

To the Oregon Senate Committee on Environment and Natural Resources
Re: SB 401

Dear Ms. Reiley and committee members:

As a resident and owner of agricultural land on Eagle Creek in Baker County, I would like to offer some reason for positive consideration of SB 401, to include this and the other outstanding waterways in the Oregon Scenic Waterways System. In the state of Oregon, we are all the beneficiaries of forward-thinking conservationists of the past, and we should embrace the responsibility to be benefactors in kind to the future.

I am disheartened that representative Bentz has encouraged constituents, whose names have found their way onto his broadcast email list, to register opposition to both SB 401 and SB 217 based on a narrow and possibly mistaken view of these bills. Even given an unabashed agenda of placing private interests ahead of public interests, and private business interests ahead of all, it is inappropriate to bait the unproductive suspicion/reaction attitude toward government that makes itself known in this part of the state.

As I understand it, SB 401 does not introduce new restrictions but mainly amends ORS 390.826 to include waterways that merit the same protection as that afforded the waterways currently included in the Oregon Scenic Waterways System.

Only two such waterways lie within legislative district 60: Eagle Creek, and the North Fork Burnt River. Both of these lie within the greater U.S. Forest Service boundary, and one of them (Eagle Creek) is already a federally-designated Wild & Scenic River. It is quite unreasonable to object to SB 401 on the basis that it "would preclude new wells and other water uses near those rivers and this would unreasonably burden private development on private land anywhere near a designated waterway," as Bentz suggests.

ORS 390.835 (9) (not amended by SB 401) appears to provide for domestic water use; moreover 390.835 (9) (h), referencing ORS 537.545, appears to provide for exemption of a domestic well drawing up to 15,000 gallons/day!

According to "The Oregon Scenic Waterways System: A Review and Assessment", by David Bernell and Jeff Behan, published in 2003 by the Oregon State University Institute for Natural Resources, the general consensus among affected land owners was that the OSWS was not an unreasonable burden, and the Oregon Parks and Recreation Department people were reasonable to deal with.

Having also carefully reviewed "The Oregon Scenic Waterways Program: A Landowner's Guide", published by the Oregon State Parks, I do not see the program as a threat to private landowners such as myself. In fact, as I have indicated in previous written communications to Senators Bates and others, I would like to see the designation extend beyond the USFS boundary, to include the two miles of Eagle Creek where it flows through my property.

Kind thanks for your consideration,
Pete Martin
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