



# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

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

## State Land Board

Tina Kotek

Governor

## State Land Board

**August 13, 2024**

**11:00 am – 12:15 pm**

**Meeting Agenda**

LaVonne Griffin-Valade

Secretary of State

*Public Wi-Fi logon: LandsDSL*

Tobias Read

State Treasurer

*This is a hybrid meeting that can be attended in-person at the South Slough Reserve Visitors Center located at 61907 Seven Devils Rd, Charleston, OR 97420 or online through the Department of State Lands' livestream video: [www.youtube.com/@oregonstatelands](http://www.youtube.com/@oregonstatelands)*

### **CONSENT ITEMS**

1. Request for approval of the minutes of the June 11, 2024, State Land Board Meeting

### **ACTION ITEMS**

2. Initiate Rulemaking for Division 141-142: Designating Rocky Shores Habitat  
*Public testimony will be accepted on this item.*
3. Fortuna Cannery Pier Hotel: Filled Lands Sale on the Astoria Waterfront  
*Public testimony will be accepted on this item.*
4. RAMSAR Designation of the South Slough National Estuarine Research Reserve: a "Wetland of International Importance"  
*Public testimony will be accepted on this item.*

*Continued on the next page*

## **INFORMATIONAL ITEMS**

5. South Slough National Estuarine Research Reserve Annual Report  
*No public testimony will be taken on this item.*
  
6. DSL Strategic Plan Annual Report  
*No public testimony will be taken on this item.*
  
7. Other  
*No public testimony will be taken on this item.*

## **WATCH THE MEETING ONLINE**

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

## **ATTEND IN-PERSON**

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

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

## **PROVIDE PUBLIC TESTIMONY**

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

- **Providing Written Testimony:** Testimony received by 10 a.m. on the Monday before the meeting will be provided to the Land Board in advance and posted on the meeting website. Submit your input in writing to: [landboard.testimony@dsl.oregon.gov](mailto:landboard.testimony@dsl.oregon.gov). Testimony received after this deadline may not be provided to the Land Board prior to a vote. Please indicate the agenda item your testimony relates to.

- **Providing Spoken Testimony by Video/Phone or In Person:** Advanced sign-up is required for the public to provide spoken testimony (in-person or by Zoom). The sign-up deadline is 10 a.m. the day before the meeting.  
**Please note:** When the number of people interested in speaking exceeds the time allotted for an agenda item, speakers are randomly selected for testimony slots to ensure all have an equal opportunity to testify. Speakers have the same chance of being randomly selected whether they plan to testify in person or by Zoom. The testimony order will be posted to the State Land Board Meetings webpage the day before the meeting, and everyone who signed up to testify will be notified of the testimony order via email. Be aware there may not be time for everyone who signs up to speak.

### **Additional Testimony Information**

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



# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

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

### State Land Board

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

The State Land Board (Land Board or Board) met in regular session on June 11, 2024, in the Land Board Room at the Department of State Lands (DSL), 775 Summer Street NE, Salem, Oregon. The meeting audio and video was livestreamed on the DSL YouTube channel.

#### Present were:

Tina Kotek

Governor

Tobias Read

State Treasurer – via Zoom

LaVonne Griffin-Valade

Secretary of State

Tobias Read

State Treasurer

#### Land Board Assistants

Geoff Huntington

Governor's Office

Jessica Ventura

Secretary of State's Office

Jessica Howell

State Treasurer's Office

#### Department Staff

Vicki Walker

Bill Ryan

Chris Castelli

Ted Bright

Arin Smith

Jean Straight

Ali Ryan Hansen

Linda Safina-Massey

Brett Brownscombe

Patricia Fox

#### Department of Justice

Matt DeVore

Governor Kotek called the meeting to order at 10:00 a.m. The topics discussed and the results of those discussions are listed below. To view the Land Board (Board) meeting in its entirety, please visit our YouTube page: [June 11, 2024 Land Board Meeting](#)

#### Consent Items

##### 1. Minutes

Secretary Griffin-Valade made a motion to approve the minutes for the April 9, 2024, Land Board meeting.

Governor Kotek seconded the motion.

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



## **Action Items**

- 2. Request for approval of sale and release of 67.5 acres of subsurface minerals and geothermal rights in Marion County, owned by the Oregon Department of Administrative Services, to DG Strategic VII, LLC (also known as Dollar General).**

Director Walker gave a brief overview of the item and the Department's recommendation that the State Land Board approve the sale and release of the 67.5 acres of subsurface minerals and geothermal rights for the property to DG Strategic VII, LLC, for the appraised price of \$10,000.

Secretary Griffin-Valade made a motion to approve the action item.  
Treasurer Read seconded the motion.  
The item was approved at 10:06 a.m. without objection.

- 3. Oregon Department of Forestry's proposed 2025-2027 Common School Fund budget.**

Director Walker introduced Mike Wilson, State Forest Division Chief and Kevin Boyd, Deputy Division Chief, from Oregon Department of Forestry to present the item.

Treasurer Read asked about the increase in fire costs and how it compares to the costs on other forest lands. Mr. Wilson stated that rates differ by location (SW and Eastern Oregon is more expensive than NW Oregon).

Treasurer Read commented that he hopes future budgets are more in balance with a plan over time that brings the costs more in line with our ability to generate revenue from these lands.

Secretary Griffin-Valade made a motion to approve the action item.  
Treasurer Read seconded the motion.

The item was approved at 10:22 a.m. without objection.

- 4. Elliott State Research Forest –**
  - a) Shutter Creek Acquisition**
  - b) 1000 Road Decoupling**
  - c) 1000 Road Delineation**
  - d) Board of Directors Appointments**

Public testimony was taken for this item.

Director Walker invited Brett Brownscombe, Elliott State Forest Transition Director, to the table to assist in presenting the items. Amber McKernan, Real Property Manager, was also available to answer questions.

#### 4a. Shutter Creek Acquisition

Director Walker gave a brief history of the property and the Department's recommendation that the State Land Board approve the acquisition of the 49.33-acre Shutter Creek property, located on Shutters Landing Lane in North Bend, for \$0. The property includes buildings totaling approximately 62,000 square feet and is anticipated to serve as the headquarters for the Elliott State Research Forest and other potential partnerships, pending the outcome of a visioning and redevelopment planning process.

Secretary Griffin-Valade made a motion to approve the action item.  
Treasurer Read seconded the motion.  
The item was approved at 10:38 a.m. without objection.

#### 4b. Decoupling the 1000 Road in the Elliott State Forest from the constitutional Common School Fund

Director Walker gave an overview of the agenda item and the Department's recommendation that the State Land Board approve decoupling the 1000 Road parcel from the constitutional Common School Fund, compensating the constitutional Common School Fund for the forest and releasing the Elliott from its obligation to generate revenue for schools.

Secretary Griffin-Valade made a motion to approve the action item.  
Treasurer Read seconded the motion.  
The item was approved at 10:43 a.m. without objection.

#### 4c. Correcting the delineation of lands that comprise the Elliott State Research Forest

Director Walker gave the recommendation that the State Land Board approve updating the delineation of specific lands to be managed as the Elliott State Research Forest to include land associated with the 1000 Road parcel that was inadvertently omitted from the delineation previously approved by the State Land Board on December 13, 2022.

Secretary Griffin-Valade made a motion to approve the action item.  
Treasurer Read seconded the motion.  
The item was approved at 10:44 a.m. without objection.

#### 4d. Appointment of the first voting members of the Elliott State Research Forest Board of Directors

Director Walker gave the Departments recommendation that the Board appoint the first voting members of the ESRF Board of Directors from the Department's candidate list:

- Keith Tymchuk
- Bob Sallinger
- Mike Kennedy
- Melissa Cribbins
- Peter Hayes
- Haley Lutz

The State Land Board expressed their appreciation and thanked everyone who has volunteered their time.

Treasurer Read made a motion to approve the action item.  
Secretary Griffin-Valade seconded the motion.  
The item was approved at 10:51 a.m. without objection.

### **Informational Item**

#### **5. Elliott State Research Forest – Forest Management Plan Update**

Director Walker gave a brief description of the item and asked Brett Brownscombe, Elliott State Forest Transition Director, to present the information.

The Department of State Lands has prepared a Draft DSL Forest Management Plan (FMP) for next step engagement of the public, Tribes, other government and non-government stakeholders, and the ESRF Board of Directors.

The proposed FMP will be presented to the State Land Board for decision at the October 8, 2024, meeting.

Secretary Griffin-Valade asked what the plan is for getting community input. Mr. Brownscombe responded that there will be presentations for the public through in-person and virtual options throughout the state.

Treasurer Read asked about the concept of the forest being a “working forest” and how he sees that playing out in the draft FMP. Mr. Brownscombe stated that the framework for the draft FMP is still a working research forest, achieving multiple public values and objectives through collaborative agreements related to testing, demonstrating and researching different types of management in achieving various outcomes (timber products, carbon, biodiversity, etc.).

#### **6. Department of State Lands 2025-27 Budget Overview**

Director Walker asked to be joined at the table by Deputy Director’s Jean Straight and Bill Ryan and Communications Director, Ali Ryan Hansen.

The Department of State Lands is preparing its 2025-27 Agency Request Budget for submission to the Department of Administrative Services and consideration for inclusion in the Governor’s Budget.

The requested budget includes 10 proposed policy option packages that request additional funding for current core services; funding to continue current program projects in the next biennium; and funding for two major new programs. The Department is also requesting 4 packages to carry forward current federal funding into the next biennium.

Treasurer Read commented that the State Land Board is concerned with the

overreliance on the Common School Fund (CSF) to support programs and hopes that the Department will engage legislative leadership to find ways to find revenue to support the programs outside of the CSF.

Governor Kotek thanked the group for the presentation.

\*Due to time constraints, Item 7, South Slough National Estuarine Research Reserve Annual Report, was moved to the August meeting agenda.

The meeting was adjourned at 12:00 p.m.

---

Tina Kotek, Governor

---

Vicki L. Walker, Director

DRAFT



# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 986-5200  
FAX (503) 378-4844  
[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

### State Land Board

## State Land Board

**Regular Meeting**  
**August 13, 2024**  
**Agenda Item 2**

Tina Kotek  
Governor

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

### **SUBJECT**

Administrative rulemaking under OAR 141-142 governing the establishment and management of marine reserves and marine protected areas in Oregon's territorial sea.

### **ISSUE**

Whether the State Land Board should initiate permanent rulemaking to formally incorporate new rocky habitat designations identified in Part III of Oregon's Territorial Sea Plan.

### **AUTHORITY**

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

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

### **BACKGROUND**

Oregon's marine rocky habitats are integral to the unique landscape and seascape of the Oregon Coast. They provide a safe harbor for a variety of species that have uniquely adapted to live on the margin between the land and sea. The living resources found in rocky habitats include fish, invertebrates, and plant life, particularly in the intertidal areas, as well as seabirds and seals that use adjacent cliffs and offshore rocks for shelter, feeding, and reproduction. Below the surface, rocky habitats offer stable footing for structure-forming marine plants such as kelps and seagrasses. These marine plants provide a foundation for the diverse, unique, and economically important species that live in rocky habitats.

Part Three of Oregon's Territorial Sea Plan outlines the state's Rocky Habitat Management Strategy. Originally published in 1994, the Territorial Sea Plan is managed by the Ocean Policy Advisory Council and the Department of Land Conservation and Development. It outlines clear policies and direction for strong, site-based management and the protection of unique ecosystems along the Oregon Coast. This includes classifications such as marine gardens, habitat refuges, and research and conservation areas. After a 3-year public review process, an updated Part Three of the Territorial Sea Plan was adopted in April 2023.

The Department of State Lands' administrative rules in OAR 141-142 have not been updated since 2012, and rulemaking is needed to align rules with the updated Plan and protected areas.

### **PUBLIC INVOLVEMENT**

Upon Land Board approval to initiate rulemaking, the Department will draft the proposed rules and develop a notice of proposed rulemaking as well as an evaluation of fiscal impact. The Department will gather input on the proposed rules through a public comment period.

The purpose of the rulemaking is to add the geographic locations of the protected areas to align the rules with an adopted statewide plan. As the plan went through extensive community engagement, the Department will not convene a Rulemaking Advisory Committee.

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

### **RECOMMENDATION**

The Department recommends the State Land Board authorize the Department to initiate permanent rulemaking under OAR 141-142 to formally incorporate the new rocky habitat designations identified in Part III of Oregon's Territorial Sea Plan.

### **APPENDICES**

A. Territorial Sea Plan, Part III, Appendix E: Rocky Habitat Designation and Maps, 2023

## Appendix E: Rocky Habitat Designations & Map

### Rocky Habitat Designations (as of April 2023)

#### **Marine Gardens (Marine Education Areas)**

The OPAC and LCDC have approved the designation of eight Marine Gardens in rocky intertidal areas along the Oregon Coast (Table 3). ODFW's regulations in these areas protect the rocky intertidal invertebrate community from harvest impacts (OAR 635-005-0260). Currently, ODFW designated Marine Gardens are summarized in the table at right.

Marine Gardens are closed to the take of marine invertebrates with two exceptions: single mussels may be taken for bait, and razor clams (a sandy beach species) may be taken at Cape Perpetua. The

Cape Perpetua Marine Garden has some small stretches of sandy beach among the rocky areas where razor clams can be harvested without affecting rocky habitat areas. Sport fishing is allowed in and from Marine Gardens, while commercial harvest of invertebrates is prohibited. No collection of marine aquatic vegetation is allowed within the ocean shore in these areas, except by scientific research permit from OPRD. These regulations may differ in areas where Marine Gardens overlap with Marine Reserves or Marine Protected Areas (Section E.2.b).

