lessees responsible for the removal of derelict vessels which floated into the leasehold areas from your waterways (either due to or not due to your non enforcement of your own laws regarding transient boats) OR allow the same funds you use to remove derelict vessels on your non leased submerged lands be used to remove derelict vessels on ALL your submerged lands including those leased.

It would make sense to hold the lessee responsible for a derelict vessel arising out of their operations but not to hold them responsible for something not of their own doing.

The State with all its resources is much more able to take a hit like Portland Yacht Club did a few years ago when a derelict vessel floated into their facilities. It cost them over $100,000 and should have never happened if the laws were being upheld on transient boats. That $100,000 bill would bankrupt or severely hinder most of your lessees.

If it’s good for the goose, it should be good for the gander. Protect all DSL submerged lands from derelict vessels sinking but for the direct negligence of the lessee.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. Lessees are given exclusive use of state-owned submerged and submersible land and therefore have an obligation to maintain those lands in good condition. Ensuring derelict or abandoned vessels are removed upon notice from the Department is one of the conditions a lessee must consent to, to maintain that right. Submerged Land Enhancement Funds are available to assist with the removal, salvage, and disposal of abandoned and derelict vessels and are dispersed on a biannual basis.

Dale Mack, dock owner – August 15 (via PDF letter)

Comment:

See Attachment A

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. Please note that the Submerged Lands Enhancement Fund fee is not subject to an annual increase of 5% per year. And your authorization type, a waterway registration, would not be subject to the proposed fee. The increased fees also reflect an increase in the cost of conducting state business. The removal of trees from upland properties is not within the authority of the proposed rulemaking to the Department. Your local planning authority is better suited at handling this concern. A portion of the increased fees will be reserved for use in the Submerged Lands Enhancement Fund, to be dispersed biannually as grant funding for projects that enhance and protect state-owned submerged and submersible lands.

Richard Litts – August 15 (via email)

Comment:

I wish to comment on the proposed lease fee update. I live on North Tenmile Lake in Coos County near Lakeside. I am also retired from the Tenmile Lakes watershed council. I worked as the watershed biologist.
During my 10+ years of work, I saw almost no money returned to the Tenmile Lakes for water quality enhancement. For several years there was a few hundred dollars spent per year to help test for toxic algae, and I can't think of anything else. These lakes produce thousands of dollars in DSL fees, yet we see almost no benefit to our water from that money.
If this fee increase is simply to make more money for admin to keep track of the extra money coming in, then I am totally opposed to this increase.
I would like to see an addition to this rule change that requires a certain amount of money be spent on the areas where the money is collected from.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business. A portion of the increased fees will be reserved for use in the Submerged Lands Enhancement Fund, to be dispersed biannually as grant funding for projects that enhance and protect state-owned submerged and submersible lands.

Victor Alvarado, dock owner – August 15 (via online form)

Comment:

As a dock owner who takes pride in maintaining safe, environmentally sound access to the river, I oppose the adoption of OAR 141-082 in its current form. While I support reasonable oversight and stewardship of our waterways, this rule imposes new burdens on responsible dock owners without offering clear, proportional benefits.
The fee structure, though labeled as “manageable,” adds recurring costs that penalize those of us who already invest time and resources into dock upkeep. It risks discouraging private stewardship by shifting more financial responsibility onto individuals who are already doing their part.
Moreover, while the rule references bank erosion techniques and river dredging, it lacks concrete commitments to ensure these efforts are consistently funded and executed. Without guaranteed removal of hazardous logs and debris, dock owners remain vulnerable to damage—despite paying higher fees.
I urge the Department to revisit this rule with meaningful input from dock owners, ensuring that any regulatory changes truly support safety, environmental health, and fairness.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business. A portion of the increased fees will be reserved for use in the Submerged Lands Enhancement Fund, to be dispersed biannually as grant funding for projects that enhance and protect state-owned submerged and submersible lands.

Jeff Ingebrigtsen, Paradise Moorage – August 15 (via PDF letter)

Comment:

See Attachment B

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business.

Real Market Value is calculated for individual properties and maintained by professionals to specific standards and is what the Department currently uses to determine land value. By using objective, third party data like RMV to calculate rent, establishing new minimum and maximum rates, and limiting rent increases at renewal, the Department can create a sustainable program that produces rents which compensate the public fairly for the use of public land.

Janet Webster, Front St. Marine, LLC – August 15 (via PDF letter)

Comment: *See Attachment C*

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration.

Phil Evans, Oregon Yacht Club, Commodore – August 14 (via PDF letter)

Comment: *See Attachment D*

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business.

Real Market Value is calculated for individual properties and maintained by professionals to specific standards and is what the Department currently uses to determine land value. By using objective, third party data like RMV to calculate rent, establishing new minimum and maximum rates, and limiting rent increases at renewal, the Department can create a sustainable program that produces rents which compensate the public fairly for the use of public land.

Chris Sumpter, private dock owner – August 10 (via online form)

Comment:

I disagree whole heartedly to these costs!! The State of Oregon has no additional yearly costs imposed on them by a private dock. This increases "Tax" is taxation without representation.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking.

Bridghid McMonagle – July 27 (via online form)

Comment:

I do not think paddle boards should have to be licensed. I do not think homeowners with docks should pay fees. We already pay very high property taxes. Please start using the tax dollars you have more efficiently. Also, homeowners that purchased before wakesurfing rule changes should be grandfathered in and be able to wakesurf in front of their homes. The Willamette jet boats blasts through several times a day creating a very large wake. Thank you.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking.

Ron Schmidt, president Waterfront Organizations of Oregon (WOOO) – July 26 (PDF via email)

Comment: *See Attachment E*

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business.

Real Market Value is calculated for individual properties and maintained by professionals to specific standards and is what the Department currently uses to determine land value. By using objective, third party data like RMV to calculate rent, establishing new minimum and maximum rates, and limiting rent increases at renewal, the Department can create a sustainable program that produces rents which compensate the public fairly for the use of public land.

Lauren Hesse, resident in Lane County with licensed dock – July 22 (via online form)

Comment:

I do not know the impact of this update on our property but have related concerns:
1) our neighbor has had a dangerously-insecure excess of attachments (rope-tied broken dock parts) added to his dock for the last 2-3 years. We made multiple phone calls and emails to various agencies we were told to contact and never got a response. The neighbor's dock attachments easily could have damaged our dock and property. We, as licensed dock owners, deserve contact info that would respond in a timely manner. What is that? Who is it? How to contact?
2. We also paid the higher rate this year for our dock licensing. Our neighbor has now enlarged his dock using working individuals who did not seem to know what they were doing. The larger dock is convex, sloping upwards in center, and the boards nearly touch the water. We do not trust that it is safe and wish the OD of Land Use were more vigilant in checking such property.
3. At least two neighbors have pillars that are atilt and/or rotten, and should be replaced or removed for the safety of neighboring properties and river-goers. Who does this? How to contact?
These docks are about 1-2 miles upriver from the Port of Siuslaw, Mapleton.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking. Without more specific location data, the Department cannot follow up with any enforcement issues. Please reach out to the Proprietary Coordinator for your county (link) about the docks and pilings in question. You may also contact your local city or county code enforcement office, to see if there are any city or county ordinance violations.

Brian O'Halloren – July 21 (via public hearing)

Comment:

We are unable to find an insurance company to insure the duck shacks. We just can't do it. We had Red Shield, but they said, We're not insuring anymore, and no other insurance company would do it. But we do have it named in our personal umbrella for our homeowners. Insurance.

Would that suffice for you guys if we had a State farm, or all State or Chubb that said, yes, that's covered for liability in your personal umbrella.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking. Please reach out to the Proprietary Coordinator for your county (link) if you're having trouble obtaining insurance. The Department, if needed, can work with the Department of Administrative Services, Risk Management to identify an insurance underwriter(s) who can provide you with the appropriate insurance policy.

Sarah Nebeker – July 21 (via email)

Comment:

I do not support any increase in waterway leases. It already increases 3% per year.
I received a comment card re: possible increases in the leases to track with inflation.
As for simplifying the process for payment, I can support this but I have a waterway lease and do not support any increase in the yearly leases other than what I entered into originally by contract.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration.

Tom Tomczyk, Home owner, boat owner – July 21 (via online form)

Comment:

This regulation is way too broad and should not apply to very small structures, docks and floats etc. under 250-300 square feet unless said structure protrudes into the active use portion of the waterway. This would be consistent with rules in other states such as Minnesota where there are literally hundreds of thousands of docks on many thousand of lakes and rivers. Permits are only needed when a structure presents a hazard to navigation. At the very least there should be No fees charged for very small structures and docks etc.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration.

Scott Willi – July 20 (via email)

Comment:

I have a dock on Recreation Creek on Klamath Lake. I launch my kayak from it to fish on the lake 3 times a year. Please do not increase my really high dock fees. I already pay a lot for just having a small personal dock. These increasing fees are killing me..

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration.

Dale Patton – July 14 (via email)

Comment:

Rules are not much good when the weed problem is so bad. My boat hasn't left the dock in a month and won't till late fall when the lake rises. It's a state lake that is rapidly becoming unusable.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration.

Ann Migliaccio – July 14 (via email)

Comment:

We have a "small private structure on submerged land" and are currently paying $250.00 for the term of five years.
In the summary data sheet it stated that the increased fee, $400.00, is "to reflect staff time required to process applications." This represents a 62% increase which we find quite high. I assume there would be more paperwork with a new application for the staff to process but for renewals with no changes seems expensive. I don't recall if we are able to renew the permit online with no human interaction or not. However if there is a simple online renewal printing a report/s doesn't appear to take much staff time.
Please reconsider this fee for renewals.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business, including managing the online portal for submitting applications and payment.

