

003753 12-24
Please prepare draft reply
for Governor's signature
by 12-18

Thank you.

425 Furnace Street
Lake Oswego, Oregon 97034
December 4, 1975

Hon. Robert Straub,
Governor of State of Oregon,
Salem, Oregon.

RECEIVED

DEC 8 1975

Dear Sir:

Governor's Office

It is my understanding that you are responsible for the Greenway Bill. Inasmuch as I live on the Willamette River, here in Lake Oswego, where we have lived for 55 years, I am very much disturbed by the idea that you think you have the right to take from me the property on which we have been paying high taxes for many years and on which we have an orchard of 7 trees and a large vegetable garden space, which we have been using all of these years. Now, according to the Lake Oswego Planning Commission, you feel you have the right to take my living from me. I am wondering how you will feel about such a procedure when the state, or other governmental body, decides to run a freeway through your front yard. Of course that will be different!

As a Fourth Generation Oregonian I bitterly resent you fairly recent newcomers to the state, telling me what I can do with my waterfront. We bought this property to have a place to tie up our boat when we were doing much fishing. Since my husband's recent death we are using the boat down on the coast but will bring it back here, and to have you say I cannot tie it up in my own front yard is irreprehensible.

You may rest assured if you run for office again there will be all of us who live on the river, and who have paid very ^{high} taxes for years, will be in the forefront working vigorously against your re-election, and don't be surprised when that happens.

Very truly yours,

Clair H Banks

Clair H. Banks
(Mrs. Wm. J. Banks)

1150-3.1

January 2, 1976

Clair H. Banks
425 Furnace Street
Lake Oswego, Oregon 97034

Dear Mrs. Banks:

I have long been a supporter of the concept of a Willamette River Greenway.

The Greenway Law passed in 1973 states that existing uses compatible with Greenway are to be protected. The purpose is to allow state and local governments to control intensification of use along the river.

Another key point is that the Greenway will not be a continuous public park. The law provides for 5 regional state parks (the closest to you is at the mouth of the Molalla River) and limits the powers of condemnation of the Department of Transportation (DOT). DOT can only condemn non-farm lands for scenic easements which allow the public to view property and ensure its scenic quality. No one will be allowed access across your property unless you agree to sale of such an easement.

On December 6, 1975, the State Land Conservation and Development Commission approved a two-step Greenway management program: Interim and long range management updated and implemented through coordinated local and state comprehensive plans. In urban areas this interim program would only affect you if you wanted to intensify or change the use or develop your property within 150 feet of ordinary low water. If you did, a conditional use process is available through local governments to assure that the bank remains attractive from the river.

Local plans and ordinances will protect the Willamette River. Parks will occur in selected areas agreed upon by local government and the State. Citizens will participate in these decisions every step of the way.

-2-

Living along the Willamette River as long as you have, you must recognize how important it is to protect, maintain and enhance the river's natural, scenic, historic, economic and recreational values. I think this program will do the job.

Sincerely,

Governor

RWS:bh

Lcc: LCDC

003924
1-5
Please prepare draft reply
for Governor's signature
by 12-29
Thank you.

Called
12-30
LDC
Gordon G. Weathers
83920 Brown Road
Dexter, Oregon 97431

December 12, 1975

Governor Robert W. Straub
Salem, Oregon 97310

RECEIVED
DEC 15 1975

Governor's Office

Dear Mr. Straub:

There seems to be a belief that people who own property along the Willamette River are unwilling to sell. This is a mistaken notion. We own property along the river and we are willing to sell, but we expect a fair price; we don't expect to give it away.

We thought we would give the State of Oregon the first chance at it. We have 40 acres more or less, about three miles below the Dexter Dam, of which approximately 1500 feet comprises river frontage, and is adjacent to Greenway owned property.

We have some heavy equipment located here, so the price would be negotiable, depending upon whether the state would want to buy the equipment or let us keep it.

There has been so much publicity about the Greenway, we thought we'd find out whether or not you would be interested before we expand our business or sell it. If not, we plan to make some alterations to make it more productive.

In any case, we thought we would let you know this property is available.

Yours truly,

Gordon G. Weathers

1150-31

January 7, 1976

Gordon G. Weathers
83920 Brown Road
Dexter, Oregon 97431

Dear Mr. Weathers:

I very much appreciate your letter of December 12, indicating that you are interested in selling your property on the Willamette River. I have asked Mr. Dave Talbot, Director of the Department of Transportation's Parks Division, to follow up on your offer.

Thank you again for writing.

Sincerely,

Governor

RWS:bh

cc: Dave Talbot

bcc: LCDC

Feb. 21 1976
Greg Kaufman
435 N.W. Hobart #8
Corvallis, Ore. 97330

004879-
3-2

RECEIVED

FEB 24 1976

Governor's Office

Please prepare draft reply
for Governor's signature
by 3-5
Thank you.

EXEC

Dear Mr. Straub,

In last night's newspaper was printed a list of the persons you appointed to the Willamette River Greenway Committee. I have no complaint about the people whom you have chosen for the Committee. They appear to come from varied backgrounds and also to represent many of the factions most interested in the Greenway program. However, I see one great deficiency in the makeup of your committee. This deficiency appears to show a lack of concern (as far as input into the Planning Process) for those very people the Greenway Program will effect most. That group, as you may have anticipated, is the "Younger Generation". This Generation and their posterity are the ones who will be most effected, over time, by any decisions made concerning the Willamette Greenway (or any other planning decisions) and should therefore have some input into the decision making process.

If you should decide to include a member of the "Younger Generation" to ~~this~~ ^{this} committee (or any other committees) I would like to volunteer my services to you. I am currently a Senior in Liberal Studies with a Concentration in Landscape Architecture at O.S.U. I have a great interest in the planning process and plan to eventually continue my education in the field of Planning and/or related fields.

I realize I may be wrong as to the lack of Younger representation on the Greenway Committee because members ages were not given in the newspaper article. If was mistaken then I apologize for my presumptions, if I was correct then I hope this deficiency will be rectified. I

I can be contacted at 435 N.W. Hobart #8 I would appreciate
Corvallis Ore. 97330.

hearing from you concerning this issue. Thank you.

Sincerely,
Greg Koutman

March 1, 1976

Mr. Greg Kaufman
935 N. W. Hobart #8
Corvallis, Oregon 97330

Dear Mr. Kaufman:

Thank you very much for writing to volunteer your services as a potential member of my Willamette River Greenway Committee.

As you know, the Committee is broadly representative, with a number of members in their 20's and early 30's. I agree with you that this young generation and future generations will be the greatest beneficiaries of the program.

I have not at this time determined to add additional members to the Committee. However, I would be pleased to have you follow the work of the Committee as well as local planning commissions as they develop a Willamette Greenway plan. I hope you will make yourself known to Earlene Burgess (Mrs. Fred) who is a city councilwoman in Corvallis and a member of the Advisory Committee. I'm sure she can suggest ways in which you could help the program. If you are in Salem, I hope you will call upon Janet McLennan, my Assistant for Natural Resources, who coordinates the accumulation of nominees to all the boards, commissions and committees having to do with natural resource concerns. She will be glad to keep your name on file and remind me from time to time of your offer of aid.

Sincerely,

Governor

RWS/jh

CARLETON WHITEHEAD
3035 S.E. MARTINS STREET
PORTLAND, OREGON 97202

February 24, 1976

Dear Bob,

This is a letter I have delayed writing because I didn't want to be precipitous. However, I believe that if one feels strongly that misunderstandings or lack of full information on important matters of mutual concern exist between friends, they should be brought into the open. Hence this letter.

Bob, I have been troubled for some time by what I feel is a lack of regard and recognition for those of us who have worked over the years for the Greenway. This is climaxed by the failure to appoint any of these persons to the Greenway Advisory Commission.

I believe that we have been as effective as any group could be, given the circumstances in the Legislature and the character of the proposed Legislation Experience has demonstrated that our

recommendations for the creation of the Greenway were sound, and they are basically the approach adopted by the LCDC.

In spite of the fact that we felt the legislation proposed at the last Legislature was unlikely to be successful, we supported it loyally and with considerable personal effort. Further, if the persons who drew up the original proposal had consulted informally, we would have pointed out those elements of the bill that created immediate and strong opposition. In spite of repeated offers, we have never been asked our opinion and advice.

We consulted informally with members of the LCDC and appeared at hearings. There were a number of significant changes made as a result of our efforts.

I wonder if you saw the the interview Floyd McKay had with L.B. Day and me.

I believe we have shown insight, judgement, initiative and energy. I speak not only for myself when I say that we wonder what your criteria are for participation in establishing the Greenway.

sincerely,

Carleton

11503.1

March 11, 1976

Mr. Carleton Whitehead
3035 S. E. Martins Street
Portland, Oregon 97202

Dear Carleton:

Your criticisms of the way the Greenway is being handled distress me -- and surprise me in view of your warm and flattering letter to me following the legislative effort.

I feel that Janet and Ken and I consulted you, the Willamette River Greenway Association and the Greenway Committee far more than anyone else. Ken has a substantial file of correspondence with Jim Mount and you on the subject.

He points out that they incorporated into the legislation and/or into the strategy a number of suggestions from you, including:

1. Ideas arising from the Bay Conservation and Development Commission material you sent;
2. Acquisition of fee title on land where the use was changed;
3. An amendment to prevent private beaches, which would have been inserted had the bill reached the Senate;
4. A cooperative approach to George Van Leeuwen, based upon your recommendation.

I'm surprised to read that you and the Association felt the legislation proposed was unlikely to be successful, and that you preferred the LCDC approach. Jim Mount wrote on March 8 last year that the proposed bill "looks fine to me". And your May 22, 1975, letter to Ken seems very strongly in favor of condemnation, saying, "However, I can't see that there is much protection provided if the state cannot acquire land or scenic easements by condemnation except when a change in land use occurs, and at that time the price is likely to be more than the state can afford."

Many of the persons I appointed to the new Greenway Committee have been active, to my personal knowledge, in the Greenway effort. Vera Springer, a board member of the Willamette River Greenway Association, and Maurie Jacobs, Morris Majors and Earlene Burgess of the old Greenway Committee are cases in point.

We used a great many criteria to pick the members:

- (1) a resident of each of the nine counties;
- (2) no more than 15 members (already breached by the appointment of 18);
- (3) two or three farmers owning land within the proposed Greenway boundaries;
- (4) several attorneys with a sound background in local government and land use law;
- (5) a forester familiar with the Oregon Forest Practices Act;
- (6) at least one elected city official;
- (7) at least one elected county official;
- (8) one member of the State Marine Board familiar with recreational boating on the Willamette;
- (9) at least one member of a local government planning commission;
- (10) at least one professional planner working for a city or county;
- (11) at least one professional planner employed in the private sector;
- (12) at least one landholding residential user interested in donating a scenic easement to the Willamette Greenway, for the benefit of the Willamette Greenway project and willing to promote such donations;
- (13) at least one active member of the Willamette Greenway Association;
- (14) at least one active member of the former Governor's Willamette Greenway Advisory Committee;

(15) as nearly as possible, an equal number of men and women; and

(16) at least one person associated with and knowledgeable about the needs of the Port of Portland.

This was a thoughtfully chosen committee, with choices made from a much larger field. Obviously only a limited number could be residents of Multnomah County.

This group will work to advise me and the Parks Branch of the Department of Transportation in doing the planning contemplated by the statute. Many possibilities are opened up by the adoption of the LCDC Goal, and we hope to encourage local planning which is compatible with our long-desired dream of a Willamette River Greenway corridor. The Parks Branch is endeavoring to revise their planning to make it more acceptable at the local government level and hence to LCDC.

However, basic to the present statute is the fact that the Greenway is a state resource. The interest of all the citizens of the state are at stake. It is my belief that this state resource must be managed at the state level.

I appreciate your many years of dedication to the Greenway and hope for your continued involvement and support.

If you feel that you can best promote our goal of creating a significant state resource, much of it eventually in state ownership, as a member of the Advisory Committee, I would be very pleased to appoint you.

Thank you for writing so frankly.

Sincerely,

Governor

RWS/jh

Please prepare draft reply
for Governor's signature
by 3-29
Thank you.

*Certified
mail*

~~005245~~
324

March 8, 1976
Albany, Oregon

Your Honor, Govenor Robert Straub

RECEIVED

Exec

MAR 17 1976

Governor's Office

I am worried about Greenway.

Would you want your back yard to be used for a picnic
ground so people can come in and have a picnic lunch,
leaving papers and chicken bones for you to pick up?

Would you give me permission to come to Salem and have a
picnic on the State Capital lawn or your lawn at home?
Would you let my children ride their bikes around your
house like they will at my place?

Would you please answer this letter?

Thank you.

Yours truly,

Cecil J. Burkhardt

Cecil J. Burkhardt
316 E 4th AU.
Albany, OR 97321

1150-3.1

March 25, 1976

Mr. Cecil J. Burkhardt
316 E. 4th
Albany, Oregon 97321

Dear Mr. Burkhardt:

There is no way, under the Greenway law, that your property can be trespassed upon without your permission.

A lot of misinformation has been distributed about the Greenway law. A few people who have special vested interests in developing land along the Willamette River have been frightening residents up and down the river with false claims about what the Greenway law would do.

The fact is that this law has been on the books for three years and not one line of it has been changed during that time.

You have my personal assurance that all rights of private property will continue to be enforced within the Greenway.

Sincerely,

Governor

RWS:bh

cc: Executive Dept.



OFFICE OF THE GOVERNOR
ROBERT W. STRAUB

Dear Fellow Oregonian:

Thank you for recognizing that good government is everyone's business. Your comments and suggestions will help us build a better Oregon. (Please return card at the door before leaving.)

Bob Straub

PLEASE PRINT

Name: JOHN W. NIELSON

Address: 1780 Copping St.