#### **Marine Research Areas**

The OPAC and LCDC have approved the designation of seven Marine Research Areas (total) in both rocky intertidal areas and subtidal areas (Table 4). ODFW's Marine Research Area regulations vary by site and are designed to limit sport harvest of most invertebrate species and manage scientific/educational take through a permit program (OAR 635-005-0260; Section E.3.). The designated Marine Research Areas are listed in Table 4.

<b>Site Name</b>	<b>Community, County</b>
Haystack Rock	Cannon Beach, Clatsop County
Chapman Point	Cannon Beach, Clatsop County
Cape Kiwanda	Pacific City, Tillamook County
Otter Rock	Otter Rock, Lincoln County
Yaquina Head	Agate Beach, Lincoln County
Yachats	Yachats, Lincoln County
Cape Perpetua	Lincoln County
Coquille Point	Bandon, Coos County
Harris Beach	Brookings, Curry County

At most intertidal-only Marine Research Areas, sport harvest of most invertebrate species is closed. However, harvest of abalone,<sup>32</sup> clams, Dungeness crab, red rock crab, mussels, piddocks, scallops, and shrimp is allowed. The regulations divide Cape Arago into three zones (Areas A, B, and C – north to south). Area B employs the Marine Research Area regulation described above, while Areas A and C prohibit take of all marine invertebrates. Pirate Cove and Gregory Point Marine Research Areas are closed to the take of all marine invertebrates. Sport fishing is allowed in Marine Research Areas, while commercial harvest of invertebrates is prohibited. No collection of marine plants is allowed within the ocean shore in these areas, except by scientific research permit from OPRD. These regulations may differ in areas where Marine Research Areas overlap with Marine Reserves or Marine Protected Areas (Section E.2.c.).

<b>Table 4 Marine Research Areas</b>	
<b>Site Name</b>	<b>Community, County</b>
Boiler Bay (intertidal only)	Depoe Bay, Lincoln County
Pirate Cove (intertidal and subtidal)	Depoe Bay, Lincoln County
Neptune State Scenic Viewpoint (intertidal only)	Florence, Lane County
Gregory Point (subtidal only)	Charleston, Coos County
Cape Arago (intertidal only)	Charleston, Coos County
Cape Blanco	Curry County
Brookings (intertidal only)	Brookings, Curry County

### **Marine Conservation Areas**

As specified in Section D of the Strategy, the Marine Conservation Area designation allows for different types of management prescriptions based on site conservation goals and needs. Each site will be described below accordingly, in a north to south order, to document the management regulations that will be applied. The Marine Conservation Areas are included in the Appendix E Map of Rocky Habitat Designated Sites.

### **Ecola Point Marine Conservation Area**

The Ecola Point Marine Conservation Area goals are to preserve and strengthen the ecological integrity of the site including existing marine life, fish, seabird and shorebird nesting areas that exist in these rocky habitats for long term sustainability, and to preserve the area's wilderness character in the face of increasing tourism and

---

<sup>32</sup> All abalone harvest was closed coastwide for at least a 3-year period beginning in 2018 due to population concerns. As of the date of this document, it is not known if and when harvest will reopen.



population on the North Coast. There is no change to existing use for commercial or recreational fish harvest. For invertebrate harvest only scientific research permits would allow harvest, and there would be no recreational harvest except for the use of single mussels used as bait for fishing. There is no harvest of marine plants, except for harvest associated with scientific research (permit required).

### **Cape Lookout Marine Conservation Area**

The goal of the Cape Lookout Marine Conservation Area is Conserve, to the highest degree possible, the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations. There is no change to the existing use for commercial or recreational fish harvest. There is no change in the invertebrate harvest rules in the subtidal areas. The commercial harvest of invertebrates in the intertidal area is not allowed. Recreational harvest of invertebrates is allowed to, consistent with ODFW regulations. Marine plant harvest in the area is prohibited.

### **Fogarty Creek Marine Conservation Area**

The goal of the Fogarty Creek Marine Conservation Area is the conserve the full diversity of species and habitats in the intertidal and shallow subtidal areas. The area will allow fishing, but only from shore. Commercial and recreational harvest of invertebrates in the area is prohibited. The recreational harvest of marine plants is allowed in the intertidal areas, consistent with existing regulations which allow a souvenir quantity.

### **Cape Foulweather Complex Marine Conservation Area**

The goal of the Cape Foulweather Complex Marine Conservation Area is to conserve the ecological functions and rocky habitat resources in order to provide long-term ecological, economic, and social benefits for current and future generations. There is no change to the existing use for commercial or recreational fish harvest. There is no change in the invertebrate harvest rules in the area. The recreational harvest of marine plants is allowed in the intertidal areas, consistent with existing regulations which allow a souvenir quantity. Harvest of marine plants in the subtidal areas is prohibited.

### **Whale Cove Marine Conservation Area**

Whale Cove was the first Marine Conservation Area designated on the coast and included management regulations for the intertidal and subtidal areas of Whale Cove in

Lincoln County. ODFW's regulations at Whale Cove prohibit harvest of both marine invertebrates and fish (OAR 635-005-0260). No collection of marine plants is allowed within the ocean shore in these areas, except by scientific research permit from OPRD (OAR 736-020-0003).

### **Blacklock Point Marine Conservation Area**

The goals for the Blacklock Point Marine Conservation area are:

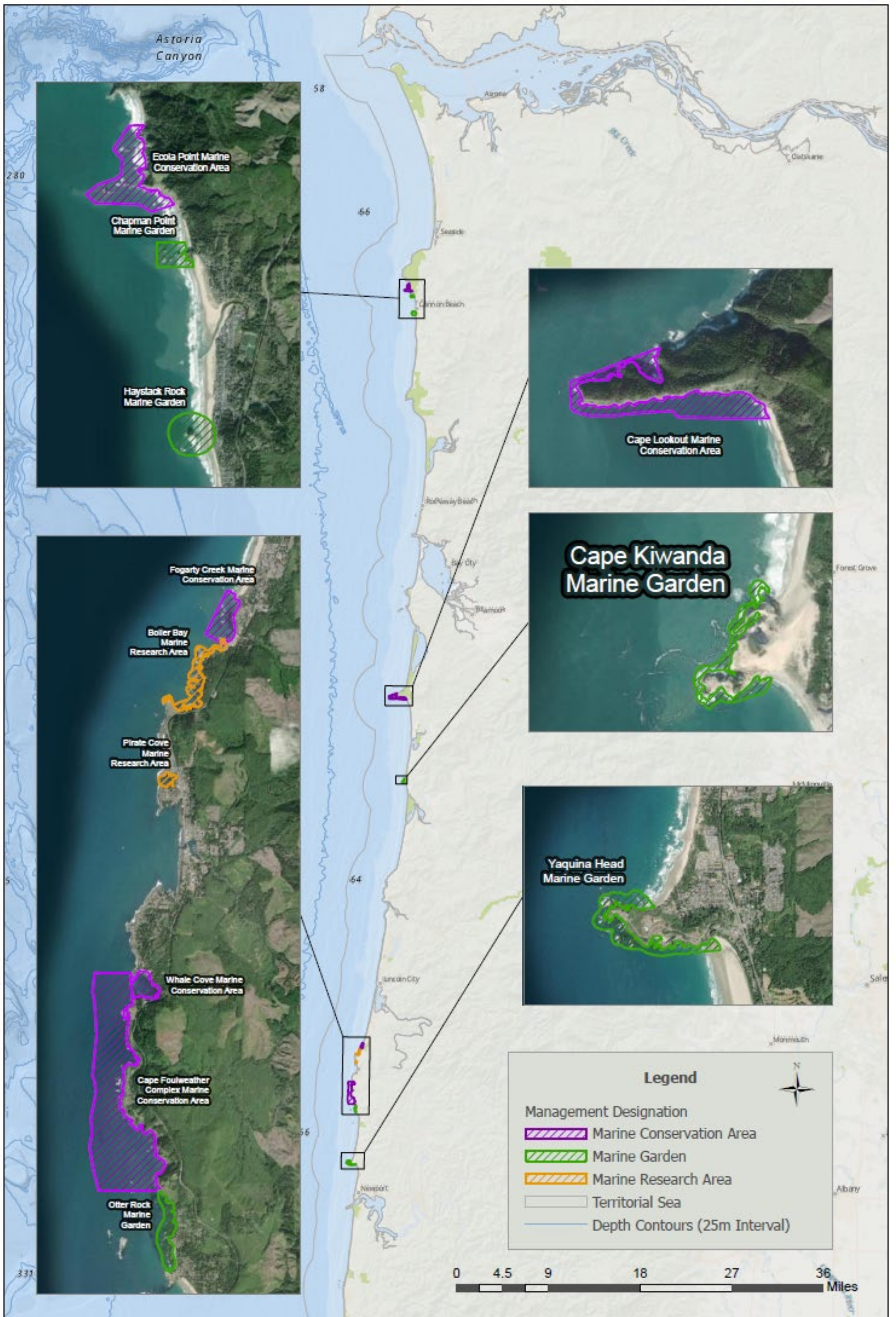
1. Educate, monitor, and apply adaptive, ecosystem-based management to conserve the ecological structure, function, and resiliency of nearshore rocky habitat species facing effects of changing climate.
2. Allow for continued legal sustainable human uses of their goods, services, and resources including fisheries, using non-regulatory management measures.
3. To provide long-term ecological, economic, and social benefits for current and future generations on Oregon's south coast.

There are no changes to the existing statewide harvest regulations for fish, invertebrates, or marine plants.



# Territorial Sea Plan Part Three - Appendix E Map 1 of 2

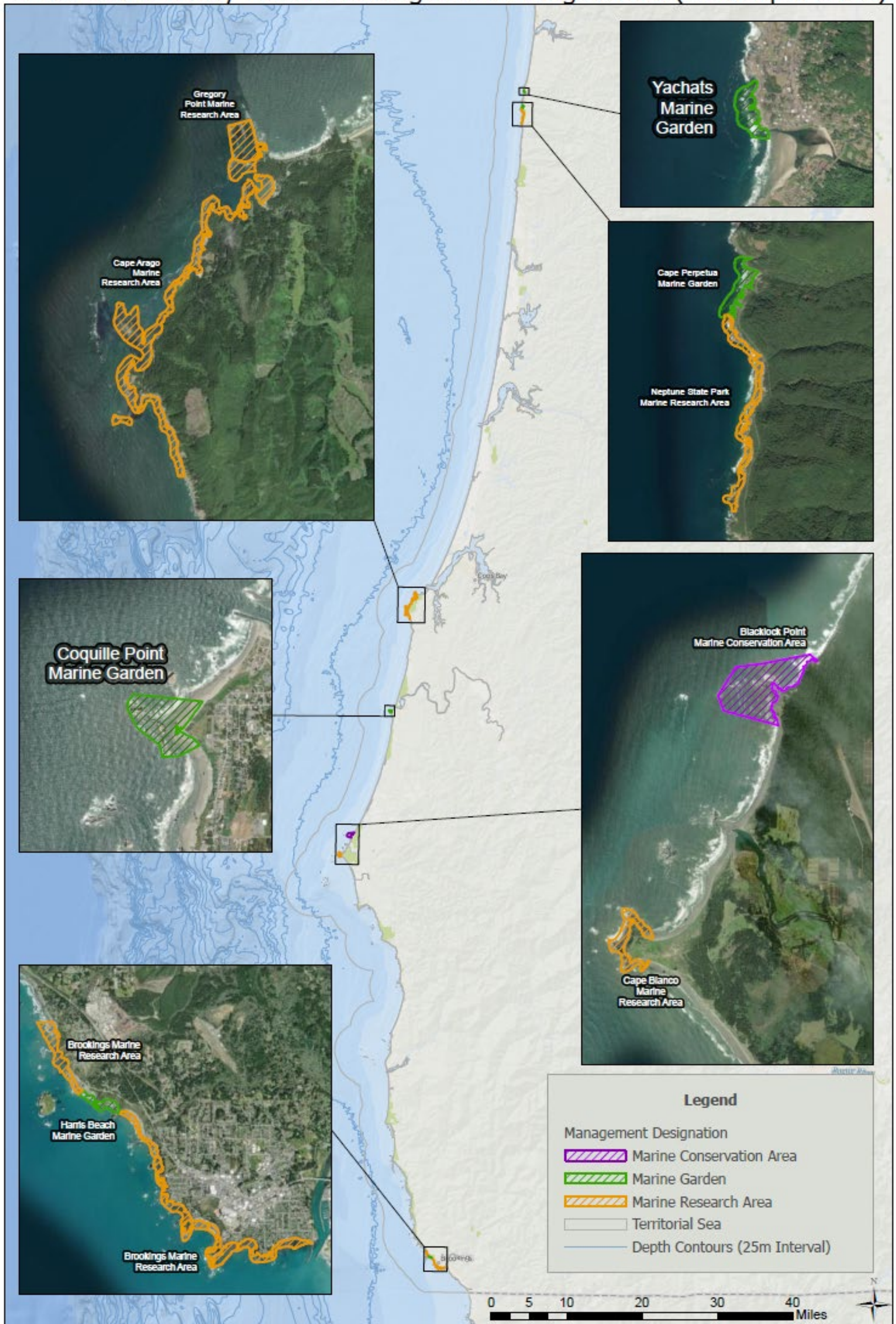
## North Coast Rocky Habitat Management Designations (as of April 2023)





# Territorial Sea Plan Part Three - Appendix E Map 2 of 2

## South Coast Rocky Habitat Management Designations (as of April 2023)



## Marine Reserves & Protected Areas

Currently, there are five Marine Reserves designated in Oregon, four of which have one or more associated Marine Protected Areas (MPAs). All of the Marine Reserves contain subtidal habitat and four of the Marine Reserves contain rocky intertidal habitat (OAR 635-012).

