



Columbia Seaplane Pilots Association

13200 Fielding Road
Lake Oswego, Oregon 97034

<i>President</i>	ARON FAEGRE	503-222-2546
<i>Vice President</i>	BILL WAINRIGHT	503-293-7627
<i>Treasurer</i>	JAMIE GREENE	503-292-1495
<i>Secretary</i>	DAVE WILEY, <i>In memoriam</i>	

President's Letter:

November 24, 2007

Dave's Gone Flying:

our founder, our most active member, my mentor and friend has passed.

A lot of water has flown down the river since my last "president's letter" seven months ago in April. CSPA has a new board member, SPA has a new regional director, and your organization is in the most vigorous fight for seaplane rights that it has ever undertaken. We'll get to all of these things in the next pages of this bull-a-ton. But none of this is being done with our CSPA Secretary Dave Wiley, who passed away on July 28, 2007. The left wing on his red Taylorcraft departed the fuselage, and he crashed along the west bank of the Willamette River, just above the falls.

I met Dave in October of 1992 – 15 years ago. Five years prior to that I had received my private pilot license, and I had accrued a grand total of 121 hours of flying. But the truth be told, my real goal all along had been to learn to fly a floatplane. When I met Dave, and we started my training, I had no idea of all that I was going to learn. I learned to fly all over again, learning how to use the rudder pedals with my eyes closed (Dave taught you how to feel the turn in your butt), and 187 other lessons.

While taking lessons from Dave, I found my house on the Willamette River, conveniently five doors just to the south of his and Jody's house. I had searched for two years for a place to have a seaplane on the river from Puget Island to Newberg. Once I had my SES certificate, he advised me on my purchase of a C172 on floats – N6600T – and then I benefited each year from his subsequent training of me about maintenance of airframe and powerplant during the assisted annual inspections.

At some point Dave asked if I would take on being President of CSPA, and I only agreed knowing that he was five doors away and I'd get his help whenever I needed it. In reality, I found I enjoyed leading our organization and fighting to preserve our seaplane access rights. As an avid boater I also pursued linking our organization with boating safety groups and boating access rights groups. Dave and I shared virtually identical beliefs in the importance of these actions. I led those charges and was extremely fortunate to have Dave as my biggest supporter in those efforts.

Dave Wiley was one of the original founders of our Columbia Seaplane Pilots Association. For 27 years he continued to be our most dedicated volunteer. It will be hard for us to continue without him. In the following pages you will see that your Board of Directors is doing its best to carry on without Dave.

But with Dave gone flying, more than ever before, we need your help and support in the year ahead.

Respectfully,


Aron Faegre, CSPA President





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<i>Secretary</i>	JOHN CHLOPEK	503-810-7690

THE CSPA NEWS

November 2007

1. CSPA FILING IN FEDERAL COURT

The Columbia Seaplane Pilots Association is going to federal court to try to stop the U.S. Forest Service from taking control of a water body that is owned by the State of Oregon. Waldo Lake in southern Oregon is a seldom used but important lake, especially for seaplane pilots needing to cross over from the west to the east side of the Cascades from the Eugene area.

A common path of travel for seaplane pilots traveling north-south in Oregon is to follow the Willamette River south from Portland to Eugene and then turn southeast and up the Middle Fork of the Willamette River, to cross the Cascade Mountains at Willamette Pass (5,126 feet elevation). I've used this route several times when picking up my daughter from Klamath Lake when she was working for the Klamath Bird Observatory program. Others commonly use it when traveling to California and needing to avoid weather in the Roseburg to Ashland area.

When the ceiling is at 6-7,000 feet, and there is scattered scud (as it was at least once for me – see picture below), the sight of Waldo Lake four miles to the north of the Highway 58 route was a welcome one. At that point due to the terrain you will have been out of radar contact and out of radio contact with Cascade Approach control for some time. It is the availability of Waldo Lake near the summit on the west side that makes this kind of trip possible.



Willamette Pass in Scud, 2004.

