

The INDEPENDENT

Serving the upper Nehalem River valley. Published on the first and third Thursdays of each month, by Public Opinion Laboratory Ltd., 725 Bridge St., Vernonia, OR 97064, as a free newspaper. Publishers, Dirk & Noni Andersen. Editor, Noni Andersen. Phone/Fax: 503-429-9410, email: noni@the-independent.net Display Advertising, Clark McGaugh, email: clark@the-independent.net Classified Advertising, Rebecca McGaugh, email: rebecca@the-independent.net

Opinion

OPRD should finish both old and new plan

Recent comments by "Bits and Bites" columnist Jacqueline Ramsay about horse manure on the linear trail, and a letter of response from local equestrienne Jan Bernardi in this issue of *The INDEPENDENT*, both correspond with a long-standing problem:

When is the Oregon Parks and Recreation Department going to finish the Banks-Vernonia Linear Trail?

The master plan for the B-V Trail included a four-foot paved path and a four-foot horse path divided by a four-foot buffer area. This plan was developed in response to the needs and concerns of horse, bicycle and walking groups – and it is the plan they were told would be followed. Pieces of the plan show up here and there, such as the eight paved miles from Vernonia to the Washington County line, but nowhere is it complete.

Two elements are now coming together that could benefit both old and new plans: The Banks end of the linear trail is finally being worked on and groundbreaking has officially started development of the new Hare's Canyon State Park on Hwy. 47 between Vernonia and the Sunset Hwy. The B-V Trail goes through part of the western edge of the new park, which will include campgrounds, a horse camp and day-use areas. This is a perfect time to complete the long-delayed work on the B-V Trail.

In addition to these two state parks, Columbia County is nearing completion of arrangements that will allow the development of a linear trail from Scappoose to Vernonia, via the Columbia Main Line and other logging roads and/or easements. Private land owners are quite cooperative with this effort; unfortunately, BLM is more difficult to work with.

When complete, these developments will put Vernonia in the middle of the linear trail from Scappoose to Banks. This would not only keep Vernonia's parks and campgrounds busy, but would bring in more business to help maintain local merchants and, probably, stimulate development of additional businesses.

The cooperation and assistance of state and federal agencies is an absolute requirement for these efforts to be successful. It shouldn't take another 12 years.



Ike Says . . .

By Dale E. Webb, Member
Nehalem Valley Chapter, Izaak Walton League



Oregon is in the middle of a water war! No, it's not about taking water out of the rivers, but about letting people use their streams. One war is currently unfolding on the John Day River in eastern Oregon. For years landowners on the John Day have been making a ruckus about people using the river and, for years, more and more people are coming to the river to use it. With a widely renowned bass fishery, mild waters and scenic beauty, people want to use this treasure. Some landowners want to keep it as their own.

A few years back, a fisherman was cited by a Sherman County sheriff officer for trespass on the lower John Day River. The fisherman declared that he had accessed his fishing spot legally by staying below the high water mark. Soon, a case was in the courts. The Northwest Steelheaders Association contributed financial support and also charged that the State had been remiss by inaction toward determining the navigability of the John Day River. The trespass charge was tried before a jury and the action against the State of Oregon was tried before Judge Paul Lipscomb. In both cases, the river was found navigable from river mile 174 to the mouth of the river. Judge Lipscomb found that the State of Oregon had unreasonably delayed

taking action on a navigability study proposed by the Northwest Steelheaders and ordered them to make a decision.

The case had been a slam-dunk, yet there were renewed attacks from landowners, in the form of bogus legislative bills by Sen. Ferrolli of John Day. Finally, the Division of State Lands (DSL) has issued an opinion that the John Day River is navigable from its mouth to river mile 174. DSL is currently continuing the process toward a final determination of navigability.

What is sad about this whole issue is that this mess need not be. Oregon had, at one time, declared almost all streams in the state navigable. Designating navigable streams in Oregon began in 1859, when Oregon was admitted into the Union. Under the equal footing doctrine, Oregon received title to all navigable streams. All the state had to do was declare the streams navigable, but they didn't do so until 1917. I imagine back in those days, nobody much cared if his neighbor was fishing on his property, everybody traveled across each other's land freely. I have recently received information that, in 1917, Oregon passed a law declaring all streams capable of floating any forest product as navigable. The reason for the law was so the State could charge a franchise fee to log rafting corporations. In 1921, Oregon passed a Montana Access Law (Montana has one of the most liberal river rights laws). In 1940, the U.S. Supreme Court ruled that, once a stream is navigable, it must remain so. In 1957, Oregon repealed the

Please see page 14