

Department of State Lands



Department ▼

- About Us
- Contact Us
- Newsroom
- Common School Fund
- Aquatic Resource Management
 - Proprietary Waterway Authorizations
 - Removal/Fill Permits
 - Wetlands
- Business Operations and Support Services
- Common School Fund Property
 - Estates Administration
 - Real Property
 - Unclaimed Property
- Director's Office
- Oregon Ocean Science Trust
 - Meeting Information
- Public Meetings
- Rulemaking
- South Slough Reserve
- State Land Board



E-News Spring 2012

Spring 2012



In this issue

- [New 10-Year Plan to guide budget development](#)
- [Current rulemaking activity](#)
- [Removal-Fill Program updates](#)
- [EPA funds wetland assessment review](#)
- [Business seminars explain unclaimed property reporting](#)
- [State rangelands offer opportunities for agriculture](#)
- [May land auctions total more than \\$1 million](#)
- [Volunteers enrich South Slough programs](#)
- [New reports now online](#)

New 10-Year Plan to guide budget development



Outcome-based planning focused on change, efficiencies

Every two years, state agencies must develop biennial budgets for review by the Governor and Legislature. This year, state government is taking a different approach, focusing on 10-year, results-based outcomes for the state's programs and service delivery to Oregonians.

Spearheaded by Gov. Kitzhaber and the Department of Administrative Services, the new process has five anticipated outcomes: Common Vision, Defined Outcomes, Fiscal Sustainability, Innovative Solutions and Informed Decision Making. Independent program funding teams will analyze and make recommendations to the Governor in six areas:

- Education
- Healthy People
- Economy and Jobs
- Healthy Environment
- Safety
- Improving Government

All of DSL's programs are included in the Healthy Environment outcome area, whose overall mission is: Manage Oregon's air, water, land and wildlife resources to support a healthy environment that sustains Oregon communities, Oregon's economy and the places Oregon treasures. The agency also has a secondary outcome area - Education (Common School Fund-supported programs) - and a tertiary area: Safety (unclaimed property and estates programs).

Initial budget presentations will be provided for the teams beginning in early June; the process will wrap up in mid-October when the teams make their recommendations to the Governor for his budget proposal to the Legislature.

More information about the 10-Year Plan is available [online](#).

Current rulemaking activity

Land Management

A major effort is underway to create rules governing remediation and restoration on state-owned submerged and submersible lands (navigable waterways). Beginning in



and commercially viable (navigable waterways). Beginning in December 2011, DSL assembled a committee representing a wide variety of interests to help draft the rules. Many of the representatives have an interest in the Portland Harbor Superfund site on the Willamette River, though the rules will apply to remediation activities statewide. More information on this process is on the [DSL website](#).



Other rulemaking expected to be completed in 2012 includes:

- Marine Reserves: establishing three additional areas of marine reserves/marine protected areas at Cape Perpetua, Cascade Head and Cape Falcon, and a Seabird Protection Area at Cape Perpetua. Draft rules are available for public comment June 1 through July 27. Four public hearings are scheduled in June.
- Waterway Leasing: updating rules governing leasing and registration of structures on state-owned waterways. Public hearings in Coos Bay, Eugene and Astoria have been held; the deadline to receive public comment is June 29.
- Lower Willamette River Management Plan: amending current rules to make them compatible with the new remediation and restoration rules when they are adopted.

Additional land management rulemaking on the horizon includes:

- Chetco River: restricting vehicles from crossing the riverbed. A meeting with state and local agencies will be held this summer in Brookings; an advisory committee will be established in the fall; and final rulemaking should be completed in early 2013.
- Jones Beach: restricting overnight use and ATV activity during certain times.

Wetlands and Waterways

New vernal pool rules were effective April 1, 2012; a temporary rule covering Agricultural Drainage General Permits is effective April 2 through September 29, 2012; and proposed Division 85, 93 and 89 rules are now available for public comment through June 29.

Current rulemaking information, including staff contacts, is on the [DSL website](#).

Removal-Fill Program updates

New General Permits



Vernal pools: A 60-day expedited General Permit (GP) is now available for certain projects impacting vernal pool wetlands in Jackson County. Rules became effective April 1, 2012, and describe mitigation standards consistent with those established for the federal Endangered Species Act and Clean Water Act. More information, including a guidance document, is available on the [DSL website](#).