City: EUGENE, OREGON Zip Code: 97404

Comments: Thank You for coming to eugene with your town meeting, I think Oregon
really needs this. It appears to me that you are trying to restore confidence in
Government again and for this I congratulate you. Thank you for your remarks on
the GREENWAY situation. We have a very emotional thing on our hands with this

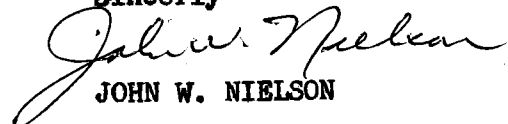
Please use back of card for additional comments.

Over

proposed boundry situation, and I feel that the people have been misinformed and most of all uninformed, so until the state does a little better job in this area it is going to be tough to accopmlish a fair and equitable plan.

Thank you again Governor Straub for coming to the people, I only wish you were a Republican so I could vote for you.

Sincerely


JOHN W. NIELSON

Govenor Bob Straub
Oregon State Govenor
State Capital
Salem Oregon

4/2/76

Eugene, Oregon
1780 Copping St.

RECEIVED

APR 05 1976

Governor's Office

K. Johnson

Dear Govenor Straub

I'm addressing this letter to you personally as to your comments at the town meeting here in eugene last monday night.

As you can see from the enclosed card I was pleased with the meeting, and most of your comments, you did a fine job of listening.

I'm enclosing a copy of a petition signed by sixty four of my neighbors all of us directly affected by the proposed wide boundaries of the Willamette Greenway, most of us agree with your concept of the 150' from low water, but none of us agree with the way we are finding out how we are affected now and how we may be affected in the future we have been misinformed, uninformed, and many property owners were never informed at all so I see a big communication gap between the state and the people on this matter.

I have delivered a copy of this petition to the Lane county Commissioners and the original to Mr. Miller D.O.T. at lane county planning comm. also sending copy to the Salem Office of L.C. D.C.

I sincerely hope that we are heard as we feel that the way things are at present we have to much duplication of Government Buarocracy at both State and Local level. As the petition states we want the boundaries moved back to the original 150' from low water line. And we would appreciate any influence you have with L.C.D.C. and the D.O.T. on this matter.

Sincerely

John W. Nielson
JOHN W. NIELSON

~~005529~~

49

Please prepare draft reply
for Governor's signature
by 4-15
Thank you.

PLEASE RETURN
ORIGINAL LETTER



ROBERT W. STRAUB
GOVERNOR

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

April 9, 1976

11503.1

Mr. John W. Nielson
1780 Copping St.
Eugene, Oregon 97404

Dear Mr. Nielson:

You are absolutely right when you say that the state has to do a better job of informing people about what the Greenway concept really is.

It hasn't been made clear that the proposed boundary line is a very tentative thing. The law wisely requires that a specific boundary be adopted so that everyone will know the situation. Obviously, someone had to be the first person to put a proposed line on a map to start the discussion about where it should be. That's all the Parks and Recreation staff has done so far. That's why they are holding hearings so that the public can give us the practical information that will help us make the final decisions.

Unfortunately, people remember government as it used to operate -- never showing where the line was going to be until a decision had already been made. That's why it frightens them so, now, when they see such a line running through their property. Let me say again that this line is not necessarily the final one.

The other thing we need to make clear is that whatever line is adopted will only outline special areas to be protected from further industrial, commercial, residential or recreational growth unless an overriding need is demonstrated. Present uses within that line will continue to be allowed. State government cannot acquire any of that property except from a willing seller. No one can legally go onto that property without the permission of the land owner, as with any other private property.

Again, these facts have not been made clear, but I must say in defense of the Parks and Recreation staff that people get so emotional about this that they don't give Parks and Recreation much chance to explain the situation. I ask you to give us a chance, and I assure you that an extremely careful and thoughtful job of defining the final boundary will be done.

John W. Nielson
Page two
April 9, 1976

I very much appreciated your kind comments about my appearance at the Town Hall meeting in Eugene. I'm doing my best to listen and to answer honestly, and it's good to know that people like yourself approve of that.

Sincerely,

Governor

RWS:d

bcc:Exec.

~~005429~~ 4-9

Please prepare draft reply
for Governor's signature
by 4-9
Thank you.

Lee deVries

4025 Rivercrest Dr. N.

Salem, OR. 97303

3-28-76

Governor Straub
State Capitol Building
Salem, OR.

PLEASE RETURN
ORIGINAL LETTER

RECEIVED

MAR 30 1976

Governor's Office

Dear Governor,

As we celebrate the nation's centennial this year I think it's very sad that Oregon has chosen to become a police state.

After having read about the Willamette River Greenway program and attending a meeting on the subject there is no other way to describe the state's action on this matter.

We are now a police state. The state can confiscate land from private owners and turn it over to the public without any compensation whatsoever.

I'm wondering how every land owner in Oregon will feel when the bureaucrats go out and erect signs on their property, "Open to the public".

I have no way of knowing just how many communists we have in our state government but

It's quite obvious to me that with programs such as the Willamette River Greenway we must be blessed with quite a few.

Let's clean house of all those who feel they can turn private land over to the public. It's not right in any way shape or form.

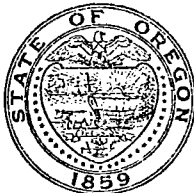
We have regressed well beyond two hundred years in my opinion.

I would be interested to know your feelings on this matter. Do you believe in private ownership of land and do you feel that Senate Bill #100 is fair?

Sincerely yours

Lee DeVries

Lee DeVries



ROBERT W. STRAUB
GOVERNOR

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

April 9, 1976

1150-3.1

Mr. Lee deVries
4075 Rivercrest Dr., N.
Salem, Oregon 97303

Dear Mr. deVries:

You are dead wrong if you think Senate Bill 100 or the Greenway law give the state any right to take private property.

Those statutes only require local and state governments to have a plan before they permit certain kinds of land uses in particular areas. Without such plans and without zoning, someone could build a stinking, noisy factory next to your property. In other words, Senate Bill 100 and the Willamette River Greenway are designed to protect Oregon's livability. Surely you don't object to that.

With regard to your charge that Oregon has become a police state or a Communist state, let me point out that Senate Bill 100 and the Willamette River Greenway plans have gone through hundreds of public hearings in which every citizen had a full right to speak and influence the outcome. Can you name a police state or a Communist state where this is allowed?

Sincerely,

Governor

RWS:d

Dec: Exec.

4-9

~~005525~~

Please prepare draft reply
for Governor's signature
by 4-15
Thank you.

Rt. 1, Box 246,
Toledo, Oregon,
97391

The Honorable Robert W. Straub,
Governor of Oregon,
State Capitol,
Salem, Oregon.

Kan Johnson

RECEIVED

APR 5 1976

Governor's Office

Dear Sir:

I did not vote for you in the election in which you became governor, because I felt that you had the same faulty philosophy of government that Tom McCall had. Your course of action since election has proved I was right. Among other errors, you share his insidious idea that it is expedient that private property in extra choice areas should be grabbed away from its owners and taken by the State of Oregon. Such practices cannot be condoned if Oregon is to maintain its status as a "good place to live", for who wants to live in a place where his property is in danger of being taken over at any time by a land-hungry and ruthless state government? You will say, "Well, the State pays for what it takes, and the common good demands such taking". I say the State pays only what it is forced to pay, and sometimes that is nothing at all. How much did it pay for the dry sands of the ocean beaches that it grabbed from their rightful owners in 1967? Your latest scheme, the infamous "Willamette Greenway" is perhaps the worst so far. How will those farmers who will lose wide strips of their best and most desirable land ever be properly compensated for the loss of their land-- for the constant harassment and vandalism that will be caused by the public traipsing through? You well know that they will never be properly compensated for them. I protest this, as I protest all actions by government to grab private property when not strongly necessary. The common good does not demand that there be more free parks at the expense of those who happen to be in the way of the schemes and designs of a governor with grandiose plans and little respect for private property rights.

Faithfully yours,

David P. Welp

David P. Welp



ROBERT W. STRAUB
GOVERNOR

1150-3.1
OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

April 9, 1976

Mr. David P. Welp
Rt. 1, Box 246
Toledo, Oregon 97391

Dear Mr. Welp:

You couldn't have read the Greenway Law or you would know that it does not allow the state to acquire any land except from a willing seller.

Farm land is specifically protected not only in the law but also in the Greenway plan which states that land in farm use is automatically considered to be compatible with the Greenway.

If you are interested in verifying that what I say is true, I invite you to go into any state office in the Toledo area and ask them to show you a copy of the Greenway Law. You will find it under 390.310 to 390.368 in the Oregon Revised Statutes.

Sincerely,

Governor

RWS:d

bcc: Exec.

JOHNSON, HARRANG & MERCER
ATTORNEYS AND COUNSELORS AT LAW

101 EAST BROADWAY, SUITE 400

EUGENE, OREGON 97401

TELEPHONE (503) 485-0220

JAMES P. HARRANG
ARTHUR C. JOHNSON
KENDRICK M. MERCER
LESLIE M. SWANSON, JR.
JAMES W. KORTH
STANTON F. LONG
CHARLES G. DUNCAN
JOHN C. WATKINSON
JOHN L. FRANKLIN
JOHN B. ARNOLD
DANIEL H. O'CONNELL
DONALD R. LAIRD

CC Sent to Janet + Kim J
H. V. JOHNSON (1895-1975)
HAROLD V. JOHNSON (1920-1975)

ORVAL ETTER
OF COUNSEL

April 1, 1976

Robert W. Straub
Governor of the State of Oregon
Office of the Governor
State Capitol
Salem, OR 97310

Re: Willamette Greenway

Dear Bob:

I felt that your Eugene Town Hall Meeting was a success both for you and for the members of the public. Some of the questions about the Willamette Greenway caused me concern however, and I felt that I should offer the following thoughts in the hope that they will be helpful.

The Greenway is meeting very substantial resistance in Lane County. The recent meeting of the Lane County Commissioners held to receive testimony concerning the Greenway boundaries was attended by over two hundred people, almost all of whom were angry and hostile toward the Greenway and the idea that any restraints would be imposed upon their land. The most amazing thing coming out of the testimony was the fact that most every speaker appeared to be misinformed about the provisions of the present Greenway law. Almost without exception they had a misunderstanding concerning the effect which the law has upon their land adjoining the river. As a result of the misunderstanding an immense amount of unjustified fear and apprehension exists.

For this reason I believe that there must be immediate clarification as to the provisions of the present law. The fact is, that most of the land along the river is in agricultural use at the present

4/2

JOHNSON, HARRANG & MERCER

Robert W. Straub
Governor of the
State of Oregon

-2-

April 1, 1976
Re: Willamette Greenway

time. The Greenway poses no threat whatsoever to that agricultural land. Under the existing statute agricultural use of land bordering the river is considered to be compatible with the Greenway and such land cannot be condemned so long as it is continued to be used for agricultural purposes. Only when the owner changes the use of the land from farm use to some other use, may the Department of Transportation exercise the power of eminent domain to acquire scenic easements, except in those specific areas to be set aside for State parks which are described in Section 8a, Chapter 558, Oregon Laws 1973. If the State acquires a scenic easement the owner will be compensated therefore. Finally, if a scenic easement is acquired through the power of eminent domain, the statute specifically provides that the scenic easement will not provide for any rights of public access to or use of such lands. That is, the scenic easement acquired under eminent domain is limited to preserving the aesthetic values and does not give any right to the members of the public to go upon or to use the land.

I feel that publication of the foregoing information will do a great deal to calm the fears and the opposition of the many farmers along the river.

I have the impression, from your remarks, that your goal for the Greenway may be at odds with the existing statute. That is, I have the impression that you may want the Greenway to include public ownership of land over the entire length of the river or that all the land along the river at least be subject to the right of public "use". I am not here intending to argue with that goal, but to simply urge a clarification between your goal and the provisions of the existing statute. I feel that the expression of your goal, suggesting that the public have the right to use the land within one hundred fifty feet on each side of the river may be misleading to the public

JOHNSON, HARRANG & MERCER

Robert W. Straub
Governor of the
State of Oregon

-3-

April 1, 1976
Re: Willamette Greenway

and contribute to their fear that that is what the present law provides. The problem may arise out of the word "use" and what is meant thereby. If by the word "use", we mean only the visual use and the protection thereof for the scenic qualities of the river, then I feel that should be clarified.

Again, please understand that I am not writing to criticize or express disapproval of what may be your goals, but only to urge a clarification which I feel is necessary to obtain an acceptance of the present law.

At the same time, I feel that a very satisfactory Greenway can be developed under the provisions of the existing law and utilization of the lands that have been acquired by the State or local agencies and are now in public ownership. I fear that the apprehension of the land owners that their land will be "taken", or "used" without compensation or will be subject to extensive restraints, which would not flow from the application of the present law, might create such opposition at this time as to prevent the Greenway from continuing to be developed and to become a reality.

One of the greatest concerns of those who have testified both before the County boards and before the Governor's Willamette Greenway Committee has been that the Greenway will increase vandalism. They all have the fear that the public will feel that they have a right to go upon all of the land bordering the river. Under the existing Greenway law the public will not have a right to go upon the privately owned land but only upon the publicly owned land. As I pointed out above, even land subject to scenic easements, (unless those easements were negotiated and not acquired through condemnation), would not be open to physical use by members of the public.

JOHNSON, HARRANG & MERCER

Robert W. Straub
Governor of the
State of Oregon

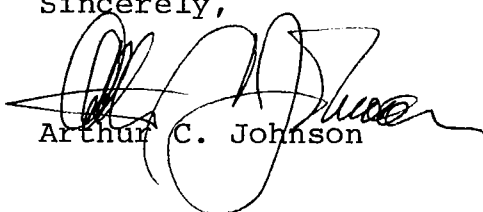
-4-

April 1, 1976
Re: Willamette Greenway

I feel that we can readily demonstrate that a well managed Greenway with identified public landings and campgrounds will do a great deal to reduce the amount of vandalism which would otherwise occur on private lands. I feel that we have an obligation to make those who use the river aware of which lands are public and available for their use and which lands are private and where trespass is not permitted.