Brian C. Smith – July 12 (via email)

Comment:

I have a dock at 14835 SE River Forest Drive 98267. Your notice seems to indicate that this is another State effort to increase taxes on Oregonians. We all know the State has a problem with bloat, waste and inefficiency and increasing fees will only further cement the ineffective bureaucracy.

The existing Waterways Registration system for boathouses and docks is an acceptable inconvenience for property owners. Converting the Waterway Registration to another Property Tax will only price out Oregonians and ensure that only Californians or AirBnBs will be able to afford to reside along our scenic waterways.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business, including managing the online portal for submitting applications and payment.

Randy Morgan – July 11 (via email)

Comment:

First of all you do not provide enough information for floating home owners to know how this proposed change will affect them.
How could we possibly know as home owners the numbers you are using in your formula? You also only show percentage increases and do not provide what the current rates even are. As well you post maximum proposed rates, but nothing about what current maximums are … This means there is no way for us to know what the increase will be compared to current rates charged to the marina owner where we live, but no doubt it is going to result in an increase which will be passed on to the residents of the marina. Moorage owners in the area have already raised rental / lease rates to a barely tolerable level so much so that many people are having to sell their homes and move out of the marinas. We are not all rich cash cows in fact many of us are on fixed incomes which are not increasing near enough to compensate for these increases in living cost.

I say look elsewhere for your riches as like everything else you disguise this as a fee to a business, but in reality it is yet another way to tax the working man without calling it a tax. Any imposed fee is nothing more than a tax in sheep's clothing .. so I say absolutely not. The state and in fact all of government should spend what they are given more responsibly .. read my lips "No New Taxes!"

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. If you are interested in learning how the new rent formula will affect your lease, please send an email to dsl.rules@dsl.oregon.gov with your lease information and someone will respond with the relevant information. Currently there is no maximum rent set in rule. You can find the current rates, fees and formulas published on the Department's website here. A comparison table can be found in the summary sheet here.

Jim Moulton – July 10 (via email)

Comment:

I received a card for comments on rates for docks, floating homes, etc. If you raise rates, what will you do differently, from what I see, nothing has been done, except take the floating toilets off the lake. There's no enforcement for wake boarder, jet skies, etc. They tear up docks, boat houses. I would like to see where the money goes, other than wages. The lake has such a difference in water level, it's hard on floating structures. One feeble attempt to regulate it was an expensive failure.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. For questions about the operation of wake boards, jet skis, and boats on Oregon's waterways you can contact the Oregon State Marine Board here.

Steve Harkins, West Hayden Island Moorage – July 10 (PDF via email)

Comment: *See Attachment F*

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business.

Real Market Value is calculated for individual properties and maintained by professionals to specific standards and is what the Department currently uses to determine land value. By using objective, third party data like RMV to calculate rent, establishing new minimum and maximum rates, and limiting rent increases at renewal, the Department can create a sustainable program that produces rents which compensate the public fairly for the use of public land.

Jenny Johnson – July 9 (via email)

Comment:

The fee increase seems to be quite excessive. I am affected by two of them. One will be raised 42.8% and the second one 60%. Inflation has ranged between 2.4% - 3.4% since 2023. These huge increases are hurting the people who use and love the waterways of Oregon. I would encourage looking elsewhere for invasive species funding. Perhaps your agency needs a spending audit?

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business.

WM and Glenda Hales – July 6 (via email)

Comment:

I strongly oppose any increase in fees for waterway leases, licenses, registrations. Since 2005 my family has been paying dock lease fees, and the fees for 5 yr. Lease were $125, now they are $250. The fees hav increased $125 in 20yrs.. the projected inflation rate for 2025 is 3.2%, the inflation rate for 2024 was 2.4%. The lease fees hav increased MORE than inflation rate. How much can the Oregon taxpayer be burdened to payout for governmental fee increases? ODSL claims to need the changes to implement best practices to protect the health & safety of waterways. My question is what has ODSL done in the past years to protect health & safety of waterway's? I like the idea of simplifying the method for calculating the dock lease rates, but I feel this may be a coverup to increase the fees. ODSL makes a last reason for fee hikes and changes, "require financial assurances, and more." In my opinion ODSL wants more money, I don't see where ODSL has been a good steward of the money the taxpayers have given them.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The increased fees reflect an increase in the cost of conducting state business.

Amber Meske – July 6 (via email)

Comment:

I vote to keep waterway leases, licenses and registrations the same.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking.

Steven Swenson, Mercer Lake Homeowners – July 6 (via online form)

Comment:

I recently received the notice soliciting input on proposed increases for private docks on waterways, specifically an increase from $250 to $400 for family sized docks under 1,000 sq ft. The reason given is to offset the increased processing costs of renewing registrations.

This is ridiculous! We receive Absolutely NO SERVICES for our existing fees paid. As an example, the residents of Mercer Lake have reached out to various state agencies in recent years to solicit help removing derelict docks and dock debris that have washed up on the show and clogged the creek between Mercer and Sutton Lakes, making it impassable and increasing the flood risks. We have been told this is either not a priority or not a service provided by the state, county, Marine Board or any other government entity. We have taken it upon ourselves to remove decades of debris in the range of 5-7 tons using volunteer labor and paying for the removal and disposal of this litter. If/when the state were to step up and lead this effort, I would gladly pay for an increase in our fees. Until then, to leverage a 60+% increase as increased administrative costs is absurd.

Concerned residents of Mercer Lake.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking. The increase in fees and rates in this rulemaking are to cover the inflationary increases in the cost of conducting state business. The rulemaking also includes a new fee that will fund projects with the purpose of enhancing Oregon-owned waterways.

Matt Meske – July 6 (via email)

Comment:

I believe the rates and methods are adequate and are priced accordingly. There are enough rising costs and I believe we don't need to raise fees just because everything else is expensive. I'm certain that the current structure was believed fair and reasonable and we don't need to change anything.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking.

Donald Palomaki, retired gillnet fisherman – July 5 (via online form)

Comment:

I own a boat house on the Columbia river in Wallace slough, about a 1000 ft west of the mouth of the Clatskanie river. I've had a permit from the County since the early 1960's. Also paid for a permit when the state decided they wanted money. I'm not reading 50pages of whatever. I'm against the state taking away more rights and property. Current administrations have closed employment in the fishing industry and replaced us with alien seals and sea lions. If the state wants to do more damage to the citizens I guess they will do it. I'm against whatever they are trying now.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking.

Stanley Petrowski, South Umpqua Rural Community Partnership – July 1 (via online form)

Comment:

As a community nonprofit organization the water leasing process has become a critical component in our habitat restoration projects and agricultural upgrading work. Raising the fees for participating in important tool is going impede many of our options to lease valuable water rights. Don't raise the fees.

Agency Response: Thank you for submitting a comment; the Department appreciates your interest in this rulemaking and will take your comments into consideration. The proposed rules do not include changes to water rights nor will they affect any fees associated with obtaining a water right. The increased fees reflect an increase in the cost of conducting state business.

Floating Recreational Cabins and Stiff Booms

Note: While the following written comments are either about floating recreational cabins ("duck shacks"), stiff booms, or both, none of the written comments are identical (i.e., form letter). However, the comments are similar enough in nature that the Department has provided one agency response for these comments.

Agency Response: The Department thanks these individuals for submitting their comments and appreciates their interest in this rulemaking. Based on public comment, the Department has decided to retain the current definition of floating recreational cabin, add a definition for stiff boom, and include stiff booms in the list of things excluded from the total square footage for registered structures.

Kristian Hellberg, floating recreational cabin owner – August 15 (via online form)

Comment:

I am a party of interest in a "Floating Recreational Cabin" on the Lower Columbia River. The Duck Shack has been in our family for 3 generations and is planned to continue to be passed down in the family.

I am writing to oppose the proposed changes to the definition of a "Floating Recreational Cabin." The current definition is sufficient and well-understood. The proposed revisions offer no clear benefit and instead introduce confusion by blurring the line between "Floating Recreational Cabin" and "Floating Home."

This proposed change risks confusion, misclassification, and unintended regulatory consequences for leaseholders and registrants.
Thank you for your consideration.

Tim Nelson, floating recreational cabin owner – August 15 (via online form)

Comment:

I am writing to oppose the proposed change to the definition of "Recreational Floating Cabin" (RFC). Our family maintains interest in a four-generation cabin, established on the Lower Columbia River in 1939, and is a Department of State Lands registered floating recreational cabin.

I am writing to oppose the proposed change to the definition of "Recreational Floating Cabin" (RFC). The existing definition is adequate. The proposed rules do not provide justification for altering the definition or an explanation of any operational, regulatory, or enforcement need for such a change. There is no benefit to changing the rules. Revising the definition is completely unnecessary. The rule change will just create a lot of confusion.

The use of "stiff booms" or "protective booms" is a necessary component for mooring certain recreational floating cabins in tide zones to extreme wind/weather on the lower Columbia River. Our float house has three piling and a stiff boom dock that is not part of the float house footprint.

Changing this rule will significantly reduce the size of habitable space and utility of our float house. In my opinion, this is a partial taking of the value and utility of our leasehold estate and may result in emanant domain litigation. Stiff booms should not be considered part of the square footage of recreational floating cabins, especially for existing float houses with stiff booms. These structures have historically been excluded from square footage calculations; however, I recommend clarifying the language in OAR 141-082-0265(3)(b) to explicitly exclude “stiff or protective booms” from the calculation. This can be accomplished by revising OAR 141-082-0265(3)(b) as follows:

Uses and structures requiring registration are: Floating recreational cabins of 1,500 square feet or less; measurement excludes calculation of associated pilings, dolphins, recreational use mooring buoys, and stiff or protective booms.

