

# Conclusion of a Two-Part News Analysis

## If Included in Wild & Scenic Rivers System . . .

### Who Will Benefit From The Deschutes River Bill?

by Cynthia D. Stowell

Private landowners feel the floaters will. The Tribes feel the fish will. And the proposed legislation which would include the lower Deschutes in the National Wild and Scenic Rivers System, states that everybody will.

As with the management of the river under the proposed bill, the benefits of federal protection are not consistently perceived. In fact the way individuals and groups view the bill appears to be largely dependent on the management role they expect to have.

If one were to rely on the language of the legislation alone, the intended benefits would be broad-based. Rivers under the Wild & Scenic Rivers act are to be "protected for the benefit and enjoyment of present and future generations." Administration of the rivers should not interfere with "public use and enjoyment."

Implied, of course, is the health of the river and its natural inhabitants, perhaps the most direct and obvious beneficiaries of protection.

But who is the public? Will it be "generations" of floaters, fishermen, farmers or homeowners who will benefit from the federal classifications of scenic and recreational?

A cursory look at the bill and its accompanying regulations reveals a number of development restrictions on private landowners. When structures are allowed in scenic areas they must be "unobtrusive" or "screened from the river." But restrictions on the recreational use of the river are not offered.

As was discovered in the first part of this series (see Spilyay Tymoo, Vol. 3 No. 3, P. 8) the teeth of the legislation will lie in the management plans to be developed by the federal, state and Tribal administrators. Benefits may not be obvious until those plans are implemented.

Therein lies another concern of those close to the river. Will planning for the lower Deschutes reflect my or my group's development ideals?

It appears, then, that there are two levels of benefits to consider. There is the advantage of being assured of a role in planning for the lower river's future. And there is the long-term impact on the river, its users and the people living near it. The two spheres are not easily separated and are in fact quite interdependent.

#### At the agency level

Neighboring counties on the lower Deschutes - Jefferson, Wasco and Sherman - feel that the benefits of the proposed bill lie anywhere but with them.

County judges are fearing the removal of control from the local level. They feel that designation of the Deschutes as an Oregon scenic river is enough - they have more confidence in their ability to work with the state. Jefferson County Judge Herschel Read sees the legislation as "more bureaucracy," and opposes "anyone in Washington, D.C. coming in and setting up rules and regulations."

"We need local control in here and if we're not doing a good enough job then the federal government can step in," Read said. He already sees planning

for the Deschutes as cooperative. "Don't we always call on Cy Katchia and other tribal officials?"

Judge Holmes in Sherman County is afraid that once the bill is law, counties "would be out" and their comprehensive plans would not be considered.

As long as Judge Elder of Wasco County does not have the information he seeks about the bill and its impact, he feels hard-pressed to present its advantages and disadvantages to his constituents. Many people in Wasco County are opposing the bill until they receive more information, he said.

The judges seem to agree that the lower Deschutes should



be preserved while its recreational value is also utilized, but "doesn't the state plan accomplish this?" asked Judge Elder.

Generally the counties perceived the Tribes as an obvious benefactor. "People feel the Tribes are getting benefits that others are not getting," said Elder, "and apparently so." Their parts of the river have been set aside for their own planning, he feels, and the river is not being "uniformly handled."

Holmes also understands "Indian lands" to be exempt, and Read feels the Tribes would have input into planning but doesn't see how the counties would.

#### "People feel the Tribes are getting benefits that others are not getting, and apparently so"

In reality much of the reservation portion of the river would be managed as a scenic river under the law with the section from the re-regulating dam to the mill administered as recreational. The Tribal Council is very aware of the restrictions but has put a great deal of faith in the cooperative management between the Tribes, the state and federal agencies as outlined in the bill. For the Tribes the resources of the river would be the biggest beneficiary if the bill should pass, but they also recognize the right of all citizens to enjoy the river.

Bob Potter, Oregon Scenic Waterways administrator in the parks and recreation department, feels that inclusion in the federal system would "assure continuity in management." He also looks forward to the state being directly involved in planning on federal lands, which it can't do under the state system.

The Bureau of Land Management, which owns approximately half of the land along the lower Deschutes, is understand-

ably generous in its estimation of the benefits of federal protection. Funds would be available for more aggressive recreational management, according to BLM District Recreation Planner Brian Cunningham. He sees restrictions on recreational use and on private development as ultimately beneficial to both interests.