In respect to the boundaries, I agree with your observation that the temporary boundaries adopted by LCDC in December, 1975, are in many instances arbitrary and over broad. However, it will not be satisfactory to withdraw those boundaries generally to a line only one hundred fifty feet from the low water mark. Rather, the boundaries should follow, to the extent possible, natural features such as roadways, dikes and property lines, and therefore in many instances will logically exceed the one hundred fifty foot minimum. Also, as you pointed out in your remarks, in the flood plain, and in areas where the river is frequently shifting, boundaries should be wide enough to accommodate anticipated shifts in the location of the river. Other areas along the river necessary to protect the riverine character and important wild and scenic areas adjacent to the river should also be included. I feel that the staff of the Department of Transportation is working diligently in its review of the temporary boundaries, to establish boundaries that are realistic and equitable.

Sincerely,



Arthur C. Johnson

ACJ:D

1150-3.1

April 9, 1976

Arthur C. Johnson
Johnson, Harrang & Mercer
Attorneys at Law
101 East Broadway, Suite 400
Eugene, Oregon 97401

Dear Art:

I appreciate your very thoughtful letter outlining your concerns regarding the Willamette Greenway. I'm also disturbed by the misunderstanding and misinterpretation of the Greenway law.

I have asked Ken Fobes of my staff to consider some public information and education ideas to help explain the Greenway concept and law to valley residents. I understand he has suggested using the Keep Oregon Livable Program of the Highway Division as a public relations vehicle.

There is \$50,000 available for environmental information and education in the Highway Budget. George Bell, public affairs officer, administers this program and Ken and George will be in touch with you soon to discuss some ideas.

Thanks again, Art, for all your advice and help on the Greenway.

Sincerely,

Governor

RWS/k

bcc: Ken Johnson
Janet McLennan
George Bell

005457

Please prepare draft reply
for Governor's signature
by 4-12

Thank you.

Honorable Gov. Shank!
Salem Oregon.

49 Harrisburg Oregon
Mar 30, 1976

GFL

Dear Bob!

MAR 31 1976

Governor's Office

Before you were elected to
the Governorship I would have felt
very free to address you in such
familiar terms. Now it is quite
out of line.

Forty years ago I worked at Pottstown
Penna thru which the Schuylkill
river flows. When storms come
and the river rose it never got
muddy it just got blacker so
polluted with residue of coal
mining.

Hence a few years ago when
a group of citizens initiated
the Greenway concept along

the Willamette river I looked upon them as men of wisdom and great foresight, even tho this was a rather unpopular view among my neighbors and fellow landowners of riverbank property.

Now that I have seen the blundering stupid ineptness or else the calculated chicanery of the governmental process of making this Greenway concept a reality I am disillusioned.

I look at the opposite riverbank denuded now of vegetation, at the filled in pot hole that almost always sheltered a few wood ducks, and I am forced to recognize that in dealing with reality that man is much much smarter than I am. The State and the County through zoning have thoroughly complicated the harvesting

of rotting willows and muschopos,
cottonwood. I bought this place
in 1957 because of its isolation,
I am sure it was sold because
the seller was much more familiar
with the erosion problem than I was.

A few years ago I was approached
by a representative of the Highway Dept
wondering if I would sell the overflow
land. I told him yes for the Decatur
project I would at \$1000 per acre. Well
would it be ok to bring in an appraiser
yes, but the price would still be
1000 per acre. They paid the appraiser
\$600+ to tell me the land was worth
\$500 per acre. That was a waste of time & money,
I wasn't trying to sell the land I was
trying to put a fair price on it so the
state could buy it.

I called Mrs Fodely, the Representative
from Eugene and told her ~~that~~ I

would be willing to trade if the State had something of equal value they wished to part with. Nothing came of that.

Now when four boy scouts stop and say 'we're on a float trip from Eugene to Salem, can we camp on your land, what am I suppose to tell them, that there is a park up the river two miles or down the river seven miles?

I once was a boy too and didn't understand angry old men who were not angry at me but simply frustrated at watching 'what might have been' deteriorate into what really is!

Rt. 2, Box 31
Harrisburg, OR 97446

Sincerely

Elmer Miles

P.S. Told them they could camp.

1150-3,1

April 9, 1976

Mr. Elmer Skiles
Rt. 2, Box 31
Harrisburg, Oregon 97446

Dear Elmer:

I'm truly sorry to hear of your disillusionment with the Greenway concept, after being such a strong supporter.

Maybe it's too much to ask, but I hope you can bear with us as we try to put this concept together.

I'm sure that mistakes have been made. Any time you're trying to do something new, a certain amount of trial and error takes place. However, I feel that my administration has pulled together some sensible, reasonable people who can make the Greenway idea work for everyone's benefit.

I'm sending your letter to the Parks and Recreation Section and asking them to contact you to discuss whatever problems you might have. You have my word for it, Elmer, that they will care about your concerns.

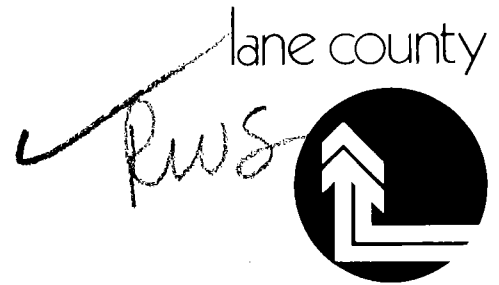
Sincerely,

Governor

RWS:d

cc: David G. Talbot
State Parks Superintendent

bcc: Exec. Dept.



April 5, 1976

RECEIVED

APR 6 1976

Governor's Office

BOARD OF COMMISSIONERS

Robert E. Wood
Frank A. Elliott
Nancy M. Hayward

The Honorable Robert W. Straub
Governor of Oregon
Capitol Building
Salem, Oregon

RE: The Greenway

Dear Governor Straub:

During my fourteen years in public office, I have held firm the conviction that the most worthwhile purpose of government is to serve to bring about the changes most desired by a majority of the people we represent. Because of this particular view of the role of government, I find myself deeply troubled over your proposed Greenway Corridor. I have heard from many of my constituents, over a long period of time, various complaints and objections to the Greenway Plan. Practically all of these complaints deal, on the surface at least, with the mechanics of the Plan and the qualifications of the individuals trying to implement it. But, if you listen closely to these people, it becomes apparent that their real objection lies with the root idea of the plan rather than the technicalities of its application.

Therefore, I urge you to reject the entire concept of the Greenway as being completely unacceptable in three major areas:

1. Rights of citizens --

It is unthinkable that we should consider violation of the constitution of the United States by taking any portion of the "use-rights" of landowners without just compensation. Any taking of land, whether by straightforward condemnation or transverse condemnation through zoning should occur only after careful consideration of the rights of the landowners and in circumstances of proven public need.

2. Economic impact --

If the land, or the use of the land, that you are proposing for the Greenway is to be acquired fairly, the cost to the public has been estimated at \$300 million and more. Simple interest at seven per-cent on that amount would add another \$21 million per year. This cost is prohibitive. Conversely any land under excessive controls or regulations suffers a depreciated value which will, in the case of the Greenway,

Page 2
Honorable Robert W. Straub
April 5, 1976
RE: The Greenway

affect the tax base of the entire state of Oregon. The full economic impact of such devaluation would be so massive as to cause every citizen in the state to feel its effects.

3. Policing and crime prevention - -

If the government chooses to take control of this corridor, then the government must also assume responsibility for the prevention of crime within the Greenway boundaries, and for maintenance and upkeep of lands made available to public use. It is well known that remote public areas encourage criminal activity such as mugging, rape, and other crimes of violence. Most counties and cities, as well as the State of Oregon, are not able to properly police the state at the present time. It is inconceivable that the state or local entities could finance a law enforcement body sufficient to police and properly maintain this corridor.

RECOMMENDATION - -

It is by belief that criticism carries with it the implied responsibility for an alternate proposal. After being involved in the Greenway discussions for some time, it is my recommendation that the State of Oregon should locate key potential park areas on both sides of the river, spaced at reasonable intervals and of reasonable size, and develop those park areas and maintain them for the enjoyment and benefit of the general public. Those land areas in between the designated park areas should remain in private ownership under the reasonable regulation and responsibility to protect and preserve both the river banks and the quality of the River itself.

I most sincerely urge you to lay aside what has proven to be an unviable concept and actively pursue this goal by more realistic means.

Sincerely,



FRANK A. ELLIOTT

FAE:lg



STATE OF OREGON

INTEROFFICE MEMO

TO: Bob Straub

DATE: 4/15/76

FROM: Ken Johnson *Kej**Note: Response to Frank Elliott attached*

SUBJECT: Willamette River Greenway

The Willamette River Greenway specifically, and land use planning generally, are under heavy attack from vested interests and those whom they have recruited through misinformation and deception.

Our response to this attack has been feeble, at best.

Under the pressure of one-sided political action, local governments along the Willamette are one-by-one retreating to a theoretical and unprovable 150-foot line from low water as their recommendation for a Greenway boundary. Such a line, if it can be found, is totally inadequate over-all and in specific instances leaves the Greenway boundary drowned under the river waters.

For strategic reasons which I'll be glad to explain, I don't recommend fighting the boundary battle at this point. We're not ready for that until we get more detailed Parks and Recreation justification for a rational boundary, and until we get more troops mobilized. The less said about the boundaries, the better.

What we do need, in my judgment, is a reasoned and forceful position that can be distributed among affected officials and concerned citizens -- a position which will both blunt the attack upon us and begin to develop a counter-force among our potential troops.

The attached material is one vehicle that might be used. Frank Elliott's letter covers typical points that are building opposition to the Greenway and to land use planning.

I have checked and double-checked my research on this; but I have not yet run it through anyone else. I am, today, sharing it with Janet only. If you think we should take this line, but you want further work done on it, I'll gladly go back to the drawing board.

Not only what we do, but when we do it, is an important consideration. The attached copy of George Bell's memo to me, written without the benefit (?) of my latest brain-storm, may be on point, nevertheless. Maybe I'm premature. I admit to the possibility that I am overly concerned about the ground our opposition may be taking away from us. I don't think so. I think we've got to get moving.



STATE OF OREGON

INTEROFFICE MEMO

TO: Ken Johnson
Deputy Director, Executive Dept.

DATE: March 25, 1976

FROM: George Bell, Acting Special Assistant
for Public Affairs

SUBJECT: Willamette Greenway

RECEIVED

MAR 26 1976

EXECUTIVE DEPARTMENT

The temptation is almost irresistible to jump, like the medieval knight with a mission to eradicate evil in the world, on a horse and ride madly off in all directions--in an effort to increase citizen awareness of the Willamette Greenway.

But, first things first. The Governor's committee should complete its work before we take the show on the road. Since the "show" must be scripted from the committee's final conclusions, it would seem premature to begin building a public awareness program now.

To do otherwise--that is, to launch a public awareness campaign now, or even to begin building one now--would tend to undercut and damage the credibility of the committee.

What, then, should our staff group do in the meantime? The most obvious answer, it seems to me, is to work closely with Art Johnson and his executive committee to assure that the committee's final recommendations are consistent with the Governor's aspirations for the Greenway.

I'm addressing this memo solely to you, Ken, so feel free to do with it whatever you wish.

GB:ds

Kej - 4/15/76

Proposed additional mailings -- at the appropriate time -- of major excerpts of the attached material, edited only to disguise the source of the original letter so as not to embarrass him:

Governor's staff not listed for blind carbon copies
Copies for distribution to appropriate persons by those receiving bcc
Affected State department heads, Boards and Commissions
Affected newspaper editors
Supporters of Greenway listed in our files
Affected Legislators (or all Legislators)
Affected legislative candidates (or all)
Association of Oregon Counties
Affected County Commission members
Affected County Commission candidates
Affected City Council members
Affected City Council candidates
Affected County and City Planning Commission members
Other?

Above would be of letter exchange only. Follow-up mailings to above list could then be made for individual back-up reports, going more into the depth of issues.

This staggered mailing system would accomplish two things: 1) keep down the bulk of any one mailing and 2) keep the pot boiling on our counter-force movement.

1150-3.1
660

April 15, 1976

The Honorable Frank A. Elliott
Chairman, Board of County Commissioners
Lane County Courthouse
Eugene, Oregon 97401

Dear Frank:

Your letter of April 5 on the Willamette River Greenway mentions a number of the fears and concerns I have heard expressed about the Greenway. I appreciate your friendly tone. Now, in the same spirit, let me tell you my concerns, and why I have them.

The out-of-state consultants who prepared the first draft of a Willamette River Greenway Plan noted that:

1. Some zoning along the Willamette River allows one-acre farms, residential lots of urban density in non-urban areas and 21 conditional uses in the river zone including amusement parks, slaughter houses, drive-in theaters, motor race tracks and extensive commercial and heavy industrial development.
2. Land costs rose 300-400 percent near Wilsonville during 1969-74 as "land (was) obviously passing from farmer ownership to investor ownership," and pressure points developing in suburban Salem, north and east of Albany, around Corvallis and around Eugene-Springfield threatened similar results.
3. The population in the Willamette Valley will double within 30 years -- the time it takes to retire a conventional home loan. This will add one million persons of whom 810,000 will settle in areas next to the river. To meet housing needs only, land will have to be acquired at a rate of 25,888 acres per decade.

The implications of these facts and projections concern me deeply.

The pattern around the nation is that land speculation -- followed by industrial, commercial and housing development -- results when economic and population pressures zero in on undeveloped land and bring about zone changes through heavy political pressures.