The Marine Reserves include:

<b>Table 5 Marine Reserves</b>	
<b>Site Name</b>	<b>Community, County</b>
Cape Falcon (subtidal and rocky intertidal habitat)	Tillamook & Clatsop Counties
Cascade Head (subtidal and rocky intertidal habitat)	Tillamook County
Otter Rock (subtidal and rocky intertidal habitat)	Otter Rock, Lincoln County
Cape Perpetua (subtidal and rocky intertidal habitat)	Lincoln County
Redfish Rocks (subtidal habitat only)	Port Orford, Curry County

ODFW's regulations for Marine Reserves prohibit the take of fish and invertebrates. ODFW's regulations for the nine MPAs vary by site and can be found in OAR chapter 635, division 12. Only two MPAs have regulations that materially affect rocky intertidal areas: Cascade Head North MPA and Cape Perpetua North MPA. Regulations pertaining to rocky intertidal areas of Cascade Head North MPA and Cape Perpetua North MPA prohibit take of fish from shore and prohibit take of invertebrates except crab. The regulations may differ where the MPAs overlap with Marine Gardens (Marine Education Areas) and Marine Research Areas (Section E.2.c.).

## Areas of Overlap between Designations

There are some rocky intertidal areas where Marine Reserves or Marine Protected Areas (MPA) overlap with Marine Gardens (Marine Education Areas) or Marine Research Areas. ODFW designated Marine Gardens (Marine Education Areas) and Research Reserves (Marine Research Areas) in years prior to designating Marine Reserves, and their designations were for different purposes. Even though many of the regulations are redundant in areas of overlap, ODFW chose not to change the status or



rescind the underlying Marine Gardens and Research Reserves in favor of the newer Marine Reserve regulations because the longevity of the Marine Reserve designations is not known. The Oregon Legislature will evaluate Marine Reserves in 2023, with an option of maintaining, changing, or removing designations. Maintaining the Marine Garden and Marine Research Area designations in areas of overlap ensures that these long standing rocky intertidal area protections will remain should the overlying Marine Reserve or MPA designations be removed.

Areas of overlap include:

- partial overlap between the Otter Rock Marine Garden (Marine Education Area) and Otter Rock Marine Reserve
- partial overlap of the Yachats Marine Garden (Marine Education Area) and Cape Perpetua North MPA
- partial overlap between the Cape Perpetua Marine Garden (Marine Education Area) and Cape Perpetua North MPA
- partial overlap between the Cape Perpetua Marine Garden (Marine Education Area) and Cape Perpetua Marine Reserve (note, sandy beaches are not in the Marine Reserve)
- complete overlap of the Neptune State Scenic Viewpoint Marine Research Area and the Cape Perpetua Marine Reserve (note, sandy beaches are not in the Marine Reserve)

The general interpretation of rules in areas of overlap is that the more stringent regulation (by species) applies. For example, the Otter Rock Marine Garden (Marine Education Area) allows fishing and taking single mussels for bait. The Otter Rock Marine Reserve does not allow any take; therefore, the more stringent Marine Reserve regulations (i.e. no take) apply for those species where the two areas overlap. For a full detailed description of Marine Reserves and Marine Protected Areas rules and regulations visit <http://OregonMarineReserves.com/>.



# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 986-5200  
FAX (503) 378-4844  
[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

### State Land Board

Tina Kotek  
Governor

## State Land Board

**Regular Meeting  
August 13, 2024  
Agenda Item 3**

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

### **SUBJECT**

Sale of filled lands on the Astoria waterfront.

### **ISSUE**

Whether the State Land Board should authorize the Department of State Lands to conduct a direct sale of 0.57 acres of new, state-owned filled land to Fortuna Cannery, LLC. The property is located on the Astoria waterfront in Clatsop County at Township 8 North, Range 8 West, Section 7CA, a portion of Tax Lots 401 and 402 (see Appendix A for a site map of proposed land transaction #63360-LS).

### **AUTHORITY**

Oregon Constitution, Article VIII, Sections 2 and 5; pertaining to the Common School Fund and land management responsibilities of the State Land Board.

ORS 273.055; relating to the power to acquire and dispose of real property.

ORS 273.171; relating to the duties and authority of the Director.

ORS 274.915; relating to the sale, lease or trade of submersible and submerged lands.

OAR 141-068; relating to the sale, exchange or reservation of new lands.

### **BACKGROUND**

Fortuna Cannery, LLC is a local business operating the Cannery Pier Hotel and Spa along the Astoria waterfront at 10 Basin Street. A current lessee of the Department, Fortuna Cannery, owns improvements on the state-owned filled lands and adjacent Oregon-owned waterway along this waterfront.

These new lands were filled between July 1969 – September 1971 to add storage and access to the docks. Fortuna Cannery later purchased these improvements, while the

state continued to retain ownership of the submerged, submersible, and filled lands. The filled lands are currently being used by the lessee as a parking area, access point, and small open space for the Cannery Pier Hotel and Spa. The Port of Astoria owns the adjacent uplands.

In June 2021, Fortuna Cannery applied to purchase the filled lands within tax lots 401 and 402 from the Department. At the October 12, 2021, meeting the Land Board approved the Department conducting due diligence for the direct sale (see Appendix B).

### **PUBLIC INVOLVEMENT**

Following the approval to conduct due diligence, the Department circulated the proposed land sale for a 30-day public comment period from October 22, 2021 – November 20, 2021. The notice was sent to all adjoining landowners, local School District Superintendents, State and Federal wildlife agencies, local Tribes and other interested parties. The Department received one comment from the city of Astoria planner indicating the requirement to partition the subject parcel prior to the sale (see Appendix C).

### **STAFF FINDINGS**

As a result of the due diligence review, an appraisal determined the value of the land to be \$315,715.00, which the Department believes is a fair value.

In accordance with administrative rules (OAR 141-067-0220(7)(b)), the property will be required to be partitioned from the parent tax lot to be deemed a legal lot of record. Prior to closing, the Department will require the applicant to complete a partition as stipulated in the draft Purchase and Sale Agreement (see Appendix D).

### **RECOMMENDATION**

The Department recommends that the State Land Board authorize the direct sale of 0.57 acres of filled land in Clatsop County to Fortuna Cannery, LLC for the negotiated price of \$315,715.00.

### **APPENDICES**

- A. Map
- B. October 2021 Land Board item
- C. Public comments and DSL responses
- D. Draft Purchase and Sale Agreement





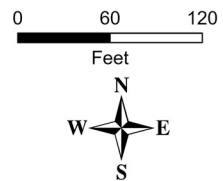
Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**Appendix A**

**63360-LS**  
**T08N, R09W Section 07**  
**Clatsop County**

-  DSL Lands
-  Master Property

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Map Projection:  
Oregon Statewide Lambert  
Datum NAD83  
International Feet  
State of Oregon  
Department of State Lands  
775 Summer St NE, Suite 100  
Salem, OR 97301  
503-986-5200  
www.oregon.gov/DSL  
Date: 7/22/2024







# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

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

### State Land Board

Kate Brown

Governor

Shemia Fagan

Secretary of State

Tobias Read

State Treasurer

## State Land Board

**Regular Meeting  
October 12, 2021  
Agenda Item 2**

### **SUBJECT**

Request for approval to initiate due diligence for a potential sale of a tract of filled land on the Astoria waterfront in Clatsop County at Township 8 North, Range 9 West, Section 7CA, a portion of Tax Lots 401 and 402 totaling 0.7 acres of state-owned filled lands (DSL file 63360-LS).

### **ISSUE**

Whether the State Land Board should authorize the Department to initiate due diligence for a potential sale of 0.7 acres of state-owned filled land (Appendix A) in a direct land sale.

### **AUTHORITY**

Oregon Constitution, Article VIII, Sections 2 and 5; pertaining to the Common School Fund and land management responsibilities of the State Land Board.

ORS 273.055; relating to the power to acquire and dispose of real property.

ORS 273.171; relating to the duties and authority of the Director.

ORS274.915; relating to the sale, lease or trade of submersible and submerged lands.

OAR 141-068; relating to the sale, exchange or reservation of new lands.

Real Estate Asset Management Plan (REAMP), adopted by the Land Board; February 2012

**SUMMARY**

In June 2021, Fortuna Cannery LLC submitted an application to purchase filled land from DSL along the Astoria waterfront at Township 8 North, Range 9 West, Section 7CA. The land requested for purchase is a portion of Tax Lots 401 and 402 in Clatsop County. The filled land is currently leased by Fortuna Cannery LLC and used as a parking area, access point, and small open space for the Cannery Pier Hotel at 10 Basin Street. The Port of Astoria owns the adjacent upland.

Fortuna Cannery LLC owns the tax lots for the requested land, while DSL owns the filled land itself, a result of the Astoria Quitclaim Act (1969). As with most state-owned waterways, DSL owns the submerged and submersible land (beds and banks) of the Columbia River. However, the Astoria Quitclaim Act established tax lots for portions of submerged and submersible land along the Astoria waterfront, giving tax lot owners the right to lease the land. At the time, the land Fortuna Cannery LLC is requesting to purchase was submerged/submersible. According to an ownership study conducted by DSL staff, the land was subsequently filled between July 1969 and September 1971 to add storage and access to the docks. Fortuna Cannery LLC later purchased the improvements on Tax Lot 401 and 402, while the state maintained ownership of the filled lands. The ownership study was a Strength of Claim analysis completed by DSL Ownership Specialist Erin Serra which was prompted by the Fortuna application.

**RECOMMENDATION**

The Department recommends that the State Land Board authorize the initiation of due diligence for a potential sale of 0.7 acres of filled land in Clatsop County.

**APPENDICES**

A. Map of the Parcel



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

**63360-LS - State to Fortuna Cannery, LLC**  
**T08N, R09W Section 07 Tax Lots 401 and 402**  
**0.70 acres**  
**Clatsop County**

 Filled Lands

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 60 120

Feet



Map Projection:  
Oregon Statewide Lambert  
Datum NAD83  
International Feet  
State of Oregon  
Department of State Lands  
775 Summer St NE, Suite 100  
Salem, OR 97301  
503-986-5200  
www.oregon.gov/DSL  
Date: 9/28/2021



**From:** [TAYLOR Clara \\* DSL](#)  
**To:** [DSL Realproperty \\* DSL](#)  
**Subject:** RE: Land Transaction Comment Form  
**Date:** Tuesday, October 26, 2021 8:27:46 AM

Ok, thanks!

**From:** DSL Realproperty \* DSL <Realproperty.DSL@dsl.oregon.gov>  
**Sent:** Tuesday, October 26, 2021 8:25 AM  
**To:** TAYLOR Clara \* DSL <Clara.TAYLOR@dsl.oregon.gov>  
**Subject:** FW: Land Transaction Comment Form  
 Hi Clara, see below.

**From:** [oregon-gov-web-services@egov.com](mailto:oregon-gov-web-services@egov.com) <[oregon-gov-web-services@egov.com](mailto:oregon-gov-web-services@egov.com)>  
**Sent:** Monday, October 25, 2021 5:03 PM  
**To:** DSL Realproperty \* DSL <[Realproperty.DSL@dsl.oregon.gov](mailto:Realproperty.DSL@dsl.oregon.gov)>  
**Subject:** Land Transaction Comment Form

First name	Alex
Last name	Murphy
Email	<a href="mailto:amurphy@astoria.or.us">amurphy@astoria.or.us</a>
Transaction number	63360-LS
Comment	The City of Astoria's Development Code requires approval of a partition or subdivision application prior to the creation of new lots, as is contemplated here. A 25' wide access easement connecting across the Port of Astoria property to the nearest street (appears to be Basin St.) would be required as part of this process. Should the Department elect to proceed with this sale, please complete one of these applications prior to transferring ownership of the property. Please reach out with any questions! Alex Murphy, City Planner 503-338-5183 <a href="mailto:amurphy@astoria.or.us">amurphy@astoria.or.us</a>

**Submission ID:** cd658d31-8297-4da5-945c-1fd0ba8a042e

**Record ID:** 110



## Filled Lands Purchase and Sale Agreement

This agreement for the purchase and sale of real property ("**Agreement**") is made between the State of Oregon, acting by and through its Department of State Lands ("**Seller**") and Fortuna Cannery, LLC ("**Buyer**") on the date it has been signed by both parties ("**Effective Date**").

Buyer and Seller ("**Parties**") agree as follows:

### AGREEMENTS

#### 1. Partition Plats.

**1.1 Generally.** Buyer shall diligently and in good faith pursue approval from the city of Astoria (the "**City**") for the partition of the subject property from the buyers current platted property recorded in Clatsop County records as Parcels 1 and 2 of Partition Platt 2004-001 in creating a separate parcel being subjected to this purchase and sale agreement.

**1. Purchase and Sale.** Seller shall sell to Buyer and Buyer shall purchase from Seller the real property located in Clatsop County, Oregon, consisting of approximately 0.57 acres, depicted in the attached Exhibit A and described in the attached Exhibit B (the "**Property**"), subject to the terms and conditions of this Agreement.

**2. Purchase Price.** Buyer shall pay to Seller \$315,715.00 in cash ("**Purchase Price**") at Closing. Buyer shall deposit the Purchase Price with the Escrow Agent on or before the Closing Date for delivery to Seller upon satisfaction of Seller's obligations hereunder. If sale has not been executed within one (1) year from the Effective Date of this Agreement, Buyer and Seller shall re-negotiate the sales price for the parcel.

**3. Conveyance by Statutory Bargain and Sale Deed.** At Closing, Seller shall convey title to the Property to Buyer by bargain and sale deed substantially in the form provided in Exhibit C ("**Deed**"). Seller shall deposit the Deed with the Escrow Agent on or before the Closing Date for delivery to Seller upon satisfaction of Buyer's obligations hereunder.

