



Oregon

Tina Kotek, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

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www.oregon.gov/dsl

State Land Board

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Tobias Read

State Treasurer

CERTIFIED MAIL

7022-0410-0001-7667-1909

FIRST CLASS MAIL

May 7, 2024

KM410/7961-ENF

CHRISTOPHER JONES

33470 CHINOOK PLAZA BOX 138

SCAPPOOSE, OR 97056

RE: Post-seizure Notice for Vessel DREDGE ANDERSON
(DSL Enforcement File # 7961-ENF)

Dear Mr. JONES,

The Department of State Land seized an abandoned steel barge hull with an A-frame, the Dredge Anderson ("Vessel") on **May 7, 2024, at 9:30 AM**, in the Columbia River near River Mile 68 at approximately Latitude 46.090286°, Longitude -122.931263° in Columbia County (photo attached, Figure 1). The Department has authority under ORS 830.911 to 830.938 to destroy or sell the Vessel if you do not pay the costs of salvage, towing, and storage.

The vessel was seized under authority of ORS 830.911 as an abandoned vessel. The vessel (pictured below, Figure 2) has been moored on state-owned land without authorization since March 1, 2013

You, as owner of this Vessel, are liable for salvage, towing, storage, and disposal costs incurred by the Department of State Lands. To date, the Department has not yet incurred recoverable costs associated with these tasks. The estimated cost of this project including demolition and disposal is expected to exceed \$1,000,000.00.

Opportunity to Reclaim: You may immediately reclaim the vessel by meeting the requirements of ORS 830.933(1), including both:

Paying all costs incurred by the Department of State Lands in salvaging, towing, and storing the vessel;
and

Establishing to the satisfaction of the Department of State Lands that you are able to move the vessel to a place where it can be lawfully kept.

If you choose to reclaim the Vessel, you, as the owner, will be responsible for relocating the vessel to a location where it can be lawfully kept.

Post-seizure Notice: Enclosed is a Post-seizure Notice. The Notice provides more information on your rights and obligations related to this Vessel. Failure to reclaim the vessel by **June 7, 2024, at 5:00PM** will cause the title and ownership of the vessel and all personal property found on the vessel to be vested with the Department of State Lands who then may sell or otherwise dispose of the vessel and property pursuant to ORS 830.933(2). If you do not reclaim the Vessel as provided above, the Department may pursue cost recovery from you, pursuant to ORS 830.908 to 830.948.

Opportunity to Appeal: This Notice contains information on how you may request a hearing to challenge the allegations in the Notice, or otherwise correct the violations. You may request a hearing by submitting a written request no later than **May 21, 2024, at 5:00PM** to the Department of State Lands, 775 Summer St. NE, Salem, OR 97301; ORS 830.936. Please reference Dredge Anderson. The request for hearing must include a statement of the specific grounds on which the seizure is challenged and whether you challenge the reasonableness of any salvage, towing or storage cost incurred by the Department.

If you have any questions, or if you need assistance to comply with this Notice, please contact Josh Mulhollem at 971-600-8935 or via email at joshua.mulhollem@dsl.oregon.gov.