Agricultural Drainage: Legislation passed in 2011 allows the Department of State Lands to establish by rule a General Permit for removing up to 100 cubic yards of material to maintain drainage and protect agricultural land. A GP was adopted as a temporary rule on April 1, 2012, while rulemaking to make the GP permanent is underway. More information is available on the [DSL website](#).

404 assumption planning

Projects impacting Oregon wetlands and waterways often require both a state removal-fill permit, issued by the Department of State Lands (DSL), and a federal permit issued by the U.S. Army Corps of Engineers (Corps). The Corps administers the federal program under Section 404 of the federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act.

The federal Clean Water Act has a provision enabling states to assume Section 404 regulation provided the state has a waterways and wetlands regulatory program equivalent to the federal program. DSL has initiated a renewed effort to examine the benefits and risks of 404 assumption, and has assembled an advisory committee to assist in the process. The committee has met a number of times in 2012, and will continue to advise the Department on moving forward with possible legislation in 2013.

Background information, meeting notes and Web links are available on the [DSL website](#), or contact eric.metz@state.or.us, project manager.

In-Lieu Fee Program expanding

Project developers along Oregon's coast, in the Portland area, and in southern Oregon will soon have an additional option for meeting their obligation to replace lost wetland functions for projects sited on wetlands. The U.S. Army Corps of Engineers recently approved expanding the current DSL In-Lieu-Fee Program to allow the sale of advance credits in watersheds represented by portions of Clatsop, Coos, Tillamook, Multnomah, Columbia and Douglas counties.

DSL will make advance credits available for sale in each watershed once a wetland site has been identified by DSL and it has been preliminarily reviewed by the Corps and an interagency review team. Construction of the mitigation projects must begin within three years of accepting a payment. DSL is now seeking viable wetland restoration projects in the six watershed regions to begin offering credits to the public, said Dana Hicks, the agency's mitigation specialist.

The agency also is pursuing legislation in 2013 to better align credit pricing with regional mitigation costs.

More information is available on the [DSL website](#), or by contacting dana.hicks@state.or.us.

EPA funds wetland assessment review

Oregon Rapid Wetland Assessment Protocol will be revised

Completed in May 2009, the Oregon Rapid Wetland Assessment Protocol (ORWAP) was developed by DSL to provide a single method for assessing wetlands throughout the state for removal-fill permits. ORWAP is used to determine wetland functions and values, including water quality, flood control, and fish and wildlife habitat.



Feedback on ORWAP from the regulatory community has generally been positive, and the protocol is being tested for other applications, including Local Wetland Inventories and function-based accounting.

To help refine and improve ORWAP and its applications, DSL's Wetlands Program received an EPA Wetland Program Development Grant in March 2012. The grant allows DSL to address user-identified improvements such as consolidating the information for the office component from multiple websites and tables to one website (the ORWAP Explorer website).

To date, DSL has sent out a user survey and is compiling the results from the 45 responses. This feedback will be incorporated into ORWAP data-form modifications this fall and winter. The goal is to be ready for next year's field season in which the revised ORWAP will be performed on a statistically valid sample of Oregon's wetlands.

This summer, the OSU library will consolidate information onto the ORWAP Explorer website for the office component of the assessment, so an improved ORWAP Explorer should be available this fall. ORWAP version 3.0 with a local wetland inventory version, normalized output scores, and a revised manual is scheduled for completion by June 2014.

Additional ORWAP information is on the [DSL website](#), or contact [Anna Buckley](#).

Business seminars explain unclaimed property reporting



Free training features step-by-step instructions for filing

Businesses and organizations throughout the state are invited to learn more about reporting unclaimed property to the state at half-day seminars scheduled this spring and summer. The seminars are free, but preregistration is required.

The trainings started May 18 and run through September 5. It's not too late to sign up for the remaining seminars:

July 18 - Salem
August 8 - Salem
September 5 - Salem

More information, including registration, is available on the [DSL website](#), or by calling seminar coordinator Carolyn Harris: 503-986-5290.

"Unclaimed property is anything from uncashed payroll checks to abandoned financial accounts that a business or organization holds for an unreachable party," said Pat Tate, unclaimed property manager in the Department of State Lands (DSL). "People mistakenly think unclaimed property is land or buildings, especially since we're part of the Department of State Lands," he said.

