



Lisa Estrin <lisa.m.estrin@multco.us>

RE: 16900 NW Sauvie Island Rd DSL Ownership Boundary

1 message

RUSSELL Justin * DSL <Justin.RUSSELL@dsl.oregon.gov>
To: Lisa Estrin <lisa.m.estrin@multco.us>

Wed, Oct 20, 2021 at 10:21 AM

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The Multnomah Channel is tidal and therefore a navigable water that is state-owned through the Oregon Admission Acts and Equal Footing Doctrine. The Multnomah Channel is considered part of the Willamette River and therefore subject to the Tideland Act of the 1870s. Map and tax lot 2N1W21-01200 is a portion of a land grant patented by the federal government prior to the repeal of the Tideland Act; as such, the state automatically granted the tideland to the riparian owner. The state retained the bed of the Multnomah Channel up to mean low water fronting this tax lot.

From: Lisa Estrin <lisa.m.estrin@multco.us>
Sent: Wednesday, October 20, 2021 10:13 AM
To: RUSSELL Justin * DSL <Justin.RUSSELL@dsl.oregon.gov>
Subject: Re: 16900 NW Sauvie Island Rd DSL Ownership Boundary

Morning.

I have another question I hope you can answer. Our Surveyor wants to know if the Multnomah Channel is navigable or non-navigable. We understand that it is tidal influenced and hence the State owns it to mean low water. Why is it not to the ordinary high water line?

Lisa Estrin

Senior Planner

On Wed, Oct 20, 2021 at 8:16 AM RUSSELL Justin * DSL <Justin.RUSSELL@dsl.oregon.gov> wrote:

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Hi Lisa,

The state's ownership fronting map and tax lot 2N1W21-01200 is the bed of the Multnomah Channel up to mean low water. NOAA's [VDatum](#) estimates mean low water to be 6.34 feet elevation NAVD 88 at this location. We are not able to estimate a line on an aerial photograph.

[Exhibit I.3](#)

Let me know if you have any other questions.

Best,

Justin Russell

Proprietary Coordinator

Oregon Department of State Lands

O:503.986.5219

<http://www.oregonstatelands.us/>

From: Lisa Estrin <lisa.m.estrin@multco.us>
Sent: Tuesday, October 19, 2021 7:00 AM
To: RUSSELL Justin * DSL <Justin.RUSSELL@dsl.oregon.gov>
Subject: Re: 16900 NW Sauvie Island Rd DSL Ownership Boundary

Please provide us with the information as to where the State ownership stops adjacent to the unit of land known as 2N1W21-01200, if possible.

Lisa Estrin

Senior Planner

On Mon, Oct 18, 2021 at 3:41 PM RUSSELL Justin * DSL <Justin.RUSSELL@dsl.oregon.gov> wrote:

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Lisa,

I've provided you information on the basis for DSL ownership in the Channel. I do not know if we can provide a response to your questions as to whether the "meander line" you reference is the same bank as the "easterly boundary in 1968. Our ownership specialist can tell me where we currently own to, but the questions you seem to be asking refer to other boundaries which DSL does not manage or track. Are you wanting to know where DSL's ownership extends to on the Multnomah Channel at this parcel, or is there another question you're getting at?

Thank you,

Justin

From: Lisa Estrin <lisa.m.estrin@multco.us>
Sent: Monday, October 18, 2021 3:33 PM
To: RUSSELL Justin * DSL <Justin.RUSSELL@dsl.oregon.gov>
Subject: Re: [16900 NW Sauvie Island Rd](#) DSL Ownership Boundary

Please do submit and provide us an answer asap.

Lisa Estrin
Senior Planner

On Mon, Oct 18, 2021 at 3:30 PM RUSSELL Justin * DSL <Justin.RUSSELL@dsl.oregon.gov> wrote:

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Hi Lisa,

Because the Multnomah Channel is tidally influenced, ownership of the bed and banks were passed to the Oregon at statehood under the Equal Footing Doctrine. Its more than likely that the State owns to Mean High Water, but I'd have to submit to our Ownership Specialist if you need a firm determination. Is this something you need?

I cannot guarantee a response by this Friday but will make mention that the request is time sensitive.

Thank you,

Justin Russell

Proprietary Coordinator

Oregon Department of State Lands

O:503.986.5219

<http://www.oregonstatelands.us/>

From: Lisa Estrin <lisa.m.estrin@multco.us>
Sent: Monday, October 18, 2021 2:29 PM

To: RUSSELL Justin * DSL <Justin.RUSSELL@dsl.oregon.gov>
Subject: Re: 16900 NW Sauvie Island Rd DSL Ownership Boundary

Good Afternoon.

We are seeking information regarding the boundary of the State's ownership of Multnomah Channel. Attached is a tax lot map for Section 21, 2N1W. The unit of land in question is tax lot 1200.

The applicant's attorney is representing that the unit of land (TL 1200) in 1968 went to the meander line. Their deed states that it goes to the "easterly boundary of Multnomah Channel (also known as the Willamette Slough)".

We are seeking clarification whether the meander line would be the same bank as the "easterly boundary" in 1968?

What year did the State obtain ownership of the Multnomah Channel? Was it at Statehood or was there a later navigability test? If later, what year?

Thank you for your assistance in this matter. We have a deadline for submission to the hearings officer of this information this Friday, October 22nd at noon.

Lisa Estrin
Senior Planner
503.988.0167

On Mon, Oct 18, 2021 at 1:45 PM BUTTERFIELD Melinda * DSL <Melinda.BUTTERFIELD@dsl.oregon.gov> wrote:

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Hi Justin,

I received a call from Lisa at Multnomah County. She's trying to figure out where DSL's ownership boundary is located for property at 16900 NW Sauvie Island Rd. Can you help her?

New Email Address melinda.butterfield@dsl.oregon.gov ***

Thank you,

Melinda Butterfield, PWS

Aquatic Resource Coordinator

Oregon Department of State Lands | [775 Summer St NE Ste 100, Salem, OR 97301](#)

Office: [503.986.5202](tel:503.986.5202) (**forwarded to cell**) | Cell: [503.507.6286](tel:503.507.6286) | melinda.butterfield@dsl.oregon.gov

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