

Senate Committee on Environment and Natural Resources

Re: SB 401

Dear Madam Chair, and Committee members,

You have listed the North Fork of the Burnt River (NFBR) in SB 401 as a candidate for the Oregon Scenic waterway program. Having been the Burnt River Irrigation District manager for about 18 years, I am very familiar with this waterway. I am also very doubtful that the NFBR fits criteria as a scenic waterway. The majority of the streamflow originates as floodwater from the snowmelt in March and April, and the summer flows are minimal. United States Geological Survey records show that this river has practically no flow during the late summer months. In fact, the summer flow of the NFBR is so low that sections of the river dry up. It has long been recognized that there is a desperate need for a storage reservoir on the NFBR to capture the spring runoff in order to provide late season water. Obviously, this river doesn't have any steelhead or salmon fishery. I can only assume that you do not have accurate information about this waterway. I suspect the NFBR has been nominated only because there is some gold associated with this watershed. The Forest Service is nearing completion of a six-year Supplemental Environmental Impact Study on the mining activity in this watershed. SB 401 would be quite controversial by denying miners within a ¼ mile of the stream the statutory right to recover their privately owned minerals. These miners have already waited patiently for years for their plans of operation to be approved. The NFBR is a good example of the type of problems you will be running into with other streams having valuable minerals that have been nominated as Scenic Waterways in SB 401. These minerals are locatable under Federal Law and are considered private property.

Also, please consider carefully the economic effects that passing SB 401 would have on the State. Not only would you be destroying economic activity, but you would be opening up the State to costly litigation. I urge you to vote against passage of SB 401. This bill is not really about preserving scenic beauty, but is instead focused on stopping an activity that has been targeted by extremists.

Please make this information part of the hearing record. Thank you for your consideration of my concerns. I would be glad to discuss this further with you if you have questions.

Sincerely,
Ken Alexander
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