

The State Land Board met in regular session on December 11, 2001 in the Land Board Room of the State Lands Building, 775 Summer Street NE, Salem, Oregon 97301-1279.

Present were:

John A. Kitzhaber Governor

Randall Edwards State Treasurer

Assistants

Louise Solliday

Paddy McGuire

Inga Deckert

Staff

Ann Hanus

John Lilly

Steve Purchase

Jeannette Holman

Gail Lowry

Dept. of Justice

J. Kevin Shuba

The Governor called the meeting to order at 10:05 am. He said Secretary Bradbury was excused from the meeting. The topics discussed and the results of those discussions are listed as follows. Further details of the discussions may be obtained in the written transcript of the meeting available at the Division of State Lands, 775 Summer St. NE, Suite 100, Salem, Oregon 97301-1279, (phone: (503) 378-3805).

Director Hanus reviewed the following items on the Consent Agenda:

- 1. a. Request for authorization to appear before the Emergency Board in February to report on the status of negotiations with Oregon State University, The Nature Conservancy and the Division of State Lands for the transfer of management of the Oregon Natural Heritage Program to Oregon State University.***

b. Request for approval of registration of the Maxfield Addition to the Oregon Register of Natural Heritage Resources. This site is owned by The Nature Conservancy and would be added to the Willow Creek preserve in Lane County.

c. Request for approval of the minutes of October 9, 2001 State Land Board meeting and October 17, 2001 State Land Board public hearing.

Director Hanus explained that a note in the agency's budget called for transfer of the Natural Heritage Program from the Division to Oregon State University. The Legislature set aside \$100,000 to pay for the cost of the transfer. She added that a meeting would be held the next day to discuss the details of the transfer. The agency will go to the February Emergency Board for the transfer.

Hanus said the next item is for the addition to the Oregon Register of an 11-acre site to the West Eugene Project that would be added to the Willow Creek Reserve in Lane County. There were no objections or comments to this.

The Consent Agenda also included minutes from State Land Board meeting for October 9 and the public hearing on October 17.

State Treasurer Edwards moved the Consent Agenda be approved. Governor Kitzhaber seconded the motion and the approval was unanimous.

2. Briefing on status of Sandy River Navigability Report.

Director Hanus said that the Land Board is scheduled to make a determination at the February Land Board meeting on the navigability of the Sandy River.

State Treasurer Edwards asked whether the final report would be done prior to the February meeting. Director Hanus said by statute the agency needs to release the study in advance of the meeting and provide notice to the public.

Edwards asked whether the testimony received to date would be incorporated into the final report. Hanus said the public testimony must be analyzed, and then the navigability study report will be prepared. A public notice describing the findings will be published with the date and time of the presentation to the Land Board. Hanus said this will be published in newspapers and sent to affected property owners and interested parties.

3. Briefing on removal-fill streamlining progress report.

Director Hanus said this is a bi-monthly progress report regarding the streamlining efforts. She noted that the Technical Advisory Committee had met on October 23 and was scheduled to meet again on January 15 to work on issues such as what would be covered, as well as the agency's internal operational needs. Hanus is also meeting with Colonel Butler of the Corps of Engineers on issues such as how resources would be shared. Director Hanus said the hope is that by focusing on the statewide programmatic general permit, a foundation will be laid for potential 404 assumption.

4. Briefing on anchoring of ships in the three-mile territorial sea.

Director Hanus explained that this item dealing with anchoring in the three-mile territorial sea stemmed from the recommendations on the New Carissa.

J. Kevin Shuba, Assistant Attorney General, discussed the legal advice from his office, saying that the Land Board has legal authority to regulate anchoring in the territorial sea, with some balancing with federal regulation.

State Treasurer Edwards asked to confirm that the agency would be developing a rule that mirrors this authority. He said one of the concerns was in a distinction between domestic fishing versus international commerce ships. Hanus said the rule would address those vessels over 150 feet, which would preclude most fishing boats.

Sandy River

Jeff Kroft, Division of State Lands' Policy Development Specialist, was called to the meeting to further answer the Treasurer's previous questions on the final Sandy River navigability report. Kroft confirmed that the report would go to the public in January to allow sufficient time for review and comments. He said the comments received until the close of the comment period would be considered for inclusion in the report, as well as suggestions and any new evidence that was presented.

Strategic Planning

Director Hanus informed the Board that the agency was beginning a strategic planning process, which they hope to conclude by June 2002. She said that stakeholders and staff would be involved in the process, as well as the agency staff. She will keep the Board informed on the progress of that effort.

Governor Kitzhaber adjourned the meeting at 10:20 am.

John A. Kitzhaber, MD
Governor

Ann Hanus
Director