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February 2, 2021

Melissa Cribbins
President, Association of Oregon Counties
1201 Court Street NE #300
Salem, OR 97301

Dear Ms. Cribbins:

In October 2020, I sent a letter to the Association of Oregon Counties requesting Oregon county commissioners help inform a public process to identify rivers and streams in the state that deserve protection under the national Wild and Scenic Rivers Act. I still await your response.

As you know, on October 2, 2019, I began a public process to identify for future legislation rivers and streams to include in the national Wild and Scenic Rivers Act. Below, I have outlined several concerns and comments Oregonians have brought to my attention, which I believe are of specific interest to county commissioners. I am including proposed solutions, as follows, to address these thoughtful suggestions.

- **Private Property Rights:** I have heard concerns that protections promulgated under the national Wild and Scenic Rivers Act trammel on private property rights. While nothing in the Wild and Scenic Rivers Act suggests that a river management plan for a federal Wild and Scenic River shall apply to state, county, or private lands, I will include language that specifically states the following: “Nothing in this Act or an amendment made by this Act affects private property rights.”
- **Water Rights:** Some have expressed concerns that national Wild and Scenic Rivers limit the State of Oregon’s ability to administer water rights. In order to make perfectly clear that Wild and Scenic Rivers designations in this legislation do not affect in any way a privately-held water right, I will include three solutions, as follows:
 - Language stating that nothing in the act shall affect any valid or vested water rights existing at the date of enactment;
 - Language stating that nothing in the act shall preempt the state of Oregon from administering water rights in accordance with state laws and regulations; and

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- Language allowing the installation, repair, improvement, and administration of stream gauges, so that the state can measure water quality, in-stream flows, and effectively implement state water law.
- Existing rights of way on federal land: In order to ensure that current permitted facilities, cabins, lodges, roads, water facilities, and other rights of ways can continue to operate on federal land, I propose to include language that specifically states that nothing in the Act will affect valid existing rights within a Wild and Scenic corridor, including the right to maintain and repair facilities used to exercise that right. In addition, I will include language to prevent anything in the bill from abrogating any existing right, privilege, or contract affecting federal land held by any private party without the consent of that private party. In effect, this language would ensure that valid federal grazing and mining permits may continue pursuant to those existing permits.
- Wildfire risk mitigation, planning, and preparedness: I take a backseat to no one in the fight to protect homes, businesses, and Oregon's special places from wildfires. To that end, I will include language that takes a five-tiered approach to wildfire risk assessment, reduction, suppression, and recovery in Oregon's Wild and Scenic River corridors.
 - First, clear language instructing federal land management agencies to assess the risks of wildfire in Wild and Scenic River corridors, near homes and businesses, and promulgate a risk mitigation plan;
 - Second, once the risk mitigation plan is completed, I will include language that requires federal land managers to immediately begin implementing the wildfire risk mitigation strategy;
 - Third, I will include language that allows federal land management agencies to enter into cooperative agreements with states and local governments to plan for and fight wildfires on, near, or adjacent to Wild and Scenic River corridors by allowing for local fire response agencies to receive federal funding for their wildfire suppression efforts; and
 - Fourth, I will include language establishing a federal grant program for states and local governments to help repair drinking water quality, watersheds, and infrastructure should a fire ultimately affect water quality.
 - Fifth, language stating that nothing in the legislation impedes the ability to fight fires in wild and scenic corridors, including the construction of temporary roads when necessary for public safety.
- Forest Management: I have heard concerns from members of forest collaboratives that Wild and Scenic Rivers prevent active forest management. Even though nothing in the Wild and Scenic Rivers Act prevents active management, I propose to address these concerns by including language that specifically instructs federal land management

agencies to engage with forest collaboratives to design and implement responsible, science-based forest management projects within a Wild and Scenic River corridor.

- Rivers, Streams, Forest and Rangeland Restoration Activities: I have heard concerns that Wild and Scenic Rivers may prevent restoration activities in a Wild and Scenic River Corridor. While there are many examples of restoration work done in a Wild and Scenic River corridor, to further address this, I included proposed language that would ensure land management agencies will work with local partners to conduct restoration work that improves forest and rangeland health, water quality, and native fish habitat.

Rivers and streams are the lifeblood of Oregon, providing clear, clean drinking water to thousands of citizens, fueling the state's \$16 billion outdoor recreation economy, and giving life to hundreds of fish and wildlife species. Above all, Oregon's rivers and streams are an indelible part of the qualities that make Oregon a wonderful place to call home. I look forward to continuing working with the Association of Oregon Counties, and all county commissioners, to advance efforts to preserve and protect rivers and streams for future generations of Oregonians.

Sincerely,



Ron Wyden
United States Senator