

MINUTES

McKenzie Watershed Council
Eugene Water & Electric Board Training Room - North Building
500 East 4th Avenue, Eugene

February 13, 2003
5:30 p.m.

PRESENT: Pat Thompson, Facilitator; Bob Bumstead, Pat Gripp, Leroy Peterson, John Lilly, Mike McDowell, Ryland Moore, Emily Rice, Wade Stampe, Betty Taylor, Pat Thompson, John Woodrow, Jeff Ziller, Members; Jim Thraikill, Council Coordinator; Karl Morgenstern and others guests

ABSENT: Brent Hefty, Dorothy Anderson, Dana Burwell, John Allen,

I. AGENDA REVIEW

Mr. Thompson convened the meeting. There were no adjustments to the agenda.

II. INTRODUCTIONS

Those present introduced themselves.

III. OPENING REMARKS

Mr. Thraikill outlined the recent council retreat. He called attention to the survey sheet entitled "My Role in the Watershed Council". He noted that he had been encouraged by the answers provided and stressed the importance of getting more members involved in subcommittee work being done by the council.

Moving on to the survey for the entire council, Mr. Thraikill said he had also been encouraged by the answers provided and urged members to let him know how he could make meetings more well organized and productive.

Mr. Thraikill said the work plan could be revisited after communication with Bonneville Power Administration had been clarified.

Regarding the BPA process, Mr. Thraikill said a letter had been forwarded to the Power Planning Council, voicing concerns over the BPA prioritization process. He suggested that Congressman DeFazio would be helpful in the process since McKenzie Watershed Council was the only BPA focus project in his district. He said he would go to Portland the following day to present BPA with letters of support for the MWC and try to keep the council's funding intact. He said the Power Planning Council was considering not cutting any programs but closely monitoring their costs for future funding decisions.

Mr. Thraikill took an opportunity to thank EWEB, and especially Libby Henry, for her help.

IV. FURTHER DISCUSSION OF DECISIONS MADE AT THE LAST MEETING

There was no further discussion of decisions made at the last meeting.

V. APPROVAL OF JANUARY 9, 2003 MEETING MINUTES

The minutes of January 9, 2003 were approved by general consensus.

VI. PUBLIC COMMENT

There were no members of the public wishing to speak.

VII. STAFF AND COUNCIL PARTNER ANNOUNCEMENTS

Mr. Thompson said the Mohawk Watershed Partnership held a work shop for small landowners had been held with a lot of participation. He said 45 people had shown up for the meeting and remarked that it was one of the most successful workshops the group had put on.

Mr. Peterson reiterated that there had been a good turnout for the Walterville workshop as well and noted that several volunteers had come forward to help with projects.

Mr. Linniger reported that the Board of Lane County Commissioners had passed a resolution to acquire open space in the watershed. He noted that Commissioner Morrison had voted against the resolution.

In response to a question from Mr. Moore regarding support for private projects, Mr. Ziller said that currently there was no ODFW support for acquisition projects.

Mr. Stampe reported that a public meeting on Cougar Reservoir had been held the previous evening. He said the impacts of the work on the reservoir had turned out to be fairly minimal. He noted that the record had been left open for an additional week so people could submit written comments.

Mr. Thrailkill noted that the confluence team had been activated around the issue of the resolution of the Board of County Commissioners. He said they were supportive of the acquisition and stressed the importance of that fact being heard. He added that if the Oregon Concrete Producers Association could get behind the issue as well, the situation would improve.

Mr. Thrailkill said the hiring process for a project coordinator had been moved forward by the committee making its selections. He said those positions were waiting on the results of the BPA process.

Mr. Thrailkill noted that the City of Coburg was planning a sewage treatment plant whose effluent would go directly into the McKenzie River. He said the council discussion on the issue would happen at the March meeting.

Mr. Thrailkill said he would be on vacation from Feb 21, through March 3.

VIII. REPORT ON PUBLIC ACCESS ISSUES ON OREGON'S WATERWAYS

Mr. Thrailkill noted that there had been numerous recent newspaper articles on navigability of Oregon's Rivers. He said there had been an article in the previous day's *Register Guard* had an article regarding the decision on the John Day River Study. He noted that the *Capital Press* had

also had numerous articles on the subject.