**4. Condition of Property.** Buyer acknowledges that it has examined the Property and any access thereto to its own satisfaction and has formed its own opinion as to the condition and value thereof. **Buyer is acquiring the Property in the condition existing at the time of Effective Date, "AS-IS", with all defects.** Buyer acknowledges and agrees that Seller does not make any representations or warranties of any kind whatsoever, either express or implied, with respect to the condition of the Property, including any access thereto, and Seller shall have no liability relating to the condition of the Property.

**5. Title Insurance.** Buyer is responsible for obtaining and paying the premium for any title insurance policy ("**Title Policy**") Buyer desires to obtain for the Property.

**6. Escrow Instructions.** Upon execution of this Agreement, the Parties shall deposit an executed counterpart of this Agreement with \_\_\_\_\_ ("**Title Company**"). Seller and

Buyer shall execute such reasonable additional and supplementary escrow instructions as may be appropriate to enable Escrow Agent to comply with the terms of this Agreement; however, in the event of any conflict between the provisions of this Agreement and any supplementary escrow instructions, the terms of this Agreement will control.

**7. Closing.** The closing of the sale and purchase of the Property (“**Closing**”) must be held and delivery of all items to be made at the Closing must be made at the offices of Escrow Agent on or before thirty (30) days from the Effective Date of this Agreement, or such later date and time as Buyer and Seller may mutually agree upon in writing, time not being of the essence (“**Closing Date**”).

**8. Taxes and Closing Costs.**

8.1 As property of the State of Oregon, the Property has not been subject property tax. Upon Sellers conveyance to Buyer, the Property will be taxable, and Buyer will be responsible for real property taxes and assessments. There are no penalty taxes for the prior state ownership.

8.2 Buyer is solely responsible to pay the following Closing costs (“**Closing Costs**”):

- 8.2.1 escrow fees;
- 8.2.2 document preparation fees;
- 8.2.3 recording fees; and
- 8.2.4 the premium for any Title Policy.

**9. Seller’s Representations and Warranties.** Seller’s representations and warranties provided in this Section 9 are true and accurate, are not misleading, will be continuing, and will be true and correct as of Closing with the same force and effect as if remade by Seller in a separate certificate at that time. In addition to any express agreements of Seller contained elsewhere in this Agreement, the following constitute representations and warranties of Seller to Buyer:

- 9.1 Seller has the legal power, right, and authority to enter into this Agreement and deliver the Deed described in this Agreement; and
- 9.2 This Agreement and the Deed to be executed by Seller are and will be valid, legally binding obligations of and enforceable against Seller in accordance with their terms.

**10. Buyer’s Representations and Warranties.** Buyer’s representations and warranties provided in this Section 10 are true and accurate, are not misleading, will be continuing, and will be true and correct as of Closing with the same force and effect as if remade by Buyer in a separate certificate at that time. In addition to any express agreements of Buyer contained elsewhere in this Agreement, the following constitute representations and warranties of Buyer to Seller:

- 10.1 Buyer has the legal power, right, and authority to enter into this Agreement and to deliver the Purchase Price to Seller;
  - 10.2 All requisite action has been or will be undertaken by Buyer in connection with entering into this Agreement, delivering the Purchase Price to Seller, and recording the Deed;
  - 10.3 As of the date of signing this Agreement, Buyer has sufficient funds available to close this transaction in accordance with the terms proposed in this Agreement, and Buyer is not relying on any contingent source of funds or financing;
  - 10.4 The person(s) executing this Agreement on behalf of Buyer have the legal power, right, and actual authority to bind Buyer to the terms and conditions of this Agreement; and
  - 10.5 This Agreement is a valid, legally binding obligation of, and enforceable against Buyer in accordance with its terms.
- 11. Brokers.** Seller and Buyer each hereby represent and warrant to the other that it did not employ or use any broker or finder to arrange or bring about this transaction and that there are no claims or rights for brokerage commissions or finders fees in connection with the transactions contemplated by this Agreement.
- 12. Amendment and Modification.** This Agreement may not be amended, modified, or supplemented.
- 13. Personal Property.** There is no personal property included in this purchase and sale.
- 14. Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the Parties, and their respective successors in interest and assigns, but in no event shall any party be relieved of its obligations under this Agreement without the express written consent of the other party.
- 15. Default/Remedies.** If either Party fails to perform as required by this Agreement, the other Party may: (a) bring an action for damages for breach of contract; or (b) pursue any other legal remedy against the defaulting Party as may be allowed at law or in equity.
- 16. Governing Law/Venue.** The laws of the State of Oregon govern all matters arising out of or relating to this Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement. Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.



**17. Entire Agreement.** This Agreement and any other document to be furnished pursuant to the provisions of this Agreement embody the entire agreement and understanding of the Parties as to its subject matter. There are no restrictions, promises, representations, warranties, covenants, or undertakings other than those expressly set forth or referred to in such documents. This Agreement and such documents supersede all prior agreements and understandings among the Parties with respect to the subject matter of this Agreement.

**18. Severability.** Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction will, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms or provisions of this Agreement.

**19. Survival.** The Parties intend that Sections 4 (Condition of Property), 8 (Taxes and Closing Costs), 10 (Buyer's Representations and Warranties), 11 (Brokers), 15 (Default/Remedies), 16 (Governing Law/Venue), 17 (Entire Agreement) and 19 (Survival) of this Agreement will survive Closing and will not merge into the Deed and the recordation of the Deed in the official records.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the last date below.

**Seller:**

Oregon Department of Sale Lands

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Buyer:**

\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

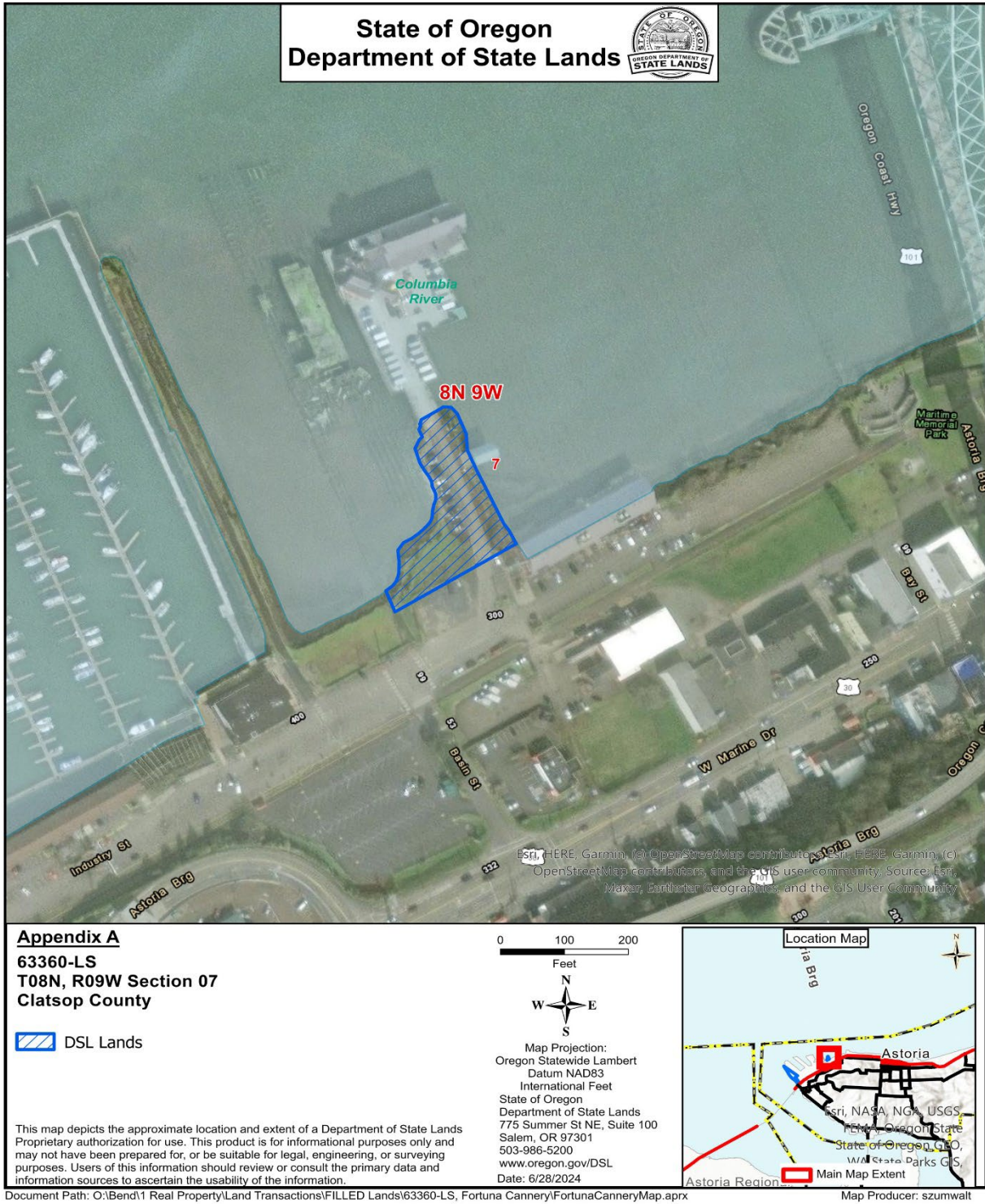
Exhibits:

Exhibit A – Graphic Depiction of Property

Exhibit B – Legal Description of Property

Exhibit C – Form of Deed

## EXHIBIT A (Map Depiction of the Property)



**EXHIBIT B**  
**(Legal Description of Property)**

DRAFT

**EXHIBIT C  
(Form of Deed)**

---

Space above this line for Recorder's use.

**Statutory Bargain and Sale Deed  
(ORS 93.860)**

**GRANTOR:**

State of Oregon, acting by and through its  
Department of State Lands  
775 Summer St. NE, Ste. 100  
Salem, OR 97301-1279

**GRANTEE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FUTURE TAX STATEMENTS  
SHOULD BE MAILED TO:**

**Grantee's Name/Address**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFTER RECORDING  
RETURN TO:**

**Grantee's Name/Address**

\_\_\_\_\_

The STATE OF OREGON, acting by and through its Department of State Lands (GRANTOR), conveys to Fortuna Cannery, LLC (GRANTEE), the following described real property located in the Willamette Meridian, Clatsop County, Oregon and being more particularly described as follows:

See Exhibit A, Legal Description

RESERVING TO GRANTOR, its successors, and assigns all minerals as defined in ORS 273.775 (1), including soil, clay, stone, sand and gravel, and all geothermal resources, as defined in ORS 273.775 (2), together with the right to make such use of the surface as may be reasonably necessary for prospecting for, exploring for, mining, extracting, reinjecting, storing, drilling for, and removing, such minerals, materials, and geothermal resources.

In the event use of the Property by a surface rights owner would be damaged by one or more of the activities described above, then such owner shall be entitled to compensation from Grantor's lessee to the extent of the diminution in value of the real property, based on the actual use by the surface rights owner at the time the Grantor's lessee conducts any of the above activities.

**The true and actual consideration for this conveyance is \$315,715.00.**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF

ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WITNESS the seal of the Department of State Lands affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

STATE OF OREGON, acting by and through its Department of State Lands,

\_\_\_\_\_  
Vicki L. Walker, Director

STATE OF OREGON                    )  
  )        ss  
County of Marion                    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_ by Vicki L. Walker as Director for the Department of State Lands, on behalf of the State of Oregon.

\_\_\_\_\_  
*Signature*  
Notary Public for Oregon  
My commission expires \_\_\_\_\_,  
20\_\_\_\_.



# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 986-5200  
FAX (503) 378-4844  
[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

### State Land Board

## State Land Board

Tina Kotek  
Governor

**Regular Meeting**  
**August 13, 2024**  
**Agenda Item 4**

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

### **SUBJECT**

Designating the South Slough National Estuarine Research Reserve as a Ramsar site.

### **ISSUE**

Whether the Land Board should authorize the Reserve to apply to become a Ramsar site, which will earn the Reserve the recognition of being a “Wetland of International Importance.”

### **AUTHORITY**

Oregon Constitution, Article VIII, Section 5; related to the land management responsibility of the State Land Board.

ORS 273.171; relating to the duties and authority of the Director.

ORS 273.553; relating to the South Slough National Estuarine Research Reserve agreement between Oregon and federal government rules.

ORS 273.554; relating to the powers, membership, and procedures of the South Slough National Estuarine Research Reserve Management Commission.

OAR 142-010; relating to the public use of the South Slough National Estuarine Research Reserve.

### **BACKGROUND**

The Department of State Lands oversees the South Slough National Estuarine Research Reserve (Reserve) on the southern Oregon coast. The Reserve manages nearly 7,000 acres of natural habitat which include open water channels, tidal and freshwater wetlands, riparian areas, and forested lands. This area is managed for long-

term research, education, and public recreation with a focus on the stewardship and protection of natural and cultural resources.

Ramsar is “an intergovernmental treaty that provides the framework for the conservation and wise use of wetland and their resources.” The Ramsar designation brands Reserves as a “wetland of international importance.” The world’s first designation was the Cobourg Peninsula in Australia in 1974. There are now over 2,400 Ramsar sites across the world and 41 of them are in the U.S.

The National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management encourages and supports National Estuarine Research Reserves (NERRs) in applying for recognition as Ramsar sites. All three Reserves in California are designated as Ramsar sites, and the Reserve in Washington’s Padilla Bay is in the process of applying.

The Ramsar designation has no regulatory authority and there is no cost to apply. The potential benefits are included in Appendix A, but can be summarized as:

- Coordinate and communicate with other Ramsar sites on an international scale
- Increase brand recognition and awareness of the Reserve
- Highlight the value and importance of the Reserve to the public and Congressional representatives

### **PUBLIC INVOLVEMENT**

Last year, NOAA staff joined a South Slough Reserve Management Commission meeting to explain the benefits of becoming a Ramsar site and answer questions. The Commission approved the Reserve to apply for a Ramsar designation at their September 27, 2023, meeting. These meetings are open to the public to attend, and no public comments were received.

