

Clean-up and Restoration of Oregon-Owned Waterways

Applying for Division 145 Authorizations

Oregon-owned rivers, lakes, and territorial sea are shared resources the public may use and enjoy for navigation, recreation, commerce, fishing, and more. The Department of State Lands manages our state’s [publicly owned waterways](#) to protect the public’s collective rights of use and enjoyment.

Chapter 141, Division 145 of Oregon’s administrative rules facilitates remediation and restoration of publicly owned waterways, following an order issued by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency. The rules also identify required authorizations and associated fees that compensate the people of Oregon for limited access resulting from such activities. The application process is described in the following guide.

Required Authorizations

The type of authorization required may vary depending on the proposed activity.

Types of Authorizations

Authorization	Description	Project Examples
Remedial Action Access Authorization	Cleanup/restoration projects that will access the publicly-owned waterway for <i>less</i> than three years.	<i>Site monitoring, habitat restoration, environmental dredging, monitored natural recovery, enhanced monitored natural recovery.</i>
Remedial Action Easement Authorization	Cleanup/restoration projects that will use the publicly-owned waterway for <i>more</i> than three years.	<i>Permanent constructed removal-fill structures, including soil and sediment caps; site monitoring; environmental dredging; monitored natural recovery; enhanced monitored natural recovery.</i>
Remedial Action Lease	Use of publicly-owned waterway, including use and maintenance of non-permanent structures.	<i>Constructing and maintaining a temporary dock to facilitate transloading of removed sediments.</i>
Remedial Action Conservation Easement	Projects that seek to maintain an area’s conservation value.	<p><i>Projects that:</i></p> <ul style="list-style-type: none"> • <i>Retain or protect natural, scenic, or open space values of land</i> • <i>Ensure land is available for uses, including agriculture, forest, recreation, or open use space.</i> • <i>Protect or maintain natural resources, including air and water quality.</i> • <i>Preserve historical, architectural, archaeological, or cultural aspects of the land.</i>

Application Process

1. Schedule a pre-application meeting with DSL.

Staff will review the proposed project and assist the applicant to identify necessary authorizations and additional requirements.

2. Apply

Applicants should complete and submit the application for the required authorization. Application forms are [available for download from DSL's website](#). Timelines and other requirements are described in the table below.

Authorization Type	Application Fee*	Timeline	Required Attachments
Access Authorization	\$750	Application and fee must be submitted at least 90 days before the requested issue date.	A copy of the relevant agency order and statement of work.
Easement or Lease	\$1,250	Application and fee must be submitted at least 120 days before the requested issue date.	A copy of the relevant agency order and statement of work. A survey of the requested area by a registered professional land surveyor.

**All fees are non-refundable and should be made payable to the Department of State Lands.*

3. Application Review

DSL will review the application for completeness and contact the applicant if it is incomplete. Incomplete applications should be resubmitted within 120 days from the date of notification to avoid an additional application fee.

4. Circulation for Public Review

If DSL determines an application is complete, it may circulate the application to interested parties for review and comment. Such parties may include the city or county planning department, pertinent state and federal agencies, federally recognized tribal governments, ports, and all lessees and adjacent riparian property owners. Depending on the feedback received, DSL may request additional information from the applicant prior to approval.

5. Authorization Approval

Once the application is complete and has gone through the public review process, DSL will draft an agreement and offer it to the applicant. The agreement includes the terms for monetary compensation in exchange for access to the waterway. Activity may not be conducted until fully authorized by DSL.

Additional Requirements

Depending on the project, the applicant may be asked to comply with one or more of the following requirements.

Insurance and Bonds

Applicants may be required to obtain insurance coverage that names the State of Oregon as an additional insured party. DSL may also require the applicant to obtain a surety bond or letter of credit.

Financial Assurances for Soil or Sediment Caps

The holder of an authorization for a soil or sediment cap must demonstrate financial assurance for costs of maintaining and monitoring the cap and any corrective action relating to the cap.

Reporting

Approved applicants will be required to notify or provide the following to DSL:

- Start and Completion dates
- Analytical data / Sample results
- Reports provided to EPA or DEQ
- Annual reports
- Final reports

Monetary Compensation

All approved applicants must compensate the people of Oregon for anticipated losses of access to the publicly-owned waterway resulting from the project.

The compensation fee is determined by a formula that accounts for various factors, including the value and size of the authorized use area and the anticipated impact of the project on public use. The formula and additional compensation information can be found in OAR 141-145-0060.

Questions? Contact Us

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