Waldo Lake has also been used by our members for recreation. It is the second largest lake in Oregon and is open to seaplanes under the Oregon State Marine Board regulations which have governed the lake to this point. There is a 10 mph speed limit on the lake, so when a seaplane is taxiing as a power vessel it must stay in displacement mode, and not step taxi. When taking off and landing it is an aircraft subject to FAA rules rather than the rules for a power vessel.

Knowing the lake is surrounded by a wilderness area, our members have exercised good judgment and noise abatement procedures when using the lake. Through our Freedom of Information Act request to the Forest Service, we found they had received eight comments between 1998 and 2004 (none since) based on personal concerns when seeing a seaplane (the comments can be paraphrased simply as: “are they really allowed to be here” ... “aren’t they dangerous to paddlers?”). However, there was not a single complaint about an actual, unsafe or noisy seaplane takeoff or landing on the lake. When Dave Wiley, Bill Wainwright, Jay McCauley, and I met with the four key Forest Service staff promulgating the rule on June 21st we asked if any of them or their staff had ever even seen a seaplane on the lake, and they answered “no.” The seaplane community has been responsible and virtually invisible at the lake, yet the Forest Service still feels the need to create this new rule that would permanently prohibit seaplanes from the water surface.

When meeting with the Forest Service staff, we even asked if we could reach a compromise and establish that the seaplanes would be used only as an arrival and departure vehicle to get to the lake, “like a car”, and even put limits on the locations for this arrival if there were good rationales for that. But the staff refused to consider this approach.

Our federal appeal is based on the following (see pages 10 and 11 below for more detail):

1. Navigability: Waldo Lake is navigable and therefore under the Admission Act is owned by the State of Oregon. If the Forest Service wants to outlaw seaplanes, they should take that request to the Oregon Department of Aviation and the Oregon State Marine Board.
2. Lack of Evidence: No noise studies were done and no observations of seaplanes were done. The Forest Service rule is based on nothing but biased anti-aviation opinion.
3. No Consultation with other Federal Agencies: The Forest Service made their ruling without consulting the FAA or the Coast Guard – the agencies which could have provided expert opinion about seaplane operations. The Forest Service has no expertise in this area.

By the time you receive this mailing, it is likely that the formal filing with the federal court will have been accomplished. CSPA has retained the legal counsel of David Bartz and Carson Bowler of Schwabe, Williamson & Wyatt Attorneys at Law, who are experts in this area. We have negotiated a fee reduction with them on the basis that we are a non-profit organization and that the appeal has national significance to seaplane pilots all around the country.

This will be an expensive undertaking, but your board feels that this is precisely what our “legal fund” of accumulated donations is intended for. Since the Forest Service did such a poor job of providing any basis for their decision, this case would appear to be an easier one to fight, than say the Missouri River access rights in Montana (which we may well need to fight next). It is noteworthy that the Waldo Lake case will establish law in the same court (U.S. Court of Appeals

for the Ninth Circuit) as that which would hear the Missouri River case.

Included with this mailing is a clip-off form with a request for donations to carry on with this appeal. The actual amount of funds needed will depend on how the case proceeds. Our attorneys suggest that it will take in the range of \$25,000 to \$50,000. We have asked national SPA to commit to funding 1/3 of the costs. We intend to then raise another 1/3 through large \$1,000 to \$5,000 donations from select members who have that ability, and the last 1/3 from members at large with donations of \$10 to \$500. Your president is weighing in at the higher category and asks all of our membership to make a donation large enough that it hurts your pocketbook - as big or small as that may be.

Your board strongly believes that this is a fight that can be won, and that it is the kind of action needed to try to reverse this recent trend of federal land agencies blatantly outlawing seaplanes without legitimate cause or reason. As one member recently emailed us about this problem of seaplanes being banned for reasons with no foundation:

“We must never tire of the battle and continue to be positive, respectful, committed, united and steadfast ... the alternative looks pretty dismal.”