Douglas Heater, floating recreational cabin owner – August 15

Comment:

My comments are related to our family owned floating recreational cabin, in Woody Island on the Columbia River, within the Lewis & Clark Wildlife Refuge. There is a small number of floating recreational cabins within the Wildlife Refuge, numbering less than 50. These remote cabins support our recreational activities on the Refuge and the surrounding Columbia River. Our structure was originally built about 70 years ago, we are the second owner of this structure. This shows how valued the families deem these structures for their unique historical and practical use for our recreational activities.

Under “need for the rules” on page 2, we would like to comment on #4, and requirements concerning the condition of waterway structures. While older cabins such as ours, still provide adequate storage of fishing, hunting, and recreational gear, they also provide shelter from the elements of weather and provide heat for drying gear, bbq and smokers, and cooking means, as well as living quarter’s. Which bring up our next concern.

Under “Definitions” 141-082-0255 on line 29 “Floating Recreational Cabin”, this has to be a mistake of definition and reference to (nor) that has been added. How can you take away cooking, bathing, toilet, or heating? This would be effectively eliminating every recreational cabin on the Refuge, perhaps more elsewhere. I cannot envision what your recreational cabin description would look like, and would not be practical for any use. If these type of changes go thru, we will be financially harmed.

Our cabin being on a Federal Wildlife Refuge, as related to application reviews by division of state lands should consider the Threatened and endangered resources disturbance within our cabin area as very low impactable with our recreational cabin activities, as compared to the commercial and industrial user your new rules making is addressing.

Under financial assurance requirements on 141-082-0336, relating to #1, 3, 4. we are concerned due to small numbers of recreational cabins on the Lewis & Clark Refuge, finding a firm or getting access to insurance providers for the stated requirements may not be available in our market. Currently around the country, insurance carriers are dropping homeowners owners insurance coverage, what can the state offer to assist us in adherence to this? My brother just had his home insurance canceled in clatsop County, after 40+ years with carrier, and no claims. This problem will occur.

My comments again are pertaining to our recreational cabin activities, if rules on our cabin change us to something other than a recreational cabin, we have a much broader concerns on proposed changes. We agree that fees need to be changed to keep up with inflation.

We concur and agree to “registration Fees” 141-082-0335 line d changing the fee to 1,000.

In review of 51 pages of proposed changes, it’s well more for a regular citizen to take in, and I may have misunderstood some of the confusing wording, but it should noted, we understand the broad waterway system your trying to address in one document, we just hope to not get stepped on, due to our understanding of proposed rule changes. We hope more clarity and assistance is available before final rules are implemented.

Nolan Johns, floating recreational cabin owner – August 15 (via email)

Comment:

We are owners of a Department of State Lands registered floating recreational cabin on the Lower Columbia River. I have used this cabin since my childhood for duck hunting and fishing with my father, I hope to use it soon with my children. This “shack” is an important part of our family history.

I am writing to oppose the proposed change to the definition of “Recreational Floating Cabin” (RFC). The existing definition is adequate. There is no reason to change the definition. I don’t see any benefit to changing the rules. Revising the definition is completely unnecessary. In my opinion the change will just create a lot of confusion.

The use of “stiff booms” or “protective booms” is a necessary component for mooring many recreational floating cabins on the lower Columbia River. Our footprint is very small. Changing this rule will significantly reduce the livable area of or float house to the point it is almost useless. Stiff booms should not be considered part of the square footage of recreational floating cabins. These structures have historically been excluded from square footage calculations. I recommend clarifying the language to explicitly exclude “stiff or protective booms” from the calculation.

Ed Wallmark, floating recreational cabin owner – August 15 (via email)

Comment:

Thank you for the opportunity to comment on the proposed rule and rate changes effecting duck shack owners. My name is Ed Wallmark and I've had the privilege of using a duck shack off Tenisillie Island since around 2010. I want to state on the record that I agree with everything stated on the letter sent by John North dated on 8/12/25. I also support the statements made by Ryan O'Halloran during the public hearing process. These rules as drafted would basically render all duck shacks useless. I would rather see the DSL focusing thier efforts on cleaning up all the derelict vessels along the Willamette and Columbia Rivers. Thanks again for the opportunity to comment

Jay Nelson, floating recreational cabin owner – August 15 (via email)

Comment:

I am an owner of a Department of State Lands registered floating recreational cabin on the Lower Columbia River. My grandfather built this cabin in 1939 and past it down to my father, then my father passed it down to my family and kids.

I am writing to oppose the proposed change to the definition of "Recreational Floating Cabin" (RFC). The existing definition is adequate. The proposed rules do not provide justification for altering the definition or an explanation of any operational, regulatory, or enforcement need for such a change. There is no benefit to changing the rules. Revising the definition is completely unnecessary. The rule change will just create a lot of confusion.

The use of "stiff booms" or "protective booms" is a necessary component for mooring certain recreational floating cabins in tide zones to extreme wind/weather on the lower Columbia River. Our float house has three piling and a stiff boom dock that is not part of the float house footprint. Changing this rule will significantly reduce the size of habitable space and utility of our float house. In my opinion, this is a partial taking of the value and utility of our leasehold estate and may result in emanant domain litigation. Stiff booms should not be considered part of the square footage of recreational floating cabins, especially for existing float houses with stiff booms. These structures have historically been excluded from square footage calculations; however, I recommend clarifying the language in OAR 141-082-0265(3)(b) to explicitly exclude "stiff or protective booms" from the calculation. This can be accomplished by revising OAR 141-082-0265(3)(b) as follows:

1. **Uses and structures requiring registration are:** Floating recreational cabins of 1,500 square feet or less; measurement excludes calculation of associated pilings, dolphins, recreational use mooring buoys, and stiff or protective booms.

Brian O'Hollaren, Mark O'Hollaren, and Ryan O'Hollaren, floating recreational cabin owners – August 14 (via PDF letter)

Comment:

See Attachment G

Ed Fisher, floating recreational cabin owner – August 14 (via email)

Comment:

It has come to my attention that there are some potential changes in the definition of "Floating Recreational Cabins".
I find these proposed rules difficult to understand. The proposed definition in the new rules for FRCs as written would mean that most FRCs can not qualify as FRCs because they DO have "cooking, bathing, toilet or heating facilities".

Our cabin is used predominantly in the cold and wet duck season and is NOT hooked up to upland or shore-based utilities. Since Oregon DEQ and USF&G regulations control our cabins

usage, please reconsider the proposed rule change that restricts the use of heat, cooking, toilet and bathing facilities in our FRC cabins.

Douglas Sampson, partner Cliffton Athletic Club, LLC – August 14 (via email)

Comment:

I am writing to share my interest regarding some of the proposed modifications/rules changes to OAR 141-082: Leases, Licenses, and Registrations on Oregon-Owned Waterways. I am partner in an LLC of Clifton Athletic Club, we hunt and maintain a public use of a floating recreational cabin in the lower Columbia River which the founders of Bumble Bee tuna originally owned. The floating structure has been out on the Columbia river in one form or another since before the 1900's, so this topic is important to me and our members. Below I have expounded on some concerns and considerations:

141-082-0255: Definitions
Subsection (29): The proposed edits ("..nor equipped with cooking, bathing, toilet, or heating facilities") to the definition of a floating recreational cabin makes the structure useless and uninhabitable at certain times of the year. If that is your purpose, you would succeed in making these recreational cabins not worth having. The original definition of a floating recreational cabin was created to specifically address the unique structures in the lower Columbia River. Prohibiting cooking and heating sources would defeat the whole purpose of having the structure and create safety concerns if anything were to happen due to extreme cold weather conditions. I hope the State of Oregon is not looking to create hazardous situations on the river and to its citizens.

141-082-0335: Registration fees
Subsection (1)(d): The proposed increase in fees to the floating recreational cabins of $1,000 every five years is a little excessive for the limited access and work required to maintain these structures over the years. Our initial lease in 1999 cost $300 which when adjusted for inflation at 3% would be approximately $578 in 2025. The rate of inflation seems more than reasonable as a cost increase.

141-082-0336: Financial Assurance Requirements
Subsections (1-5 and 7): This proposed rule is unclear and very confusing to me. The terms such as "may require", "a form of", "acceptable to the department", "amount and type shall be determined by the department…and shall be reasonable", and "…subject to the department's acceptance" are not specific and subject to interpretation. If you are trying to undermine the owners of recreational cabins you have succeeded again. What is your purpose? How do people who have never used these structures even know the history, heritage value or meaning of the generational activities that have been passed down over the decades of legacy of the Columbia river.

Is the state just looking for another form of revenue?

As the holder of the authorization, as written, may require insurance of unknown cost which is not subject to public notification and I don't believe was satisfactorily addressed in the "Fiscal Impact Statement." The amounts of insurance that are already being required of some authorization holders is excessive (in terms of coverage expectations) considering the minor threat these structures pose to the State of Oregon and the environment.

Thank you for providing me the opportunity to comment on these proposed Administrative Rule changes. I hope you will consider my concerns from a floating recreational cabin owner's perspective.

Ryan Lampi, floating recreational cabin owner – August 14 (via email)

Comment:

My name is Ryan Lampi, and I am the owner of a duck shack/floating recreation cabin located in Mud Slough near Russian Island in Clatsop County. I am writing regarding OAR 141-082, and specifically the proposed change to the definition under OAR 141-082-0255 (32) – Floating Recreational Cabin. I am concerned that the proposed definition change would directly impact our shack and potentially render it unusable.

It is important to note that in the mid-1990s, we faced a similar situation. That issue was resolved through a Memorandum of Understanding between the U.S. Fish and Wildlife Service, the Oregon Department of State Lands, Clatsop County, and the owners of floating recreational cabins, houseboats, boathouses, docks, or floats within the Lewis and Clark National Wildlife Refuge. Given this prior agreement, I strongly believe our shack, and others in Clatsop County, should be grandfathered in and exempt from the new definition.