The attached article on the Santa Clara Valley makes my point, not only for the Greenway but for land use planning generally. This can happen in Oregon; but we still have time to keep it from happening, and I say let's be especially careful to keep it from happening along the magnificent Willamette River. The sure way to do this is to protect and preserve the farm uses of the valley and buy the strip along the river that is undeveloped and not in farm use.

At the same time, we must recognize the inevitable. Such population pressures will demand recreation space. The consultants said the 8 million person uses of recreation in the valley as of 1970 would double to 16 million by 1990. Already, people are beginning to use the 85 percent of the Willamette River now in private ownership, with or without permission. This tendency will increase. How much better it is to plan ahead for compatible use -- setting up areas near urban centers for intensive river-bank recreation use, establishing limited-use areas (perhaps up to 90 percent of the total recreation area) for the relatively few who will venture to picnic or camp or hike 5 or 10 miles along the bank, and setting aside areas which cannot ecologically support human use.

Now, let's deal with your concerns.

Public opinion --

You seem to feel that the majority of people oppose the Greenway. Let me reassure you this way:

1. In a general way, the Oregon Opinion Index for February, 1976, showed 61 percent statewide favor, 24 percent opposing and 15 percent no opinion on land use planning in their community. Lane County residents voted 74-21-5 on that survey. (Attached)
2. The last time a protected river concept was tested statewide, in 1970, the voters approved the Scenic Waterways initiative by two to one -- and that protected a half-mile strip with condemnation allowed for use changes.
3. The last statewide survey I know of for the Greenway, also in 1970, indicated 75 percent support.

The few people who go up and down the Willamette River misrepresenting and opposing this proposal are frightening a relatively few affected landowners; but I can't see that they are influencing total public opinion.

Rights of citizens --

You suggest that somebody might be considering violation of the U.S. Constitution by taking "use-rights" of landowners without just compensation. I assure you I don't know anyone who is considering this.

Although the public right of eminent domain is a well-established principle in constitutional law, nothing in the Greenway Law or the LCDC order lets the state acquire use of or title to private lands except from a willing seller.

In other words, the Greenway isn't given the status of highways, parks, scenic waterways, access to ocean beaches, public buildings, power lines, etc., for which eminent domain may be exercised. (The exception to this is that the Legislature specifically allowed and limited condemnation in the public parks for which it described the metes and bounds.)

deleted in letter
In addition, the courts stand as a guarantee of protection for private landowners against de facto condemnation by zoning. ~~You know, I'm sure, of the Fasano and Baker decisions in this regard.~~ You also know that we in public office abide by these rulings.

You ask for "careful consideration of the rights of the landowners" and for "proven public need."

Over the past two years the Department of Transportation, the LCDC and local governments have held dozens of hearings in the affected areas. More hearings lie ahead before the DOT adopts a plan in cooperation with local governments and before LCDC completes its review of the plan.

Everyone I know of is giving very careful consideration to the rights of landowners and to proving public need. But we must be fair in applying this. Proof of public need musn't be limited to after-the-fact destruction of public values.

Economic impact --

The economic impact described to you fades after a little arithmetic.

The total cost quoted of \$300 million can't be justified.

First, it assumes that the state would and could buy every inch from willing sellers up to the maximum allowed. No one proposes or expects this. Furthermore, remember that all land in farm use is considered compatible with the Greenway by law. None of it needs to be acquired.

Second, the Greenway Law sets a maximum of 320 acres per river mile. This would total 64,000 acres over the 200 river miles in private ownership. It would take a price of \$4,688 per acre to total \$300 million. The land acquired in Lane County for the Greenway to date has cost \$300 per acre, or about one-sixth of the amount mistakenly quoted.

My House Bill 3225 proposed a 350-foot maximum width on each side of the river. Even if all of this could be bought from willing sellers, that would only total 16,970 acres which, at a cost of \$800 per acre, would total about \$13.6 million. From that, you subtract the value of all land in farm use as long as it remains in farm use. That's a far cry from the \$300 million being bandied about.

As for the tax impact, consider this arithmetic. The nine Willamette River counties had a 1975 true cash value of \$18,643,059,051. Even the fictitious \$300 million price tag would only take 1.6 percent of the value off the tax rolls, adding \$.67 a month to the property taxes on a home paying \$500 a year. The \$13.6 million outside limit on my 1975 proposal -- and only if all of it could be bought from willing sellers -- would have a tax impact of 7/100 of one percent or \$.03 a month on that same house. Again, this is a theoretical top figure because, actually, land in farm use would remain on the tax rolls.

Policing and crime prevention --

I think everyone agrees the state should be responsible for preventing crime and maintaining any lands it acquires.

We can't agree, however, that it is "well known that remote public areas encourage criminal activities such as mugging, rape and other kinds of violence." Oregon is not -- and, I trust, never will be -- a Washington, D.C.

Honorable Frank A. Elliott
April 15, 1976
Page 2

The Oregon Law Enforcement Council says Oregon's crime percentages run higher in areas where population is concentrated.

State Parks staff says it gets very few reports of crimes of violence taking place in state parks around Oregon. Last year, believe it or not, State Parks had only \$19,698 in damage from vandalism resulting from 30 million visitor days (Report attached). In the main, people who use these facilities are decent, law-abiding folks.

I just have to conclude that both crime and vandalism in isolated areas are manageable, at the same time that I agree with you that we should take every necessary step to assure this.

Frank, I ask you to keep your mind open on the Willamette River Greenway.

Sincerely,

Governor

RWS:bh

Enclosures

cc: Executive Dept.

MEMORANDUM

TO: GOVERNOR
FROM: JANET MCLENNAN *Janet*
SUBJECT: GREENWAY BOUNDARY

APRIL 16, 1976

It strikes me that there are two points that are crucial in our present effort to establish a Greenway boundary.

1. We must stick to the law's intent in setting a boundary. The law dictates: There shall be included within the boundaries of the Willamette River Greenway:

- a. all lands situated within 150 feet of the ordinary low water line
and
- b. such other lands as the DOT and units of local government consider necessary for the development of a Greenway [ORS 390.318] to maintain the natural, scenic, historical and recreational qualities of lands along the Willamette River [ORS 390.314(1)(2)(b)].

The DOT is presently preparing to publish and take to hearings what they consider to be a necessary and legally defensible boundary. It includes all the land within 150' of the river at estimated low water and other lands considered necessary. It is not necessarily related to the vegetation line, or to a minimum standard of adequacy and it will not at this time be in any way related to Corps of Engineers' data, and come anywhere close to exceeding an average of 320 acres per river mile.

2. This DOT proposal should be heard on its merits, with the hearings relating to the question of necessity. Accordingly, I believe it essential that DOT not depict on its maps and presentation an alternate minimum 150 feet boundary or approximation thereof.

Where units of government have elected to recommend a more restricted or minimum boundary presumably they will testify in the local hearings to that effect and indicate the extent of the lands they would recommend. But if DOT offers up a reasonable boundary (big) and a minimum boundary (little)

*KB file
Greenway
1150-3.1*

the entire hearings will be devoted to aroused hordes of riverfront owners coming forth to urge "little" to the exclusion of a rational consideration of the merits of the DOT proposal.

JMc/jh

cc: Keith Burns, Esq.
Glenn Jackson
Ken Johnson
Dave Talbot
Art Johnson, Esq.
Borden Beck, Esq.

Town Hall

APR 12 1976

Eugene Oregon

April 1, 1976

PLEASE RETURN
ORIGINAL LETTER

Governor Robert W. Straub

Governor's Office

State Office Building
Salem, Oregon

005637

Please prepare draft reply
for Governor's signature
by 4-23
Thank you.

Ken Johnston

Dear Mr. Straub,

While attending your Town Hall meeting on March 29 '76 which was real interesting - you remember I had

my maps and Photos that I showed to you concerning the Coast Fork river, that was changed by the act of man by a rock crusher that was up river from us, and you agreed that in figuring the 150' from low river should be measured from the old channel as the river was forced over on our property. Also you saw how low the

Coast Fork gets in the summer, there are times that canoes have to be carried over some spots as there isn't enough water to float them. In fact we have had to call the Corps of Engineers to let more water out of the Cottage Grove reservoir to keep from burning up our pump trying to water our crops.

So there should be no Greenway on the Coast Fork River only on the pieces of property the State has already purchased and you told me that (you were not in favor of the Coast Fork being in the Greenway) So please see that it is kept out.

Now for this L.C.D.C. which the whole State is up in arms about and Mr. Day is turning a deaf ear to the people concerned. The only people in favor of this "foolishness" is the hippies! And those that are living mostly on the taxpayers pocket books. You know our property is across the river from the Pisgah Park and property next to a park is where development should be, so our property should not be in the L.C.D.C. or Greenway program. If this goes through as now planned, the State of Oregon will be liable for the loss in value of our property.

Sincerely

Yours truly,
George & Ina Saunders
34679 Searcy Way
Eugene, Oregon



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

April 19, 1976

ROBERT W. STRAUB
GOVERNOR

DRAFT FOR SIGNATURE OF GOVERNOR
4/16/76

Mr. and Mrs. George Saunders
34679 Seavey Way
Eugene, Oregon

Dear Mr. and Mrs. Saunders:

Yes, I surely do remember visiting with you
about the Coast Fork.

A couple of days after that I asked the Park and
Recreation Division to look into your suggestion. I'm
sending your letter to them.

Sincerely,

Bob Straub

RWS:dd

1150-3.1

April 29, 1976

Mr. and Mrs. George Saunders
34679 Seavey Way
Eugene, Oregon

Dear Mr. and Mrs. Saunders:

This is in further reply to your letter of April 19 regarding the Greenway program.

In checking with the State Parks Branch, I find that there are several reasons for inclusion of the Coast Fork of the Willamette in the Greenway.

Lane County and the community of Cottage Grove in particular have very much supported the Greenway in that area. With the assistance of state and federal funding, the City of Cottage Grove has acquired 22 individual segments of land along the river at a cost of \$124,837 (City cost \$31,032.01).

Because of this strong local interest and the feeling that the segment had good recreational potential, the Coast Fork was included in the 1973 Greenway law. Under that statute, Greenway planners, whether local or state, are required to include the Coast Fork. The law directs that not less than 150 feet from ordinary low water nor not more than 320 acres average per mile be included in the Greenway.

While I have a tendency to question the need for the Greenway to extend this far upstream I recognize that many people think it's a good idea. In any event, since it's a requirement of law, only the Legislature can make the change you desire.

By a copy of this letter I'm referring the matter to our new Greenway Advisory Committee with the request that

they review the entire matter with a view toward possible recommendation to the 1977 session of the Legislature.

Once again, thanks for your personal interest. The Greenway is supposed to help the public - while not placing undue hardship on adjacent property owners.

Sincerely,

Governor

RWS/jh

cc: Members of Greenway
Advisory Committee

1209 N.W. Dixon St.
Corvallis, Oregon 97330

Senator Robert Packwood
Senate Office Building,
Washington D.C. 20510

Dear Senator Packwood,

I am a Boy Scout in Troop 3 Corvallis, Oregon. The merit badge I am working on is "Citizenship in the Nation", and one of the requirements is to write a U.S. Senator and tell your (my) views on a local or national issue.

My issue is the Willamette Valley Greenway Plan. I don't think it should be done because the farmers that live by the river use it for irrigation for their crops.

I would also be in favor of this project if only a small portion of this land were used.

I would like to receive more information on this subject if you have it at your disposal. I would like to try and work this into an eagle project.

Yours Truly,
Craig Seehafer

WILLIAM PROXMIRE, WIS., CHAIRMAN

JOHN SPARKMAN, ALA. JOHN TOWER, TEX.
HARRISON A. WILLIAMS, JR., N.J. EDWARD W. BROOKE, MASS.
THOMAS J. MCINTYRE, N.H. BOB PACKWOOD, OREG.
ALAN CRANSTON, CALIF. JESSE HELMS, N.C.
ADLAI E. STEVENSON, ILL. JAKE GARN, UTAH
JOSEPH R. BIDEN, JR., DEL.
ROBERT MORGAN, N.C.

KENNETH A. MC LEAN, STAFF DIRECTOR
ANTHONY T. CLUFF, MINORITY STAFF DIRECTOR
MARY FRANCES DE LA PAVA, CHIEF CLERK

United States Senate

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

WASHINGTON, D.C. 20510

May 11, 1976

Mr. Craig Seehafer
1209 N.W. Dixon Street
Corvallis, Oregon 97330

Dear Craig:

Thank you for sharing your thoughts with me concerning the Willamette Valley Greenway Plan. As a U.S. Senator, my jurisdiction is exclusively related to federal government matters and I am precluded from interfering with locally controlled projects.

However, it is my policy to make the feelings of Oregonians known to State government. Consequently, I am forwarding your letter to Governor Straub. The Governor's office should be able to supply you with background information and current status of the Willamette Valley Greenway Plan.

Thanks for writing, Craig. Good luck in your scouting career.

Cordially,

Bob Packwood

BP/srj

✓ cc: Governor Straub's Office
Salem, Oregon

Oregon Field Office
P.O. Box 3621
Portland, Oregon 97208
Phone: (503) 233-4471

~~006125~~ 6-17
Please prepare draft reply
for Governor's signature
by 5-26

Thank you.

United States Senate

MEMORANDUM

May 11, 1976

RECEIVED
MAY 14 1976

Portland Office

TO: Office of the Governor
State Capitol
Salem, Oregon 97310

Could you please respond to the attached
inquiry regarding information on the
Willamette Valley Greenway Plan.

Thank you for your assistance.

Sharon Rowland
Office Manager
Oregon Field Office

Encl.

Bob Paswood

U. S. S.

June 21, 1976

Mr. Craig Seehafer
1209 N.W. Dixon Street
Corvallis, Oregon 97330

Dear Craig:

Senator Packwood has forwarded your letter concerning the Willamette River Greenway to me because the Willamette River Greenway is a concept I have long cherished. To protect and preserve the natural and scenic qualities of our great valley is of utmost importance to many Oregonians and to me.