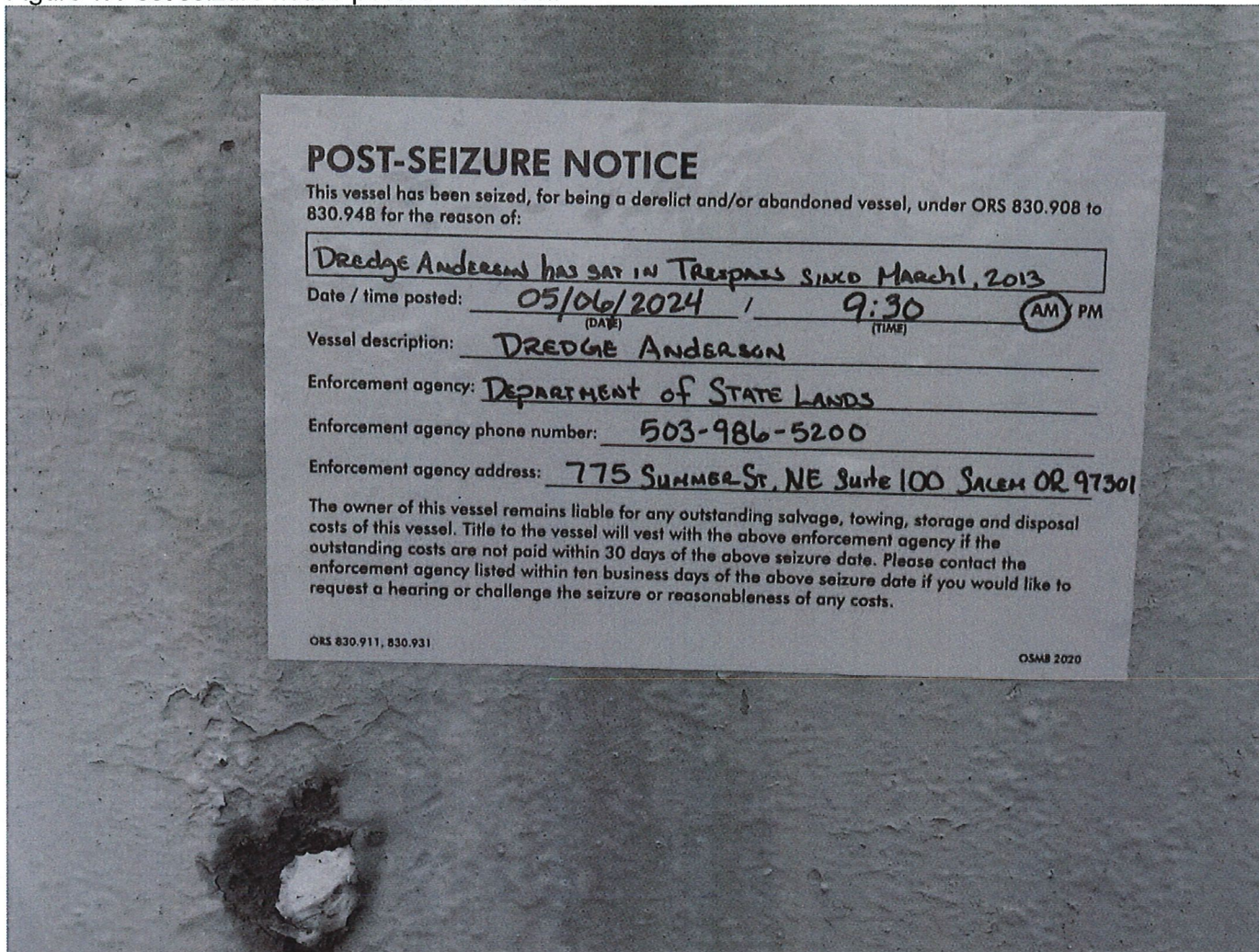
Dated this 7 day of May, 2024.



Josh Mulhollem
Manager, Waterways Stewardship Program
Aquatic Resource Management Division
Oregon Department of State Lands

Cc: Matt Devore, Department of Justice: matt.b.devore@doj.state.or.us
Shaun McQuiddy, Columbia County Sheriff's Office: shaun.mcquiddy@columbiacountyor.gov

Figure 1: Post seizure notice posted on vessel.