For reference, I have included the current and proposed definitions below:

Current Definition:
"(32) 'Floating Recreational Cabin' is a moored floating structure, only accessible by boat, used wholly or in part as a dwelling, not physically connected to any upland utility services (for example, water, sewer, or electricity), and used only periodically or seasonally."

Proposed Definition:
"(29) 'Floating Recreational Cabin' is a moored floating structure, only accessible by boat, used wholly or in part as a dwelling, not either physically connected to any upland utility services (i.e., water, sewer, electricity) nor equipped with cooking, bathing, toilet, or heating facilities, and used only periodically or seasonally."

Our Situation:

- Accessibility: Our duck shack is only accessible by boat—approximately a 30-minute ride from the nearest launch (John Day).
- Use: It is used periodically for short leisure trips.
- Utilities: It is not connected to any upland utility services (water, sewer, or electricity).
- Facilities: It includes a wood stove for heat, a propane range for cooking, and an eco-toilet that we responsibly transport back to mainland sanitary facilities.
- No Bathing: There is no bathing facility.

If the proposed definition is adopted as written, particularly the restriction on cooking, toilet, or heating facilities, our duck shack would no longer qualify under the rule and would become unusable.

I respectfully ask that you take our circumstances into consideration before finalizing any definition changes. These cabins represent a longstanding and responsible recreational use and

should not be unnecessarily restricted through regulation. If a definition change does happen, I urge you to consider exempting these existing structures from the new regulation to avoid unnecessary hardship to their use.

Dick Matthews, floating recreational cabin owner – August 7 (written); **August 14** (received via PDF email)

Comment:

See Attachment H

Brad Gitchell, Clifton Athletic Club LLC, member, floating recreational cabin owner – August 14 (via email)

Comment:

It has been brought to my attention that the state is proposing a rule change for FRC's.

The current rulemaking activity and consideration of whether a stiff boom should count toward the 1,500 sq ft and under 0265(3)(b) rule is what I would like to express my opinion on.

- The stiff boom is a lot like a protective boom, only it serves a different purpose. It is a means by which the float house is secured to the pilings in some cases and not all but, it is by far the safest approach for the job and alternative approaches carry serious safety risks. It should be excluded because it's a necessary tool for safe and secure operation – just like a mooring buoy or a protective boom (which are currently excluded in the rule).

A. The stiff boom is a tool (a mechanism, a technique) to secure the cabin to the pilings, and it's far better than the alternatives, such as using chains, which get hung up and can flip a shack, or break and send a shack down river.
B. It would never make any sense to include stiff booms in the calculation for a single FRC, since stiff booms are often ***shared*** by multiple FRCs. How the square footage of one stiff boom is apportioned between different shack owners would create needless calculation knots that can easily be avoided.
C. The rule already excludes pilings, and a stiff boom is how we *use* the pilings to secure the shacks. A piling by itself is useless, and we can't put a piling through the cabin, so we use a stiff boom to attach to the piling. If the rule excludes pilings, it should exclude the complementary tool that allows shack owners to *use* the pilings.
D. The DSL has historically *excluded* stiff booms from their 1,500 square foot threshold (even though it's not expressly in the rule), and therefore, this addition to the rule will simply harmonize the text with DSL's practice.

If the stiff boom is not excluded, it will be dangerous. Either duck shack owners will remove the planking from their stiff boom so they're under 1,500 sq ft, or they will lash their shacks directly to pilings and get rid of the stiff boom altogether. Both approaches are bad, both are dangerous. Without the planking on the stiff boom, logs will be free floating, wet, mossy, slippery, and dangerous. That will make maintenance very hazardous. And again, securing a shack to a piling with a chain leads to shacks flipping on their side or breaking free. The DSL shouldn't

encourage dangerous behavior – it should encourage the safest and best technique for shack security – usage of a stiff boom.

Jeff Salo and Myron Salo, floating recreational cabin owners, Horseshoe Island – August 12 (via PDF letter)

Comment: *See Attachment I*

David Hunnicutt, Oregon Property Owners Association, President – August 13 (via PDF letter)

Comment: *See Attachment J*

Elroy Olson – August 11 (via PDF letter)

Comment: *See Attachment K*

Scott Carpenter – August 11 (via email)

Comment:

This letter is to the DSL rulemaking committee and OAR 141-082-0265(3)(b).

As the rule is currently written, it's unclear if stiff booms are excluded for the 1,500 square foot calculation in that rule. I believe that needs to be clarified, and as some other shack owners have said, it only requires two words. Add "stiff" or “in front of protective booms" and that will make it very clear. The DSL already excludes stiff booms from their assessment, so it might as well be in the rule.

I am a partner of a recreational float house in Mud Slough of Russian Island in the lower Columbia River, and I have a lot of familiarity with stiff booms and just how important they are for the shacks. They are absolutely necessary. In some places, a protective boom is a necessary precaution for a floating house to safely exist. In other places, like the floating recreational cabins on the Columbia (commonly called "the duck shacks"), a stiff boom is necessary for them to exist. Just as DSL recognizes that a protective boom should be excluded from the 1,500 square foot calculation because of its safety purpose, DSL should also acknowledge the stiff boom in that same sentence, and exclude it for the same reason.

This change would sync the rule's words with DSL's practice, which is a good idea for consistency and predictability, especially over the years as people come and go within DSL.

I think these two words would be a very helpful change and I hope you will include them in your final rule.

Rodney Leback – August 10 (via online form)

Comment:

I would like to take issue with your proposed redefining of a "Floating Recreational Cabin". I am a co-owner of just such a cabin located on Russian Island in the Columbia River. My partners and I purchased this cabin (duck shack) in 1987 from the original owner who built it and moored it at its current location in the 1960's. Our cabin, along with every other duck shack I have been in, has always had facilities for sleeping, cooking, heating and toilet. We use our cabin mostly in the winter during duck hunting season, mostly for one or two days at a time, and I can't imagine not having those facilities during the coldest, wettest, and windiest time of the year. Our cabin provides a refuge from the storms and a place to warm up, dry out, and nourish ourselves, not just a place to sleep. The proposed new definition is unclear as to what is meant by a "facility". If we brought out a propane cookstove or heater and left them in the cabin through the duck hunting season, would they be considered a "facility"? Are the port-a-potties we currently use considered a toilet facility? For our health, safety and hygiene, cooking, heating, and toilet facilities are a necessity in these cabins, even for something as short as an overnight stay. The existing definition of a "floating recreational cabin" has been accurate and adequate for years and doesn't need changing. Please reconsider making these changes.

Bill Whitmore – August 9 (via email)

Comment:

My name is Bill Whitmore and I own a FRC on Russian Island, I bought it 30 + years ago from 3 brothers that had some health issues. There father who was a commercial fisherman had built it many years earlier. I was lucky to get it they didn't come up for sale very often. Some 20 years ago we reached an agreement and the duck shacks became floating recreational cabins, that description has served us well over the years and I see no reason to change it. The moorage fee has gone up several times and I guess that's normal within reason. The bond or insurance issue I don't feel is applicable to FRC's, boat owners (the derelict boats that some people live on anchored wherever are the big problem) don't have to have a bond or insurance so why should we? It seems like these updates that you are suggesting are only going to complicate the issue for the dsl and the FRC people. I hope you reconsider these changes I don't think they are good for anyone .

Stephen Fulton, Self (duck shack owner) – August 7 (via online form)

Comment:

I am writing for the second time to provide public comment after I have further contemplated the proposed amendments to OAR 141-082, specifically the definition of a “floating recreational cabin” (FRC) under OAR 141-082-0255, which prohibits cooking, bathing, toilet, and heating facilities. As an owner of an FRC primarily used during the wet and cold months of November through January, I respectfully request that the Department reconsider the prohibition on heating and cooking facilities to ensure safe and practical use of these structures.

My FRC, located on state-owned submerged and submersible land, is used seasonally during the winter months when temperatures often drop significantly, and weather conditions can be

harsh. Heating facilities are critical to maintaining a safe and habitable environment, preventing health risks such as hypothermia, especially for families or individuals using the cabin during cold, wet conditions. Similarly, cooking facilities are essential for preparing warm meals, which are vital for comfort and safety during extended stays in winter. Without these facilities, the usability of FRCs is severely limited, potentially discouraging safe recreational use of Oregon's waterways during these months.

I support the Department's goal of protecting water quality, preventing full time use of the cabins and ensuring environmental compliance, as outlined in OAR 141-082-0285. However, allowing limited, environmentally responsible heating and cooking facilities would not conflict with these objectives. Such facilities could be regulated to ensure compliance with Department of Environmental Quality requirements for sewage and wastewater.

To balance environmental concerns with practical use, I propose the following modifications to OAR 141-082-0255:

1. Allow Limited Heating and Cooking Facilities: Permit FRCs to include heating and cooking devices that meet safety and environmental standards, with clear guidelines to prevent pollution or hazards.

2. Maintain Registration Status: Ensure that FRCs with approved heating and cooking facilities remain eligible for registration (for cabins ≤1,500 sq ft) rather than requiring a more costly lease, reducing financial burdens on owners.

3. Seasonal Use Clarification: Acknowledge that FRCs used in winter months require these facilities for safety, while maintaining the prohibition on permanent residential features like toilets and bathing facilities to preserve the recreational, non-commercial intent.

4. Restricted Use: The FRC can be occupied no more than seven (7)consecutive days and/or no more than fifteen (15) days in any month.

These changes would enhance the safety and accessibility of FRCs for seasonal use, particularly in winter, while aligning with the Department's commitment to public trust uses like recreation (OAR 141-082-0260). I urge the Department to consider these adjustments to support responsible recreational use of Oregon's waterways without compromising environmental protections.

