



Public Rule Hearing and Information Session

Waterway Leases, Licenses, and
Registrations (Division 82)

July 22, 2025
(Florence, OR)



Newport – Yaquina Bay / Photo: Dan Cary

Agenda



Columbia River – Sand Island / Dan Cary, DSL (retired)

6:00 PM

Information Session:

- Rulemaking Overview
- Summary of Proposed Rule Changes and Examples
- Question and Answer Session

6:30 PM

Public Rule Hearing

- Oral Comments

Rulemaking Overview



Why is DSL proposing rulemaking?



2018 partnership with Portland State University to complete a Waterway Leasing Study.

Addressing risks and liabilities from use of public land.

Rulemaking Goals



- Cover administrative costs for processing applications.
- Create a single methodology for calculating annual rent payments based on the real market value of the adjacent land and the type of activity authorized.
- Require financial assurance for waterway registrations.
- Use clear and simple language where current rules are confusing or complex.
- Reduce the term of a new waterway lease to 5 years.

Rulemaking Advisory Committee

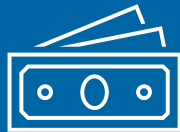


- 10 members from a wide range of interest groups.
- Met once a month for 6 months.
- Reviewed proposed rules and provided valuable feedback.
- Based on feedback, DSL adjusted aspects of the compensation rate.

Summary of Proposed Rule Changes



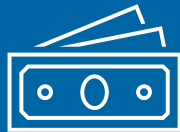
Fees



Revised application fees and added new fees:

- Create new fees to cover scenarios where DSL incurs higher administrative costs.
- One time increase applied to existing application fees to account for cumulative inflation since previous rulemaking.
- Annual increase applied to application fees to account for inflation going forward.
- New annual fee to support the Submerged Lands Enhancement Fund.

Registration Fees



Waterway Registrations: New and Renewals	Current Fee (2025)	Proposed Fee (July 2026)
< 1,000 sq. ft. structure	\$250	\$400
1,001 to 2,000 sq. ft. structure	\$500	\$700
2,001 to 2,500 sq. ft. structure	\$600	\$800
Floating Recreation Cabin < 1,500 sq. ft.	\$700	\$1,000
Other structures determined by the Director	Not less than \$250	Not to exceed \$1,000
Riprap and tide gates	None	None
Structures maintained by a diking district	None	None
Right of ways established prior to Nov. 1, 1981	None	None
Voluntary Habitat Restoration	None	None

Annual Lease Calculation Method



Create a single method to calculate annual lease payments, based on the following:

- Value of the Adjacent Land
- Area of Authorized Use
- Rental Rate (between 3 percent and 8 percent)

Other Changes



- Reduce new lease terms to 5 years.
- Separate rule section explaining financial assurance requirements for leases and registrations.
- Clarified how DSL handles appeals and contested case hearings.
- Other administrative fixes

Examples – Proposed Rental Rates



Rent Formula:

$$(ALV \times RR) \times AA = ALP$$

ALV = Adjacent Land Value

RR = Rental Rate

AA = Authorized Area

ALP = Annual Lease Payment

Rental Rate Modifiers

	+/- (%)
OAR 141-082-0305(3)	
(a) Beneficial Waterways Program	- .75%
(b) Public access provided	- .75%
(c) Waterway Designation	+ .50%
(d) Use classifications (see below)	
(e) Other methods or information	case by case
OAR 141-082-0305(12)	
(a) Noncommercial Use	+ .10%
(b) Personal Recreational Use	-
(c) Commercial Use	+ .25%
(d) Aquaculture Facilities	+ .10%
(e) Historic Vessel and/or Structure	-
(f) Log Raft and Log Storage	-
(g) Marinas	+ .25
(h) Marine Industrial Use	+ .50
(i) Marine Services Use	+ .50
(j) Non-Marine Use	+ .50
(k) Other use classifications	case by case

Other Considerations



- Rental Rates will be redetermined at lease renewal or modification.
- Rate increases are limited to 15% from the last year's rent.
- Lease Minimum of \$1,200 per year, per parcel
- Lease Maximum of \$150,000 per year, per parcel.
- Rent will increase 3% annually

Port of Astoria 20582-ML

Current Information:

- **2024 Rent: \$33,802**
- **3% of Gross Income Method**
- **Adjacent Land Value (ALV):
\$1.70 per sq ft**
- **Authorized Area (AA): 679,540
sq ft**



Proposed Method

- **Rental Rate Modifiers:**
 - **Marina (.25%)**
 - **Coastal Zone (.50%)**
 - **Essential Salmonid Habitat (.50%)**
- **Rental Rate(RR): 4.25%**
- **Annual Lease Payment \$38,873.28**

River Road Baptist Church

60590-ML

Current Information:

- 2025 Rent: \$514.08
- Flat Rate
- Adjacent Land Value (ALV): \$9.61 per sq ft
- Authorized Area (AA): 4,333 sq ft



Proposed Method

- Rental Rate Modifiers:
 - Non-Commercial Use (.10%)
 - Coastal Zone (.50%)
 - Essential Salmonid Habitat (.50%)
- Rental Rate: 4.10%
- Annual Lease Payment \$1,200 (minimum applies)

Dulich Realty Acquisition, LLC 11713-ML

Current Information:

- 2024 Rent: \$12,322.83
- Flat Rate
- Adjacent Land Value (ALV): Multiple
- Authorized Area (AA): 20,200



Proposed Method

- Rental Rate Modifiers:
 - Marine Industrial/Marine Service (.50%)
 - Coastal Zone (.50%)
 - Essential Salmonid Habitat (.50%)
- Rental Rate: 4.5%
- Annual Lease Payment \$14,171.25
-



Questions About New Lease Calculations?

**If you're curious about
what your lease
calculation under the
proposed rules will
be:**

**Please email:
DSL.Rules@dsl.Oregon.gov**

Frequently Asked Questions



- What benefit is the public getting from changing the method of calculating annual payments?
- What do application fees and annual rent payments “cover”?
- Where do excess funds “go”?
- Please explain the revised definition for a floating recreation cabin.

Questions?



Public Rule Hearing



Scappoose Bay Marina / Dan Cary, DSL (retired)



Commenters have a 2-minute time limit.
Please state your name and affiliation.

Provide Written Comment

Written comments may be submitted
through August 15, 2025, at 5:00 p.m. by:



Email

dsl.rules@dsl.oregon.gov



Online form

[https://www.oregon.gov/dsl/Pages/rulemaking.a
spx](https://www.oregon.gov/dsl/Pages/rulemaking.aspx)



Mail

Oregon Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301



What's Next?

Wilber Bridges – North Umpqua River / Dan Cary, DSL (retired)

- DSL will review and consider all written and oral public comments.
- The proposed rules will go through an internal review and approval process.
- The final proposed rules will be presented for approval to the State Land Board at the December 2025 meeting.
- The approved rules will become effective July 1, 2026.



Thank You!

Oregon Department of State Lands

Danielle Boudreaux, Rulemaking
Coordinator

DSL.Rules@dsl.oregon.gov

Oregon.gov/DSL



Wilber Bridges – North Umpqua River / Dan Cary, DSL (retired)