

*Josephine County Board of Commissioners*

*Simon G. Hare, Chair    Cherryl Walker, Vice Chair    Keith Heck, Commissioner*

February 27, 2013

Senator Jackie Dingfelder, Chair  
Senate Environment and Natural Resources Committee  
900 Court St. NE, S-407  
Salem, OR 97301

Dear Senator Dingfelder:

The purpose of this letter is to express both concern and opposition to proposed Senate Bill 401.

Josephine County recognizes and has fully embraced the economic benefits of tourism and recreational use of its lakes, rivers and streams. In fact, the county parks system provides 80% of the public access to the Rogue River in much of the area already designated as a "scenic waterway."

This bill would amend ORS 390.805 (3) by expanding the definition of possible "scenic waterways" to include creeks. This bill would also amend ORS 390.826 to add a host of additional lakes, creeks and rivers and segments of rivers as designated "scenic waterways."

Of particular concern and significance to Josephine County, it amends ORS 390.826 to add the following lakes, creeks and rivers, or segments of rivers and related adjacent land are designated as scenic waterways:

(8) The Illinois Scenic Waterway, which includes:

- (a) The Illinois River from its confluence with Deer Creek downstream to its confluence with the Rogue River [currently designated as a "scenic waterway" under ORS 390.826 (8)(a)];
- (b) **The Illinois River from the boundary of the Rogue River-Siskiyou National Forest in section 29, township 38 south, range 8 west, downstream to its confluence with Deer Creek;**
- (c) **The East Fork Illinois River from the Oregon border with California downstream to its confluence with the Illinois River; and**
- (d) **The West Fork Illinois River from the Oregon border with California downstream to its confluence with Rough and Ready Creek.**

(9) The Rogue Scenic Waterway, which includes:

- (b) **The Rogue River from its confluence with Bear Creek downstream to the confluence of Bear Creek with Applegate River.**

(19) **The Briggs Creek Scenic Waterway, which includes Briggs Creek from its headwaters to its confluence with the Illinois River.**

(25) **The Grave Creek Scenic Waterway, which includes Grave Creek from its headwaters downstream to its confluence with the Rogue River.**

(26) The Silver Creek Scenic Waterway, which includes:

- (a) **Silver Creek from its headwaters to its confluence with the Illinois River;**
- (b) **The North Fork Silver Creek from its headwaters to its confluence with Silver Creek; and**

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(c) The South Fork Silver Creek from its headwaters to its confluence with Silver Creek.

(27) The Josephine Creek Scenic Waterway, which includes Josephine Creek from its headwaters to its confluence with the Illinois River.

(28) The Little Applegate Scenic Waterway, which includes the Little Applegate River from its headwaters to its confluence with the Applegate River.

(32) The Rough and Ready Scenic Waterway, which includes:

(a) The Rough and Ready Creek from the confluence at the north and south forks of Rough and Ready Creek downstream to its confluence with the West Fork Illinois River;

(b) The North Fork Rough and Ready Creek from its headwaters to its confluence with the South Fork Rough and Ready Creek; and

(36) The Sucker Scenic Waterway, which includes Sucker Creek from its headwaters to its confluence with the East Fork Illinois River.

(c) The South Fork Rough and Ready Creek from its headwaters downstream to its confluence with the North Fork Rough and Ready Creek.

(38) The Applegate Scenic Waterway, which includes the Applegate River from immediately below Applegate Lake to the confluence with Forest Creek.

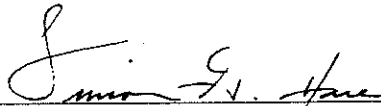
Under the Oregon Scenic Waterway program, land owners bordering scenic waterways who wish to build or alter their homes, outbuildings, barns and other structures, must have each improvement evaluated by Oregon State Parks and Recreation. This highly cumbersome process places further restrictions on the harvesting of timber and even impacts the types and locations of crops grown by farmers. The Oregon Scenic Waterway program requires all new development to be completely screened from the view of the river, homes are limited in height, and even private driveways require approval from Oregon State Parks and Recreation.

The Board of Commissioners is particularly concerned with the inclusion of sections of rivers and streams which are primarily bound by private property. The Board recognizes that the wild and scenic section of the Lower Rogue River, bound primarily by public land, has been served well by, and merits, this designation. However, the Rogue River, from its confluence with Bear Creek to its confluence with the Applegate River, is almost entirely bound by private property and is mostly developed. Application of the Oregon Scenic Waterway Program in developed areas like this and other areas only adds expensive regulatory oversight with little benefit.


Josephine County has struggled to maintain its local economy, jobs and way of life. This legislation will not put Oregonians back to work and we urge you not to support Senate Bill 401.

Respectfully,

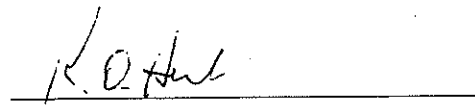
Board of County Commissioners



Simon G. Hare, Chair



Cheryl Walker, Vice Chair



K. O. Heck, Commissioner