

RIVER: ‘It would really simplify things if they would just go statewide with a decision’

Continued from 1A

Tim Brown with the Oregon State Police Fish & Wildlife Division in Pendleton. “I think there’s some gray area out there on that.”

An expensive process

Oregon’s Land Board is made up of three officials: the governor, treasurer and secretary of state. Any person or organization can ask the board to direct the Department of State Lands to launch a navigability study.

To date, only 12 rivers have had portions found navigable by the land board. Among them is the 174 miles of the John Day River from Kimberly to Tumwater Falls.

A study was requested in 1997 by the Association of Northwest Steelheaders, a conservation group dedicated to protecting fisheries. In its application, the Steelheaders claimed solving the navigability question was the only way to put an end to conflicts and threats happening between sportsmen and property owners “on a daily basis.”

Art Israelson, director of water rights for the Steelheaders, said the process dragged on for years and rang up a bill of \$80,000 for attorney’s fees. And half of the work was done pro bono.

“It’s not a cheap battle to get into,” Israelson said.

It wasn’t until 2005 when the Land Board finally ruled the stretch of John Day River is, in fact, navigable. Research done by the Department of State Lands showed the river had been used by sternwheelers, ferries, recreation and reportedly to move logs.

That same year, the state attorney general’s office weighed in on public use of waterways. The opinion states a river is navigable as long as it is big enough and wide enough to float a boat. Public use is allowed below the line of ordinary high water to swim, boat and fish.

But that opinion — which affected the Umatilla — has not been fully tested in the courts, warns the Department of State Lands. Users of the river still risk trespassing on private property if they decide to use water that hasn’t officially been ruled navigable.

Little conflict

Despite the risk, interest to spearhead a similar effort on the Umatilla River is apparently low.

John Dadoly, president of

the local Blue Mountain Fly Casters fishing group, said he hasn’t heard of many issues between fishermen and landowners along the Umatilla. Most people, he said, are content to abide by the rules established in the Attorney General’s opinion.

“The Umatilla I don’t think is very controversial,” Dadoly said. “I’ve never heard of anybody having any problems with trespassing just floating the river.”

It is possible there could be a problem if more people begin flocking to the Umatilla’s resurgent fisheries, Dadoly said. But he doesn’t see the same number of boaters and rafters as on the John Day.

“I don’t think it will ever get the traffic you get on some of these bigger rivers,” he said.

Law enforcement is also not concerned about an overabundance of trespassing. Brown figures he cites roughly six people per year for trespassing on the Umatilla River, primarily around Echo and Stanfield.

Even those cases do not involve boaters, he said, but people trespassing across private land in order to get to the river. Whether a river is navigable or not, that remains illegal.

“You have to be careful how you access,” Brown said. “If there’s not a public access point on the river, there’s still the possibility they could be trespassing. It’s always better to ask for permission.”

Brown said he will not cite river users who drop anchor or use the banks below the line of high water, which is his interpretation of legal use under the attorney general’s ruling.

Alternate fix

Bill Duke, district fisheries biologist for the Oregon Department of Fish & Wildlife in Pendleton, said the agency has not explored navigability on the Umatilla. Rather, they are working to expand public access points to increase recreation.

Boat ramps are one potential solution. Having more public areas where boaters know they can put in and take out would help take some of the pressure off floating through private land, Duke said.

A series of 10 new boat ramps from Pendleton to Hermiston was proposed last year by the Umatilla Basin Watershed Council. The han-



Staff photo by E.J. Harris
The determination of navigability on the Umatilla River is still up in the air, leaving river users no clear guidelines for river access.

gup, according to Duke, is finding willing partners that can clean and maintain the ramps in order to alleviate

landowner worries of dumping and vandalism.

“Ninety-nine percent of people are good, but one

bad person spoils the whole thing,” Duke said. “That’s the whole reason landowners oppose the navigability

thing.”

The Association of Northwest Steelheaders, meanwhile, is turning its focus to a statewide fix of the navigability issue. Israelson said he is not a fan of the case-by-case model of determining navigability. Instead, he wants to see the attorney general’s opinion from 2005 adopted into state law.

New Gov. Kate Brown has been on the Steelheaders’ side in the past, Israelson said. The group will have a meeting to determine if they plan to pursue a bill before the legislature during this year’s session.

“It would really simplify things if they would just go statewide with a decision,” Israelson said. “If we codify the attorney general’s opinion, it resolves the issue very easily.”

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CLEMENS: Team went 12-0 in Wapiti League play this season

Continued from 1A

faze the six-footer.

“She’s used to it,” said Burns head coach Brandon McMullen. “She takes care of business.”

It helps that Burns is plenty deep. When Clemens is double-teamed, other Hillanders step up.

“We have other players who are more than willing to take advantage of that scenario and score,” McMullen said.

McMullen’s roster is balanced and powerful. The team, which went 12-0 in Wapiti League play this season, is close-knit. Burns High is small, with fewer than 200 students, so the girls play multiple sports together. They hang out, go to the movies or out for dinner or ice cream.

“We are like family,” said Baylee Hanner, a starter who plays wing.

McMullen, in his second year as head coach, described the team as well-balanced, hardworking and devoid of big egos, including the down-to-earth Clemens.

“We have solid contributors who are seniors, juniors and sophomores,” he said.

The team’s ability to control a game’s tempo is another strength, said McMullen.

“We play at multiple speeds,” he said. “If we want to be fast, we can be one of the faster teams here. If we need to slow it down, we can control the tempo pretty well. If we play as well as we can, we can compete with anyone.”

“If everyone plays their

“We play at multiple speeds ... we can control the tempo pretty well. If we play as well as we can, we can compete with anyone.”

— **Brandon McMullen,**
Burns head coach

role,” Clemens said before the game, “we should be just fine.”

Before the game, McMullen stood at a white board and pounded in strategy, opposing players to watch and some last words meant to ring around in their brains.

“Loose balls belong to us,” he said. “All five of us need to be crashing the boards.”

Clemens and her 11 teammates watched him with intensity, hydrating and looking spring-loaded. At the end, they circled together, yelled “Together” and knelt to recite “The Lord’s Prayer.”

They fell behind early, regrouped and hit the gas. By the half, Clemens had 11 points and 10 rebounds and the scoreboard read 29-20. They won the game 64-36.

Burns plays next at 6:30 p.m. Friday.

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