Thank you for the opportunity to comment. I am happy to provide further details or participate in discussions to refine these rules.

John O'Halloren – August 6 (via email)

Comment:

My name is John and I am writing to comment on section 3b of OAR 141-082-0265.

It is important to exclude stiff booms in the calculation of square footage for floating recreational cabins. This change will ensure recreational cabin owners can safely secure shacks to pilings, and prevent owners from attempting unsafe methods to secure to pilings in order to avoid a lease. This change will also make the rule consistent with the current practice.

I hope you will consider an update for this definition.

Jon Hellberg – July 31 (via online form)

Comment:

Subject: Opposition to Proposed Definition Change – Floating Recreational Cabin

Good afternoon,
I am a party of interest in a “Floating Recreational Cabin” on the Lower Columbia River. As previously mentioned in the public comment portions of your meetings, these floating structures—colloquially known as “duck shacks”—have existed on the river since the late 1800s. They are a longstanding part of the cultural and historical fabric of the Lower Columbia River communities.

I am writing to respectfully oppose the proposed changes to the definition of a “Floating Recreational Cabin.” The current definition is sufficient and well-understood. The proposed revisions offer no clear benefit and instead introduce ambiguity by blurring the line between “Floating Recreational Cabin” and “Floating Home.”

This proposed change risks confusion, misclassification, and unintended regulatory consequences for leaseholders and registrants.
Thank you for your consideration.

Stephen Fulton – July 23 (via online form)

Comment:

I am Stephen Fulton from Astoria, an owner of a floating recreational cabin in the Columbia River Estuary near Knappa, affected by the proposed rule change under OAR 141-082-0255(29), which defines floating recreational cabins.

I respectfully urge the Department to reconsider prohibiting heating, bathing, toilet, and cooking facilities in these cabins.

My cabin is used during November to January, when cold, wet weather makes heating and cooking essential for safety and comfort. Tidal restrictions and unpredictable weather in the estuary complicate short visits, making these amenities necessary for responsible use. Without them, we’d rely on portable devices, risking fire hazards and environmental harm to Oregon’s waterways.

I support the Department’s commitment to protecting public trust uses, but this restriction limits safe, seasonal enjoyment of our cabins. I propose striking the prohibition on these facilities and allowing Oregon DEQ regulations, such as those for wastewater management, to ensure environmental safety.

Thank you for considering my input and for your dedication to Oregon’s waterways.

Monte Campbell – July 17 (via online form)

Comment:

I am having problems understanding your change to definition #29 "Floating Recreation Cabin is a moored floating structure, only acceptable by boat, used wholly or in part as a dwelling ether physically connected to any upland utility service water, sewer, electricity, nor equipped with cooking, bathing, toilet, or heating facilities, and used only periodically or seasonally."

Does this mean that a cabin that has cooking items like a stove and a bathroom is not considered a floating recreational cabin? Seems the definition does not conform to "a dwelling" if you can't cook or have bathroom facilities. Further it states "heating facilities" without a definition. Does that mean woodstoves or propane heaters? So if I have a cabin that I try to heat with a propane heater it is no longer a floating recreational cabin? It would appear this is a typo and should say "or equipped" rather than nor but please explain or correct.

TO: Oregon DLS

Subject: Public Comment on Updates to Waterway Leases

Date: 15 August 2025

I can understand the fee increase being considered since these collected monies will help boost the common school fund in Oregon. I also see remarks made by DSL about wanting to protect the health and safety of our waterways.

What makes me suspicious about this rulemaking are the statements made in 142-081-0306 which mention (a) an annual submerged lands enhancement fee of $100 per year and (b) all fees shall increase annually by 5% per year.

Initially, it looked like my 5 year lease for my private dock was increasing from $250 to $400. This added wording is indicating the lease amount grows in price every 5 years plus the added $100 per year for the “enhancement fee.”

The 5% annual increase is being presented to me as necessary to keep up with inflation …….. how can you know what the inflation rate will be in the future? An automatic 5% increase per year would have no limits to how high the lease fee could reach.

I have lived along the Newberg Pool section of the Willamette River for 20+ years and I haven’t seen any efforts by DSL to protect the health of this section of the Willamette River. Homeowners along the river are subject to the rules of the Willamette Greenway and yet private homeowners along the river are regularly removing trees to improve their river view. There is less shade on the river which promotes warmer river temperatures. An algae problem has been increasing in the past 10 years and the algae is appearing at the water surface farther from the embankment. I am seeing fewer raptors (hawks, eagles, osprey) and blue heron in this area. The eagles may have left because their nests have been disturbed by new construction and tree removal.

With these increased fees, I do hope DSL will expend some efforts to preserve the health of Oregon’s waterways. They are a valuable resource. However, invasive species (e.g. algae in the river, ivy on trees) combined with human activity are impacting this resource.

Regards,

Dale Mack
Aurora, OR

Paradise Moorage
Jeff Ingebrigtsen
50350 Cowen Rd ., Space 21
Scappoose, Ore. 97056
503.250.3349

August 15, 2025

Division of State Lands
Submitted via email; DSL.rules@dsl.oregon.gov

RE: Waterway Leases and Fees

To whom it may concern;

The new fee formula is flawed. It does not reflect equality to all leases.

- You ignore most of your lessees (70.4%) or 295 entities who vocalized the choice of flat rate system and went with a riparian value of 21.5% for 90 leases.

- How is the value of land next to a state line shopping center equal to a rural cow pasture?

- Your 5% lease renewal rates are double the 26-year CPI average of 2.42% per the Bureau of Labor Statistics data.

Please use the Oregon Landlord /Tenant rate published each September 30 by the Oregon Department of Administrative Services. DAS was implemented by law 2019 to publish this data.

Most tenants I have are on fixed incomes. Any increase in my expenses will be passed on therefore generating a burden YOU are able to mitigate.

Please STOP your flawed process. The task force was FORCE FED this proposal by DSL staff. Any questions please contact me directly.

Thank you for your consideration.

Regards,

Jeff Ingebrigtsen

FRONT ST MARINE, LLC.
Newport, OR
541-265-6919
jlgwebster113@gmail.com
113 SE Bay Blvd, Newport, OR 97365

August 15, 2025

To: Department of State Lands Rules Coordinator
RE: OAR 141-082: Leases, Licenses, and Registration on Oregon-Owned Waterways

Our business, Front St Marine, LLC, has three properties on Newport's Bay Front with waterway leases of varying sizes. The wharf at 267 SW Bay Blvd represents our significant investment in Newport's fishing community. When you build on the waterfront in a fishing community, you demonstrate a commitment to that industry. A large wharf built to current construction standards is not movable or easily converted to another use. It becomes a part of landscape of this port.

It is a privilege to extend over state lands and that comes with a responsibility financial and environmental. I understood the financial one when we undertook the project. However, I am concerned with the proposed changes in the formula for assessing the annual lease payments. The narrow strip of adjacent land is assessed at a premium given the location in a prime tourist town. I checked with the Lincoln County Assessor's Office on the potential impact of the proposed change and it would increase our annual lease at least eightfold. While one statewide formula will promote efficiency, I suggest there needs be some nuance to adjust for local conditions.

I read the proposed changes and know that the changes will not take place before we renew our leases in several years. I am confused as to what happens then. The proposed rule 41-082-0305 states that "a renewing lease's annual lease payment shall not exceed 15 percent of the last annual lease payment charged by the department." Yet, the information in your Summary of Proposed Fees states that the annual payment will be calculated using the new formula. I suggest that this be clarified for current lease holders wondering when to expect major increases in annual payments.

Finally, throughout your discussions, the Department did not identify a financial goal. You seek to increase efficiency. Our interactions with the Department have been very mixed with inadequate invoicing to lack of local presence. I hope that the Department articulates how the increased funds will be spent and allocated to the Common School Fund as this will be more convincing for the need for change.

Thank you for the opportunity to comment.

Janet G Webster

Janet Webster

Rules Coordinator
775 Summer Street NE, Suite 100
Salem, Oregon 97301-1279

RE: Oregon Yacht Club comment on Oregon Department of State Lands Submerged Land Lease Rulemaking, August 2025

To Whom It May Concern:

The Oregon Yacht Club (OYC) is a shareholder-owned noncommercial moorage with 39 floating homes in the Holgate Channel of the Willamette River east of the south end of Ross Island in Portland. We have been residents of this section of the river for over a century. We appreciate the DSL's work on behalf of all Oregonians to preserve and protect our public waterways.

We endorse the response to this rulemaking by the Waterfront Organizations of Oregon (WOOO). We join WOOO in thanking the DSL for engaging with a rulemaking advisory committee (RAC) and for responding to the input from the RAC and other stakeholders. OYC can accept the need for a rent increase of up to 15% upon renewal of a waterway lease that then includes annual 3% rent increase. We also accept the relevant sections of the rental rate formula that would add 0.1% to the base 3% rate for noncommercial uses such as ours, along with a 0.5% increase for being in an essential salmonid habitat. Naturally, as a longstanding participant in the Clean Marina program, we welcome the rate discount offered to qualifying participants. Incentivizing Clean Marina participation benefits the river and all who use it.

On the other hand, we have to agree with WOOO that the proposed rent formula produces strange and inconsistent results. We are strongly in favor of the proposed cap of 15% on rent increases at lease renewal, because without that cap, the formula would levy a massive and nonsensical rent increase of over 600%!