State law requires all businesses and organizations to remit unclaimed property to DSL, where it is held in trust forever for the rightful owner. The funds are held in the [Common School Fund](#), a trust fund whose earnings are sent twice yearly to Oregon's 197 public school districts.

State rangelands offer opportunities for agriculture

Converting dry to irrigated land increases revenues

In addition to 630,000 acres of rangelands, DSL leases about 6,000 acres of land for agriculture production. Leaseholds cover such crops as wheat, alfalfa hay, potatoes, onions and poplar trees.

DSL's eastern region staff worked in 2011 with a lessee west of Burns to convert approximately 250 acres of state rangeland into a center-pivot irrigation system. On



this project, the state paid for all underground improvements (two wells, power, mainline, etc.) while the lessee put in all above-ground improvements. An adjacent 250 acres of private land is also now irrigated.

According to Eastern Region Manager Lanny Quackenbush, revenue generation from these "ag conversions" looks very promising: the Burns-area project has increased revenues 30-fold, with an estimated return on investment of nearly 9 percent.

This year, DSL was presented with an opportunity to convert another 620 acres of rangeland to irrigated agriculture, which should generate returns of between 8 and 9 percent, based on an initial investment of \$352,000.

DSL's Real Estate Asset Management Plan calls for managing state "resource lands to ensure long-term health and increase revenues." All revenues from state lands are deposited in the [Common School Fund](#). One of the principles in the plan is to pursue land investment opportunities that will meet or beat the fund's current 10-year average returns of 5 percent.

May land auctions total more than \$1 million



Sale prices exceed minimum bids

Two public auctions of scattered state land parcels generated \$1,125,800, representing an average of 30 percent over the list prices. The May 12 oral auction and May 16 sealed-bid auction offered 13 properties. Eleven sold for over the list price, and one property did not sell.

The parcels in this year's auctions included timbered tracts, rural residential parcels and open rangeland in Jackson, Josephine, Crook, Deschutes and Jefferson counties. The auctions were conducted by contractor Realty Marketing/Northwest.

"Our recently adopted [Real Estate Asset Management Plan](#) directs the agency to invest in high-performing lands, and dispose of isolated, difficult-to-manage lands," said Asset Manager John Russell. "We continually analyze our real estate portfolio, and determine how best to balance our dual mandates of generating funds for schools, while managing lands in a sustainable manner," he said.

State lands under the Department's and Land Board's jurisdiction are managed to generate revenue for the [Common School Fund](#). Earnings from the fund are sent to K-12 public schools twice a year. Funds from land sales are deposited in a fund earmarked for reinvestment in state land assets.

Volunteers enrich South Slough programs

Monetary value of hours exceeds \$125,000 annually

Mike Graybill, manager of the South Slough National Estuarine Research Reserve, can't remember a year that saw so many enthusiastic individuals come to their door to help. "Some volunteers fit the traditional category of single individuals who approach us with an interest in supporting our program. Other volunteers come to us through the connections our staff have with organizations that work with volunteers," he says. One thing is sure: they greatly enhance the Reserve's varied programs.



Deborah Rudd, South Slough volunteer coordinator, says she currently has perhaps the strongest corps of volunteers in the history of the agency. According to her conservative estimate, volunteers contributed 6,000 hours of service in 2011. In Rudd's six years at the Reserve, she's built a solid program that continues to grow, and in January the Bay Area Chamber of Commerce honored her with their annual Community Award for her exceptional work.

According to Rudd, volunteers may become trail guides; welcome visitors at the South Slough Interpretive Center; help get the word out about programs as publicity assistants; develop materials and teach about estuaries as education assistants; and help out behind the scenes with field work, cataloging artifacts, clerical tasks, website design, trail maintenance and landscaping.

For information on volunteering, visit the South Slough website:

[Become a volunteer](#)

[Join the Friends of South Slough](#)

New reports now online



The Department has recently posted several new documents with updated information and resources:

[2012-2016 Strategic Plan](#)

Goals and actions for all DSL programs for the next four years



[Common School Fund Fact Sheet](#)

Information on recent distributions and how the fund benefits public schools

[2012 Customer Survey Summary](#)

Customer service ratings in six areas: timeliness, providing services correctly the first time, helpfulness, staff expertise, availability of information, and overall customer service

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