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OPERATION RIVERS
Northwest Oregon

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October 17, 2006

Navigability Study Request Group
Oregon Department of State Lands
775 Summer St. NE
Salem, Oregon 97301-1279

Subject: Request for navigability study on Three Rivers.

The Board of Operation Rivers Northwest Oregon has reviewed the request for Navigability. After careful deliberation we request that you deny the study request for the following reasons:

1. A determination of navigability for the proposed study area cannot be justified economically. No revenue will be generated through leasable use and Three Rivers does not meet the standard for commerce.

2. The request for a navigability study lacks broad public interest. A navigability study is not supported by affected land owners, or the board and membership of Operation Rivers Northwest Oregon.

   There is broad and substantial public interest in protecting salmon, enhancing riparian zones, improving water quality, as well as keeping the State hatchery and voluntary hatchery efforts continuing into the future. Efforts have already been made by affected landowners to implement voluntary management and protection programs. Designating Three Rivers navigable will orphan the river's banks and jeopardize landowner participation in future voluntary projects. The public may end up losing much more than they would gain, by risking salmon runs and risking the public fishery on such a small river.

3. The ownership of Three River's riverbed and riverbank is clear. Over half of the two-mile segment requested to be studied is already publicly owned and accessible for public use.

4. The navigability request fails to meet the standards by which to request a study. It is lacking accuracy and much of the required information is omitted. Research into the records of the Tillamook County Sheriff and State Police show that many of the conflicts are over fishing violations, and there are landowners simply wanting the laws upheld. Also, no past historical use on Three Rivers was presented in the request. Regarding floatability, those attempting to float the river realize it is arduous and potentially life threatening due to its very small size and low water flows. Furthermore, the 2006

Oregon Department of Fish & Wildlife's Fishing Regulations does not allow angling from a floating device.

There are other ways to reduce and avert conflicts between recreationists and affected property owners. Educating landowners, law enforcement officers, and recreationists about their rights and responsibilities would be more effective and a less expensive solution. This can be accomplished with a Local Solutions Plan for Three Rivers.

More recently, the determination of navigability on the Sandy River has done little to reduce conflicts. On the contrary, it has increased conflicts and led to more law enforcement mediations. Without funding for proper enforcement and landowner involvement and support, we have to wonder how additional access along Three Rivers would help increase the salmon runs. How is this beneficial to the public's interest?

In summary, recreational interests will gain little from a navigability study except the potential to lose an already threatened salmon fishery, which is currently maintained for recreation by two hatcheries.

For these reasons the request for a navigability study request should be rejected.

Sincerely,

Leslie Pittman

Leslie Pittman
President
Operation Rivers Northwest Oregon

Board of Directors
Operation Rivers Northwest Oregon

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