In our case, the reliance on county assessor's determinations of market value produces particularly odd results. We actually have two leases with DSL, one for the main section of our moorage adjacent to our privately-owned uplands and one for a small section at the north end that is adjacent to a city-owned land parcel. The county assessor considers our uplands to have a value of almost $9 per square foot. By contrast, the market value of the neighboring city parcel is deemed to be worth only $1 per square foot. About 70% of our uplands is undeveloped and undevelopable under current environmental zone rules. It is essentially

indistinguishable from the city parcel. The remaining 30% is merely used for parking cars and boats. There are no structures and there could never be any structures or other uses under current city rules. Yet, the DSL formula slavishly applies the nine-fold difference in market value. It doesn't make sense.

There are some sections of the proposed rule that could benefit from clarification and explanation:

- 141-082-0280: Lease and Public Facility License Application Review Process
    - We have been told that "DSL policy is that lease renewals do not go out for public comment unless the lessee requests (1) a change in the lease area or (2) a change to the use classification." But we do not see that policy clearly included in the proposed rule. Without making that policy explicit and binding, we could be subject to intolerable uncertainty, fearing that each lease renewal could drag us into a fraught public process with the potential risk of eviction from our century-old home. While that scenario may be extremely unlikely, it is not clearly ruled out in the proposed language.
- The DSL should be more clear in its communications about the proposed rent formula that it is relying on county assessor's determination of real market value and not the "assessed" value of adjacent lands. These figures are often wildly different.

We also join WOOO is asking that the DSL provide an analysis of the fiscal impact of the proposed rule changes.

In summary, OYC understands the need for the DSL to raise revenue in order to pursue its mission on behalf of the people of Oregon. We understand that it is right and proper for us to contribute. We appreciate your attention to our concerns as spelled out in our comment.

We look forward to seeing the next version of the proposed rule.

Respectfully,

DocuSigned by:
Philip H. Evans
ECC8459BD61E4D3...

Phil Evans
Commodore
Oregon Yacht Club

WATERFRONT ORGANIZATIONS OF OREGON

July 24, 2025

Waterfront Organizations Of Oregon (WOOO)
23586 NW Saint Helens Road
Portland, OR 97231

WOOO Response to DSL Submerged Land Lease Rulemaking

Overview

Part of WOOO's mission is to:

- Enhance educational programs for waterway users, boosting public river access and diverse activities.
- Cultivate stewardship for Oregon's waterways, focusing on environmental care and recreation.
- Keep tabs on and relay updates from governmental agencies about waterway regulations affecting waterfront community members.
- Collaborate with groups to support the shared interests of all waterway users.

WOOO represents boat marinas, floating home moorages, and other waterway businesses, including modest, non-profit residential communities that do their best as stewards, as well as Clean Marina adherents.

This mission is very much in line with the mission of the DSL in its management of Oregon coastlines and waterways. With this in mind, WOOO views the DSL as an important partner as it strives to meet this mission. Toward that end, WOOO respectfully submits this response to the current proposed rules.

DSL Rulemaking Goals

At the April 2024 DSL Board Meeting, DSL staff presented a proposal to initiate rulemaking to do the following regarding submerged land leases:

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

Additionally, DSL staff stated the following:

> "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." (boldface text added)

The DSL Board was presented with a report written by a summer intern in 2018 that attempted to provide both the rationale for new rules and suggestions for their modification. This report served as the basis for all proposed rule changes at the beginning of the process.

WOOO's initial reaction to this report was that several of its assumptions and recommendations were seriously flawed. It is to DSL staff's great credit, however, that by the end of the RAC process, most of WOOO's concerns were addressed and, with few exceptions (see below), were rendered moot.

RAC Meetings

The RAC meetings were extremely well facilitated. Questions were addressed in a timely manner, most data requested was provided (with some exceptions), and robust discussions were always welcomed. The RAC members were a diverse group of interested parties, although only a subset actively participated. As might be expected, the issue of lease rates provided the most lively interaction but they were always good natured and informative. At the end of the day, initial rule proposals were significantly modified. Again, kudos to the DSL staff for listening to the RAC and adjusting their thinking accordingly.

Outstanding Issues

The Formula

From the beginning of the RAC process, the use of the formula found in the intern's paper has been a sticking point. Calculations of lease rates for several of our members using the formula show rates up to **40 times** higher than current rates (in one case a moorage with a $35,000 annual rate would see its 'formula' rate balloon to $1,400,000). Even DSL recognized this flaw and had to provide lifetime caps of $150,000 to $175,000. Most existing lease holders would take years or decades to reach the cap based on current proposed rules. This begs the question of why the formula is still in the rules, since the lifetime caps make its calculations irrelevant.

Curiously, a newly established large leaseholder in a high market value area might immediately reach the cap, while a neighboring, long-standing leaseholder could be decades away from doing so. While this is just one example, it illustrates a real and possible outcome—one that results in significant inequity. This scenario strongly argues for eliminating the current formula in its present form.

Fiscal Impact

One of DSL's initial goals (see above) was to provide an analysis of the fiscal impact of the proposed rule changes. As of yet, WOOO has not seen such an analysis. Several times during the RAC meetings, this question was raised without an answer. It is hoped that this analysis can be completed and posted before final rule adoption.

Final thoughts

The current proposal (15 year lease for lessees in good standing, a 15% rate increase at renewal followed by a 3% annual increase with lifetime caps as described) is acceptable. It may cost somewhat more than current rates but the addition of caps mitigates that issue.

In the final analysis, DSL staff should be commended for their hard work and willingness to modify their original positions to accommodate those of us who share many of their goals for the use of Oregon's coastlines and waterways.

Respectively submitted,

Ron Schmidt
President
On behalf of the Board of the
Waterfront Organizations Of Oregon

On March 13, 2025, DSL announced that the Common School Fund would send a record-breaking $76.8 million to Oregon schools in 2025. This contribution followed the 2024 contribution of $74.2 million and the 2023 contribution of $72.2 million, all of which come from the Common School Fund, which was valued at $2.38 billion as of February 2025. Given this as a backdrop, the reasonable increase in lease rates for submerged lands that DSL claimed it was seeking made sense. Thus, it came as an unwelcome surprise to find that DSL's proposal is anything but reasonable.

In fact, in the initial version of the proposal, it seemed that virtually all of its features were designed to make more money. For example, DSL shifted from the 15-year lease that we now have to a five-year lease. They went from the 3% annual increase that is now in force to an annual increase of 5%. However, the largest charge by far came from changing the formula basis from assessed value (AV), 3% gross, or flat rate to real market value (RMV) alone.

In response to suggestions made by members of the Rulemaking Advisory Committee (RAC). DSL did make some changes to their proposal. For example, they shifted back to the 15-year lease period and the 3% annual increase that are now in force. However, despite compelling arguments made by several RAC members, DSL remains strongly committed to using RMV as the basis for their rate formula, rather than considering other approaches (e.g., flat rate).

DSL's strong commitment to using RMV relies on an argument made by Andrea Celentano, a Hatfield Oregon Summer Fellow, in a report she wrote in 2018. In this paper, Ms. Celentano showed the great gap between the assessed values (AVs) and RMVs of properties in Oregon, and argued that it is Oregon's Measure 50, which limits increases in AV to 3% per year, that accounts for this large difference. In Ms. Celentano's view, DSL made a serious error by using AV (with its 3% cap) in its formula for calculating lease cost rather than RMV, which would produce much, much more money for the state.

DSL's use of RMV in the current proposal represents their effort to rectify this "error." However, this approach is fatally flawed in two ways. First, DSL's own data show that this approach produces exorbitant lease charges. (See Note 1.) For example, in the first iteration of the proposal, a floating home moorage was informed that its lease was estimated to be over $1.4 million dollars per year, more than a 32-fold increase. In response to this case, and others like it, DSL proposed a cap of $175,000 for annual lease costs.(See Note 2) As Blake Helm, Proprietary Specialist, DSL, writes: "The maximum allowed rent is intended to limit the exceptionally high land values or large areas from influencing any one lease's annual rent." In other words, their formula does not produce reasonable outcomes for the full range of lease costs, and so, they propose to overrule it with a cap. This cap helps with high-cost leases, but it is critical to note that all of the leases, not just high-cost leases, are calculated using this approach, which produces unreasonably high lease costs across the whole distribution of lease costs.

The second problem is caused by DSL's effort to solve the first problem (i.e., the exorbitant lease costs for high-cost leases) by imposing the $175,000 cap. Implementing this cap ensures that the high-cost leases will top out relatively quickly. However, over time, all of the other leases will also move toward this cap, and, ultimately, they will reach it too. When leases are renewed, the proposal stipulates that the charge for the first new year will be 15% more than the charge in the last year (15^{th}) of the previous lease. The charge will then increase 3% for each of the following 14 years , and so on for each of the subsequent 15-year lease periods. One might imagine that this process would continue until the lessee reaches the calculated lease charge. However, this will not happen because the charge for the lease will keep increasing. That is, at each renewal, the RMV for the adjacent upland is highly likely, if not certain, to have gone up, producing a new, higher lease cost to reach. This process will continue until the $175,000 cap is reached.

One of the goals of DSL's proposal was to make lease costs more equitable. As can be seen, over time, the current DSL proposal eliminates any semblance of equity. Of course, it will take some time for this process to play out, but with each passing lease cycle, it is certain that the lease distribution will become less and less equitable. It is highly unlikely that this is the outcome that DSL sought, but this is the outcome that their logic produces.

Why should DSL propose an approach that they know produces lease costs that are so high that DSL itself believes that their formula needs correction, and that, over time, undermines equity, when there are viable alternatives that can produce reasonable outcomes for the full range of lease costs? For example, it would be simpler and more straightforward to just do away with the formula altogether and do what DSL suggests for the first two 15-year lease cycles. That is, as DSL proposes, the lease cost could be increased by 15% for the first year in the first year of the lease renewal followed by 3% increases for 14 years, and the same could be done in the second lease cycle:15% increase in the first year and 14 3% increases for the next 14 years. Assuming that this process begins as leases renew in 2026, DSL could assess progress in 2053 and decide what they would like to propose for 2056. In the meantime, this proposed approach provides a consistent and growing revenue stream for DSL and expense predictability for the leaseholders for the next 30 years.

