



## Please OPPOSE HB 2835

### Public Use of Private Waterways

Our coalition urges you to oppose HB 2835, which would open up thousands of acres of farm and forest land to unfettered access from smaller waterways, subject landowners to increased liability for paddlers, boaters, or recreationalists entering their property, and cost the state millions in takings claims.

- **HB 2835 circumvents the process for determining navigability.** For the state to grant the public the ability to use a waterway, the state must first find that a waterway was “navigable in fact” at the time of statehood. HB 2835 seeks to declare a public right to recreational use of all surface waters in the state without a determination of navigability. In doing so, the bill codifies a highly controversial Attorney General opinion for 2005 and attempts to preempt a pending Oregon State Supreme Court decision.
- **HB 2835 contains no liability immunity or indemnification for landowners.** HB 2835 has serious implications for landowners in terms of increased liability that remains unaddressed by the bill. Because the bill would be opening up lands that are not public, there is a significant risk to landowners who own the land that would be subject to this new “recreational easement” As written, the bill contains no protections for landowners and does not require the state to indemnify landowners for costs associated with injury or trespass by users. With recreational immunity being eroded by the courts and the legislature in recent years, this is unacceptable.
- **HB 2835 is going to increase trespass on private lands and jeopardize farm and forestland.** At its base, HB 2835 would open up hundreds of miles of streams to public access and use. This would create significant trespass issues for landowners. Currently, landowners who border streams with public access points face significant trespass issues in the form of people camping along the stream, leaving trash and other debris along the stream bank, and entering onto property that contains livestock and sensitive crops, creating significant damage issues for landowners that remain unaddressed by this bill.
- **HB 2835 opens the state up to millions in takings claims from impacted landowners.** Given that the state is granting public access to private lands through this bill, the bill opens the state up to millions of dollars in takings claims from private landowners would be impacted by this proposal.

We urge your OPPOSITION to HB 2835.