

**From:** Ginger Blum <gingerblum@earthlink.net>  
**Subject:** SB 401  
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**To:** jennifer.lutman@state.or.us

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I would like to enter my objections to parts of this proposed bill that affect the McKenzie River.

#1 My first objection is to the use of the emergency status in enacting and passing this measure. While I understand that there are some threats from gold miners to some streams in Oregon the use of the emergency status does not allow for adequate responses by the people who may be negatively affected. Those people include private land owners on the McKenzie River. The emergency status for legislation is an improper process being abused by the legislature to pass laws that are likely to cause controversy before those affected can organize their response.

#2 This legislation will violate the rights of private property owners on the McKenzie River by unnecessarily restricting their use of their property. It gives far too much power to the Department of Parks and Recreation bureaucracy over private property rights. Further the Department of Parks and Recreation has established regulations for scenic waterways that define 5 categories with each category subject to different restrictions. Nothing in the statute indicates how those categories will be applied to the designated waterways. Thus, landowners have no way of knowing what restrictions they will be subject to if the legislation is passed.

#3 Lane County has been advised by legal counsel that property that has historically been sold, purchased and valued as "buildable" must be permitted even if structures do not conform to all county ordinances. The scenic waterways statute does allow construction already permitted to be completed, but may restrict future construction within the ¼ mile boundary. It may include restrictions for fences, signs and additions as well as new structures. It is unclear how conflicts between the Department of Parks and Recreation regulations and county ordinances would be resolved.

**Leslie Blum**  
**42296 Holden Creek Lane**  
**Springfield, OR 97478**