The integrity of the river is threatened, however, by increasing populations in the Willamette Valley, which require more houses, more social services and more recreation areas.

Orderly growth through land use planning will relieve these pressures by planning for housing, social services and parks, while unchecked growth covers more prime farm land each year.

Every year up to 10,000 acres of prime farm land, much of it along the Willamette River, are lost to development. The Willamette River Greenway is an attempt to protect and preserve the natural and scenic qualities of the river, as well as the agricultural and recreational qualities.

Farm use is compatible with the purposes of Greenway. The farmer may continue to use his land and the river as he has in the past, including the irrigation of his crops. The State will not take or buy all the land, nor will the State encourage the public to trespass on the farmer's private land.

The Willamette River Greenway is administered by the State Parks Branch. I have asked Dave Talbot, State Parks Superintendent, to send you information on the Greenway so that you may begin an Eagle project.

Craig, I wish you every success in your scouting endeavors. Good luck, and thank you for sharing your thoughts.

Sincerely,

Governor

RWS:bh

cc: Senator Packwood

bec: DOT - Parks

Architecture, Planning, Landscape Architecture

Called 6-4
called 5-25
6-8
5-10
006068
Please prepare draft reply
for Governor's signature
by 5-21
Thank you.

Governor Robert Straub
State of Oregon
State Capitol Building
Salem, OR 97310

LCDC

RECEIVED
MAY 11 1976

Governor's Office

Philip Thompson,
James E. Hall,
Pearse O'Doherty

Dear Governor Straub:

I have a client who has asked for assistance to build a house on a lot along Eilers Road in Clackamas County. Eilers Road is east of the City of Wilsonville on the south side of the Willamette River. The lot is 416 feet deep and lies between Eilers Road and the Willamette River. I am of course aware of the Willamette Greenway program which was instituted by the State Legislature, that was to be developed by the State Department of Transportation and ultimately administered by the Oregon State Land Conservation and Development Commission.

As a result of the client's needs, I contacted the Clackamas County Planning Department to ascertain what procedures were necessary for the construction of the home. The client wishes to construct the home some 50 feet from Eilers Road thereby meaning the dwelling will be in excess of 250 feet from the low water mark of the Willamette River. The Clackamas County Planning Director informed me that the County has adopted the statutory requirement of 150 feet from the low water mark as that area wherein building shall be limited, if not precluded. However, he stated, there is an additional 450 feet, making for a total of 600 feet from the river, that is in some sort of limbo and this additional area could not be fully defined by the Planning Department as to what procedures or action was necessary to allow for the construction of the home. I contacted Mr. James Knight, Planner, for LCDC regarding this matter. Mr. Knight stated that a conditional use permit was necessary for the construction of a home within the additional 450 foot area. I asked Mr. Knight what statutory authority provided for such a procedure and he stated it was an action of the LCDC that would have to be complied with. I asked him to send me the appropriate LCDC materials along with the appropriate statute for my review. I received the material on Tuesday morning. As a result of reviewing that statute (ORS 390.318), I find that the statute states:

Governor Straub
May 7, 1976
Page 2

"There shall be included within the boundaries of the Willamette River Greenway all lands situated within 150' from the ordinary low water line from each side of each channel of the Willamette River and such other lands along the Willamette River as the Department and units of local governments consider necessary for the development of such Greenway; . . . " (emphasis added). This section of the statute indicates to me that the minimum distance from low water shall be 150 feet but may be increased if the department and the local government agrees to a wider boundary. Since Clackamas County has not agreed to a wider boundary, I wondered how LCDC was able to impose additional requirements since there does not appear to be any statutory ability to require additional area unilaterally from the local government.

Therefore, I called Mr. Eldon Hout who is a staff member of LCDC and dicussed the matter with him. He pointed out that within the brochure entitled "Willamette River Greenway Program" published by the Land Conservation and Development Commission which has included within it the December 6, 1975, order of LCDC, there is a requirement for additional procedures for projects or development in excess of the 150 foot boundary. I asked Mr. Hout what the procedures were and he stated that they were all outlined on Page 3 and 4 of the brochure. I then told him that in my opinion there is no statutory authority for imposing requirements beyond the 150 foot boundary and how, therefore, was LCDC able to, in the area of my client, impose the additional 450 foot area of concern. Mr. Hout was unable to answer my question other than to state they had an Attorney General's opinion which allowed the procedure. He referred me to the State Attorney General's office. I have briefly reviewed the Attorney General's opinion and do not feel that it speaks to the issue presented to Mr. Hout.

I contacted the State Attorney General's office and talked with Mr. Peter Herman and told him of my concern and that in my opinion LCDC did not have legislative authority to impose boundaries along the Willamette River Greenway in addition to the 150 foot boundary. I discussed ORS 390.318 with Mr. Herman and he stated that my analysis was quite probably correct; LCDC did not have any legislative authority to impose the additional boundary since Clackamas County had not adopted any boundary other than the minimum 150 foot. He further stated, though, that if we were able to talk the

Governor Straub
May 7, 1976
Page 3

County into issuing a building permit that quite probably the State Department of Transportation, or some other agency, would appeal the issuance of the building permit to LCDC and the building would therefore be stopped for quite some period of time while LCDC and the courts were reviewing the property and the LCDC requirement. He would therefore, recommend that the client proceed under or through the conditional use permit procedure as outlined within the order adopted by LCDC on the 6th of December, 1975. He stated this procedure would undoubtedly save the client considerable time and money.

As you might presume, as a result of the conversations with the LCDC staff, who were unable to justify the additional boundary along with the Attorney General staff member who also stated that the procedure was not provided for by statute, my client is quite upset. Particularly when he realizes that LCDC is requiring him to go through a hearing procedure that is not required by statute or by Clackamas County.

As a result of my client's concern, I discussed this problem with one of the Clackamas County Commissioners and asked him if the County had adopted the conditional use procedures within the LCDC order of December 6, 1975, and he stated no. Therefore, even though the order appears to require the County to hold a conditional use hearing on the dwelling, the County as a result of not adopting, nor is such required by statute the order of LCDC, it is questionable whether the County can hear the conditional use application. In fact, the Commissioner stated that the first question he would ask me is: "What was I doing in front of them?". The County does not have any jurisdiction. It can therefore be seen that the client's request is in limbo. He does not know where to go for a conditional use if he wishes to apply for it; should it be the County or should it be LCDC since the County has not, (nor are they required to) adopt the procedures within the order.

Over and above this problem which poses many questions, I believe a much more important issue arises. Why has LCDC attempted to impose a requirement on development outside of the 150 foot boundary as established by the legislature when such is not provided for within the statute? This problem is evidently recognized by the State Attorney General's office but LCDC will impose the requirement, irrespective of the procedure's legality.

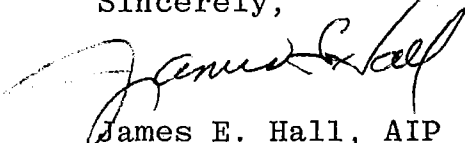
Governor Straub
May 7, 1976
Page 4

I have been a strong supporter of Senate Bill 100 for many years and due to my own philosophical approach to land use that has developed over my many years in the planning profession, I believe strongly in State goals and guidelines to direct local jurisdictions thereby insuring proper development within the State of Oregon. However, it is my further belief that the State is limited to the intent and language of the legislation. When an administrative agency attempts to impose requirements beyond that which the enabling legislation specifies, this smacks, at least in my opinion, of the Erlichman complex that we saw too frequently and vividly within the past Watergate episodes. It is not up to a person or administrative board to edict legislation for the people within the State of Oregon. That, as I am sure you are well aware, is the function of the State legislature and the Governor. All boards and commissions must operate within the legislation as prepared and adopted.

Over and above my client's own particular problem, actions of this nature, as I am sure you are well aware, jeopardize the entirety of what commissions such as LCDC are attempting to do and are, as a result, counterproductive. If our client chooses to proceed through some form of court action to force the issuance of the building permit, the publicity that LCDC will receive will again further underline the problems that many people are now seeing or attributing to LCDC. Namely that they are a super-zoning body which will control all development within the State, irrespective of what State statutes or local governing bodies wish and desire.

I am sure that you will be looking into this matter. Thank you for your concern and if you have any questions that you would like to have answered on this matter, please call upon me at your earliest convenience.

Sincerely,



James E. Hall, AIP
Planning Director

cc: John Handel
Sen. Ted Hallock
Lynn Engdahl, WETA
Robert McDougal, Planning Director,
Portland Home Builders Assoc.

1150-3.1

June 23, 1976

Mr. James E. Hall
938 NW Everett
Portland, Oregon 97209

Dear Mr. Hall:

In response to your letter of May 7, 1976, the Land Conservation and Development Commission, by order, adopted a Preliminary Greenway Plan on December 6, 1975. The Preliminary Greenway Plan revises the Department of Transportation plan of June, 1975, to comply with the DOT plan of October 4, 1974. The new plan revises and approves the DOT plan only for the purpose of establishing boundaries.

The temporary boundaries of the Preliminary Willamette River Greenway Plan of December 6 are the boundaries as shown in the book of 1:1000 aerial photographs, dated November 1, 1974.

These temporary boundaries are still in effect in all cities and counties. LCDC has not approved any modifications except in the case of the City of Eugene, in which the City, the Department of Transportation and LCDC agreed to the modifications.

In Clackamas County the temporary boundaries are approximately 500-600 feet from ordinary low water in the area you mention, which is designated rural. The temporary boundary remains in effect until the LCDC approves a new boundary upon recommendations of Clackamas County and the Department of Transportation.

Your client needs a conditional use permit as required under paragraph F(2)(6) of the Greenway Order before he can construct a dwelling. The County has a Greenway Conditional Use procedure in effect for this purpose.

Mr. James E. Hall
June 23, 1976
Page 2

LCDC's legal authority for requiring the Greenway Conditional Use procedure is ORS 197.300(1) to prevent violations of the Statewide Planning Goals. The conditional use procedure will assist applicants for building permits and public agencies issuing such permits and will also insure that building permits are used only in appropriate circumstances with appropriate conditions.

Sincerely,

Governor

RWS:bh

bcc: LCDC

willamette river greenway
issues and answers

july, 1976



PREFACE

This publication is designed to discuss crucial issues with respect to the Willamette River Greenway. The idea for this paper came from repeated questions concerning the intent and the impact of the Greenway. In the following pages, most of the questions raised are actual questions asked of the Department of Transportation at public meetings and hearings.

It is the desire of the Department of Transportation to raise and to address these crucial issues. A clear understanding of the Willamette River Greenway by the public is essential to its success. Further questions and comments may be addressed to:

River Programs Section
State Parks and Recreation Branch
525 Trade Street S.E.
Salem, Oregon 97310
(503)378-6500

TABLE OF CONTENTS

PAGE

I. Introduction	1
II. The Willamette River Greenway Program.	1
III. Responsibilities	2
IV. Boundary Revision.	3
V. Acquisition of Land.	4
VI. Five New State Parks	5
VII. Scenic Easements	6
VIII. Condemnation	7
IX. Local Regulation of Land Uses.	8
X. State Management of Public Lands	9
XI. Trespass and Vandalism	11
XII. Gravel Removal	13
XIII. Farming and Forestry	14
XIV. Public Input	15

I. INTRODUCTION

WHAT IS THE WILLAMETTE RIVER GREENWAY?

The Willamette River Greenway is the Willamette River and its related lands which combine to create a corridor that extends from above Eugene to below Portland. In developing the Greenway, a boundary will be drawn which will enclose those lands of a natural, scenic, recreational and historical value. The protection and preservation of this area through the Greenway Program will occur within this boundary. The 1973 Legislature enacted the law which provides for the development and maintenance of the Greenway.

WHY DO WE NEED THE WILLAMETTE RIVER GREENWAY?

The Willamette River is the most significant natural feature of the great valley in which 60% of all Oregonians live and work. The natural values of the river, its banks and related lands and the quality of life these offer, which drew the early settlers west in the last century, are still ours today in large measure. To these now are added the needs and commerce of an ever-growing population within this compact economic heart of the state. Taken together they press for continuing growth here within the valley.

Planning sensitive at once to existing uses, orderly growth and development—and to the needs of the human spirit—offers the best way to assure continuing protection of the scenic, recreational and historical qualities of the river, its banks and related lands now and in the future.

WHAT IS THE WILLAMETTE RIVER GREENWAY PROGRAM?

The Greenway Program is a cooperative state and local government program designed to maintain and enhance the scenic, recreational and historical qualities of the lands within the Greenway, while permitting the continuation of existing uses on private and public lands and providing special protection for agricultural uses. Private lands remain private; public use is not authorized by the Greenway Program.

II. THE WILLAMETTE RIVER GREENWAY PROGRAM

DESCRIBE THE GREENWAY PROGRAM.

The Greenway Program has three elements:

1. Development of a boundary,
2. Acquisition and management of public lands, and
3. Planning and zoning of private lands.

These elements are described as follows:

1. A temporary and preliminary boundary for the Greenway exists today. This photo book boundary was adopted by the Land Conservation and Development Commission on December 6, 1975, after extensive public input. It is referred to as a temporary boundary since local governments and the Department of Transportation are to recommend revisions to this boundary for approval by LCDC in late 1976.

WHAT ARE THE RESPONSIBILITIES OF LOCAL GOVERNMENT?