POST-SEIZURE NOTICE

This vessel has been seized, for being a derelict and/or abandoned vessel, under ORS 830.908 to 830.948 for the reason of:

Dredge Anderson has sat in TRESPASS SINCE MARCH 1, 2013

Date / time posted: 05/06/2024 / 9:30 AM PM
(DATE) (TIME)

Vessel description: DREDGE ANDERSON

Enforcement agency: DEPARTMENT OF STATE LANDS

Enforcement agency phone number: 503-986-5200

Enforcement agency address: 775 SUMMER ST. NE SUITE 100 SALEM OR 97301

The owner of this vessel remains liable for any outstanding salvage, towing, storage and disposal costs of this vessel. Title to the vessel will vest with the above enforcement agency if the outstanding costs are not paid within 30 days of the above seizure date. Please contact the enforcement agency listed within ten business days of the above seizure date if you would like to request a hearing or challenge the seizure or reasonableness of any costs.

ORS 830.911, 830.931

OSMB 2020

Figure 2: Dredge Anderson pictured in its current location on March 13, 2024, at 8:30AM.



STATE OF OREGON DEPARTMENT OF STATE LANDS

In the Matter of Violation of ORS 830.911
By Christopher Jones

File No: ENF-7961
Post-seizure Notice

And Opportunity for a Hearing

Pursuant to the Abandoned or Derelict vessel statutes in ORS 830.908 to 830.948, the Department of State Lands (hereinafter the Department) has seized the abandoned or derelict vessel referenced in this notice, based on violation of the applicable provisions of ORS 830.908 through 830.948 as more particularly set forth below. In support of the proposed action the Department asserts as follows:

I. AUTHORITIES

The State is the owner of certain submerged and submersible lands in this state, including those on the Columbia River, in Columbia County (Oregon Admission Act, 11 Stat. 383 (1859); ORS 274.025; and ORS 274.710). The State delegated authority to the Department for the management of these submerged and submersible State lands (ORS 274.040 and ORS 274.710).

The Department rules provide that no person shall place a vessel on or make use of state-owned submerged and/ or submersible land without the required authorization described OAR 141-082-0265 and defined in OAR 141-082-0255 unless the use is exempt from such authorization by law or these rules. ORS 274.040, OAR 141-082-0265, and OAR 141-082-0260(4).

Unauthorized use of state-owned land constitutes a trespass. OAR 141-082- 0315(1). The Director of the Department is required to investigate and prosecute all trespasses on state lands. ORS 273.185.

The Legislature has authorized enforcement agencies to investigate and seize vessels that are abandoned or derelict. ORS 830.908 to 830.948. The Department is an enforcement agency authorized to enforce the Abandoned and Derelict Vessel laws. ORS 830.908(4). The Department's address and telephone number are:

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-
503 986-5200
dsl.waterway@dsl.oregon.gov

An enforcement agency may seize a vessel if the agency has probable cause to believe that the vessel is abandoned or derelict, and the owner fails to correct the issues identified in the agency's notice. ORS 830.911. In some situations, an enforcement agency may immediately seize the vessel, board the vessel, or take other actions as authorized by ORS 830.911.

After a seizure, the enforcement agency must issue a post-seizure notice to the owner and post the notice on the agency's website, as provided in ORS 830.931. At any time before the date specified in this Notice, the owner may immediately reclaim a seized vessel by (a) Paying all costs incurred by the enforcement agency in salvaging, towing and storing the vessel; and (b) Establishing to the satisfaction of the enforcement agency that the owner is able to move the vessel to a place where the vessel can be lawfully kept (ORS 830.933).

If a vessel is seized and not reclaimed in the manner provided by this Notice, title to the vessel and all personal property found in the vessel vests in the enforcement agency, and the enforcement agency may sell or otherwise dispose of the vessel and the property (ORS 830.933(2)).

The owner has a right to a hearing. If a hearing is requested, the hearing must be held within seven business days of the request. Statute sets out further requirements for the hearing (ORS 830.936).

A request for a hearing after a seizure must be in writing and submitted to the enforcement agency no more than 10 business days after the notice is given. The request must include a statement of the specific grounds on which the seizure is challenged, and whether the owner challenges the reasonableness of any salvage, towing or storage costs incurred by the enforcement agency (ORS 830.931(4)). If the owner requests a pre-seizure hearing under ORS 830.918(5), the owner may request a post-seizure hearing only for the purpose of challenging the reasonableness of any salvage, towing or storage costs incurred by the enforcement agency (ORS 830.931(5)).

