

April 12, 2013

Senate Committee on Environmental and Natural Resources
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Re: Public Hearing, SB 401 - Specifically the McKenzie River

Honorable Committee Members:

SB 401 first came to my attention in a newspaper article regarding stream mining and dredging. Subsequent research lead me to *Prospecting and Mining Journal*, which said it was one of three Senate Bills sponsored by Senator Bates designed to “restrict suction gold dredging.” I agree with this intent.

However, it appears that SB 401 raises too many contentious restrictions on property rights, as well as being of questionable economic feasibility. To wit:

1-While the current scenic waterway part of the McKenzie seems reasonable because of very low housing density, the proposed addition includes mostly areas of much higher density. Has Senator Bates or any committee member viewed the sites proposed for addition? Both sides of the river there have large developed areas, such as along North Bank Road, McKenzie River Drive, Delta Road, Delta Drive, East King Road, and West King Road, not to mention along Highway 126. Adding a ‘scenic easement’ on ‘related adjacent land’ is reminiscent of contentious ‘back-zoning.’

2-What are the chances that the McKenzie River will become like the Deschutes River Scenic Waterway Recreation Area - a highly regulated, river-usage-fee-area, where it’s stated that these fees can be used to develop camp sites and other improvements - highly visible sites and improvements that run counter to ORS 390.805 that addresses ‘related adjacent land’ in “protecting the scenic view from waters within a scenic waterway” and also runs counter to The *Oregon Scenic Waterways Act* landowners’ guide/booklet, which coaches these landowners on how to site and/or screen property development to ‘protect the scenic view from waters within a scenic waterway’? (It’s strange that this Statute regulates the removal of materials from beds and banks of scenic waterways - with a scenic easement/related adjacent land extending 1/4 mile from a river so as to preserve a scenic view, yet our state allows the ravaging and destruction of scenic Parvin Butte mere feet from neighbors).

3-The Statute revision says that homeowners living in a ‘scenic easement’ could go through a permit and review process as regards building in ‘related adjacent land.’ This is of ‘questionable economic feasibility,’ as this process would involve burdening already understaffed personnel (which we citizens constantly hear from Oregon governments is

the outcome of current economic conditions and reduced revenues). That said, where will the money come from to fund the additional personnel hours required for the permit and review process?

I have other issues with SB 401, but - to keep this short (thus worthy of note) - I feel the facts presented here predicate that SB 401 should not be passed. Instead, I recommend approval of SB 115, which is more focused regarding the regulation of mining/dredging.

Sincerely,

Charles S. Wical
55673 East King Road
McKenzie Bridge, OR 97413-9609
541-822-1082