



Oregon

Tina Kotek, Governor

Department of State Lands

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State Land Board

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FIRST CLASS MAIL

June 3, 2025

8710-ENF

Tina Kotek

Governor

Tobias Read

Secretary of State

Elizabeth Steiner

State Treasurer

STATE OF OREGON

DEPARTMENT OF STATE LANDS

In the Matter of a Derelict Vessel (ORS
830.908) belonging to:

Samuel Richard Lewis
401 Fir Street
Brookings, OR 97415

File No: ENF-8710

Notice of Proposed Action
(Pre-seizure Notice)

And Opportunity for a Hearing

Pursuant to the Abandoned or Derelict vessel statutes in ORS 830.908 to 830.948 and 274.366, the Department of State Lands (hereinafter the Department) proposes to seize the abandoned or derelict vessel referenced in this notice, based on violation of the applicable provisions of OAR 141-082-0255 and 141-082-0260 and ORS 830.908 through 830.948 as more particularly set forth below. In support of the proposed action, the Department asserts as follows:

I. AUTHORITIES

The State is the owner of certain submerged and submersible lands in this state, including those in the Chetco River in Curry County, Oregon. The State delegated authority to the Department for the management of these submerged and submersible State lands (ORS 274.040 and ORS 274.710).

The Legislature has authorized enforcement agencies to investigate and seize vessels that are abandoned or derelict (ORS 830.908 to 830.948). The Department is an enforcement agency authorized to enforce the Abandoned and Derelict Vessel laws (ORS 830.908(4) and 274.366), including seizing abandoned or derelict vessels. The Department's address and telephone number are:

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301
(503)986-5200
dsl.waterways@dsl.oregon.gov

An enforcement agency may seize a vessel if the agency has probable cause to believe that the vessel is abandoned or derelict, and the owner fails to correct the issues identified in the agency's pre-seizure notice (ORS 830.911). In some situations, an enforcement agency may immediately seize the vessel, board the vessel, or take other actions as authorized by ORS 830.911.

A vessel owner who fails to comply with a notice issued under ORS 830.918 or an order issued under ORS 830.936 may be found guilty of the offense of failure to remove an abandoned vessel or possession of a derelict vessel, both Class A violations (ORS 830.944 and ORS 830.990(9)).

If a vessel is seized and not reclaimed in the manner provided in a post-seizure notice, title to the vessel and all personal property found in the vessel vests in the enforcement agency, and the enforcement agency may sell or otherwise dispose of the vessel and the property (ORS 830.933(2)) and the owner shall be liable for the costs incurred for salvage, towing, storage, and disposal of the vessel (ORS 830.938).

II. FACTUAL ALLEGATIONS

1. Vessel *CF 6541 KY* ("Vessel") is a 35' homebuilt trimaran sailing vessel.
2. Samuel Richard Lewis is the owner of the Vessel as evidenced by moorage records at the Port of Brookings Harbor and verbal acknowledgement via telephone conversations.
3. The Vessel was reported in distress to the USCG Station Chetco on Friday May 23, 2025. At that time it was sunk on the east side of the river almost directly under the Chetco River Bridge. It was photographed in this location by a USCG member.
4. The Vessel was photographed by a Port of Brookings Harbor official on Tuesday May 27, 2025 in the same location described above, almost directly under the Chetco River Bridge, mostly submerged with an aft portion of the portside hull separated from the Vessel.
5. On May 29, 2025 it was photographed by a Port of Brookings Harbor official approximately 600' downriver, on the east side of the river, hard aground on the jetty boulders.
6. The Vessel is a Derelict Vessel as defined in ORS 830.908 due to being sunk or in imminent danger of sinking.

III. CONCLUSIONS OF LAW

Based on the foregoing and pursuant to the authority cited above, the Department will be authorized to seize the Vessel as abandoned and derelict, pursuant to ORS 830.911 after:

June 17, 2025 at 5:00PM

The Department will not seize the vessel as proposed in this notice if one of the following takes place prior to the date above:

- The vessel is removed from the waterway.
- The vessel is moved to an authorized location.

Samuel Richard Lewis is identified as the owner of Vessel as defined in ORS 830.908 and therefore shall be liable to the Department for costs arising out of salvage, towing, storage, and disposal of Vessel, pursuant to ORS 830.938, which we estimate could approach \$21,000.00 based on an itemized estimate received by the Department on 5/30/25 that includes all costs associated with salvage and haul-out, storage, demolition, and disposal. If the Department's costs exceed this amount, the Department shall provide the owner with an updated notice of the Department's costs.

IV. RIGHT TO HEARING

An owner who is provided pre-seizure notice has a right to a hearing on the pre-seizure notice. A request for a hearing must be in writing and submitted to the Department no more than 10 business days after the pre-seizure notice is given. A request for a hearing must be submitted before June 17, 2025 at 5:00PM . An owner may mail a request for a hearing to:

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301
503-986-5200
dsl.waterways@dsl.oregon.gov

If an owner submits a timely request for a hearing, the Department must set a time for the hearing that is no more than seven business days after receiving the hearing request. The Department will notify the owner of the time and the place of the hearing. The owner will also be given information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing before commencement of the hearing. If the owner's request for a hearing is not received by the Department within 10 business days or if the request otherwise fails to comply with the requirements of ORS 830.936, ORS 830.918, and ORS 830.931, then the owner's right to a hearing shall be considered waived.

V. FINAL ORDER BY DEFAULT

If a request for a hearing is not submitted within 10 business days of the notice, or if an owner requests a hearing and then either withdraws the hearing request or fails to appear at a scheduled hearing, and does not otherwise take action as described in this Notice, this Notice becomes a final order by default, and the vessel will be seized. The owner of the Vessel will be responsible for all costs arising out of salvage, towing, storage, and disposal of the Vessel. If this Notice becomes a final

order by default, the Department designates its file on this matter, including any materials submitted by an owner that relate to this matter, as the record for purposes of proving a prima facie case.

VI. FEDERAL SERVICEMEMBERS CIVIL RELIEF ACT

Active duty servicemembers have a right to stay certain proceedings under the federal Servicemembers Civil Relief Act. See generally 50 USC 3901 et seq. For more information, contact the Oregon State Bar (800-452-8260), the Oregon Military Department (503-584-3571), or the nearest United States Armed Forces Legal Assistance Office (<http://legalassistance.law.af.mil>). The Oregon Military Department does not have a toll-free telephone number.

DATED on this June 3rd, 2025.



Josh Mulhollem
Manager, Waterways Stewardship Program
Aquatic Resource Management Division
Oregon Department of State Lands

CERTIFICATE OF FILING/SERVICE

I hereby certify that on the 3 day of June, 2025, I posted the substance of this notice on a website maintained by the Department of State Lands.

I further certify that on the 3 day of June, 2025, I served the within Post Seizure Notice on Samuel Richard Lewis certified and first-class mail to the addresses listed below:

401 Fir Street
Brookings, OR 97415

DATED this 3rd day of June 2025.



Print name: Velen McDonald-Names

Position: Support Services Specialist

Attachment A

Photos