Local government is directed to recommend revised Greenway boundaries within their jurisdiction. *LCDC Policies B.2.*

The LCDC Greenway Order directs 19 cities and 9 counties along the river to:

1. consider issuance of Greenway Conditional Use Permits, *LCDC Order F.1.*, and
2. consider issuance of Greenway Extraordinary Exceptions, *LCDC Order D.1.*

After approval of the DOT Greenway Plan, each city and county shall:

1. incorporate their segment of the Plan in its comprehensive plan and implementing ordinances, *LCDC Goal 15, E.*, and
2. establish provisions by ordinance for the review of intensifications, changes of use or development to insure their compatibility with the Greenway. *LCDC Goal 15, F.3.*

WHAT ARE THE RESPONSIBILITIES OF LCDC?

The Land Conservation and Development Commission is responsible for coordinating land use planning throughout the state. As the issuer of the Greenway Goal and the Greenway Order, LCDC also has the responsibility to:

1. approve the DOT Greenway Plan or to reject or modify it, *ORS 390.322(1)*, and
2. respond to violations of the Greenway Law and Goal through appropriate LCDC appeal procedures. *ORS 197.300(1)*.

IV. BOUNDARY REVISION

WHAT IS THE GREENWAY BOUNDARY?

The boundary is a line to be established by the State Parks Branch of the Department of Transportation working in cooperation with units of local government along the Greenway. *ORS 390.318*. This line is the revision to the temporary boundary adopted by LCDC. It is subject to approval, change or modification by LCDC. *ORS 390.322*.

The line must enclose all lands situated within 150 feet from the ordinary low water line. *ORS 390.318*. The ordinary low water line in the Willamette River is an indeterminate line to which the waters ordinarily recede annually in August or September. *ORS 274.005(3)(4)*. (In many instances, these lands are rarely exposed above water.)

Parks and islands must be included in addition to the 150 feet minimum. The Greenway boundary shall include those lands that the Parks Branch and units of local government consider necessary to protect and preserve the natural, scenic and recreational qualities of lands along the Willamette River, and to preserve and restore historical sites. *ORS 390.314, 390.318*.

Not more than 320 acres per river mile, on the average, may be included within the Greenway boundary. This would be an average of 1320 feet or one quarter mile on each side of the river. *ORS 390.318*. Lands more than 1/4 mile from the river may be included so long as the average along the whole river does not exceed 320 acres per mile.

HOW HAS THE STATE ACQUIRED LANDS FOR GREENWAY PURPOSES?

Except for the five new state parks, acquisitions were made from willing sellers. State Greenway funds and matching federal funds were used in the acquisition of most areas. Since the acquisition of land began in 1967, the following has been purchased by the state and by units of local government:

	<u>Five New State Parks</u>	<u>Greenway Purchases Outside of New State Parks</u>	<u>Local Government</u>	<u>Total</u>
Acres	4,857.53	3,766.98	1,567.57	10,192.08
Bank Miles	13.44	40.92	7.49	61.85
\$ Spent Federal	---	\$3,887,432 ---	\$2,487,806	\$6,375,238
\$ Spent State	---	\$4,910,823 ---	\$1,271,659	\$6,182,482
\$ Spent Local	-0-	-0-	\$1,405,760	\$1,405,760
Total Purchase	\$3,421,900	\$5,376,355	\$5,165,225	\$13,963,480

HOW MANY ACRES OF CULTIVATED LAND WERE PURCHASED BY THE STATE?

Approximately 781 acres of cultivated land were purchased by the state. Acres leased back to the individual landowner total approximately 470, and the Department of Fish and Wildlife manages approximately 120 acres.

VI. FIVE NEW STATE PARKS

WHAT ARE THE FIVE NEW STATE PARKS ALONG THE WILLAMETTE RIVER?

As described in the Oregon Laws of 1973, the five new parks are: Molalla River State Park near Canby and Wilsonville, Lone Tree Bar State Park near Salem, Bowers Rocks State Park near Albany, Mt. Pisgah Regional Park near Eugene, and Dexter Dam State Park also near Eugene.

HAS ALL THE LAND BEEN ACQUIRED FOR THESE PARKS?

No. Negotiations are still in process at Lone Tree Bar State Park and at Bowers Rocks State Park.

WHAT WILL THE FIVE NEW STATE PARKS BE LIKE?

The parks will emphasize the natural and recreational qualities related to each area.

Molalla River State Park is a 535-acre area encompassing the confluence of three rivers. A Great Blue Heron rookery is located along the Molalla River. Molalla will offer hunting and fishing, hiking, picnicking, boating and nature study.

HOW CAN THE STATE ACQUIRE SCENIC EASEMENTS ON LAND IN THE GREENWAY?

Scenic easements in land may be purchased from willing sellers or donated by property owners. Also, after December 6, 1975, the state was empowered to acquire scenic easements within the boundary of the Greenway by any means including condemnation. *ORS 390.334*. However, a scenic easement cannot be condemned on farm land unless the use of that land is changed from farm use. *ORS 390.334(2)*.

A number of property owners in the Greenway are now prepared to make gifts of scenic easements in their land either to the State Parks Branch or to a private conservation organization such as The Nature Conservancy.

WHAT WILL HAPPEN TO MY PROPERTY TAXES IF I SELL OR DONATE A SCENIC EASEMENT?

If a property owner sells or donates a scenic easement and the value of his land is reduced because of the easement, his land will be assessed at the new reduced value. *ORS 390.364*.

IF I MAKE A GIFT OF SOME LAND OR A SCENIC EASEMENT, CAN I GET A TAX BREAK?

Yes. The value of the scenic easement is usually considered a charitable contribution under federal and state income tax laws, and it is thus deductible from income subject to taxation. You should check with a lawyer before donating the land or easement to determine exactly how the charitable deduction will work in your case.

VIII. CONDEMNATION

MY LAND IS IN THE GREENWAY. MAY DOT TAKE IT?

No. DOT does not have authority to condemn any lands for Greenway purposes within the boundary, except for the five designated state parks. The 1973 Greenway Law specifically prohibits such acquisition by condemnation. *ORS 390.334*. The area within the boundary is not an area of taking; it is only an area in which development is regulated.

WHAT IS THE PROCESS OF CONDEMNATION?

The Oregon Constitution reminds us that private property shall not be taken for public use without just compensation. *Article I, Section 18*. The process is as follows:

1. Condemnation begins when in the judgment of a government or agency it becomes necessary to acquire property for a purpose authorized by law.
2. After declaring the necessity of and the purpose for the acquisition, the condemner must attempt to agree with the owner on a fair price for the land. *ORS 35.235*.
3. If an agreement is not reached, then an action to condemn the property may begin in the circuit court. *ORS 35.245*.
4. In reply to a condemnation proceeding, the owner must state the true value of the property and the damage, if any, resulting from the taking. *ORS 35.295*.
5. Final determination is made by the court. *ORS 35.325*.

of the intensification, development or change of use. The Exception is not to be granted routinely in the Greenway. It is to be used in extraordinary circumstances, and the granting of the Exception must be compatible with the scenic, natural, historical and recreational character of the Greenway. Landscaping and other aesthetic improvements must be provided to the greatest practicable extent, and public access to the river may be required in large developments. *LCDC Order G.*

WHAT IS A GREENWAY CONDITIONAL USE?

The Greenway Conditional Use is a permit obtained from the city or county to intensify, develop, or change the use on a piece of property in the Greenway. This permit is required for intensifications, changes of use or developments in urban areas within 150 feet of low water and in rural areas for all developments of other than industrial, commercial or subdivision character outside of the 150 foot line. The permit must be conditioned upon provision of landscaping, open space and other aesthetic enhancement, and it may require provision of public access to the river in the case of large developments. *LCDC Order F.*

THESE LAND USE REGULATIONS ARE COMPLICATED. WILL THEY ALWAYS BE IN EXISTENCE?

No. The LCDC Greenway Order provided that the regulations contained in the Order would remain in effect in an area only until a new DOT Greenway Plan is adopted and the city or county comprehensive plan for the area is adopted consistent with the LCDC Greenway Goal. Thus, these restrictions are temporary in order to prevent incompatible changes in the use of land in the Greenway while the planning process continues. Depending on the speed of the local comprehensive planning process, the Greenway Order is expected to remain in effect until mid-1977 to 1979. Once the comprehensive plan is adopted consistent with the Greenway Goal, the procedures required for intensifications, changes of use, or developments where permitted are much less restrictive than under the Order.

HOW DOES THE GREENWAY PROGRAM AFFECT LOCAL COMPREHENSIVE PLANS?

The local comprehensive plan must include the boundaries of the Greenway, the land uses permitted in the urban and rural areas, and the areas identified for possible public acquisition. *LCDC Goal 15, E.*

X. STATE MANAGEMENT OF PUBLIC LANDS

HOW WILL DOT MANAGE ITS PUBLIC GREENWAY LANDS?

The boundaries of public Greenway lands will be marked or signed and, where necessary and feasible, fenced or planted to reduce intrusions on adjacent private lands. The selection of public sites for minimal development for day use and, particularly, for overnight use by boaters will consider carefully potential effects on adjacent land. Automobile and trailer camping will be restricted to Dexter Dam and Lone Tree Bar State Parks and Mt. Pisgah Regional Park. Increased patrolling of the river and public areas by State Police and local law enforcement agencies will take place, coordinated with use patterns to reduce vandalism.

HOW MUCH WILL THE GREENWAY COST?

The cost of the Greenway can be divided into three areas: acquisition, development and management.

XI. TRESPASS AND VANDALISM

WILL THE GREENWAY PROGRAM CAUSE TRESPASS AND VANDALISM ON PRIVATE LANDS ALONG THE RIVER?

Many landowners along the river fear it will, by encouraging more recreational use of the river by the public. The truth is, trespass, vandalism and related problems of littering and pilferage have been with us since long before the Willamette River Greenway. They are not, of course, confined to parks and officially designated scenic recreation areas. But vandalism in state parks has not been a major problem. Vandalism in 160 developed state park areas is documented:

<u>Fiscal Year</u>	<u>Acts of Vandalism</u>	<u>Visitor Attendance</u>
1970-71		23,903,526
July-December	56	
January-June	<u>65</u>	
TOTAL	121	
1971-72		28,131,932
July-December	40	
January-June	<u>56</u>	
TOTAL	96	
1972-73		30,452,613
July-December	60	
January-June	<u>61</u>	
TOTAL	121	
1973-74		26,750,754
July-December	54	
January-June	<u>72</u>	
TOTAL	126	
1974-75		28,776,847
July-December	47	
January-June	<u>79</u>	
TOTAL	126	

These are willful acts of malicious destruction requiring repair beyond normal maintenance. Accidental damage and such lesser infractions as graffiti and initials carved in picnic tables are not counted. None the less, the figures are surprisingly low considering the heavy use the parks receive. There is some indication that the incidence of vandalism in relation to the number of visitors is decreasing. From these figures one must conclude that the public using state parks, by and large, behaves responsibly; a relatively few disturbed individuals are responsible for the problem.

Among actions that are being planned to assure minimum problems to adjacent private property owners are:

1. Marking of public lands along the river--if the public knows which lands are public they will in most cases use them rather than adjacent private lands.
2. Provide state staff to manage state lands along the river. State parks staff will be stationed at all of the state parks and they will also maintain and manage other state lands used for Greenway purposes along the river.
3. As in other public park situations managed by the state, cooperative law enforcement programs will be developed. Working with local law enforcement authorities and state police, the state will develop specific programs to not only protect the public lands and facilities, but to assure proper conduct at the park and recreation areas.
4. DOT will be discussing with the legislature the idea of a vandalism insurance program.
5. DOT will be developing public information materials, brochures, etc., not only to inform the public of the recreational opportunities along the Greenway, but also to try to educate them regarding proper behavior, litter prevention, etc.

HOW CAN I BE SURE I WON'T TRESPASS ON PRIVATE PROPERTY?

DOT will clearly designate by signs or markers lands for public use. Also a copy of the Willamette River Recreation Guide will help you identify public lands and recreation areas. If you use only those public lands designated in the guide and clearly marked for public use on the ground you should not be trespassing. However, if you stop on some land which is posted as private property, try to leave as soon as possible. In case of an emergency, contact the property owner, explain the situation and ask permission to remain on the property only as long as necessary.

XII. GRAVEL REMOVAL

IS GRAVEL REMOVAL ALLOWED IN THE GREENWAY?

Yes.

ARE PERMITS REQUIRED FOR GRAVEL REMOVAL?

Yes. Since 1967 gravel removal from the bed and banks of all rivers (the area of land below the bank) has required a permit from the Division of State Lands.
ORS 541.615.

Gravel removal from the bed of the Willamette River conducted under a valid permit requires no special Greenway permit. *LCDC Order D.3.(a).*

Since 1972 gravel removal from other than the bed of the river requires a Mined Land Reclamation Permit issued by the Department of Geology and Mineral Industries. *ORS 517.790.* In most cases a permit is also required from units of local government. If the gravel site is within the boundaries, these local permits must include the Greenway Conditional Use or the Greenway Extraordinary Exception procedures.
LCDC Order A.3., D.1., D.2.

CAN I CUT TIMBER IN THE GREENWAY?

If the timber is on a farm woodlot of less than 20 acres, timber may be cut for personal use or for public safety reasons without restriction. Timber cutting for other reasons is governed by the Forest Practices Act, under which at this time there are no restrictions on cutting from farm woodlots.

If the timber is not on a farm woodlot, cutting of timber can take place only after a Greenway Conditional Use Permit is obtained from the county. If the Board of Forestry acts in the future to assume jurisdiction under the Forest Practices Act over timber in the Greenway, the Board regulations would take over, and a Conditional Use Permit would not be required. *LCDC Order D.1.*

XIV. PUBLIC INPUT

HOW CAN I GET INVOLVED IN THE WILLAMETTE RIVER GREENWAY PROGRAM?

You can get involved in the Willamette River Greenway Program at two levels: the state level and the local level.

