



<http://mckenzieclearwatercoalition.com>

To: State Committee on Environmental and Natural Resources (Jennifer.lutman@state.or.us)
State Senator Floyd Prozanski (sen.floydprozanski@state.or.us)
State Representative Phil Barnhart (rep.philbarnhart@state.or.us)

From: Marilyn Cross, Chairperson, McKenzie ClearWater Coalition (mjacross@yahoo.com)

Subject: Public Input for SB 401

The McKenzie ClearWater Coalition (MCWC) stands as a private body of residents, landowners and lease holders concerned with the Mission and Goals of the organization. Members are individual citizens concerned with the collection, assimilation, and perhaps the resolution or disposition of internal and external matters that have the potential to impact properties, rights, or ways of life. The Mission of the McKenzie ClearWater Coalition is to preserve and protect the legacy of the McKenzie River drainage basin while protecting property values and respecting the rights of citizens, residents, landowners and lease holders to reasonably use private property.

We are opposed to the extension of the Scenic Waterways statute 309.805 – 309.925 to include the main stem of the McKenzie through Blue River to Finn Rock. Our reasons for requesting the exclusion of the McKenzie River extension from SB 401 include the following:

- The portions of the McKenzie that are currently scenic waterways (the South Fork from the 3 Sisters Wilderness Area to the confluence with the main stem and the main stem from Clear Lake to Paradise Campground with carve outs for the reservoirs), are primarily within public lands. The extended area does include a significant amount of private land and presents landowners within ¼ mile of the river with serious restrictions they have not had time to consider due to the “emergency” designation of the proposed legislation.
- The ¼ mile boundary will include property that does not include river frontage. In fact, residents who live on both sides of McKenzie Highway will be within restricted areas because the highway is usually less than a ¼ mile from the river.
- The statute delegates the Oregon Department of Parks and Recreation to establish policies to manage the area consistent with the goals of scenic waterways. The Department of Parks and Recreation has established regulations for scenic waterways that define five 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. One resident has asked, for example, if he will be able to post no trespassing signs on his property.

- 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.
- The statute gives the Department of Parks and Recreation the extreme power of condemnation in the event its regulations are violated.

The MCWC is very conscious of the quality of the McKenzie River, aesthetically, recreationally, ecologically, as a habitat and as the sole source of drinking water for the city of Eugene. We work very closely with organizations such as the McKenzie River Watershed Council, Lane County, the McKenzie River Guides, the Eugene Water and Electric Board and the US Forest Service to ensure the superior quality of the river is never allowed to deteriorate. Balancing the many interests in the river is never easy, but vital to the wellbeing of the vital community on its banks. This heavy hand of state legislation and state regulatory determination of what is best for our vital community is wrong and does not contribute anything to the wellbeing of this treasured river.