



# Oregon

Kate Brown, Governor

## Department of State Lands

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### Department of State Lands Annual 2020 Report:

### Restrictions and Reopening of Public Access Sites

January 1, 2021

This report is submitted in response to HB 2835 (2019) which requires agencies to submit an annual report on the number and locations of restrictions or closures to and reopening of public access sites in the previous calendar year.

### State Land Board

Kate Brown  
Governor

Bev Clarno  
Secretary of State

Tobias Read  
State Treasurer

### Department of State Lands Public Waterways

The people of Oregon are the owners of the submerged and submersible land ("beds and banks") underlying all navigable and tidally influenced waterways. The Department of State Lands (DSL) is responsible for management of state-owned submerged and submersible land (ORS 274).

In the management of state-owned lands and the fulfillment of the Department's mission to "ensure a Common School Fund legacy through sound management of our trust responsibilities and the protection of waters of the state," DSL does in certain situations need to close or restrict certain uses at specific locations. The restriction of public recreational use of state-owned lands is governed by (OAR 141-088).

In most instances, restrictions of public use on state-owned lands follows the rulemaking public process, including notice and public comment. These restrictions are then adopted by the State Lands Board. In addition to State Land Board adopted rulemaking, the Director of the Department may impose a restriction or closure if they determine it is necessary to address an emergency; or, to facilitate or protect a removal or remedial action undertaken by or pursuant to an order issued by the Oregon Department of Environmental Quality (DEQ) or the U.S. Environmental Protection Agency (EPA).

For 2020, DSL implemented the following restrictions to public access sites as defined in HB 2835 (2019):

### **Emergency Closures - Extreme Fire Danger**

The Department issued two emergency closures due to extreme fire danger.

The locations included the Elliott State Forest and South Slough National Estuarine Research Reserve. The closures were in place from September 8, 2020 until September 21, 2020.

The closures were enacted as a public safety measure after the National Weather Service issued a Red Flag Warning for southwest Oregon indicating critical fire conditions.

### **Remedial Action**

The Department issued one closure to boating, paddling, and other public use due to remedial action.

The Willamette Cove was temporarily closed from August 15, 2020 until October 31, 2020. The closed waters included 46 acres along the eastern bank of the Willamette River in Portland, from river mile 6.1 to 6.9 between North John Avenue and the Burlington Northern Railroad Bridge.

Willamette Cove is part of the Portland Harbor Superfund Site. The area was used extensively for industrial activities, including milling lumber and ship repair, for more than a century. As a result, both the land along the river and the adjacent water need environmental cleanup.

This closure was imposed to keep the public safe while crews and machinery were collecting water and soil samples. The samples collected will help DSL, the City of Portland, and the Port of Portland determine how the EPA's approved in-water cleanup plan for the cove will be implemented. The closure also facilitated DEQ sampling at an adjacent cleanup site.

### **State Land Board Approved Restrictions - Overnight Camping**

Since the passage of HB 2835, the State Land Board has approved three areas for restrictions to overnight camping. At these locations, all uses are prohibited between 10 p.m. and 5 a.m.; campsites and fires are prohibited at all times.

The restrictions are designed to protect against (1) the loss of or damage to property; (2) the loss of or damage to natural resources and the environment; (3) degradation of water quality; and (4) loss of or damage to riparian vegetation and wildlife habitat.

The areas include:

- The banks of the Columbia River between river mile 102 to 106 (Hayden Island to the north side and Marine Drive to the south side) and river mile 120 to 121 (Sandy River Delta), and along the Oregon Slough (also known as the North Portland Harbor Channel) between river mile 0 to 2.5, in Multnomah County. (Effective September 21, 2020)
- The banks of the Willamette River from River Mile 1 to 11 in Multnomah County, Oregon. (Effective January 1, 2020)
- The banks and islands on the Willamette River within Eugene city limits in Lane County, Oregon. (Effective January 1, 2020)