#### At the user, owner level

Heavy recreational use has been the most recognized problem of the Lower Deschutes River. Cunningham in the Prineville BLM office, points to the environmental damage done by vehicles going off the road and people camping where they please.

How will the fish and wildlife of the Deschutes benefit by federal protection? Bill Pitney, Chief of the Environmental Management Section of the Oregon Department of Fish and Wildlife, blamed decreases in spring chinook and steelhead populations on the Columbia River dams, not so much on the fishery. But "any take is significant" when a population is declining, he said. Pitney fears the opening of the Deschutes by improved roads and sees some advantage in federal protection, although it would be indirect. But he added, "I see the handwriting on the wall irrespective of federal classification," meaning that controls will have to be provided whether the bill passes or not. Closing the sport or Indian subsistence fishery is not an answer, he said.

Resident trout are more stable, noted Pitney, and the fishery would affect them less. Oscar Lange of Madras feels the fish resource is better now than it was eight years ago due to the bag limit of two per day. Besides, 90 per cent of the floaters are not fishing, so he questions the impact on fish of heavier use.

Noting the impact on wildlife and its habitat by too many people in a confined area, Pitney also sees the need for regulating the movement of people, especially the careless ones who camp anywhere.

#### Many feel that their rights will be infringed on by the recreational users' right to enjoy scenery

And what of the farmers, livestockmen and homeowners who currently inhabit and utilize the lands within a half-mile of the river, the area proposed for inclusion in the national system? Many feel that their rights will be infringed on by the recreational users' right to enjoy scenery and the federal government's ability to regulate.

In Jefferson County private landowners fear that more campgrounds will be built attracting more people with less control, according to Judge Read. In Wasco County the livestock association is "quite vociferous," says Judge Elder. They and the farmers figure the bill would allow greater public access and endanger rangelands and crops.

Judge Holmes in Sherman county acknowledged the need for recreation, "but we don't want to lose sight of other needs," such as the watering rights of private landowners and lessees of BLM land. Holmes expects his county to strengthen its comprehensive plan with these needs and the impending legislation in mind.

On the reservation one-third of the land along the Deschutes is allotted. While any "prior non-conforming" use would be permitted and a "wide range" (scenic) or "full range" (recreational) of agricultural activities would be allowed, landowners are concerned about their future development rights. What structures would be allowed on my property? Can I build a restaurant or other business near the river?

Some landowners are happy to see protection offered, however, and have no plans to develop their land any further.

Tribal Council Chairman Gene Greene gave assurance that private property owners would have a part in planning. The Council would have final say in the Tribes' input into the management plans, "but we have to work with the landowners because we can't stop progress."

As far as reservation development goes, Greene admitted there would be restrictions on commercialization and industrialization. He said there may have to be tighter controls on elimination from the Mill (although waterways administrator Potter said the state standards of environmental quality would remain the same.) But it is all for the good of the river and its environment, Greene noted.

#### A question of involvement

If satisfaction with the proposed legislation is dependent on the details of the management plan, then the real benefits of federal classification may not be apparent until the bill is implemented. In turn the impact of the management plan on the river and its environment will require longterm observation.

But satisfaction seems also to depend on the degree of input an individual or group has into the planning. Much of the groundwork to date has been done at the agency level. Those same agencies, including the tribal government, have been assured in the bill of a role in planning.

The role of local government and interest groups is less certain. Bob Potter with State Parks and Recreation, promises the involvement of the public. "Planning will be a very public process," he predicted, adding that the "format of the planning process" would depend on passage of the legislation.

Potter has personally met with the affected counties and with such private groups as steelheaders and livestock associations to explain the proposed bills. But many questions are still unanswered.

As Judge Elder of Wasco County pleaded, "We need more information . . . a better understanding."

#### Satisfaction seems also to depend on the degree of input a group has into the planning

The Tribes General Manager Ken Smith echoed this concern, listing many questions for which he sought answers.

The cry for more information and the cry for active input seem to be one and the same. Since the meat of the legislation lies in the yet-to-be-drafted management plans, today's questions may become tomorrow's input. Thus the current concerns of individuals at the local and agency level can form the basis of future planning.

Compromises will be inevitable. But the cooperative planning that is being sought for the lower Deschutes through federal protection will have become a reality.

And the benefits to the public will be that much more obvious.