The Reserve regularly partners with all the three federally recognized Tribes on the Oregon Coast: the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI), the Coquille Indian Tribe, and the Confederated Tribes of Siletz Indians. The Ramsar designation was discussed with all three Tribal Nations. Overall, the initial response from each was positive and supportive, however conversations are ongoing. The Reserve will continue to engage with these Tribal Nations and discuss the site designation if the Land Board supports the Reserve to apply.

### **RECOMMENDATION**

The Department recommends the State Land Board authorize the Reserve to apply to become a Ramsar site.

### **APPENDICES**

- A. Ramsar Designation: One-Pager
- B. Letter of support



## NOAA Office for Coastal Management

### Ramsar and the National Estuarine Research Reserves

#### What is Ramsar?

Named after the Iranian city of its inception, Ramsar is “an intergovernmental treaty that provides the framework for the conservation and wise use of wetlands and their resources.” Almost 90% of United Nations member states, including the US, have acceded to become ‘Contracting Parties’, encapsulating all geographic regions of the world.

#### Why should the Reserves be a “Wetland of International Importance”?

We at NOAA OCM know how valuable and committed the Reserves are to their ecosystems and communities that depend on them. This designation allows the prestige of these incredible natural spaces and those that steward them shine through, not only at the national scale, but also on the international stage.

We believe that designating your reserve as a Ramsar site would benefit you and your community in the following ways:

- Communicates significance of the resources on a national and international scale when highlighted in press releases, media articles, videos, news casts, etc.
- Garners additional interest from the public
- Highlights the value of the NERR system to Congressional representatives and reinforces the need for continued, consistent funding
- Creates opportunities for cross-border collaboration and information sharing (e.g., sister estuaries)

#### What is required and how might this impact our Reserve?

The application requirements are moderate and subsequent designation upkeep are minimal and fall under current Reserve reporting responsibilities. There is no cost to the applying party, nor does the designation hold any regulatory power to enact additional restrictions. The management plan and site profile of the reserve contains much of the necessary information and fulfills the requirement for maintenance of the ecological character of the wetland.

Ramsar requires that the designated body:

- Update and submit the Ramsar Information Sheet (RIS) during the application and every six years subsequent. This contains data and descriptions of the ecological character of the wetland
- Obtain a letter of endorsement from all landowners; this includes public, private, tribal, and/or indigenous owners
- Obtain a letter of endorsement from the state’s fish and wildlife agency and any other party that has regulatory interest in the site
- Provide a written commitment to maintain the ecological character of the site; and report to Ramsar when/if any changes occur
- Promote Ramsar branding at the site

Wetlands across the world are threatened by development, climate change, and biodiversity loss. The NERRs system provides an amazing example of a coordinated, systematic, and passionate protection of coastal wetlands through stewardship, research, training, and education. We believe that Ramsar designation provides us an opportunity to learn, grow, collaborate, and shine on an international level.

July 25, 2024

Department of State Lands  
775 Summer St. NE, Suite 100  
Salem, OR 97301-1279

Dear Oregon State Land Board,

Thank you for your support of the South Slough National Estuarine Research Reserve over the last 50 years. We are so proud of the work they have done and what they have contributed to the local community and the national system. The reserve system is currently comprised of 30 unique estuarine ecosystems that provide invaluable services and support to their local community. Through stewardship, research, and education, reserves are protecting the biodiversity of habitats and ecosystem services for their communities for generations to come.

As a national network of sites, we share information to collectively support healthy ecosystems across the country. NOAA's Office for Coastal Management sees the value in sharing lessons learned and has started to extend conversations with other countries. We see great value in sharing what we learn as well as learning from others around the world. Recognizing the 30 reserves in our network as wetlands of international significance through the Ramsar Convention allows them to be recognized as being of significant value not only for the country or the countries in which they are located, but for humanity as a whole.

Thus, NOAA is encouraging all reserves to submit applications to become part of this global network of significant wetlands both for the recognition and for the overall benefits that come from being part of the Ramsar network and taking advantage of the opportunities for engagement and exchange. We would be excited if the South Slough National Estuarine Research Reserve became part of this network as well.

If you have any questions, please let me know. I can be reached at [erica.seiden@noaa.gov](mailto:erica.seiden@noaa.gov) or 240.429.5166.

Sincerely,



Erica Seiden, Manager  
Ecosystems Program



# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 986-5200  
FAX (503) 378-4844  
[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

### State Land Board

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

Tina Kotek  
Governor

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

Date: August 13, 2024

To: Governor Tina Kotek  
Secretary of State LaVonne Griffin-Valade  
State Treasurer Tobias Read

From: Vicki L. Walker  
Director

Subject: South Slough National Estuarine Research Reserve Annual Report

The Department of State Lands oversees the South Slough National Estuarine Research Reserve on the Southern Oregon coast and reports annually on management and performance of the Reserve. The Reserve manages nearly 7,000 acres of natural habitat which include open water channels, tidal and freshwater wetlands, riparian areas, and forested lands.

The South Slough Reserve Annual Report for January 1, 2023, to December 31, 2023, reviews the Reserve's operations and management priorities; highlights its restoration of the Wasson Creek site; discusses accomplishments and impacts of its education, coastal training, research and monitoring, and stewardship programs; and analyzes visitor use and revenue.

The purpose of the report is to provide current information about South Slough Reserve's programs, including how they address the coastal management and education needs of Oregonians. The report can be measured against previous performance and used to identify and address factors affecting performance.

### **APPENDICES**

A. South Slough Reserve: Annual Report





2023

# *Living Laboratory*

*Annual Report of the South Slough National Estuarine Research Reserve*

**OREGON DEPARTMENT OF STATE LANDS**



# TABLE OF CONTENTS



- 3**  
Report At-A-Glance
- 4**  
Reserve Overview
- 6**  
Program: Education
- 8**  
Program: Stewardship
- 10**  
Program: Coastal Training
- 12**  
Program: Research & Monitoring
- 14**  
Public Involvement
- 15**  
Facilities and Land Management Projects
- 16**  
Revenue & Spending
- 17**  
Appendix A: Reserve Partners

# REPORT

## AT-A-GLANCE

The Department of State Lands is the state partner for the South Slough National Estuarine Research Reserve on the southern Oregon coast. The Reserve manages nearly 7,000 acres of natural habitat which includes open water channels, tidal and freshwater wetlands, riparian areas, and forested lands.

South Slough Reserve is a cornerstone of recreation, education, science, and coastal training, providing rich opportunities for the local community and visitors alike to learn about and explore estuaries. Reserve lands and waters are used by visiting researchers, teachers and students, and other members of the public who come to the Reserve to hike or paddle, view wildlife, and participate in community classes. The Reserve Visitor Center offers interpretive exhibits as well as meeting spaces for the public.

This **South Slough National Estuarine Research Reserve 2023 Annual Report** highlights program accomplishments during the 2023 calendar year and reviews revenue and spending.

### 2023 Key Achievements

**Over \$3.5 million** raised for implementation and monitoring of the Wasson Creek Restoration Project

**Inaugural drone program** launched to help with research, monitoring, and outreach

**\$1.634 million in funds leveraged** to support Reserve activities—38% more funding than leveraged in fiscal year 2022 (\$1,179,249)

**4,413 hours of learning** offered to the public and schools via field trips, summer camps, interpretive programming, and teacher professional development

**15 college and 3 high school interns** contributed 4,089 hours of service in the areas of research, education, communications, and stewardship

**508,406 square feet of invasive weeds** removed from the Reserve by volunteers as part of the Second Saturday Stewards program



# SOUTH SLOUGH RESERVE OVERVIEW

South Slough Reserve was designated in 1974 as the first unit of the National Estuarine Research Reserve System, which has since grown to a network of 30 reserves that protect more than 1.3 million acres of coastal areas across the country for long-term research, education, stewardship, and recreation. Each reserve is managed in partnership with the National Oceanic and Atmospheric Administration and coastal states. The Oregon Department of State Lands partners with NOAA to oversee the Reserve.

Reserve programs include Education, Research and Monitoring, Coastal Training, and Stewardship. These programs help people of all ages learn about estuaries and coastal watersheds; provide scientific information for coastal planning, resource management, and decision-making; conduct research and monitor ecological change over time; and manage and maintain Reserve land and facilities. These efforts collectively enhance scientific and public understanding of estuaries and contribute to improved estuarine management.

The Reserve's immediate governing body is the South Slough National Estuarine Research Reserve Management Commission, which includes nine governor-appointed members and the director of Oregon Department of State Lands, who serves as chair. The Commission establishes the Reserve's operating policies and administrative rules.

## Tribal Partnerships

The Reserve recognizes its location on the traditional lands of the Miluk Coos people who have managed this area for abundance since time immemorial. To ensure ongoing and sound stewardship of this special place and protection of its cultural resources, the Reserve relies on regular consultation and partnership with the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI); Coquille Indian Tribe; and Confederated Tribes of Siletz Indians. The Reserve values regular input from Tribal staff participating on the Reserve Management Commission and serving on technical advisory groups. Staff also maintain close contact with the Tribes' Tribal Historic Preservation Officers to assess potential impacts of Reserve projects on cultural resources and take measures to avoid or mitigate any negative impacts.

In 2023, Reserve staff partnered with Tribal staff

CTCLUSI Tribal Elder, John Schaefer, offers cultural knowledge to researchers from the Pacific Birds Habitat Joint Venture, Monica Iglecia and Laura Farwell, during their visit to the Wasson Creek Restoration Project.



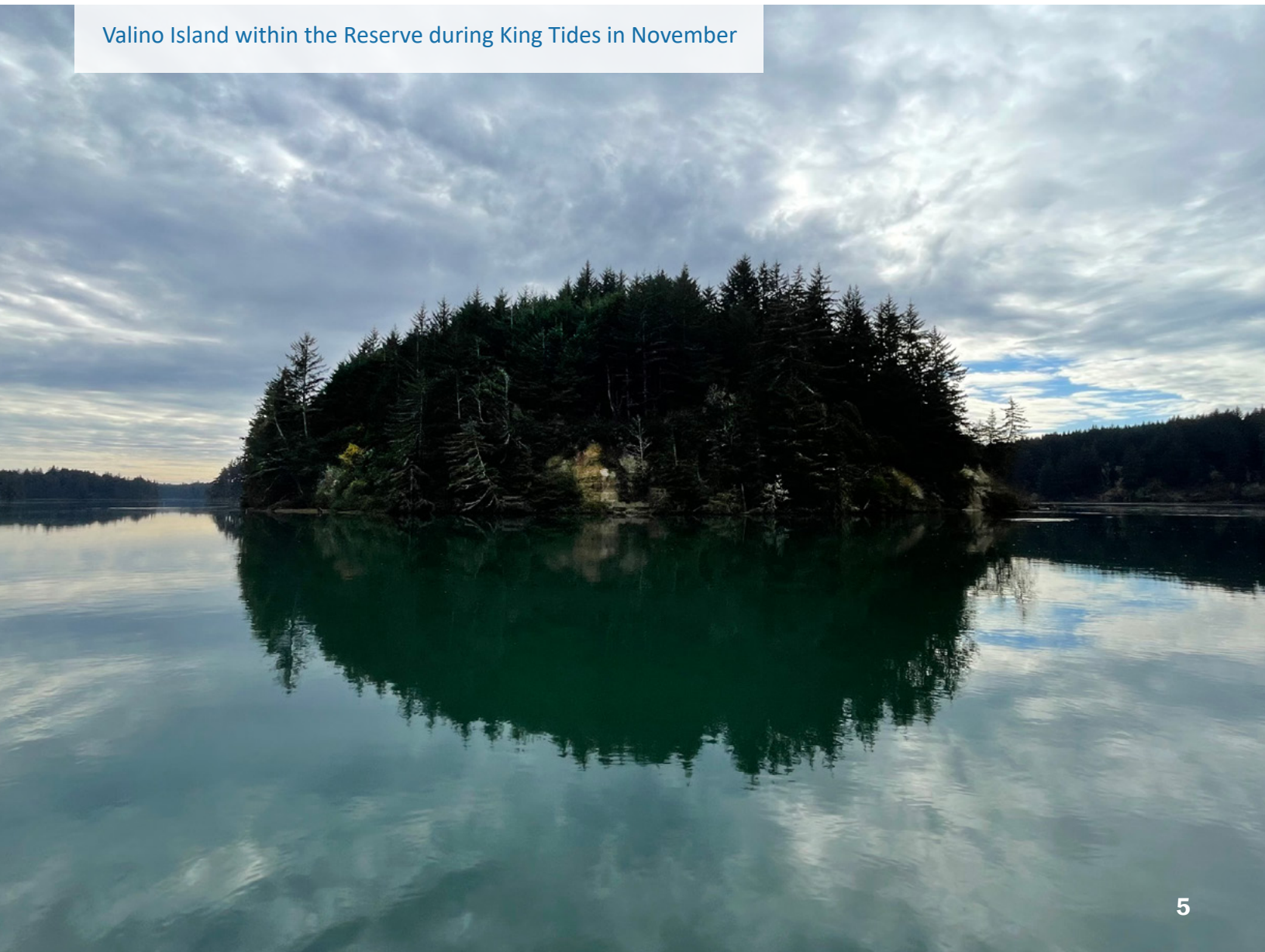
on education and training programs, research and monitoring projects, and stewardship work. For example, Reserve staff hosted multiple days of the Coquille Indian Tribes' Summer Camp, engaged with Tribal staff to incorporate cultural content into the designs for the new exhibits at the Reserve's visitor center, provided stewardship opportunities for Tribal youth, and collaborated on multiple science projects.