1. State Level

At the state level you can get involved by obtaining a copy of the DOT Greenway Plan Proposal, available after July 23, 1976. After reviewing the Plan Proposal, you can attend an informational meeting conducted by the Governor's Willamette River Greenway Committee. These eight meetings will be held throughout the valley during the first two weeks of August, 1976. The Committee will answer questions about the DOT Plan Proposal and discuss specific parts of the plan with anyone at the meeting.

During the fourth week of August, 1976, DOT will conduct formal public hearings in Portland, Salem and Eugene. At these hearings you can present testimony for the record on the Plan Proposal. If you care not to testify, you may fill out and return the Citizen Response Sheet. Both a verbal or a written testimony and the Citizen Response Sheet will become a part of the hearing transcript.

The Citizen Response Sheet will also be available at the informational meetings. This Response Sheet is a crucial element in citizen involvement. It asks for your opinion on the intent of the Greenway Program and more specifically, on areas of the Plan Proposal which would affect you directly. The DOT Plan Proposal will be revised before it is delivered to the DOT Commission and the LCDC. Therefore, your involvement at the state level is important.

2. Local Level

After the DOT Plan is adopted by LCDC, local government is directed to prepare a Greenway segment to be included in its comprehensive plan. You can get involved at the local level by attending the meetings scheduled by your city or county. You should be able to work through your local citizen involvement programs.

This level of involvement is also crucial. The Greenway segment of the comprehensive plan must be consistent with the Greenway idea. The segment in one county may be different from the Greenway segment in another county, depending in part upon the kinds of citizen input received.

RECEIVED

JUN 21 1976

Governor's Office

7-13

~~006587~~

Please prepare draft reply
for Governor's signature
by 6-29

Thank you.

June 17, 1976
Rt. 2, Box 494
Aurora, Oregon

Hon. Governor Straub:

For three years we have planned building a rustic house for one of our sons on our river lot. In fact, for many more years than that it has been our plan as we had it surveyed in 1960. It was finally decided that a Can-Cedra octagon house would suit the purpose as well as being lovely in the setting but as this decision was made, the firm handling this in Portland was in the midst of changing dealers. We called and wrote as well as made trips down there only to be both encouraged and discouraged by the signs on the model and office notifying the public that the new dealers would soon be in charge. In the meantime, nearly two years ago, we had soil tests for drainfield approved. This was to be in our field across the road from the home site.

We have a Century farm, owned and operated by us with the help of our sons. We also have a farm trucking silo filling program that requires all of our labor during the harvest months, in addition to raising beef cattle.

One of our sons is to be married soon and wishes to build on the planned site as we definitely do not want to use any productive land.

Due to the severe restrictions this seems impossible as our beautiful tree filled lot is only about 200' from the road or less. We need a very narrow building site - one unseen from the road as no trees will be removed and also unseen from the river for the same reason. We are are very protective of our property and especially of the river bank, it having been in the family for 109 years. With this 150' set back and 60' from the road, we have an impossible situation.

Will you please permit an extraordinary exception in our case so that we may have at lease a 120' or a 130' set back rather than the 150'? We need a home site and as this has been the planned location for years, it is disturbing to find that our property cannot be used.

It seems unfair to be denied our cherished building site at a time when we all are laboring to keep this century farm beautiful and livable despite nearly impossible taxes and restrictions.

We invite you to visit our farm where you will be able to see the love that we have for the homestead that has been operated for these many years.

Sincerely,

Evelyn Crisell
Mrs. Glenn Crisell

6587

June 30, 1976

Mrs. Glenn Crisell
Route 2, Box 494
Aurora, Oregon 97002

Dear Mrs. Crisell:

We received your letter concerning your building site. Governor Straub has asked me to tell you that our investigation into the matter is taking longer than expected and he will respond to your letter as soon as possible.

Sincerely,

Mary Walling
Governor's Office

MW:js

1150-3.1

July 15, 1976

Mrs. Glenn Crisell
Route 2, Box 494
Aurora, OR 97002

Dear Mrs. Crisell:

Thank you for your recent letter expressing your concern with the Greenway Program and the effect it may have on your ability to build a residence.

In December 1975 the Land Conservation and Development Commission (LCDC) adopted a Land Use Planning Goal (#15) and an interim order pertaining to lands within a temporary and preliminary Greenway boundary.

The interim order directs local government to consider the unique qualities of the Willamette River when dealing with requests to change or intensify uses of the land. The order says that in rural areas, farm-related residences within 150 feet from the river (as measured from ordinary low water) must be considered under Greenway Conditional Use Procedures. A farm-related residence further than 150 feet from the river requires no Greenway permit. If a proposed residence is not farm-related, it is subject to more stringent restrictions; within 150 feet an Extraordinary Exception must be granted, beyond 150 feet a Conditional Use Permit is required.

Your county governing body, not the State, will determine whether or not a permit will be issued.

One purpose of the Greenway is to protect and preserve the fine qualities of the lands along the Willamette River--especially farm land. That yours is a Century farm is a credit to you and your family.

I am asking that the River Programs Section of the State Parks Branch contact you concerning this matter.

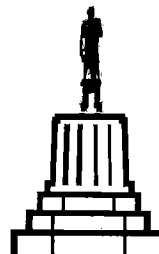
Sincerely,

Governor

RNS:hb

bcc Department of Transportation
(F. B. Klaboe - Ext. 6516)

RWS



Oregon's Capital City...

**SALEM AREA
CHAMBER OF
COMMERCE**

July 20, 1976

RECEIVED

JUL 21 1976

Governor's Office

The Honorable Robert W. Straub
State Capital Building
Salem, Oregon 97310

Dear Governor Straub:

At today's Board of Directors meeting of the Salem Area Chamber of Commerce it was agreed to endorse the conclusions of the Chamber's Agriculture/Food Processing Task Force formulated after a year-long study of the Willamette River Greenway Program, both in the form of research and an on-the-spot tour from the river bank and from the water side of the Willamette.

Of major concern is the apparent lack of a general understanding of the impact of the Greenway Plan on the farmer, recreational interests, environmental aspects, security problems, the inherent costs involved, etc. Also citizens must be made aware that the Willamette Greenway Program takes precedent over most city and county comprehensive plans.

Another problem revealed by the study was that due to the lack of defined funding within the Greenway Program, expenses may often be the responsibility of local governing bodies; however, the decision making process is often not in the hands of the local jurisdictions. Provision should be made within the law for some costs to be borne by the State of Oregon. This is particularly true when land condemnations, decreased local taxes, compensation for losses and assessments for security and other program goals are involved.

Subsequent to exploration of the river banks and the boat trip for viewing the erosion problems from the river side of the Willamette, it was determined that standardized dredging of the river is extremely important because of continuing channel fluctuations which affect agriculture, the environment and the safety of the recreational use of the river. The Salem Area Chamber of Commerce has many times explored the funding possibilities for dredging with the Corps of Engineers, and it appears that because of Federal statutes which requires commercial navigation for a full-scale dredging program, these funds are no longer available. Therefore, we believe, that planning for the Greenway Program must address this problem. Farmers involved are not only confronted with erosion problems because of lack of dredging, but are also

July 20, 1976

threatened with economic losses as a result of the Greenway Program. If full use of the river is, in fact, the goal of the Greenway Program, it must be recognized that recreational use will eventually be eliminated without a coordinated program of dredging.

It is apparent that a multiple-use concept should be implemented on the Willamette in order to keep all of the resources intact. In other words, some form of overall coordination or management authority should be developed so that all of the uses of the river can be properly addressed and understood.

It is the intention of the Salem Area Chamber of Commerce to continue to study and monitor the Greenway Program and provide you with input from time to time as a result of our future studies.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas Paulus", with a long, sweeping horizontal line extending to the right.

Thomas Paulus
President

TP:cm

cc: LCDC
DOT
State Parks Dept.
Janet McLennan
State Fish & Wildlife
State Marine Board
Marion County
Polk County
Marion County Extension Agent
Paul Wemhoener (Corps. of Engineers)
Area Legislators
Salem Yacht Club

1150-3.1
~~570~~

August 3, 1976

Mr. Thomas Paulus, President
Salem Area Chamber of Commerce
P. O. box 231
Salem, Oregon 97308

Dear Mr. Paulus:

I have your letter of July 20.

I will be glad to follow the recommendations of the Salem Area Chamber of Commerce. It is my hope that you will see fit to support an adequate Greenway program for this area.

Sincerely,

Governor

RWS:b

cc: Janet mL

RECEIVED
APR 15 1977
Governor's Office



gov asked
to Janet Melch
to answer
1150-3.1

Oregon's Capital City...

SALEM AREA CHAMBER OF COMMERCE

April 13, 1977

The Honorable Robert Straub
State Capitol Building
Salem, Oregon 97310

Dear Governor Straub:

As a follow-up to our letter to you of July 20, 1976 (copy attached), a meeting was held recently with representatives of various agencies concerned about the lack of further dredging plans for the Willamette River, particularly as they relate to your Willamette River Greenway Program. This session again brought to the surface several concerns regarding soil erosion, channel stabilization, revetment programs, recreation activities, etc. on the Willamette. Also, the Federal "Clear Water Act" has now come into the picture with regard to "Non-Point Source Pollution".

As you are aware, the Portland District of the Corps of Engineers has again expressed their concern (letter to you of March 16, 1977) on the annual maintenance dredging program for problem areas on the Willamette River. In the past, the Corps' maintenance program has alleviated most of the concerns expressed above.

As we indicated to you last year, our primary concern is that a defined management program be placed under one State Agency which would have authority to instigate a reasonable dredging program for the Willamette. Therefore, we would very much appreciate having a meeting with you and/or appropriate representatives of your staff to discuss this important matter. We would like in attendance from our organization at this meeting, Mr. James Rabe, 1st Vice President of the Salem Area Chamber of Commerce, Al Cook, Chairman of the Chamber's Agriculture/Food Processing Task Force, Sam Barker, Chairman of our Commercial Development Council and the Chamber's Executive Vice President, Ted Haring.

We look forward to hearing from you soon for a scheduled time to meet with representatives of the State.

Sincerely,

Tom Paulus, President

TP/cm

Attachment

cc: Janet McLennan, Governors Office
Jack Bechly, Corps of Engineers
Dave Talbot, State Parks
Wally Hibbard, State Parks

1150-3.1 P

November 15, 1976

Art Johnson, Esq.
Attorney at Law
101 E. Boundary, Suite 400
Eugene, Oregon 97401

Dear Art:

At the completion of your review and approval of the Department of Transportation's Willamette Greenway Plan, I want to take this opportunity to thank you for your extraordinary commitment of time and energy and your exhaustive study of the plan.

I am pleased with your conclusions as to the amount of area to be included within the boundaries of the Greenway. My preliminary review of the consultant's proposal convinced me that more area had been encompassed under the planner's "riverine influence" concept than was absolutely required. My offhand sense was that somewhere between half as much of the maximum 91,000 acres and about twice as much as the minimum 26,000 acres -- that is, somewhere between 45,000 and 52,000 acres -- would be a minimum acceptable amount to afford the protection required and provide opportunities for developing state recreational lands where needed. Adoption of the LCDC order and goal imposing special local government regulation of land uses within the boundary makes it important that only necessary lands be included.

Your painstaking review on a mile-by-mile, site-by-site basis has resulted in a recommendation for inclusion of 49,962 acres necessary to preserve and protect the scenic, natural, historic and recreational values in the Greenway. This appears to me to be a fully defensible boundary and one that I would hope would have the approval of LCDC.

Now that this very time consuming and urgent part of your task is over, I would like to outline some ways in which I hope you will continue to assist us in fulfilling our hopes for a Willamette River Greenway. By copy of this letter to the members of the Land Conservation and Development Commission, I am urging them to seek your counsel as they begin consideration of the boundaries and acquisition areas you have approved and the Department of Transportation has transmitted for their final approval. In addition, I hope you will continue to advise State Parks Branch on acquisition of areas along the Willamette as the opportunity arises, development of such areas and the recreational management rules and practices within the Greenway. I will seek your review of any legislation which might be required. As you may know, we will for the first time in history seek general funding of a portion of the Parks budget, especially the portion for the Greenway and scenic rivers. I urge your support of this in the coming Legislature.

Your intimate association with these lands and with the challenge and exciting opportunities they afford will make your guidance invaluable to us.

Sincerely,

Governor

RWS/jh

cc: Members of LCDC

*Wally-
PRs draft
aus.*

DEC 8 1976
611 N. W. 30th
Corvallis, Oregon
December 2, 1976

DEPARTMENT OF
LAND CONSERVATION
AND DEVELOPMENT

DEC 7 1976

SALEM

Dept. of Land Conservation and Development
Commission
1175 Court Street, N. E.
Salem, Oregon 97310

Dear Commission:

I wish to recommend that the middle channel, which is on the west side of Kiger Island and all other channels and land west of the East Bank of Kiger Island and all channels and land west of the West Bank of the Willamette south of Kiger Island up to Peoria vicinity be excluded from the Willamette Greenway.

My objections are:

1. This area of land has long been almost a *WILDLIFE S.F.* marine sanctuary. Very limited hunting and fishing has been carried on. Predator control has been held to a bare necessity. The area serves as a breeding ground for wildlife. Annoyance and some habitat destruction would be the results. Some Greenway objectives would be in conflict. There has been controversy over nesting trees for cranes. There are still plenty of cottonwood trees for nesting. Cottonwood also grows fast.
2. The area is zoned exclusive farm use and also flood plain. It is very much flood plain, perhaps as much so as most areas along the Willamette River. There is little chance of the usage being changed especially because of the flood plain condition. At present the ownership is in large tracts and will likely remain so.

*compatible
w/ zoning*

3 Jackson

3. The channels in the area are not navigable in the summer time. To patrol the Greenway, navigability by small boats would be of value. The Booneville and middle channels are both dying channels. In fifteen years time the upper entrances will be closed off. I have seen several channels die in the last 25 years. This is nothing new. It has gone on since the beginning of the Willamette.