DONATION FORM FOR LEGAL FUND clip and send to:
Columbia Seaplane Pilots Association 13200 Fielding Road Lake Oswego OR 97034

Donation to Columbia Seaplane Pilots Association Legal Fund to keep Waterways Open

- \$ _____ Name _____
 - \$500 Address _____
 - \$250 City _____ State _____
 - \$100 telephone _____ email _____
 - add \$20 add another year’s CSPA dues while I’m at it
-

2. JOHN CHLOPEK JOINS CSPA BOARD

After a couple of glasses of wine on a mostly empty stomach, John Chlopek was recently witnessed by two CSPA board members to agree to attempt to fill the post of CSPA Secretary. While John has no particular secretarial qualifications for the position, his love of float plane flying, a little bit of spare time, a willingness to participate, and an interest in doing his part to keep the spirit of Dave Wiley alive in the association founded by Dave were given consideration for this initial trial period. John is a 1200-hour pilot, with time split evenly now between a C180 on wheels and a 1948 Stinson on floats. He received his pilot’s license in February 2001, and seaplane rating and tail dragger endorsement in April of that year, with the instrument rating one year later. [note: see also John’s description of his seaplane exam on page 8 below].

Besides the basic seaplane access issues, John believes that another big issue facing seaplane flying is growing our membership. Some of the last few meetings have been pretty poorly attended to say the least. John hopes he can help with that. Please send him any suggestions you

have for making our get-togethers more enjoyable and for programs or activities that might make being an active member more attractive to you. John believes we need more members and more active ones. Part of any association's success is measured by the strength of its membership and its ability to attract new members. John says: "I just celebrated my 50th birthday and I am not aware of another member who is younger than me." Again, any suggestions to address that issue would be good.

3. BILL WAINWRIGHT TAKES POST AS SPA FIELD DIRECTOR

With the passing of Dave Wiley, Bill Wainwright has been selected by the national Seaplane Pilots Association to be Field Director for Oregon and Idaho. So Bill flies from two seats now – that of SPA Field Director and that of CSPA Vice President.



Since the early 70's Bill has been an Alaska Land Surveyor and has flown many hours in supporting remote surveys. He came to floatplane flying in Oregon in 1976 when he flew his PA-11 down from Alaska and kept it at Wiley's SPB for that winter. In the intervening years he divided his time between surveying in AK during the summer and family business in Portland in the winters. Thru his friendship with Dave Wiley and others in our local seaplane community he became interested in CSPA and has been Vice President for the last 10 years. His resume also includes pilot duty for Salair Freight Airlines, flying Douglas DC-3's and Convair 440's. Private adventures include well over 20 float plane trips between Portland and Alaska via various routes.

With over 3,800 total time, Bill holds a Private, Commercial, Instrument, Single Engine Sea, Multi Engine Sea, Multi Engine Land, and A&P licenses. His personal aircraft have included a 1952 Taylorcraft 19 on floats and skis, a Piper PA-11 on wheels, floats & skis, and a Cessna 180 on floats and wheels. Bill has been an active and supportive member of SPA since 1972 (member #1385) as well as of the Civil Air Patrol.

4. WILEY SCHOLARSHIP FUND IS TAX DEDUCTABLE

Dave Wiley was a giant in Oregon's aviation world. He came of age going to Lewis and Clark College, where he drove the ski bus, and that way met fellow student Jody, who became his wife and partner for life. Dave then went to OSU for engineering, after which he joined and later was president of J.A. Wiley, Inc., his father's construction company. He ran the company for 40 years.

A philosophy that Dave adhered to was to integrate the recreational parts of his life into his everyday work life. Then he could justify doing the recreational part in excess. First he and Jody taught skiing, since they both loved skiing. Then they got into water skiing, so Dave became certified and taught boating safety classes. At one point they both thought that learning to fly might be fun too, so they both got their private pilot licenses, followed by them both getting their seaplane ratings.

Dave then really got the flying bug, and became an instructor, an A&P, and then an IA. From there he went on and earned all 7 currently available flight instructor ratings, became an FAA designated pilot examiner for aircraft land and sea, twin, gyrocopter, balloon, and instrument ratings. On top of that he was made an aviation safety counselor for the FAA's Portland FSDO. On July 28, 2007, after taking off from the stretch of Willamette River just upstream from the

Oregon City Falls, the left wing departed his 1941 Taylorcraft and the plane crashed along the west bank of the river. Both occupants of the plane were killed in the crash.