### Plans and Priorities

South Slough Reserve's programming and decision-making is guided by two key planning documents: the Department's 2022-2027 Strategic Plan and the Reserve's 2017-2022 Management Plan. The Reserve management plan outlines a Reserve-specific vision, mission, and overarching goals as well as a detailed strategic planning framework linked to the Reserve's Priority Focus Areas: Climate Change, Habitat Protection and Restoration, and Invasive Species.

In 2023, staff paused updating the Reserve management plan to focus capacity on completing the federal process for amending the Reserve's boundary to include all the lands acquired by the Reserve since 2008. With the boundary amendment nearing completion, Reserve staff will resume updating the management plan in 2024 to include the new boundary area.

Valino Island within the Reserve during King Tides in November





## RESERVE PROGRAM: EDUCATION

All programs of South Slough Reserve promote increased understanding and connection to the estuary through learning. The Education Program serves teachers, students, and community members from the local area, across Oregon, and beyond.

During 2023, the Reserve served:

- Regular school programming, such as classroom visits and field trips, for 2,120 students
- Four-week after-school Estuary Explorers program for 19 elementary students
- Spring break and summer science day camps for 108 kids
- Community classes and outreach events for 3,206 people

The Visitor Center was open Tuesday through Saturday from 10 AM to 4 PM, welcoming 3,055 people over 253 days.



Summer Science campers build a model beaver dam

### Digitizing Program Surveys

During spring 2023, Education Program staff and interns created digital program evaluation forms for school and community education participants. At the end of a school field trip or community program, participants are invited to scan a QR code and complete a short survey to help staff, interns, and volunteers identify what aspects of the program are working well and areas for improvement.

Converting the evaluation forms to short, online formats is making it much easier for the Education team to collect and analyze feedback from participants of these program areas. Previously the feedback for these programs was collected through paper surveys, or through a document sent with an email, requiring the data to be entered manually before it could be analyzed. Providing participants with an opportunity to respond immediately after a program, rather than hours or days later via email, has also increased the response rates for feedback.

Survey results were also overwhelmingly positive. For example, results from school field trips showed:

- 100% of participants found the education programs to be engaging and thought provoking
- 98% of teachers noted the curriculum was age appropriate and met curriculum outcomes
- Instructors received 4.9 stars out of 5 for knowledge and enthusiasm

The Education team is excited about the success of this transition and the information received through the evaluations. In the future, surveys can also be used to evaluate participants' understanding of Reserve priority issues and effectiveness of Reserve communication techniques.

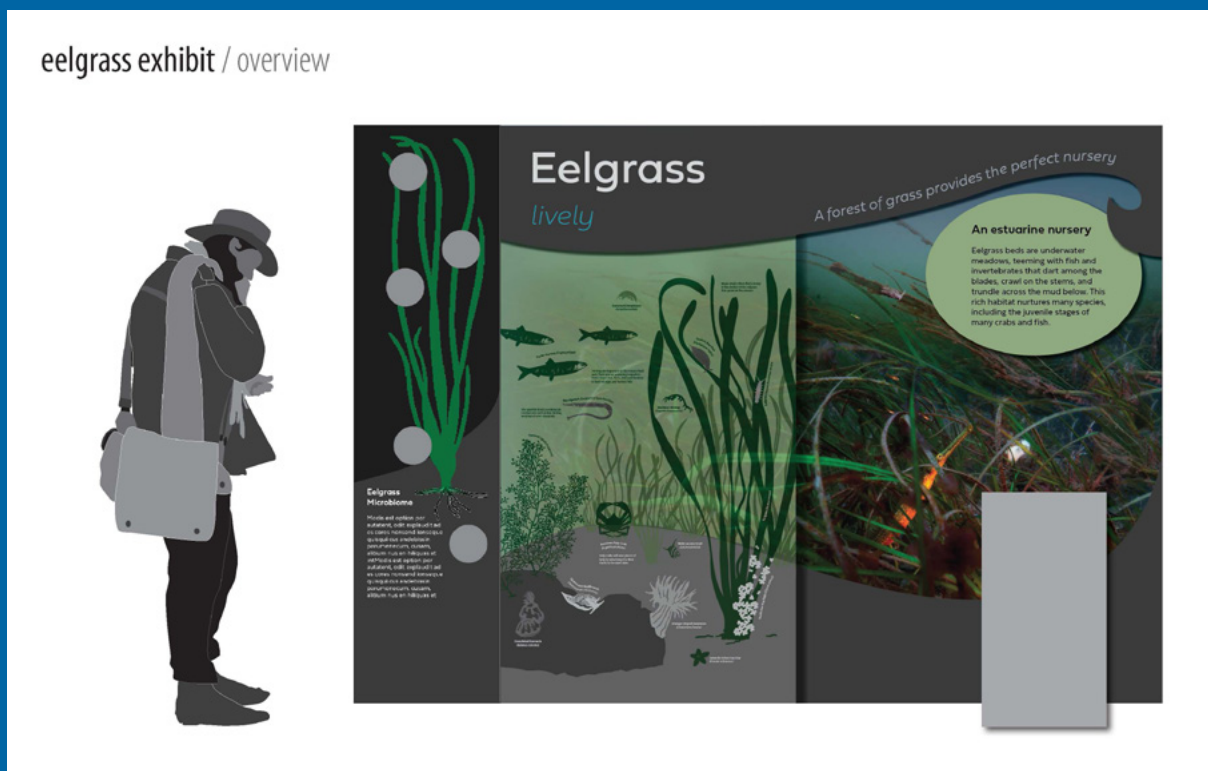
## Updating Interpretive Exhibits

The Reserve is working to update the interpretive exhibits inside the Visitor Center. Much has changed at the Reserve and in Oregon since the existing exhibits were designed twenty years ago. The new exhibits incorporate human stories and experiences as well as make improvements in accessibility and inclusivity so that all visitors can interact and learn.

Starting in 2022, Reserve staff and partners met with contractor, Content Design Collaborative, to kick off the development of detailed plans and drawings. This year, the Reserve contracted Sea Reach to implement design, writing, and fabrication based on the 2022 plans. A working group comprised of cultural staff from the CTCLUSI, the Coquille Indian Tribe, and the Confederated Tribes of Siletz Indians meets regularly with the Reserve Education Coordinator, Jaime Belanger, to ensure accurate and meaningful incorporation of Tribal culture and stewardship information. Reserve staff from all program areas are contributing information, ideas, and feedback to ensure that the natural history, science, and reserve activity is captured and communicated effectively. Updated exhibits will be installed by the end of June 2024 and highlighted during the 50th anniversary celebrations.

The work is funded through a NOAA Procurement, Acquisition, and Construction (PAC) grant, which also included updates to the public restrooms and installation of automatic doors to increase accessibility and inclusion for Reserve visitors.

### Draft Exhibition Design





## RESERVE PROGRAM: STEWARDSHIP

The Stewardship Program connects people to place, strengthens relationships with lands and waters, provides opportunities for people to contribute to the wellbeing of coastal watersheds, and facilitates co-stewardship with Tribal Nations on ancestral lands. In 2023, the stewardship team:

- Actively engaged with 460 students
- 23 members of the public participated in stewardship activities
- Gave public presentations to 245 people
- Partnered with more than 41 local natural and/or cultural resource professionals.

### Wasson Creek Restoration Project

One of the Focus Projects of the Department's 2022-2027 Strategic Plan, the Wasson Creek Restoration Project is a unique watershed-scale restoration project that has been decades in the planning. The Project will benefit fish and birds—including culturally important species such as coho salmon and lamprey and endangered species such as the marbled murrelet—as well as other wildlife and people.

The Wasson Creek Restoration Project project will not only restore a 525-acre watershed, but it will also serve as a living classroom so that we can learn from and improve restoration practices at the local, national, and global scale. Over \$3.5 million has been received for implementation and monitoring of the Project in 2023. Much of this funding is supporting jobs through hiring contractors and researchers, providing internships, and supporting staff at the Reserve. Funding is coming from:

- The National Estuarine Research Reserve System Habitat Protection and Restoration funds made possible by the Bipartisan Infrastructure Law (\$3,535,900)
- The Coos Basin Coho Partnership (\$300,000)
- The U.S. Fish and Wildlife Service Coastal Program (\$64,203)
- The Coquille Tribal Community Funds (\$5,000)

Removal of English ivy, an invasive plant that weakens and kills trees, from the Reserve





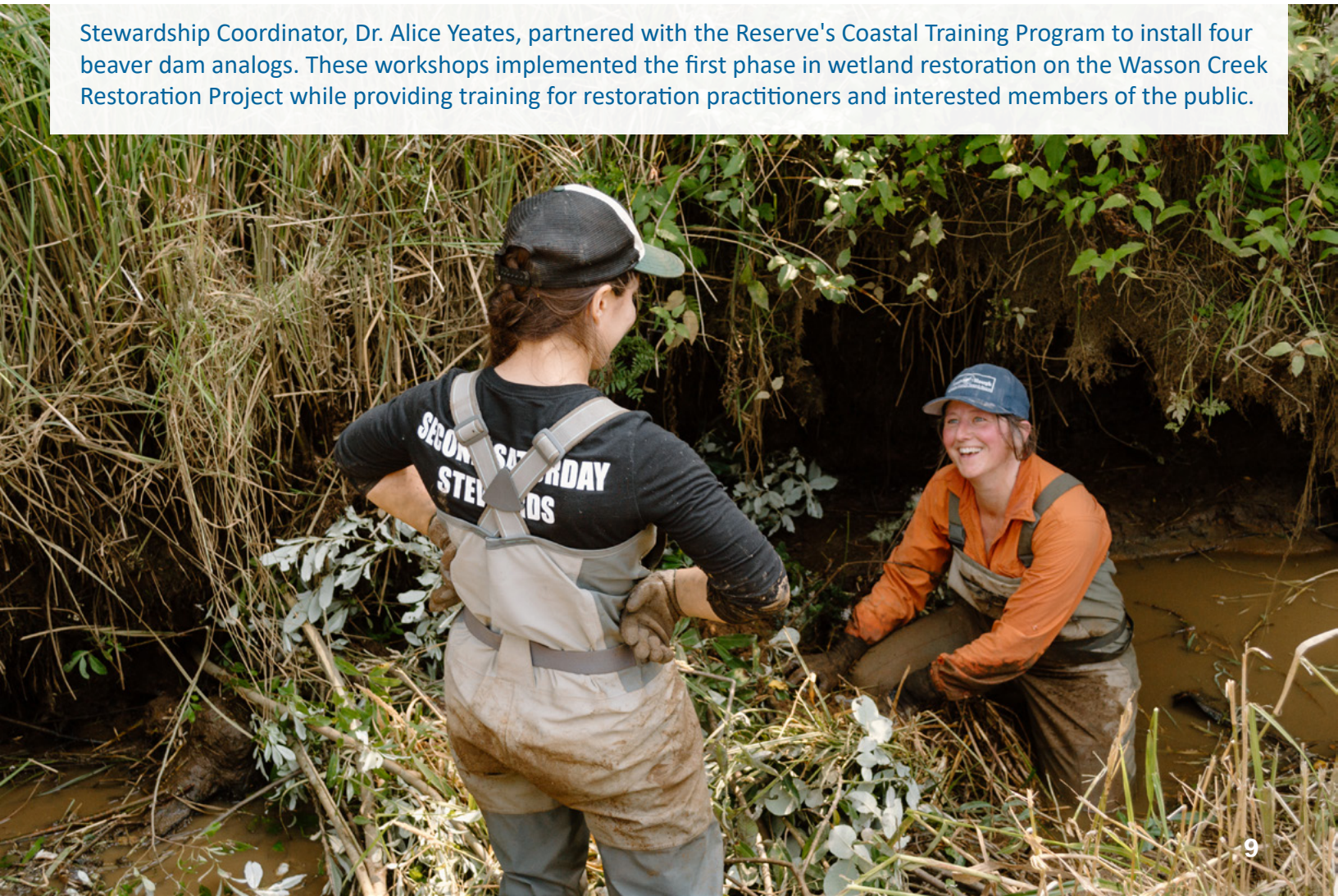
In 2023, the Wasson Creek Restoration Project restoration team—made up of Reserve staff, partners, volunteers, and interns—moved the project forward through:

1. Environmental compliance and permit completion for beaver dam analogs
2. Pre-restoration monitoring
3. Restoration implementation
4. Community engagement

With funding secured and progress made, the Reserve estimates restoration project completion by March 2026. This is an adjustment from the Department's 2022-2027 Strategic Plan which cited 2025 for completion. Major Tasks highlighted in the 2022-2027 Strategic Plan are on track:

MAJOR TASKS FROM DSL 2022-2027 STRATEGIC PLAN	CURRENT STATUS OF MAJOR TASKS
Develop restoration plan for forested uplands	Completed 2021
Update restoration plan for wetlands	Completed 2022
Pre-restoration monitoring	Extensive pre-restoration work has been completed, will be ongoing until restoration commences
Complete forested uplands restoration work	Completed phase 1 (45-acres) in 2022

Stewardship Coordinator, Dr. Alice Yeates, partnered with the Reserve's Coastal Training Program to install four beaver dam analogs. These workshops implemented the first phase in wetland restoration on the Wasson Creek Restoration Project while providing training for restoration practitioners and interested members of the public.





## RESERVE PROGRAM: COASTAL TRAINING

The Coastal Training Program provides training and technical assistance to coastal decision makers, natural resource managers, and restoration practitioners to support science-based coastal and estuarine management.

During 2023, the Coastal Training Program offered eight trainings attended by a total of 125 participants.

