

REACTION TO THE BAN

After the ban decision in early 2010, Paul Donheffner, who was on the OSMB at the time, sent a scathing op-ed to Oregon daily newspapers complaining about Kulongoski's tactics. "To suggest that the agency was free to consider public input and make a decision based on the facts is a joke," he wrote. "The deal was done; there was absolutely no wiggle room once the memorandum was final."

"Next, I had to conduct two public hearings, and ask for public comments on the 'proposed' rule," he wrote. "This was the biggest charade I've ever had to carry out in my public life."

The power struggle was due to an apparently unresolvable clash of values. The Forest Service and its multi-stakeholder Basin Planning Committee wanted the ban, the governor wanted the ban, the people of Oregon wanted the ban, but the OSMB had been openly fighting it for years, favoring "to limit motors to clean, quiet four-stroke engines, perhaps with a horsepower limit of 25," according to Donheffner. He says he was "forced by the governor's office to resign" shortly after the Waldo motor-ban decision.

A response to Donheffner's op-ed appeared on the Oregon Wild blog, saying that "The recent state proposal to phase out gas motorboat use on Waldo Lake tested the long-held orthodoxy of the Marine Board. More strangely, the board serves at the behest of the governor, and Gov. Ted Kulongoski was wholeheartedly in favor of the Waldo Lake rule. The potential for fireworks was imminent."

Donheffner's op-ed helped fuel timber heir Steven Stewart's lawsuits challenging the ban on procedural and technical points, and more recently, the formation of a nonprofit group called Waldo Lake for Everyone! The group's website claims the ban denies access to people with disabilities, says sail boats need the power of gas motors to deal safely with unexpected high winds, notes that seven decades of gas motor use has not diminished the water quality, and points out that Forest Service campgrounds at Waldo allow generators which are more noisy than outboard motors.

Waldo Lake for Everyone! has joined Stewart and the Columbia Seaplane Pilots Association as plaintiffs in the

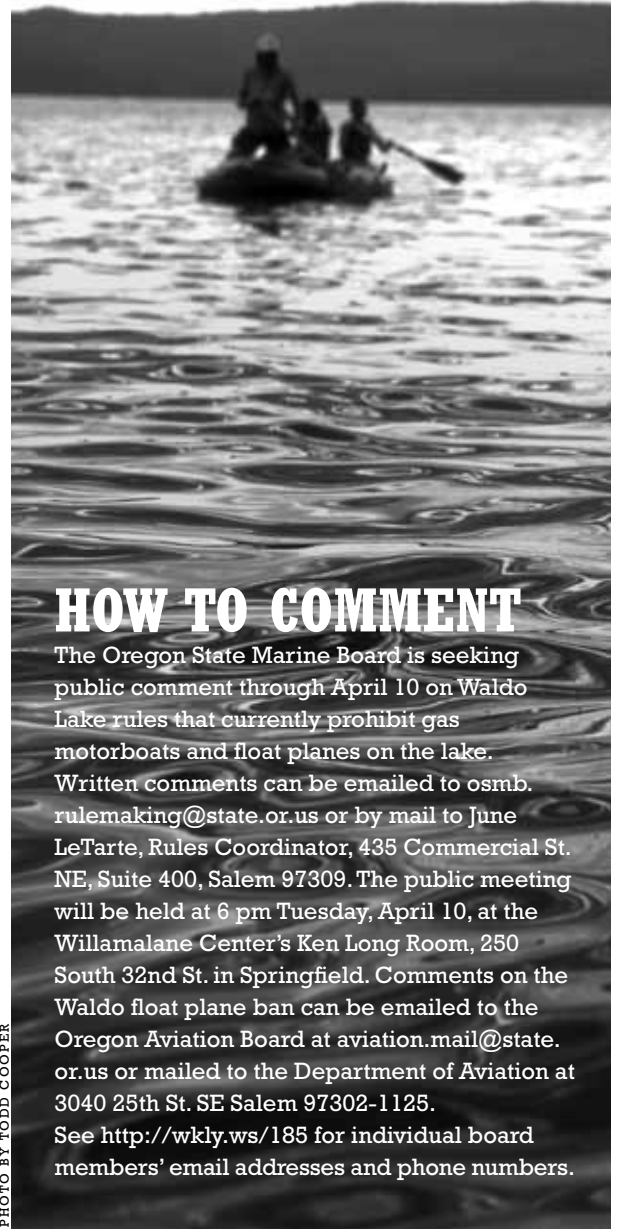
latest challenge in the Oregon Court of Appeals. Heiken says the state, "in defending that lawsuit, decided that there may be a minor technical issue with the rules," and the new round of rule-making is an effort to clean up the details. The ban on gas motors could be altered or overturned.

Heiken says he's concerned about the float plane issue and the Oregon Aviation Board. "Float planes are involved in the prohibition," he says. "We don't want a float plane full of gas to crash in the lake and have a terrible clean-up process, and leave a highly visible plane at the bottom of the lake." He said the Aviation Board "has to basically sign off and concur in these rules and so far they have not done so, and are showing resistance. So we need to make sure comments go to both the Aviation Board and Marine Board." The board has previously been unanimously against the ban on float planes at Waldo.

BEYOND THE BAN

Sierra Club branches around Oregon are working on more Waldo issues than just the gas motor and float plane ban. Waldo is surrounded on three sides with a mix of designated wilderness areas and roadless areas with fewer protections (see maps at <http://wkly.ws/186>). The Sierra Club's Keep Waldo Wild campaign is beginning to work with the Forest Service and user groups, such as mountain bikers and snowmobilers, to come up with ways of protecting wildlife corridors and natural resources in the areas of Maiden Peak, South Waldo, Charlton Butte, West Waldo and Cultus Mountain. Hikes and other events are being planned for this summer.

The Sierra Club's Stowe says the Forest Service is "doing a pretty darn good job" of managing the Waldo area, but the administration could change in the future, so the Sierra Club would like to see more protections in place. "Wilderness designation was never an easy thing to do and it's gotten more difficult in the last 20 years," says Stowe. "Maybe we'll end up with some kind of conservation area designation, with language that doesn't exclude any of the user groups." Find more information at oregon.sierraclub.org



HOW TO COMMENT

The Oregon State Marine Board is seeking public comment through April 10 on Waldo Lake rules that currently prohibit gas motorboats and float planes on the lake. Written comments can be emailed to osmb.rulemaking@state.or.us or by mail to June LeTarte, Rules Coordinator, 435 Commercial St. NE, Suite 400, Salem 97309. The public meeting will be held at 6 pm Tuesday, April 10, at the Willamalane Center's Ken Long Room, 250 South 32nd St. in Springfield. Comments on the Waldo float plane ban can be emailed to the Oregon Aviation Board at aviation.mail@state.or.us or mailed to the Department of Aviation at 3040 25th St. SE Salem 97302-1125. See <http://wkly.ws/185> for individual board members' email addresses and phone numbers.

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