If the owner requests a hearing but fails to appear at the hearing, the enforcement agency will proceed with the proposed action and the owner may be precluded from any further hearings on the matter (ORS 830.936).

Not less than 30 days after seizing a vessel, the enforcement agency may sell or destroy the vessel. The owner of a vessel shall be responsible for all costs arising out of salvage, towing, storage, and disposal of the seized vessel (ORS 830.938).

A vessel owner who fails to comply with a notice issued under ORS 830.918 or an order issued under ORS 830.936 may be found guilty of the offense of failure to remove an abandoned vessel or possession of a derelict vessel, both Class A violations (ORS 830.944 and ORS 830.990(9)).

II. FACTUAL ALLEGATIONS

Christopher Jones is the current owner of a vessel known as the Dredge Anderson, a steel barge hull with an A-frame ("Vessel"). This vessel has been moored on the Columbia River near River Mile 68 at approximately Latitude 46.090286, Longitude -122.931263, in Columbia County since at least 2012.

The Department issued Mr. Jones a Temporary Use Permit on March 1, 2012, that was valid for one year. Mr. Jones has not had an authorization from the Department since the Temporary Use Permit expired on February 28, 2013.

The vessel is "abandoned" as defined in ORS 830.908 because it has been left without

authorization on state-owned lands and waters of this state since March 2013. On September 11, 2017, the Department sent a Notice of Trespass informing Christopher Jones that his use of the waterway was unauthorized, and the dredge needed to be moved to an authorized moorage location or removed from the waterway.

On April 12, 2019, the Department issued a Notice of Proposed Action (Civil Penalty) for Trespass on State Lands. After a contested hearing on the matter, Christopher Jones was found to be in trespass and assessed a civil penalty of \$2000.

On April 2, 2024, the Department posted a Pre-Seizure notice on the vessel and provided notice to Christopher Jones via first class mail and certified mail per ORS 830.918. The Pre-Seizure notice explained that the vessel would be seized on April 30th if Mr. Jones did not cure the issues raised in the notice. Mr. Jones did not remedy the issues noted in the notice.

On April 12, 2024 the Department hired Ballard Marine Construction to secure the Vessel in place and prevent it from causing damage to adjacent properties.

On April 16, 2024 I received a phone call from Mr. Jones where he asked for an extension to the allotted time so he could try to come up with a plan to get the vessel off the water because he did not have the money for an attorney to appeal the pre-seizure. Mr. Jones did not request a hearing to challenge the seizure.

On May 6, 2024, the Department seized the vessel by securing it in place.

III. CONCLUSIONS OF LAW

Based on the foregoing and pursuant to the authority cited above, the Department was authorized to seize the vessel as abandoned, pursuant to ORS 830.911.

To date, the Department has not yet incurred recoverable costs for salvage, towing, storage, or disposal of the vessel. The Department estimates that its total costs for salvage, towing, storage, and disposal will exceed \$1,000,000.

Christopher Jones is the owner of the vessel. Christopher Jones shall be liable to the Department for all costs arising out of salvage, towing, storage, and disposal of the vessel, pursuant to ORS 830.938. If the Department's costs exceed \$1,000,000, the Department shall provide Christopher Jones with an updated notice of the Department's costs.

Christopher Jones may reclaim the vessel by (a) paying all costs incurred by the Department in salvaging, towing, and storing the vessel, and (b) establishing to the satisfaction of the Department that he is able to move the vessel to a place where it can be lawfully kept. Christopher Jones may reclaim the vessel by completing the above-described steps and moving the vessel to a location where it can be lawfully kept by **June 6, 2024 at 5:00PM**.