Steve Harkins

West Hayden Island Moorage

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Notes

1. Using RMV by itself in the formula would produce high lease costs, but DSL goes even beyond this. The DSL approach calculates the cost per square foot of the adjacent upland and then makes the highly questionable claim that the submerged lease land should cost the same amount per square foot. That is, river mud should cost the same amount per square foot as the adjacent upland, even though the latter has much greater utility than the former. RAC members argued forcefully against DSL's position to no avail. It should be noted that a neighboring state, Washington, uses the same formula as DSL's, but discounts the value of the mud 70% compared to the land. This comparison shows how DSL's lease costs become so exorbitant.
2. There were other leases with lease costs exceeding $175,00 in the first iteration of DSL's proposal, but it's not possible for us to know exactly how many. RAC members asked to see a spreadsheet with basic information like what was provided in Appendix E of the 2018 paper (e.g., the cost of individual leases in the last year of the current system; the cost of the leases calculated with the new formula), but this information was never provided. DSL did not even provide the RAC with frequency distributions that summarize this information.

   Over the course of the RAC meetings, DSL did provide 12 examples of how lease costs were calculated. However, of these 12, six were less than $4,000 and the largest was only $43,733.33. The problem with DSL's approach is most obvious when high-cost leases are examined, and DSL did not present even one. DSL also did not show the numbers for even one floating home moorage, even though these are likely to be high-cost leases, especially in Multnomah County. Hundreds of people live in these homes, many of whom are elderly and live on fixed incomes. These unexpected increases in lease costs are going to come right out of their pockets. One would think that these moorages deserve special consideration, but this was not the case.

August 14, 2025

To the Staff of the Oregon Department of State Lands,

This comment is submitted by Brian O'Hollaren, Mark O'Hollaren, and Ryan O'Hollaren.

We own a Floating Recreational Cabin ("duck shack") that is located between Woody Island and Horseshoe Island, accessible via the Aldrich Point boat ramp, and we submit this comment to assist the Department with its rule-making efforts and in response to invitations from Department Staff to propose language that is consistent with our requests, our public testimony, and the historical practice of the Department.

I. Adding "Stiff Boom" to OAR 141-082-0265(3)(b)

We propose the addition of two words to the rule found at OAR 141-082-0625(3)(b) to harmonize the rule's text with the Department's policy.

Proposed language **change** to OAR 141-082-0265(3)(b):

> Floating recreational cabins of 1,500 square feet or less; measurement excludes calculation of associated, pilings, dolphins, recreational use mooring buoys, and **stiff or** protective booms.

At the Portland hearing on August 7, 2025, Justin Russell of the DSL asked us to provide a proposed definition of a stiff boom for inclusion in OAR 141-082-0255's "Definitions" section. We suggest the following:

> "Stiff Boom" means a log boom with supportive planking used to secure a Floating Recreational Cabin to Pilings.

Mr. Russell also asked for exemplar photos, which we've included below.

There are multiple reasons for this addition.

First and foremost, the Department *already* excludes the stiff boom from the 1,500 square foot calculation in its current regulatory practice. Accordingly, this addition will not change the Department's policy at all. Rather, it will remove uncertainty for future years of interaction between the Department and FRC owners and prevent the confusion that has concerned so many FRC owners in recent years because "stiff boom" isn't currently written into the rule.

In 2017, FRC owner Donald Guthrie received a letter from the Department informing him that, based on satellite imagery and measurements, his FRC

exceeded the 1,500 square foot threshold. Mr. Guthrie wrote back to the Department to explain that they were mistaken, and that he had not made any changes or additions to his FRC. The obvious source of the confusion was that the Department was including the stiff boom in its calculation. After some discussions, the Department agreed that the stiff boom should not be included, since it is the mechanism by which the FRC utilizes the pilings (which are excluded). This decision made good sense then, and it continues to make good sense now. The stiff boom allows the FRCs to use the pilings in a safe and predictable manner, and since pilings are excluded from the 1,500 sq ft threshold, so too should stiff booms be excluded as they are a method of using the piling.

What is a stiff boom?

A stiff boom is a method of securing a floating house to pilings. It is a log boom (typically 4 logs wide) with structural supports and planking on top. These structural elements make the boom "stiff" – in stark contrast to a normal log boom, where the logs will move, undulate, and bob in the water. Multiple pilings slide through holes in the middle of the boom. The holes are reinforced by the stiff boom's logs themselves. The holes allow the stiff boom to rise and fall with the tide, up and down the pilings. The cabin attaches to the stiff boom, and therefore stays securely attached to the pilings, and follows the stiff boom as it rises and falls. This arrangement is, in a word, ingenious. It is the safest method for securing an FRC to pilings in the brutal conditions on the lower Columbia river. Indeed, it is the *only* appropriate method.

Here are some photos of FRC stiff booms to illustrate the principle:

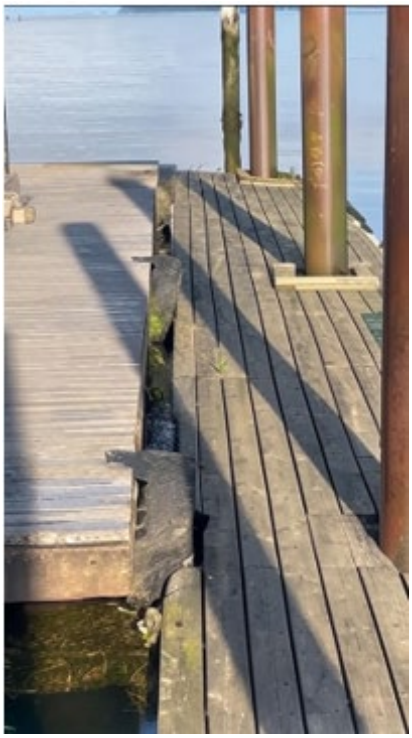
^ Photo 1

^ Photo 2

^ Photo 3

^ Photo 4

^ Photo 5



^ Photo 6

The genius of the stiff boom comes from solving the problems faced by FRCs on the lower Columbia. To understand why the design is so crucial to the existence of the duck shacks, it is first necessary to understand the environmental context of the FRCs. Unlike other floating structures, FRCs are not connected to land by gangways, docks, or scaffolding. FRCs are free-floating structures accessible only by boat, and the environmental conditions in which they exist are brutal. First, the tidal swings on the lower Columbia are massive – commonly exceeding 9 feet (which means the FRC rises and falls 9 feet in a matter of hours). Second, wind waves are

regularly 3-4 feet tall, with a frequency of every 2-5 seconds. This barrage takes a toll on any structure. The stiff boom addresses ***both*** of these factors at the same time, and brilliantly solves them.

The large tidal swings on the lower Columbia create a risk of a cabin getting "stuck" on a piling, and either flipping, breaking, or coming unmoored. To be sure, these are very real, and very dangerous risks. Using a chain or metal bracket to attach an FRC to a piling invites those exact risks because of the small surface area in contact with the pilings (for clarity, pilings are *not* perfectly smooth cylinders). But a stiff boom ameliorates these risks. A stiff boom is simultaneously attached to *all pilings* and, because it's stiff, it rises and falls evenly with the tide and remains at the water level. Because it's stiff, it stays perpendicular to the pilings. As the tide fluctuates, the stiff boom brings the cabin up and down with it. Also, because it's stiff, it is very unlikely that any part of the boom will get "stuck" on any of the pilings. Furthermore, the sheer forces of currents, winds, and waves are distributed across the logs, and across the pilings, so stiff booms are remarkably durable. By contrast, chains or brackets lashed to pilings concentrate those forces at a single point, and mother nature will always find their limit.

The stiff boom also serves to insulate and protect the FRC from the veritable bombardment of wind waves that occur almost every single day. The stiff boom is connected to the FRC via chains with a small amount of "slack" or "play." This ranges from 24-36 inches, and that cushion is absolutely crucial for the safety of the cabins. The stiff boom absorbs the waves and shields the cabin. The slack in the connection ensures that the energy of the waves is *not* directly transmitted to the cabin. By contrast, using a chain or bracket connection to a piling, without a stiff boom, would expose the cabin *directly* to the waves. The direct force of the waves would rip the cabin and its mooring chains apart.

In sum, the stiff boom is a core component of the FRCs on the lower Columbia. Without it, the duck shack owners invite foreseeable and unnecessary risks. This, we believe, is why the Department has decided in recent years not to include the stiff boom in their assessment. We agree with the Department's judgment on this issue, and simply ask the Department to codify that judgment by adding stiff boom into the exclusions in OAR 141-082-0265(3)(b).

What a stiff boom is *Not*.

The stiff boom is not a workaround for FRC owners to expand their structures. For the avoidance of any doubt, nobody in their right mind would ever build a structure on their stiff boom. There are multiple reasons for this. First, the stiff boom is separated from the cabin float (*see above* re: the slack separating the stiff boom from the cabin float). Second, stiff booms need constant maintenance. As any FRC owner will tell you, stiff boom maintenance is a constant job that often requires removing planking and ensuring that the chains and fixtures are healthy, logs are in good

condition, and structural supports are securely fixed. Without that maintenance, the stiff boom will cease to function properly. Putting a structure onto a stiff boom would prevent an FRC owner from performing that necessary maintenance. And indeed, that is precisely why nobody does it. The stiff boom is not a loophole or a workaround, it's an important tool, just like the other features that are excluded in 0265(3)(b).