Training topics included:

- Creating infographics
- Geographic Info Systems (GIS) remote sensing techniques and climate change impacts
- Accessible trail design
- Biochar kiln usage and demonstration
- Creating defensible space around structures
- Installing beaver dam analogs for restoration
- An overview of Oregon’s coastal planning goals for local and city planners

Trainings were hosted in partnership with:

- South Coast GIS Users group
- Wilson Biochar Associates
- OSU Extension program, Coos Forest Protective Association
- Oregon Department of Forestry
- Trailkeepers of Oregon
- U.S. Fish and Wildlife Service
- Oregon Department of Land Conservation and Development

### Biochar Kiln Demonstration

In 2023, the Reserve’s Coastal Training Program hosted a training for natural resource managers as well as practitioners in forestry and restoration fields to get hands-on experience building a fire in a biochar kiln. Biochar is a low-emission fertilizer made from partially burning woody debris. This debris is usually a waste product, from timber operations and forest thinning treatments, that would otherwise require expensive or emissions-heavy disposal.

During breaks from tending the kiln the group had a robust discussion around using biochar as a forest management tool and the resulting char for carbon sequestration. Twenty participants and six instructors from as far away as northern California and the Portland metro area came away from the program with solid ideas and enthusiasm for utilizing biochar in their respective jurisdictions.







Reserve maintenance staff, Jonathan Forth, cooling the kiln while Dr. Chris Adlam, Regional Fire Specialist with Oregon State University, takes measurements with a temperature meter.

Coastal Training Program Coordinator Sabra Comet worked with Stewardship Coordinator Dr. Alice Yeates and Reserve Park Ranger Jonathan Forth to deliver the training. The Reserve contracted Wilson Biochar to conduct the demonstration using a kiln the Reserve had purchased in 2022. Feedback from speakers and participants was overwhelmingly positive and there are requests to make it a repeat program. Plans are already in the works to schedule more biochar kiln trainings to coincide with key steps in the Wasson Creek Watershed Restoration Project.

Additionally, several Reserve volunteers with video production experience created a [short informational video](#) of the biochar kiln operation and benefits, interviewing subject matter experts throughout the process. The video can be found on the Reserve website.

Since the training, Oregon Department of Forestry has borrowed and tested the Reserve's kiln for management of sudden oak death, a large concern for the timber industry of Curry and Coos counties. Use of the kiln was reported to be effective for rendering affected foliage during Forestry's culling efforts. In between workshops, the Reserve kiln will continue to be loaned to local groups for use in their own forest management projects.

## RESERVE PROGRAM: RESEARCH & MONITORING

The Research and Monitoring Program improves scientific understanding of estuaries and coastal watersheds through application of research, monitoring, and education to inform coastal management. The Program team expands capacity through collaborations and partnerships with academic, federal, state, nonprofit, and Tribal scientists as well as natural resource managers. In 2023, Reserve staff and partners:

- Conducted 36 research and monitoring projects
- Leveraged limited resources to increase productivity
- Facilitated collaborative learning experiences
- Improved understanding of estuarine, wetland, and upland ecosystems

These collaborations have resulted in numerous technical working groups, grant-funded projects, presentations, reports, and scientific publications.

### Wetland Restoration Over Time

With a decades-long history of restoration science, South Slough Reserve serves as a long-term living laboratory to understand the effectiveness of restoration methods and projects. The Mature Restoration Analysis is funded by National Estuarine Research Reserve System Science Collaborative and led by Dr. Chris Janousek from Oregon State University. The effort is a collaboration across west coast states and includes four Reserves. The project is researching the status and trajectory of the oldest regional tidal wetland projects to better understand restoration effectiveness and outcomes. The results will inform future restoration efforts.

Reserve staff are included on the project team to:

- Help coordinate engagement with decision makers and stakeholders
- Present results to regional and national audiences
- Provide local and technical knowledge
- Collect data at wetlands in the Coos estuary
- Assist with data acquisition in Oregon
- Develop education and outreach products

In 2023, Reserve staff and interns joined Oregon State University to collect vegetation and elevation data at sites in South Slough. The project team is planning a 2024 decision makers workshop at South Slough to disseminate findings.

*"I am a cultural anthropologist researching the social impact of debris that washed ashore from the 2011 tsunami and aquatic hitchhikers. This was a very important experience for me. I am deeply grateful for your cooperation."*

Dr. Taichi Uchio, Faculty of Global Studies at Reitaku University in Japan, after joining Reserve scientists and interns to survey Green Crabs over two days in August 2023.

### Supporting Graduate Fellows

The National Estuarine Research Reserve System program supports graduate students through the two-year NOAA Margaret A. Davidson Graduate Fellowship Program. Fellows work on the Reserve's coastal management priorities including climate change, habitat protection, and invasive species.

Taylor Dodrill, a PhD student from Portland State University and the Reserve's 2020-2022 fellow, conducted research to help predict the occurrence and effects of harmful algal blooms in South Slough, Coos estuary, and Tenmile Lakes. She completed her dissertation in October 2023.

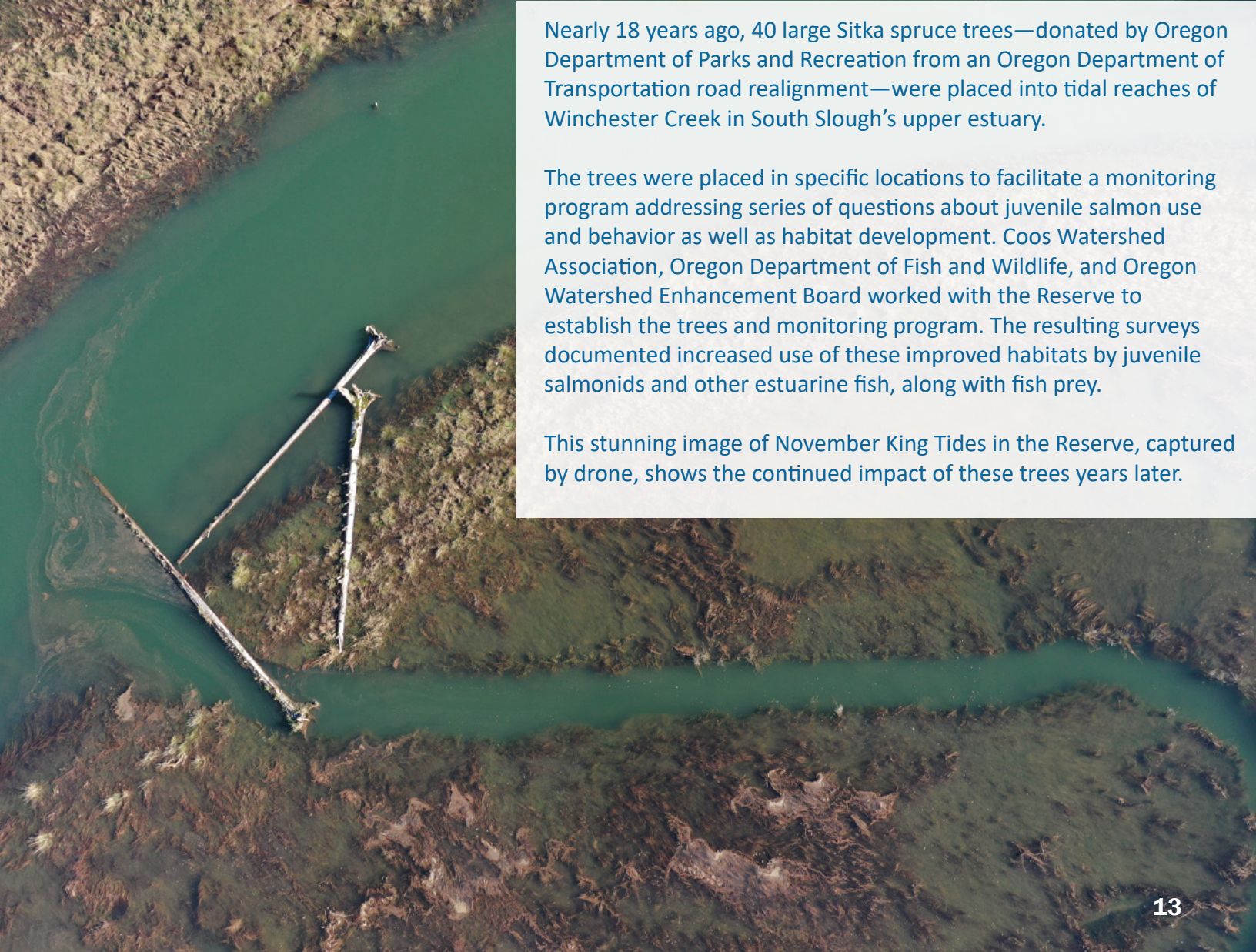


Lara Breitreutz, a MS student from Oregon State University and the Reserve's 2022-2024 fellow, is evaluating recovery potential of eelgrass from seed banks under ambient and warming conditions in the Coos estuary.

### Launching an Uncrewed Aerial Systems program

Over the past year, Science staff led by GIS Specialist Jennifer Kirkland have been developing an Uncrewed Aerial Systems (UAS) program. Monitoring and mapping habitats in the Reserve such as eelgrass beds, emergent marsh, upland forests, and the Sitka spruce swamp will be greatly enhanced by the UAS program. Other benefits include helping Reserve Science staff study the progress of restoration projects, assess vegetation health, and track wetland responses to sea-level rise and other environmental stressors, as well as acquiring beautiful landscape photos for outreach and education purposes.

Jennifer Kirkland has completed the requirements to obtain her Federal Aviation Administration remote pilot (Part 107) certificate and has begun testing imagery acquisition and image processing methods. To aid in her work, the Reserve has acquired three UAS platforms, two smaller units for standard photography and one larger unit that can carry more sophisticated sensors.



Nearly 18 years ago, 40 large Sitka spruce trees—donated by Oregon Department of Parks and Recreation from an Oregon Department of Transportation road realignment—were placed into tidal reaches of Winchester Creek in South Slough's upper estuary.

The trees were placed in specific locations to facilitate a monitoring program addressing series of questions about juvenile salmon use and behavior as well as habitat development. Coos Watershed Association, Oregon Department of Fish and Wildlife, and Oregon Watershed Enhancement Board worked with the Reserve to establish the trees and monitoring program. The resulting surveys documented increased use of these improved habitats by juvenile salmonids and other estuarine fish, along with fish prey.

This stunning image of November King Tides in the Reserve, captured by drone, shows the continued impact of these trees years later.



# PUBLIC INVOLVEMENT

Reserve staff strive to give the public an opportunity to make meaningful connections to South Slough Reserve through volunteer and internship opportunities as well as informational outreach events around the community. In turn, volunteers and interns provide support and assistance to the Reserve by helping fulfill its operational, research, stewardship, and education goals. From January to December 2023, 49 volunteers and interns put in 4,795 hours valued at \$151,419.

Interns from summer 2023 returning to fixed points where the marsh level is measured repeatedly.

The survival of tidal wetlands depends on the intricate relationship between sea level and marsh elevation.



## Internship Program Improvements

The South Slough Reserve Internship Program has been providing quality educational experiences for high school and college students, as well as those re-entering the workforce or changing careers, since 2013. As of December 2023, the Reserve has hosted 118 interns who spent an average of 100-300 hours of job training with a staff mentor.

The Reserve made significant improvements to its internship program in 2023, including incorporating a toolkit from the Oregon Department of Administrative Services for state internship programs. The Reserve's Public Involvement Coordinator, Operations Manager, and DSL Human Resources staff worked together to set up administration of monthly stipend awards provided through grants and the Friends of South Slough. Previously, administration and dispersal of stipend awards was done directly through the Friends of South Slough on a limited basis. As of December 2023, 19 of the 118 internships have been directly administered through the Department and South Slough Reserve.

## Volunteer Program Communications and Engagement

The Reserve continually works to update volunteer program management. Since 2021, volunteers have been able to report their hours via an online form which they can access with a QR code or link. This has helped to streamline the tracking of volunteer hours. Volunteers are recognized annually by the Management Commission, as well as by Reserve staff at every opportunity.

## Second Saturday Stewards

Through collaboration between Reserve Stewardship Coordinator Dr. Alice Yeates, Public Involvement Coordinator Deborah Rudd, and Park Ranger Assistant Jonathan Forth, a program was set up in 2019 to engage volunteers in the monitoring of invasive species through the Second Saturday Stewards program. A regular group of volunteers meet every second Saturday of the month for two hours to help remove and learn about invasive species. Thanks to the generosity of the local Coos Head Food Coop, stewardship volunteers are provided a meal after each session. As of December 2023, the Second Saturday Stewards have removed 508,406 square feet of invasive weeds and 24 industrial size bags of trash from Reserve lands.

# FACILITIES AND LAND

## MANAGEMENT PROJECTS

### Progress on New Entrance to the Reserve

In 2023, the Reserve partnered with the Friends of South Slough to reconfigure the entrance to the South Slough Reserve Visitor Center from Seven Devil's Road. The goal of the redesign is to create a welcoming entrance with increased safety, parking, and access for school group buses. The project will also improve internet access, which is currently unreliable and impacts work operations at the Reserve.

Friends of South Slough provided funding and contract support for the development of engineering and architectural designs. Staff provided input throughout the iterative design process to ensure the designs would fit the needs of visitors and onsite programs. The final designs were approved by the South Slough Reserve Management Commission in November 2023 and are being used to develop a grant proposal for submission in 2024 to fund the construction phase of the project.

### Expanding the Reserve Boundary

In 2023, the Reserve worked with NOAA to complete the federal process required for National Estuarine Research Reserve boundary amendments. This included writing a draft environmental assessment with legal and public review. The project is in the final stages of engagement with the local community, stakeholders, and Tribes. The boundary update is expected to be completed in January 2024. The new boundary will include all the lands acquired by the Reserve since 2008.

### Trail Projects

Multiple trail improvements were made on the Reserve's 5.5 miles of public trails, including replacing boardwalks and upgrading and installing new education platforms.