I nominated Dave to be the national “Seaplane Pilot of the Year” in 1999, which award he did receive. I interviewed Dave for an article honoring his flying career to that point, and can recommend that interview at www.wileyseaplanes.com/new_interview.html as a place to learn more details of Dave’s very full and vibrant life. Also, anyone wishing to write a memory and leave it with the family can do so at a link on the family’s web site www.wileyseaplanes.com.

Dave Wiley’s greatest joy was teaching flying. In that capacity he touched many, many landplane, floatplane, glider, balloon, and gyrocopter pilots around the state. As one friend of mine put it after taking his private pilot exam with Dave: *“Not only did I get a check ride from a Master Certified Examiner that day, but I got six hours of flying lessons and experience and knowledge that will stay with me for the rest of my life, and I will continue to use that for the rest of my aviation days.”* I can personally attest that I benefited from a seaplane check ride and several biennials with similar results. Dave was a great teacher who knew how to adjust his lessons to the experience of the pilot. He could gently help a timid high school student gain the confidence to become a pilot (he taught my daughter one year) and he could just as easily take an experienced pilot and help them expand the limits of their abilities (a sweat drenched shirt was not unusual).

In honor of Dave Wiley’s teaching, a scholarship is being created at the Oregon Community Foundation. It is called the “Dave Wiley Aviation Scholarship Fund” and donations are tax deductible. Those wishing to thank Dave for his years of aviation service to Oregon, or for a lesson they might have once received, can contribute to the fund by sending a donation to Oregon Community Foundation, 1221 SW Yamhill Street, Suite 100, Portland, Oregon 97205 or by contacting OCF at Voice: (503) 227-6846 or Fax: (503) 274-7771 or Email to giftplanning@ocfl.org. The OCF requires that within three years the fund get to at least \$50,000. The scholarship fund is currently 10% of the way. Please be generous. af

5. MARY CHLOPEK BUILDING NEW CSPA WEBSITE

Mary Chlopek has been working on updating the CSPA website. Our intention is to provide members with information on upcoming fly-in or drive-in events, safety seminars, in addition to updated progress and information related to our ongoing battle for waterway access. We also will include an FAQ section for those interested in getting involved in floatplane flying, basic rules of the waterway, links to aviation-related sites, etc. We plan a portion of the site which will highlight floatplane destinations, with contact information and photos for those looking for travel suggestions. (Note to group: Depending on the interests and needs of members, we could include a “wanted to buy/for sale” section. – let me know about that.) Please send suggestions for the site to Mary at marecee@comcast.net.

6. TO RECEIVE CSPA EMAIL – CHECK YOUR SPAM BLOCKER!

by Bill Wainwright (CSPA email master)

Over the past several months I have been sending out email information. If you have provided an email address but not yet seen any email correspondence, it is possible that your computer or server thinks that our messages are SPAM. There are a couple of things you can do to assure that we can communicate in the future. Either add us to a list of approved contacts or put us in your address book. We will also be sending this Bull-a-Ton out by email so if you have

provided your address, now is the time to be sure that we can also reach you by email, so keep an eye on your junk email box. The current address that we will be sending from is my email:

btwainwright@comcast.net

We expect to be establishing a new address in the near future, probably thru earthlink.net. This will probably happen before we send out another hard copy Bull-a-Ton. As soon as we get it set up, we will send out a notice and you can then set your computer to accept our emails on that address.

If you haven't provided an email address in the past, you can do it now by sending to the address listed above and simply say "please add *–your name –*"

At last May's annual meeting we adopted an email policy, for your piece of mind. It is reprinted as follows:

CSPA email POLICY

- Participation is voluntary.
- Members will be asked for their email address at joining and renewal.
- Members will have the opportunity to decline mass mailing.
- All email will be done by BCC or similar method which does not reveal recipients names or their address.
- The list will only be in the possession of CSPA officers or other committee appointees as allowed by the Board of Directors.
- The main purpose of email will be to disseminate notices and news-letters.
- No commercial use of the email list will be allowed.
- A member may opt out of email at any time by contacting the CSPA Secretary in a reply email or in writing.