Adding Stiff Boom to the Rule Is a Good Idea for Additional Reasons

First, and as noted above, adding "stiff or" into the rule would harmonize the Department's practice with the text of the rule. This is simply good administrative practice, and will increase predictability and reduce confusion going forward.

Second, and as explained at various public hearings on these proposed rules, if the Department changes its policy and begins to count stiff booms toward the 1,500 square foot threshold in the future (because it is not written into the rule), FRC owners will make foreseeable and dangerous changes to fall beneath the threshold. FRC owners will remove the planking from their stiff booms to expose the logs and render the boom no longer "stiff." This alone will compromise the boom. But moreover, because of the constant maintenance needs, this will create a dangerous circumstance that should be avoided. Float logs are wet, slimy, and slippery, and without the structural supports of the planking, they will *move*. FRC owners will need to walk, kneel, and lay across the logs to perform constant checks and maintenance in hazardous weather and conditions. This will almost certainly result in injury and could *very well* result in deaths. There is no reason to invite this risk. It is foreseeable, severe, and preventable.

The other change that FRC owners will make is to get rid of their stiff boom altogether, and resort to chains or brackets to attach their cabin to pilings. This would be a terrible result, as it would obviate the virtues of the innovation (discussed above) and invite the precise risks that the stiff boom solves. Chains and brackets will get stuck on pilings. Shacks will tip, break, flip, or come unmoored (or all three). People will get hurt, property will be damaged, and the cabins will break loose and float downriver. Again, there is no reason to invite these risks.

Finally, including a stiff boom in the calculation of the 1,500 square foot threshold would prove impractical, since FRCs regularly share the same stiff boom (*See* Photo 5 above). Because stiff booms are such a secure and safe method of utilizing pilings, multiple FRCs, under separate registrations, will often share one. Deciding how to distribute the square footage of a *shared* stiff boom would be difficult, arbitrary, and impractical. But again, there is no affirmative reason to create that difficulty and impracticality, and the Department has to date not done so.

II. The Definition of Floating Recreational Cabin

The proposed changes to the definition of Floating Recreational Cabin ("FRC") at OAR 141-082-0255(29) is unworkable. The Department has recognized this in multiple public hearings, and has asked us to propose some alternative language, which we are more than happy to do.

The proposed change adds a clause after the parenthetical to exclude those structures that have any "cooking, bathing, toilet, or heating facilities[.]" If read literally, this change would render the definition a nullity because no such structure exists. During public hearings, the Department said that the proposed language does not reflect the Department's intent. The Department's actual intent with the proposal was to clarify that the named facilities cannot be connected to any upland utilities. We understand and appreciate this intent, and we believe the Department can best effectuate that intent with the current definition of FRC.

The current definition *already* excludes any cabins that are physically connected to *any* upland utility services. The current definition provides "examples" of water, sewer, or electricity, but those are only *examples,* and the list is therefore not exhaustive. To be sure, the current definition, by its terms, disclaims ***"any"*** facilities that are physically connected to an "upland utility services." Thus, if the Department's intent is to ensure that FRCs cannot be connected to any upstream utility whatsoever, the current definition already accomplishes that purpose.

Current definition:

- "**Floating Recreational Cabin**" is a moored floating structure, only accessible by boat, used wholly or in part as a dwelling, not physically connected to *any* upland utility services (for example, water, sewer, or electricity), and used only periodically or seasonally. (emphasis added).

Additionally, the proposed change from "for example" to "i.e." in the parenthetical is incongruous with the Department's stated intent. "I.e." and "for example" are not synonymous. The current verbiage is much stronger. "I.e." (short for the Latin "*id est*") is used to illustrate a sentence's meaning, and typically implies an exhaustive list (meaning *only* those utilities listed). "For example," by contrast, signals a non-exhaustive list of utilities. Thus, if the Department intends to exclude *all* upland utility connections from the definition of FRC, then the current verbiage and parenthetical does just that. It excludes "any" utility connections, and provides a helpful but non-exhaustive list of examples.

The current definition avoids the pitfalls of the proposal, which would add an additional clause that would disqualify structures with self-contained facilities from the definition of FRC, and render the definition a nullity (because no such structures exist). The current definition vindicates the Department's intent to disqualify cabins with *any* upstream utility connections. We thank the Department

for recognizing that the proposed rule is unworkable, and we hope that this explanation will help the Department realize the virtue of the current definition.

Thank you for your attention to these two matters concerning the duck shacks. As you can see, we care immensely about this small historical community, and we are committed to preserving this legacy for the next generation of owners and stewards. We greatly appreciate the engagement we've received from the Department throughout this process, and we are encouraged by productive conversations we've had with Department staff.

Please let us know if you have any questions about any of this or would like to discuss it further.

Sincerely,

Brian O'Hollaren
Mark O'Hollaren
Ryan O'Hollaren

From: Dick Matthews dnd@pacifier.com
Subject: Duck shack info- please forward
Date: Aug 7, 2025 at 1:17:14 PM
To: jssalo828@gmail.com

I am an owner of a "Duck Shack"with a partner, Jeff Canessa. This Duck Shack has been at its location since 1940 when my father and two friends purchased it from two elderly people from the John Day area on the lower Columbia River. Dad started taking me hunting with him when I was four years old. I am now 85 and am looking forward to the coming duck season.

We have insurance on the shack including liability. This past year we also paid property taxes to Clatsop County. We also paid for our third 5 year lease to the D.S.L.

We were charged more this year by the D.S.L.

We are not connected to any up stream utilities as our electricity is provided by a portable generator. We use the shack during duck season and maybe a couple of times during spring salmon season. Sometimes it is used for upkeep or cleaning inside and out or to check anything that might need fixing.

Dick Matthews
Sent from my iPad

August 12, 2025

Attention: Department of State Lands [DSL]

I am a Co-Owner of a Floating Recreational Cabin [Duck Shack] located in the Lewis and Clark Refuge
Inside of Horseshoe Island. I have Co-Owned this Shack for about 60 years.

I am sending this comment to you for consideration in your rulemaking procedures that I understand are currently underway. From what I have read, and from what I have been told, there is a question as to whether or not a stiff boom counts towards the 1500 square foot total for a recreation cabin to qualify for a registration.

In my experience and based on all conversations I have had with Floating Home Builders, Pilebucks including the Refuge Managers the stiff Boom does not and should not, count toward that 1500 Square Feet. The stiff Boom is a configured docking tool for securing the FRC to the Piling. It is a tried-and-true accepted marine practice and Marine Contractors will tell you they are stronger and safer way to Moor.
This is not the time to consider changes to something that has worked for over a century.

The general consensus among all of us located in the refuge, who do not have any shoreside hook-ups, or amenities, we are some of the longtime owners who have abided by the regulations set forth in the Memorandum of Understanding with the refuge.

The records will reflect the Duck Shacks [FRC] have been recognized by the DSL since 1980's. It is time to let things alone.

Regards,

Jeff Salo-------HORSESHOE ISLAND SHACK OWNER

Myron Salo---HORSESHOE ISLAND SHACK OWNER

OREGON PROPERTY OWNERS ASSOCIATION

August 13, 2025

Oregon Department of State Lands
775 Summer St. NE
Suite 100
Salem, OR 97301-1279
ATTN: Danielle Boudreaux, Rules Coordinator

Re: OAR 141-082 Proposed Rules (Leases, Licenses and Registrations)

Dear Danielle:

Thank you for the opportunity to comment on DSL's proposed rules updating Division 82. Please enter this letter into the record.

As we testified during the Department's last virtual hearing on the proposed rule amendments, our concern with the proposed rules are minor, and center on the proposed amendment to the definition of "floating recreational cabin" in OAR 141-082-0255(32). The Department's concern appears to center on the need to assure that a FRC does not receive utilities (sewer, water, electricity etc.) through an upland connection. The current rule already contains that limitation, and addresses staff's expressed concerns.

By contrast, the proposed new rule language would prohibit FRC owners from providing portable facilities to serve the cabin when occupied. As you heard from the testimony of FRC owners, portable heaters, toilet facilities, and cookstoves are transported via boat when the facility is in use and transported back to shore at the end of each use. Prohibiting FRC owners from using portable facilities to serve basic needs during each cabin use does not appear to be the intent of the Department. We suggest retaining the existing definition, which addresses the Department's concerns.

We also support and recommend changes to OAR 141-082-0265(3)(b) to ensure that stiff booms are not included in the square footage calculation for FRC's under that rule. The testimony from Ryan O'Hollaren at the last virtual hearing addressed this issue in detail. It is our understanding that current Department practice is to exclude the square footage of the stiff boom from the calculation under the rule, but the current rule does not specifically mention stiff booms, which are simply another form of mooring and protection device to ensure that the FRC remains in its present location and is not destroyed by significant tidal changes and wind chop. Mentioning them directly in the rule will clarify existing Department policy and eliminate ambiguity.

Very Truly Yours,

David J. Hunnicutt, President, Oregon Property Owners Association

To the Department of State Lands Rule Making Body

My name is Elroy Olson. I've been a co/owner, now the sole owner of a floating recreational cabin or "duck shack" on the Columbia River, in the Burnside area of Clatsap County. My duck shack was in my co/owners' family until his recent death since the early 1900's.

I understand that the DSL has an opportunity to clarify that the stiff boom should be excluded from the 1,500 square feet threshold. I want to provide my view on the matter, because this issue came up a few years ago with another shack owner and although DSL got it straightened out, I think that your practice should be written into the rule. For as long as I can remember, the stiff boom was excluded, and that's the correct approach. Stiff booms are "how" we make use of our pilings. Without them, we would need to use far more dangerous approaches.

If DSL writes "stiff boom" into the rule, just like the other booms that are excluded, we can avoid confusion or hassle in the future.

Thank you.

Elroy Olson