### Accessibility Upgrades

Renovation of the public restrooms at the Visitor Center was completed in 2023 making them both fully accessible based on the Americans with Disabilities Act (ADA) standards and gender neutral.

Significant progress was also made on contracting for the installation of ADA-compliant exterior doors at the Visitor Center.

### Upgrading Communication Tower Power

In 2023, power for our network communications tower failed and upgrades were needed. Staff from the Department's Salem office and the Reserve collaborated to install and connect a new propane generator at the tower. This ensures that power can be available 24/7 if solar going into the system is not enough to maintain connectivity.



BEFORE



AFTER

Maintenance staff, Mike Allman and Daniel Fenn, repair the North Creek Trail from tree damage after storm events in December 2023



# REVENUE & SPENDING

State funding for South Slough Reserve comes from the Common School Fund, which provides stable support for Reserve operations, programs, and services provided to Oregonians as envisioned by the Legislature. The South Slough Reserve upholds the values of the Common School Fund by supporting education and the long-term stewardship of the state's wetlands and waterways. This funding provides two critical benefits. First, it enables the Reserve to provide high-quality programming and services to diverse audiences at little or no cost. Second, Common School Fund dollars are leveraged to bring in a significant amount of additional revenue: the Fund provides match for the Reserve's annual operations award from NOAA and for various competitive grants each year. In 2023, the Reserve brought in a total of \$1,634,744 in non-Common School Fund dollars to support the water quality monitoring program, trail improvement projects, the acquisition of a key property at the entrance to the Visitor Center, renovation and upgrades to public restrooms and exhibits, and general operations. The Reserve also brings in revenue every year from facility rentals and lodging, with the fee schedule designed to offset operation and maintenance costs for use of the facilities.

The percentage of funding leveraged by the Reserve varies from year to year depending on project needs, the federal budget, and grant opportunities. In calendar year 2023, Reserve revenue included \$1,634,744 of leveraged funds, which accounted for 51.48 percent of total revenue. This was a 5.76 percent increase from calendar year 2022.

REVENUE	2023
Common School Fund	\$ 1,540,603
Leveraged funds*	\$ 1,634,744
Total Revenue	\$ 3,175,347
% Leveraged Funds	51.48%

*\* Leveraged funds include the operations award received from NOAA, competitive grants, funding from the Friends of South Slough, Inc. and fees charged for rentals and permits.*

SPENDING	2023
Salaries and Wages	\$2,212,060
Services and Supplies	\$501,160
Capital Outlay	\$399,263
Total Spending	\$3,112,483

# APPENDIX A

## RESERVE PARTNERS

### Tribal Partners

- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Coquille Indian Tribe
- Confederated Tribes of Siletz Indians
- Lower Elwha Klallam Tribe

### City and County Partners

- City and county land-use planners
- Coos County
- Coos Health & Wellness
- All Coos County school districts

### State Partners

- Oregon Department of State Lands
- Oregon Department of Fish and Wildlife
- Oregon Department of Land Conservation and Development
- Oregon Department of Forestry
- Oregon Department of Transportation
- Oregon Coast STEM Hub
- Oregon Sea Grant
- Oregon Natural Resources Education Program

### Federal Partners

- U.S. Forest Service
- Bureau of Land Management
- National Oceanic and Atmospheric Administration
- Coast Guard
- U.S. State Department
- U.S. National Parks Service

### University Partners

- University of Oregon
- University of Oregon, Oregon Institute of Marine Biology
- University of Oregon, Institute for Policy Research and Engagement
- Oregon State University
- Portland State University
- University of California, Davis
- Southern Oregon University

### Additional Partners

- Friends of South Slough, Inc.
- Partnership for Coastal Watersheds
- Coos Watershed Association
- Wetlands Conservancy
- The PEW Charitable Trusts
- National Estuarine Research Reserve System Science Collaborative
- National Estuarine Research Reserve Association
- Tenmile Lakes Basin Partnership
- Wild Rivers Land Trusts
- Pacific Marine and Estuarine Fish Habitat Partnership
- Trailkeepers of Oregon
- National Science Foundation
- Wilson Biochar, LLC
- Parks Canada
- George Wright Society
- Coos Bay Downtown Association
- Pacific Lamprey Conservation Initiative
- South Coast Food Co-op
- The Egyptian Theater
- American Fisheries Society



# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 986-5200  
FAX (503) 378-4844  
[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

### State Land Board

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

Tina Kotek  
Governor

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

Date: August 13, 2024

To: Governor Tina Kotek  
Secretary of State LaVonne Griffin-Valade  
State Treasurer Tobias Read

From: Vicki L. Walker, Director

### **Subject: Strategic Plan Update – Action Plan Results Report for FY 23-24**

Developed collaboratively by Department of State Lands staff, enhanced by feedback from partners and the public, and approved by the State Land Board, our 2022-2027 Strategic Plan sets the foundation for the Department's work with our mission, vision, and values.

The Strategic Plan also provides a practical framework for continual improvement by establishing four Department-wide strategic goals, each with measurable objectives for tracking progress toward the overall goal.

The Department's near-term Action Plan identified 38 projects the Department would work on in fiscal years 2023 and 2024. The Action Plan Results Report details project completion rates, as well as status of the 12 progress objectives.

### **How We Did – Project Completion**

The Action Plan included both projects with target completion dates and continuous improvement projects that are ongoing. Of the 29 projects with identified completion dates, 88 percent were targeted to be complete by the June 30, 2024, Action Plan end date, with the remaining 12 percent targeted for completion by the December 30, 2026, overall Strategic Plan end date.

The project completion results for the Action Plan period were:

- 34 percent of projects were completed.

- 68 percent of Action Plan projects are in progress.
- 5 percent of Action Plan projects have not begun. These two projects are developing and implementing communication and outreach plans for all Department programs and developing a comprehensive customer guide to waterway leases and use authorizations.
- 100 percent of Action Plan projects with identified completion dates are on track for completion within the overall Strategic Plan timeframe.

### **How We Did – Progress Objectives**

The Department met four of ten progress objectives; for two new Great Workplace objectives only baseline data was available. An overview of the progress objectives met/not met for each goal is below.

Note: The most recent available data for each progress objective was used to determine if the target for each objective was achieved. Objectives measuring multiple indicators are reported as met if more than 50 percent of indicators met the identified target.

### ***Exceptional Service Progress Objectives***

One of the four progress objectives for the Exceptional Service goal was met:

- The *Continuous Improvement in Reaching the People we Serve*, as measured by increases in people visiting our website, joining our email lists, following us on social media increases from year to year. **Action Plan Result: 100 percent of indicators for which data is available increased.** Reach increased in FY24 for Instagram, LinkedIn, YouTube, and email channels. Website data was only partially available for FY23, due to a Google Analytics change in mid-2023. Going forward, FY24 will be the baseline year for tracking website reach.

Three progress objectives were not met:

- The *Continuous Improvement in Customer Satisfaction* objective, as measured by continued progress toward the ultimate target of 93 percent satisfaction in surveyed customers. **Action Plan Result: None of the six customer satisfaction indicators increased.** Full analysis of the survey, which was conducted in June and July 2024, is underway. Initial review of comments indicates insufficient staffing, particularly in the Aquatic Resource Management Program, is directly impacting customer satisfaction.
- The *Purposeful and Proactive Communication* objective, as measured by percentage of programs with a current communications plan. **Action Plan Result: None of the four programs being tracked for this objective have a current plan.** As noted above, the communication plan development project is one of two Action Plan projects not yet started, and a priority for completion in FY25. For future results reports, this objective will also be updated to reflect the addition of two new programs – the state’s Abandoned and Derelict Vessel

program, which does have a current communications plan, and the Elliott State Research Forest.

- The *Continuous Improvement in Support for Team DSL* objective, as measured by two employee survey questions that evaluate opportunities to enhance skills and access to resources to ensure customer satisfaction. **Action Plan Result: Improvement for 50 percent of indicators.** Employee satisfaction with opportunities to enhance skills increased from 85 to 86 percent; satisfaction with access to resources decreased from 93 to 91 percent.

### **Thriving Oregon Progress Objectives**

Three of the four progress objectives for the Thriving Oregon goal were met:

- The *Protect Wetlands* objective, as measured by no net loss of wetlands during a fiscal year. **Action Plan Result: 60 wetland acres were gained.**
- The *Climate Change and Wildfire Resilience* objective, as measured by continuous investment in research, projects, and practices that promote climate and wildfire resilience for agency-managed lands, waterways, and wetlands. **Action Plan Result: Continuous investment in FY23 and FY24 with 47 resilience-centered actions for multiple programs; resilience-focused restoration of 1.5% of South Slough Reserve's acres; and treatment of juniper or noxious weeds on 9,527 rangeland acres and 1.5% of DSL-managed forestlands.**
- The *Increased Access to Stewardship Tools and Best Practices* objective, as measured by increased availability and promotion of tools and best practices for managing and restoring wetlands, waterways, and lands. **Action Plan Result: Availability and promotion of tools and best practices increased in FY23 and FY24.** Number of tools and best practices available increased from 20 (FY22) to 28 (FY23) to 67 (FY24). Promotion actions for tools and best practices increased from 30 (FY22) to 36 (FY23) to 48 (FY24).

One progress objective was not met:

- The *Continuous Improvement in Serving People at South Slough Reserve* objective, as measured by increase in people served annually at South Slough National Estuarine Research Reserve from year to year. **Action Plan Result: People served increased in FY23 but decreased in FY 24.** 4,648 people were served in FY22, 9,506 in FY23, and 7,515 in FY24. Cost of travel is thought to be a primary factor in the FY24 decrease.



### **Supporting Schools Progress Objectives**

The Supporting Schools progress objective measures percentage of revenue-related key performance measures that meet or exceed identified targets, with the ultimate goal of meeting all targets by 2027. **Action Plan Result: 20 percent of key performance measures met target in FY 23.** The target and actual for each performance measure are provided below; full analysis is in the Department's [FY23 Key Performance Measure Report](#).

Only *South Slough Funding Sources* (KPM 15), which measures percent of South Slough National Estuarine Research Reserve operations funded from non-Common School Fund sources, was met. 46 percent of funding was from other sources in FY23, exceeding the 25 percent target.

The other four key performance measures were not met:

- *Common School Fund Deposits* (KPM 1) as measured by percent annual increase in cash deposited to the Common School Fund. The target is a 10 percent increase; in FY23 deposits decreased by 47 percent. Note – \$121 million to decouple the Elliott State Forest was deposited in FY22, resulting in the FY23 decrease.
- *Increased School Lands Revenue* (KPM 3), as measured by increase in revenues generated by all land management activities, excluding timber harvest receipts. The target is a 3 percent increase; in FY23 revenue decreased by 30 percent.
- *School Forestlands Operation Costs* (KPM 2a), as measured by percentage of forestlands revenue used for administrative and operational costs. The target is 45 percent; in FY23 the percentage was 205 percent.
- *School Lands Operation Costs* (KPM 2b), as measured by percentage of Real Property program revenue used for administrative and operational costs on school lands other than forestlands. The target is 45 percent; in FY23 the percentage was 71 percent.

Considerations for these Supporting Schools results are discussed in the Looking Forward section below.

### **Great Workplace Progress Objectives**

The Great Workplace goal has three progress objectives. Two of those objectives – *Continuous Improvement in Work-Life Balance Satisfaction* and *Improving Acquired Knowledge* – were evaluated with new questions in the FY23 employee survey, so only baseline data is available.

The third objective, *Perpetual Employee Satisfaction*, is measured by improving or maintaining ratings for all questions with every employee survey. This objective was not met. **Action Plan Result: In FY 23, 53 percent of questions maintained or increased ratings from the previous survey.**

Note: In FY24 the Department began using the statewide Gallup-led employee engagement survey. New progress objectives aligned with the Gallup survey will be identified to track the Great Workplace strategic goal.

### **Looking Forward**

The Department is currently planning for the final two years of the 2022-27 Strategic Plan. This work includes:

***Evaluating Action Plan results.*** Initial considerations identified for project completion and progress objective results include:

- ***Overall Inadequate Staffing.*** The Department does not currently have sufficient staff to consistently advance strategic work, meet performance targets, or provide adequate day-to-day service in multiple program areas. Strategic work is particularly impacted by insufficient leadership capacity to initiate, guide, and complete projects. The Department's 2025-27 agency request budget includes a policy option package to begin addressing the impacts of inadequate staffing on strategic initiatives, performance, and services.
- ***Anticipated Positive Impacts of In-Progress Projects.*** Multiple Action Plan projects – creation of the Elliott State Research Forest, adjustment of removal-fill fees to cover costs, addressing abandoned and derelict vessels, implementing a new school lands management plan focused on increased revenue – will directly address unmet key performance measures in the Supporting Schools progress objective. For example, the large percentage of FY23 forestlands revenue used for operational costs is due to the research forest transition.
- ***Project Team Capacity.*** In addition to program-specific staff, strategic project teams also typically include staff supporting the entire agency – particularly in areas of project management, contracting, communications, and rulemaking – and finite capacity affects timelines.
- ***Number of Projects.*** The Action Plan included an ambitious 38 projects.

***Confirming Priorities.*** With the above considerations in mind, program and management teams have confirmed completing the remaining Action Plan projects is the priority for the final two years of the Strategic Plan. Projects not included in the Action Plan are being evaluated to ensure their continued relevance to advancing strategic goals, and will then be reviewed for relative priority and sequencing.

***Refining Project Planning.*** Overall Strategic Plan Tracking will be refined to reflect confirmed projects and sequencing, and project charters and plans updated/developed for all remaining projects.

***Ongoing Reporting.*** The next Results Report will be for FY25, and is anticipated to be presented to the State Land Board in late 2025.