7. FLEW THERE, DID THAT

This is a NEW Bull-a-Ton section intended for notes by seaplane pilots identifying lakes visited and route, and a contact so that if others want to try the route they know who to call. *Please send in your descriptions for the next newsletter.*

Portland – Yellowknife flight for Biennial Midnight Sun Fly-in Summer 2007:

Route: Portland – *Nanaimo, BC (some via *Vancouver Int'l on river) – *Nimpo Lake, BC – **Williston Lake, BC – Tuchodi Lake, BC – *Jackfish Lake, BC – **Dogface Lake, Alberta – *Yellowknife, NWT – *Charlie Lake, BC – *Nimpo Lake, BC – *Lake Washington, Washington – Portland:

Attendees: Large contingent of seaplane pilots from Oregon, Washington, and BC, including Captain Buddy and Marie Jones, Ted and Michele Millar, Warren and Bernice Bean, John Chlopek, Pete and Joannie Laferty, Bill and Vicki Zurcher, John and Julie Gillett, Steve James, (Capt.) Bunky Larson (with his show-stopping 1928 Travelair biplane on floats), Bunky's Brother (otherwise known as Chris Larson), Chris's son Ivan Larson, (Capt.) Wes Secord, Aron Faegre, and others; summer 2007.

Note: Our distinguished three captains for this voyage are "coast pilots" who bring large ships to shore in Washington and BC. * means fuel stop ** means fuel transfer stop

ADDITIONAL INFORMATION PAGES

The Mother of all Seaplane Exams *A tribute to Dave Wiley*

by John Chlopek

Dave Wiley was my first real flying mentor. While there have been others since, he remains a larger than life figure in my life. I first met him while building a home down the street on Fielding Road. I had been watching the Taylorcraft fly, and after getting one ride in a floatplane I was hooked on becoming a pilot. I tried to convince Dave to give me my Private training in the T-Craft but he advised against it. It took just three months for me to get my Private Pilots license, and I got that flying with Dave Minor so I'd be getting ready for a Seaplane rating.

As I got to know Dave I became a bit intimidated by him and was not looking forward to my check-ride with him. I had made the mistake of letting him know I was shopping for a seaplane and I had been warned he was planning a tough checkout for me. The weather being predicted to be hot, I arranged for an early morning check-ride with Dave to beat the heat and the boating traffic on what was to be the first hot Friday of the year.

I arrived at 10:00 am and began a Seaplane examination that unbeknownst to me would not end till 6:00 pm that evening. The oral portion was close to 4 hours long and I was allowed a glimpse of the vast storehouse of flying knowledge that was Dave Wiley. I was also made well aware of just how much I had yet to learn and understand. My plan of a cool early flight examination evaporated in the pool of sweat that I left in the Wiley's family room. It was over 90 degrees when we headed to the plane for what would be the longest preflight inspection of my life.

By the time we were ready to fly, the river was full of boaters and jet skiers and I told Dave that I felt that I was not competent to deal with the boaters, the heat, and the 450 lbs of pilot, examiner and fuel in the 85 hp plane and that we should postpone to the following morning. Dave, however, convinced me that we should press on and soon I found myself wedged into that tiny plane with Dave, bouncing across boat wakes headed toward Elk Rock Island. I was quite nervous and after what seemed like an eternal water run I pulled the power and told him I was unable to get the plane to fly.

Dave took the yoke and throttle and proceeded down river eventually jumping a boat wake and staggering the poor Taylor craft into the air for a whopping 50 ft per minute climb, if that. Drenched with sweat and even more nervous, I began my flight portion of the examination. Moments later Dave began yelling "do you notice anything funny?" "No" I yelled back. Dave reached into the back seat and handed me my headphones and grabbed one for himself as I had been too nervous to remember to put them on.