I have been closely associated with this area for about the last forty years. What went on previously I have studied to a considerable degree. I do not own land in the area and never have and probably never will. I consider myself a conservationist, ecologist and environmentalist because my work has consisted of that to a large degree during my lifetime.

Yours truly,

S. A. Jackson
S. A. Jackson

115D-3.1

December 22, 1976

S. A. Jackson
611 NW 30th
Corvallis, Oregon 97330

Dear Mr. Jackson:

I have received a copy of your letter of December 2 to the Land Conservation and Development Commission concerning the inclusion of Kiger Island Within the boundaries of the Willamette Greenway.

The Willamette River Greenway Law (ORS 390.310 - 390.368) requires that all islands along the Willamette River be included within the boundaries. At their October 30, 1976 meeting, the Governor's Willamette River Greenway Committee advised the State Parks Branch staff that the Department of Transportation Plan proposal was in error by not including Kiger Island. In response to the question by the Parks staff, the Division of State Lands determined that Middle and Booneville Channels do flow at the level of Ordinary Low Water and Kiger is, therefore, an island. The effect of all this is that Kiger Island has, by law, been within the Greenway since passage of the present law in 1973.

The very things you point out in your letter are also of concern to the Parks Staff in the development of the Greenway Program. The channels forming the island abound in game and non-game species of wildlife and the warm water fishery potential is excellent. The Department of Transportation Plan Proposal identifies one small area on the Middle Channel side of Horseshoe Island (part of Kiger) as having the potential for possible future acquisition should the owner be interested in selling. Parks feels that intensive recreation development along the channels forming Kiger Island would not be compatible with the high quality natural and scenic values.

S. A. Jackson

Page 2

Benton County has done an outstanding job in preserving and maintaining the values along the river that are so very important to the people of Oregon. The Greenway Program encourages good planning with sensitivity for our valuable natural and scenic resources.

Your interest in this program is very much appreciated, and I hope you will continue to participate in the development of the Greenway Program. The planning is far from completed.

Sincerely,

Governor

RWS/vs

cc: Al Couper

Benton County Planning Director

RECEIVED

NOV 17 1976 . Nov. 13, 1976

Governor Robert Straub
Capitol Building
Salem, Oregon 97301

Governor's Office

NOV 18 RECD

Janet - Do
you want
to answer
this?

Dear Governor Straub;

If you have not already done so, I urge you to read a letter by a Mr. Ken Brookshire printed in the Reader's Forum on the editorial page of the Nov. 5 issue of Capital Press, the Salem farm newspaper.

Is the Greenway so important that someone - anyone - has to subject a property owner to that kind of treatment? Shades of the old range wars. Or the Mafia.

I hope that terror tactics such as those described by Mr. Brookshire disturb you as much as they do me because you are in a position to get the word out that such behavior just will not be tolerated. Not to do so amounts to condoning such outrages.

I realize these three men were not acting "Officially". It also seems likely that "officially" no one knows who they are, and probably never will.

It's also probable that Mr. Brookshire will never be reimbursed for his physical loss. And there is no way he can be compensated for the emotional jolt he has suffered.

I like some parts of the Greenway idea but to use "terror tactics" to achieve it really stinks.

Respectfully,

John W. Woolcott

John W. Woolcott
80227 Hazelton Rd.
Cottage Grove, Oregon 97424

Date - P/s
draft reply -

1150-3.1
(10)

December 28, 1976

Mr. John W. Woolcott
80227 Hazelton Road
Cottage Grove, Oregon 97424

Dear Mr. Woolcott:

In the Governor's absence, I am responding to your letter. I regret the delay in answering, but the matter was carefully investigated and several agencies were involved.

Mr. Ken Brookshire's letter to the Capitol Press is certainly disturbing. I will not attempt to discuss the merits of the Department of Environmental Quality's charges or Mr. Brookshire's denials of the field burning matter, since legal action in that case is still pending. You may be certain, however, that whatever happened to Mr. Brookshire was not in any way related to the Willamette River Greenway Program.

Mr. Brookshire's repeated use of the "Goon Squad" phrase insults the good people, both private citizens and government employees, who - while not always agreeing - have worked for the Greenway. It reflects no credit on Mr. Brookshire.

At the public meeting of the Greenway Advisory Committee in Portland, Mr. Brookshire and many others spoke at length. The chairman recognized each in turn, but allowed no one to speak a second time until the others had been heard.

Sincerely,

LOREN KRAMER
Executive Assistant
to the Governor

LK:bh

cc: ~~DAVE~~ TALBOT

SMC

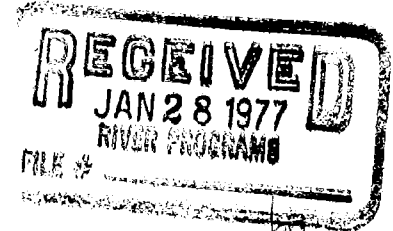
RECEIVED

JAN 26 1977

Governor's Office

JAN 26 REC'D

January 19, 1977



*Wally
draft
reply*

Governor Robert Straub
State Capitol
Salem, Oregon 97310

Sir:

The Willamette Greenway is a project that has earned Oregon a good deal of national acclaim for its forward and innovative ideas in land use and resource preservation. It has proven to be an idea worth saving, and bettering where possible. To this end, there are two points concerning the project I would urge you to consider in order to make it better and more viable.

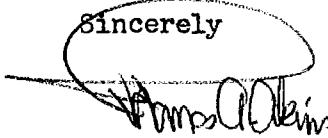
1. As the boundaries now stand, the belt is measured one hundred-fifty feet from the low water mark. In many cases, this places the boundary in gravel, many feet from any vegetation. This situation causes some to feel that the name of the project is a misnomer because of the lack of "green" in the Greenway. Would it not be more reasonable to make the inner boundary the vegetation line and measure out 150 feet from that point? More natural growth along the river might be preserved in this manner, and buildings erected for other than agricultural use would be more effectively screened.

2. One of the major complaints of landowners along the Willamette Greenway is the trespassing that occurs on their lands. I think their concern is justified, and could be partially rectified by an idea supported by Mel Jackson. This plan would provide for the erection of suitable standardized signs along the bank noting "Private Land" or "Public Land". This would eliminate some of the friction between the recreational users and landowners, and elimination of this type of conflict can help insure the longevity of the Willamette Greenway.

I urge your continued support of the Willamette Greenway, and the adjustment of boundaries as outlined above. Further, I would ask you to pursue the standardized signing of land with the Oregon State Highway Department.

Thank you for your consideration.

Sincerely



Thomas A. Akins
2601 Windsor Circle West
Eugene, Oregon 97405

1150-3.1
T

March 11, 1977

Thomas A. Akins
2601 Windsor Circle West
Eugene, Oregon 97405

Dear Mr. Akins:

Thank you for your recent letter concerning the Willamette River Greenway. Your recommendations concerning the placement of the Greenway boundaries is well taken. The Greenway boundaries presently being proposed by the Department of Transportation recognize the inadequacies of a boundary that is not responsive to the lands along the river possessing natural, scenic, recreational and historical qualities and lands necessary to their protection.

The State Parks Branch has recently put together a program for the identification of public lands along the river that I believe you will find very interesting. It is certainly a step in the right direction. By copy of this letter, I am asking Parks to supply you with a copy of their plan proposal and signing program.

I urge you to continue to be involved in the development of the Greenway Program, both at the state level and the local government level. As you note, it is an idea worth saving; it is a vital part of Oregon's future.

Sincerely,

Governor

RWS/vs

cc: David Talbot-State Parks Dept.

DEQ

RECEIVED

Governor's Office

SUBJECT: Ecology

Sincerely,

Cheryl Van Horn
11304 N.E. Klickitat
Portland, Oregon 97220

1150-3.1
J

March 18, 1977

Cheryl Van Horn
11304 N. E. Klickitat
Portland, Oregon 97220

Dear Cheryl:

As an original backer of the Willamette Greenway Program I am vitally aware of the necessity to deal with environmental problems in urban areas. It is encouraging to hear your interests in helping to preserve or protect Oregon's quality environment.

Currently there are more than 20 governmental agencies in Oregon that deal directly with some aspect of our environment. I have recommended a consolidated Department of Natural Resources that would combine many of these separate agencies under one roof.

The major environmental agency is the Department of Environmental Quality which is headquartered in Portland. This agency works under the auspices of the five-member citizen Commission, the Environmental Quality Commission, appointed by myself. This Commission sets major environmental policy and rules for the state under a framework described by the Legislature. I suggest you contact the DEQ for major problems of environmental concern in the Portland area.

I wish you the best in your efforts to work toward a better environment for Oregon. I know from experience that it is hard and frustrating work, but very rewarding in the end.

Sincerely,

Governor

RWS:cm

bcc: DEQ

RECEIVED
MAR 21 1977
Governor's Office

RECEIVED

MAR 21 1977

EXECUTIVE DEPARTMENT

725 E. 14th

Eugene, Ore. 97401

March 15, 1977

Gov. Robert Straub
State Capitol
Salem, Ore. 97310

Dear Governor,

I would like to express my concerns about the Willamette Greenway. Too often our fast moving, progressive lifestyle interferes with our natural environment and eventually devastates it. The Willamette Greenway is a beautiful gift to Oregon, but it needs proper management to maintain its beauty, and natural qualities.

I think that any constructional development should not be visible from the river. If personal property owners would like to build, there should be a minimum distance to the river and even then it should fit the surroundings so as to be visually pleasing.

Oregon needs help in order to keep what it has. I indeed favor the conservation of the Willamette Greenway. There are plenty of other places for industry other than our river.

Sincerely,
Edward Penna
Edward Penna

1150-3.1
T

March 25, 1977

Edward Penna
725 East 14th
Eugene, Oregon 97401

Dear Mr. Penna:

It's a pleasure to read sentiments like yours about the Willamette River Greenway.

We've come a long way since I first proposed the greenway concept in 1966 -- not as far as I would have liked, but far enough for me to be able to assure you that we can preserve the undeveloped portions of the river in their magnificent, natural state.

You can count on me to stand firm for the goals you outline. Obviously, from the tone of your letter, I can count on you to express your views whenever Greenway issues arise in Lane County.

I appreciate your support very much.

Sincerely,

Governor

RWS:bh

bcc: Exec. Dept.

010832

PLEASE RETURN
ORIGINAL LETTER

Please prepare draft reply
for Governor's signature
by 5/3
Thank you.

Answering
direct

exec
Ken Johnson

April 13-77

Robert W. Straub
Office of the Governor
State Capitol
Salem, OR 97310

RECEIVED
APR 25 1977
Governor's Office

Dear Sir:

I am a student at Barden
High School and would like some
information on Oregon's Greenway
Plan. I would like to know what it
has done, and what its prospects
for the future are.

If you have any information
on this subject, I would be very
grateful for any you could send me.

If you have none, could you please
refer me to someone who does.

Thank you very much for your
time.

Sincerely yours,

Lobby Peyton

RT 11 Box 2040
Barden, OR 97111

ROBERT W. STRAUB
GOVERNOR



1150-3.1
T

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310

May 4, 1977

Ms. Libby Loftin
Route 1, Box 2040
Bandon, Oregon 97411

Dear Libby:

If Bob Loftin is your dad or uncle, please say hello to him for me. I went to school with him and Versa at Marshfield High.

Now about the Willamette River Greenway.

When Governor Bob Straub was a state senator in 1961, he managed to win a tough fight in the Legislature to get the first water pollution control act passed. He won because public opinion supported him. People had finally realized they were going to lose their precious heritage of clean water if they didn't take drastic steps.

Today, the Willamette River has changed from a cesspool into a cleaner river than it was when the first Oregon pioneers began to dump their raw wastes into it.

After Straub was elected State Treasurer, he got the idea of creating a natural corridor along the banks of the Willamette River and preserving it for all time -- in its natural state where it was too fragile for human use; modestly developed in other appropriate places for healthful, outdoor recreation; and used for industry, commerce and concentrated recreation in the already-developed portions, but with a plan to make these uses compatible with the river's natural beauty.

That ideal was endorsed by his political opponent at the time, Tom McCall, and when McCall became governor he took some steps to bring it about. Unfortunately, people owning land along the river, and who wanted to develop their land for profit, saw to it that the original idea was derailed. What came out of this was a plan for a few parks -- not even exclusively riverbank parks -- and a system of financing that made it nearly impossible for local governments to create any parks.

Letter to Libby Loftin
Page two
May 4, 1977

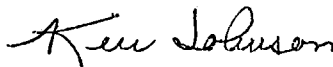
In 1973, there were still enough people who liked Straub's original idea to make a good effort to revive it. Again, those who preferred to develop the river rather than to save it managed to influence the outcome. Working up a fear among the valley farmers that their farmland would be taken from them (despite the fact that Straub had always contended that farming was a legitimate and proper use of the land), they managed to distort the Willamette River Greenway Bill into a do-nothing piece of legislation.

In 1975, Straub, as Governor, tried once again to preserve the narrow strip of vegetation along the undeveloped portions of the river. He introduced a bill that would have given the state, representing all Oregonians, the right to buy sections of the riverbank needed to complete the Willamette River Greenway concept. Again the landowners won and the bill died.

Some progress has been made, as the enclosed printed material will show you. What happens in the future will depend upon you, and others like you. As in the days when only public demand would move the Legislature to pass tough anti-pollution measures, now the only hope for the Greenway dream is an aroused citizenry which will insist that their legislators take action.

It's too late in this legislative session for further progress on the Willamette River Greenway, but when the 1979 session rolls around I hope you'll be one of those urging the State of Oregon to preserve this magnificent resource and make it available for the enjoyment of all Oregonians.

Sincerely,



Ken Johnson
Special Assistant

KEJ/w

cc: Governor Bob Straub

Attachment