

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR
MULTNOMAH COUNTY

In the Matter of Opposing a Proposed)
Amendment to the Scenic Waterways)
Statutes - House Bill 2677 and)
and Supporting the Identification)
Alternatives)
_____)

RESOLUTION
91-26

WHEREAS, the Board of County Commissioners for Multnomah County has a history of advocacy for the protection of free flowing rivers and associated values such as fish, wildlife and recreation; and

WHEREAS, the values of free-flowing rivers are important factors in Oregon's tourism industry as well as the quality of life for all Oregonians; and

WHEREAS, Multnomah County was an intervenor on behalf of petitioners in the "Diack, Et. Al. versus the City of Portland, Oregon Water Resources Commission" litigation; and

WHEREAS, the decision of the Oregon Supreme court in this litigation required the Water Resources Department to quantify and protect flows necessary for the maintenance of Scenic Waterway values including fish, wildlife and recreation; and

WHEREAS, the Water Resources Department has been unable to issue water rights within or above Scenic Waterways during the interim period while instream requirements are determined; and

WHEREAS, certain members of the Oregon Legislature have concerns regarding the temporary denial of minor water right applications; and

WHEREAS, members of the Oregon Legislature have subsequently introduced House Bill 2677 which proposes to amend ORS 390.835 by granting "human and livestock" consumption unrestricted preference over fish, wildlife and recreation values; and

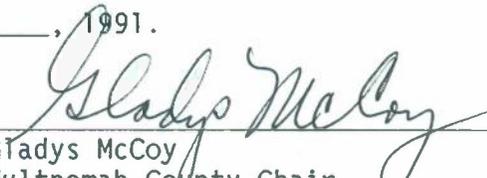
WHEREAS, enactment of House Bill 2677 would weaken the Scenic Waterway statute and possibly threaten the long-term viability of the Scenic Waterway program; and

WHEREAS, Mr. William Hutchison has suggested the establishment of a working group to consider alternatives for addressing concerns regarding minor water rights applications without amending the Scenic Waterway statutes.

NOW THEREFORE BE IT RESOLVED, the Board of Commissioners of Multnomah County, Oregon, does resolve as follows:

- 1) We oppose House Bill #2677 and any proposed legislation which is intended to diminish the protection provided to Oregon's Scenic Waterways in ORS 390.805 to ORS 390.925.
- 2) We support the proposed process whereby alternatives to House Bill 2677 will be identified.
- 3) We recommend that proposed alternatives be judged by criteria which include the following.
 - Addresses only minor water right applications.
 - Provides temporary relief until flow needs assessments are complete.
 - Does not result in the granting of a permanent water right until surplus water availability is documented.
 - Is conditioned to exclude livestock from riparian zones.

Approved the 21st day of March, 1991.


Gladys McCoy
Multnomah County Chair

REVIEWED:

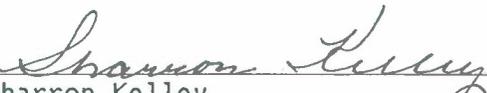
LAURENCE KRESSEL, County Counsel
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