We continued on to the lower Columbia where I performed the requested maneuvers never quite calming down. Dave then asked that I perform an engine out landing, which I did nearly flawlessly, even bringing the plane to a stop on a nice sandy beach. Dave then told me that the landing had been acceptable but that he had a bit of a problem with my choice of beaches. I hung my head in despair. The stress of the previous hours boiled out of me and I let him know it. I told him how the beach was as good a spot as I could have found and that we would be able to get out without even getting our feet wet. He then pointed out the front windshield of the plane at the two naked men holding hands a few feet in front of the prop. At that moment I became a friend of Dave Wiley.

Over the course of the next few weeks I flew with Dave every other day or so and had the most enjoyable learning experience in an airplane that I have ever had. I was truly lucky to learn

from a true master of the air. During the years since, Dave has helped make float flying possible for me and truly enriched my life. I will miss him and his sense of humor and fun.

Dave, thanks for everything.

How to be a Bird and Fly from the Seat of Your Pants:

A tribute to Dave Wiley

by Aron Faegre

For approximately 400 generations (10,000 years) our species (Homo sapiens) has had a conscious longing to fly. We have with great envy *watched the birds*. A lack of the technology did not stop us from imagining what it would be like. There is no lack of oral stories and myths about being able to fly.

One story is about Daedalus who 3,000 years ago created a pair of wings from feathers and wax, for himself and his son Icarus. The wings worked beautifully and Icarus soared through the sky joyfully at being able to fly. The Icarian Sea is named for where Icarus fell from the sky, having soared too close to the sun, causing his wing to melt and fall off.

When bicycle mechanics Wilbur and Orville Wright actually flew on December 13, 1903, a new era of flight was entered. The joy of flight was real, not imagined. There have been four generations of our species (100 years) who have had this privilege. For those of us who are born with this envy of the birds, we are most fortunate to live now.

Dave Wiley was one of those born with this envy of the birds. His life has bridged three of those short four generations of real flight. And he has dedicated much of his life to helping others achieve this same dream and joy. It is paradoxical that the more common the availability of flight becomes, the greater the risk that the actual joy of flight is being lost. The large jet airliners are starting to turn the experience of flight into the economy and efficiency of a large shipping container. Even many flight schools have narrowed the training of pilots to that of a book of rules and procedures, with no emphasis on the poetics and exploratory ventures.

Dave Wiley excelled at keeping the joy and technique of real flight alive and well. He always asked “why” the rule or procedure should be followed. “When” should the rule or procedure not be followed? “What” is the reason behind the rule or procedure? He taught about flying from the seat of your pants. In seaplane flying the pilot invents his runway each time he lands or takes off. As with the early barnstorming days, every seaplane landing and takeoff is done from scratch. Dave taught these basics, so that we could use the airplane to fly to truly remote areas of Canada or Alaska or Montana, and know what to do when fuel is scarce, or unexpected weather appeared, or the waves were high, or there were no waves and the water was like glass. And many of us did take this knowledge to fly: to the Arctic Ocean, or Alaska, or across Canada, or across the U.S. following Lewis and Clark’s Missouri River.

Icarus flew too close to the sun in his story, the wax melted, and the wings fell off. During flight we have Plan “B” and “C” for just about everything. But without a wing, the plane just won’t fly. We’ll miss Dave enormously, but appreciate that he passed on to us this knowledge of what “real flying” is – how these airplanes really work, what their real capabilities are, how to use them in real weather and geography, and how to be a bird, and fly from the seat of your pants.

