



Oregon

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July 12, 2004

State Land Board

Theodore R. Kulongoski
Governor

TO: John Day Navigability Hearing Attendees

FROM: Jeff Kroft *DJK*
Hearings Officer

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

SUBJECT: John Day River Draft Navigability Study Report Hearings

I want to take this opportunity to again thank you for attending the hearings held in Fossil on June 22 to obtain your comments concerning the John Day River Draft Navigability Study Report. We are not only pleased that you took the time to attend, but also that so many of the attendees presented comments for the public record.

We have completed our review of the testimony presented at these hearings. Based on our review, the following comments/questions seemed to be of greatest concern to many of the attendees:

General Comments From Attendees:

- *The recommendation by DSL staff that the evidence concerning the historical uses and condition of the study segment warrants an assertion of navigability is weak because none of the actual post-statehood "commercial" uses were financially successful.*
- *The use of "susceptibility" as the basis of the recommendation is questionable.*
- *Because of a one-year typographical error in a date and disagreement concerning data presented regarding the number/size of logs reportedly floated downriver by the Chee Lumber Company, the accuracy of the rest of the data presented in the draft study report is suspect.*
- *If the study segment is declared navigable, DSL and other state agencies must work much more closely with the counties.*

General Questions Asked By Attendees:

- *Will DSL pay any attention to "new" historical use related data given to it that may contradict the information presented in the draft study report?*
- *An assertion of navigability will likely bring more recreationists to the John Day Basin. How will counties adjacent to the study segment be able to pay for the additional law enforcement and other public services required as the result of the likely increased use of the study segment should the Land Board determine that the waterway is navigable?*

If you think we missed any other major points of concern raised at these hearings, please let me know.

If you have not already done so, please don't forget to send any comments you have to me by Friday, September 3, 2004 concerning:

- (1) The accuracy of the information contained in the Draft Navigability Study Report.
- (2) Additional factual evidence that will further support or refute the proposed draft conclusions and findings of the draft study.
- (3) Whether you think the John Day River from RM 10 to 184 meets the federal test for title navigability.

If you would like to see a transcript of the testimony presented at the two public hearings in Condon, or want to give more comments to us, please go to the following website: <http://www.oregonstatelands.us>

Again, thank you for your participation in this process. We look forward to hearing from you and your continued involvement in the study.

If you have any questions, please let me know.

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Hi Folks

CAN'T see how any RATIONAL person cannot see that The John Day River is navigable.

Thank you Folks are doing an excellent job.
Keep up the good work !!!

Bob
STANK