If Christopher Jones does not reclaim the vessel as provided above and move the vessel to a location where it can be lawfully kept, the title and ownership of the vessel and all personal property found on the vessel will be vested with the Department of State Lands. The Department may then sell or otherwise dispose of the vessel and property pursuant to ORS 830.933(2). The Department may also pursue cost recovery efforts against Christopher Jones for the Department's costs to salvage, tow, store and dispose of the vessel.

IV. RIGHT TO HEARING

Christopher Jones has a right to a hearing on this post-seizure notice. A request for a hearing must be in writing and submitted to the enforcement agency no more than 10 business days after the post-seizure notice is given. A request for a hearing must be submitted before **May 20, 2024, at 5:00PM**. Christopher Jones may mail a request for a hearing to:

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301
503-986-5200
dsl.waterways@dsl.oregon.gov

The request must include a statement of the specific grounds on which the seizure is challenged, and whether the owner challenges the reasonableness of any salvage, towing or storage costs incurred by the enforcement agency. ORS 830.931(4). If the owner requested a pre-seizure hearing under ORS 830.918(5), the owner may request a post-seizure hearing only for the purpose of challenging the reasonableness of any salvage, towing or storage costs incurred by the enforcement agency. ORS 830.931(5).

If the owner submits a timely request for a hearing, the Department must set a time for the hearing that is no more than seven business days after receiving the hearing request. The Department will notify the owner of the time and the place of the hearing. The owner will also be given information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing before commencement of the hearing.

If the owner's request for a hearing is not received by the Department within 10 business days or if the request otherwise fails to comply with the requirements of ORS 830.936, ORS 830.918, and ORS 830.931, then the owner's right to a hearing shall be considered waived.

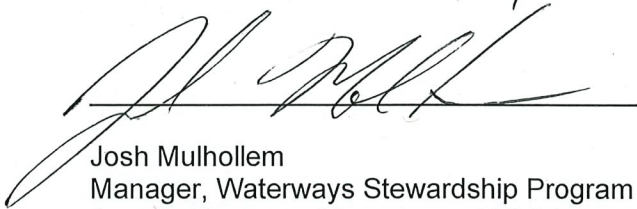
V. FINAL ORDER BY DEFAULT

If Christopher Jones does not request a hearing within 10 business days of the notice, or if Christopher Jones requests a hearing and then either withdraws the hearing request, notifies the Department that he will not appear or fails to appear at a scheduled hearing, then the Department may issue a final order by default. The final order by default may order that title to the vessel and personal property will vest in the Department. The final order by default may authorize the Department to sell or destroy the vessel and any personal property found on the vessel. The final order by default may find the owner of the vessel responsible for all costs arising out of salvage, towing, storage, and disposal of the vessel. If the Department issues a final order by default, it designates its file on this matter, including any materials submitted by Christopher Jones that relate to this matter, as the record for purposes of proving a prima facie case.

Federal Servicemembers Civil Relief Act:

Active duty servicemembers have a right to stay certain proceedings under the federal Servicemembers Civil Relief Act. See generally 50 USC 3901 et seq. For more information, contact the Oregon State Bar (800-452-8260), the Oregon Military Department (503-584-3571), or the nearest United States Armed Forces Legal Assistance Office (<http://legalassistance.law.af.mil>). The Oregon Military Department does not have a toll-free telephone number.

DATED on this 7 day of May 2024.



Josh Mulhollem
Manager, Waterways Stewardship Program
Aquatic Resource Management Division
Oregon Department of State Lands

CERTIFICATE OF FILING/SERVICE

I hereby certify that on the 7 day of May, 2024, I posted the substance of this notice on a website maintained by the Department of State Lands.

I further certify that on the 7th day of May, 2024, I served the within Post Seizure Notice on Christopher Jones certified and first-class mail to the addresses listed below:

CHRISTOPHER JONES
33470 CHINOOK PLAZA BOX 138
SCAPPOOSE, OR 97056

DATED this 7 day of May 2024.

Print name: VELEN NAMES

Signature: 

Position: Admin I, Support Services