John Lilly provided a presentation on River navigability. He passed out written material to those present. He said the MWC meeting was the first public meeting where the document he had distributed had been seen by the public. He said one of his areas of responsibility was to make ownership determinations for lands and waterways that were owned by the State. He said the Division of State Lands had been created shortly after Oregon had become a state and was called the Clerk of the Board. He said the Land Board was a constitutional body of the Governor, the Secretary of State, and the State Treasurer. He said the previous Tuesday had been the first meeting with the new governor presiding. He said the beds and banks of navigable waters were owned by the state. He said ownership of waterways affected by tide had clearly established state ownership and added that meandering lakes also had clear ownership by the State. He said the classification of title "navigable waters" was still unclear in its definition and as to state ownership. He noted that an important point of the definition was that waterways did not have to be actually in use to be classified as navigable but only had to be susceptible to being used by water craft.

Mr. Lilly said that recent court cases had come down on the side of the state for ownership of navigable waters. He noted that the issue continued to be a controversial one. He said a navigability work group of different interests had been formed to look at how reasonable public access could be provided to state waterways as well as furnish protection of property owner rights. He said the document was the product presented of those meetings.

He said the idea of the document was a pilot four year program on five rivers, The Trask, The Rogue, The John Day, and the North and South Santiam Rivers that would have a moratorium on navigability studies and the waterways would be subject to a management plan where the public would have certain rights on the rivers. He noted that the idea would have to be implemented by state legislation. He said the public would have access to the rivers and their beds to float, anchor, swim, wade, and sleep in a boat. He noted that access to the shore would be allowed for 10 feet and public would have legal recreational use in that 10 feet but would not be allowed to camp, build fires or leave human waste. He said property owners would be relieved of paying taxes on the land in public use.

Mr. Lilly said many of the land owners were concerned over being held liable for damage to the bank caused by public use. He said they would like to see funding to reimburse land owners for damage caused by the public.

In response to a question from Mr. Linniger regarding the reason for a four year moratorium, Mr. Lilly said that was the number the committee had come up with but noted that the number could change.

In response to a question from Ms. Gripp regarding where funding would come from, Mr. Lilly said the committee was considering a registration fee for non motorized boats to help pay for the program.

In response to a question from Mr. Thompson regarding of the Mohawk River, Mr. Lilly said the ownership would need to be figured by a navigability study.

Mr. Bumstead raised concern that the program would take away some rights that the public

enjoyed along waterways.

Kate Fershweiler, suggested a river user fee for recreational use of rivers.

Mr. Lilly stressed that the McKenzie River was not being discussed for the program and the program its self was still under discussion.

Mr. Moore raised concern with enforcement and collection of user fees.

IX. MCKENZIE RIVER TRUST LAND ACQUISITIONS

Mr. Moore provided a presentation on McKenzie River Trust River Acquisitions. He gave a brief history of land trusts in general and stressed that trusts only worked with willing land owners and had no regulatory authority. He provided information on the leadership of the trust and when the trust had been established.

Mr. Moore said "The Big Island Project" had been completed. He noted that an isolated population of Chub, which had been thought to be extinct in the McKenzie Watershed, was located in that area. He noted other acquisitions around such areas as White Branch Creek, Blue River, Decker Easement, the Deadwood Easement, and the Green Island Project.

In response to a question from Mr. Lilly regarding whether the Green Island Property would continue to be farmed, Mr. Moore noted that there were still 500 acres of tillable land on the property that would continue to be farmed but noted that the person leasing the land from the Green family was in favor of conserving the land from development and helping to restore the land to its original condition.

Mr. Moore said the Green Island Complex had been rated the number one area for spring Chinook Salmon. He added that there had been western Pond Turtles on the Green Island site. He added that there were over 130 bird species identified on the property, 42 of them species of concern.

Mr. Moore said there had been wide spread support for the acquisition of the Green Island Complex. He noted that there had been some opposition but expressed a hope that community education would build more support.

Mr. Moore stressed the importance of educating the public on the project and that the Green family had acted voluntarily in helping the acquisition move forward. He said there had been work on making the area a national wildlife refuge.

In response to a question from Mr. Stampe regarding whether the Green Island project would have some upland restoration as well as riparian restoration, Mr. Moore said that there was strong interest in upland restoration of the site.

X. EXECUTIVE COMMITTEE REPORT

No report was given.

Mr. Thompson reminded those present that volunteers were needed for tree planting at Cedar Creek on Saturday March 8, 2003 at the end of Weaver Lane.

The meeting adjourned at 8:30 p.m.

(Recorded by Joe Sams)

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