**Reasons Columbia Seaplane Pilots Association (CSPA) is appealing
Forest Service (FS) Waldo Lake Management Plan**

November 24, 2007

1. **No record of Floatplane Problems at Waldo Lake:** The FS Draft Management Plan proposes prohibiting floatplanes from Waldo Lake, but includes no scientific or professionally prepared environmental reasons for this proposal. CSPA filed a Freedom of Information Act request to FS to uncover the basis for this plan to prohibit floatplanes. The request resulted in only finding eight public comments about floatplanes during the period 1998 through 2004. These comments included no actual observation of a problem, and more generally just listed brief concern or surprise that a floatplane had been seen. The FS has done no professional environmental study of noise, safety, or other operational aspects of floatplanes and is proposing banning seaplanes simply because someone in the FS wants to and just thinks they can get away with it.
2. **Forest Service did not solicit FAA, State, or Seaplane Organizations for Input:** In researching for and preparing the proposal to prohibit floatplanes from Waldo Lake, the FS did not consult with the FAA, nor with the Oregon Department of Aviation, nor with CSPA (our statewide seaplane group), nor with SPA (the national Seaplane Pilots Association organization). The FS simply put occasional brief ads in a Eugene newspaper to comply with federal requirements for notification, and apparently intentionally avoided gaining input from knowledgeable organizations like ours in order to simply achieve their own internal goal for prohibiting floatplanes from Waldo Lake. The seaplane community finally found out about the FS proposal a couple of weeks before the closing of the comment period, and CSPA requested an extension so that comments could be prepared from interested seaplane pilots and organizations. The FS denied that request and has ram-rod the proposal through.
3. **Forest Service not open to Discussion and/or Compromise in meeting their Goals:** The FS contacted CSPA to request a meeting to see if joint resolution of issues could be made, only after CSPA filed an appeal of the FS decision. The FS verbally stated that they were obligated by federal law to contact CSPA for such a meeting, but stated they did not believe they would change their position. CSPA met with FS staff responsible for the prohibition and explained that the floatplane use was substantially different from the boat use being considered, because the floatplane was a “vehicle of arrival” like a car or motorcycle or RV. The floatplane users simply needed areas to arrive and depart from. The floatplane users could agree to not cruise back and forth around the lake like an outboard motor boat. The FS written response back is that they will not enter into any such negotiations.
4. **Forest Service Claims Reason to Prohibit Floatplanes is Social, not Scientific:** CSPA asked at the meeting with FS what the reason for prohibiting floatplanes was, since it was not based on scientific or environmental analysis. The FS said that it was strictly a social decision based on their view of the general feel and experience of the uses on the lake. When asked by CSPA if any of the four FS staff present had ever actually observed and experienced a floatplane at Waldo Lake, their answer was “no”. Recreational use decisions for public waters should be based on scientific and environmentally solid analysis, and not simply a “general feel and experience”. However, to base a decision on “general feel and experience” and then admit that they have never observed nor experienced the action, is to admit a decision was made with no reasonable basis whatsoever. The proposed prohibition of floatplanes from Waldo Lake appears to be a biased decision by anti-aviation persons that

has no basis in reality.

5. **Waldo Lake is a “Navigable” Waterway which protects the Water for State Uses:** When each state was admitted to the union, it reserved its rights to own and control the beds and banks of its navigable waterways. The State of Oregon, legal experts, and our organization, believe that the beds and banks of Waldo Lake are clearly owned by the State of Oregon because it is navigable, it was “meandered” (surveyed early in history to establish its navigability), and used for commerce (which includes seaplane uses). The FS until recently also believed this, as they have historically turned to the State of Oregon and its Marine Board to set rules for and governance of all activities on the lake. The State of Oregon already has rules for and governance of Waldo Lake. ORS 835.200 provides an Oregon process for prohibiting seaplanes from landing on any Oregon waters as long as reasonable process is followed, and good reasons are determined. To date, no-one has initiated a request to prohibit seaplanes from using Waldo Lake under this statute. The FS is usurping state power and in an extremely heavy-handed way trying to grab control of navigable waters and apply their own personal ideas of what uses should be allowed.
6. **High Probability of Winning:** The FS is being challenged in court by a motorboat advocate, and CSPA. The lawyers involved all believe that proving the navigability of Waldo Lake will be fairly straightforward. There are no messy issues and the FS has never even produced a legal brief explaining why they think they do own it.
7. **Carry-over to other Seaplane Access Cases:** By pushing the FS back on this case, the seaplane community establishes to all federal land agencies that they are not just going to sit back and let their rights be taken away. Seaplane access is currently being challenged by Bureau of Reclamation for every one of their impoundments across the whole country, and the Bureau of Land Management is attempting to prohibit seaplane use of 150 miles of the Missouri River that is our flyway to get from one side of the country to the other. A win in the Waldo Lake case will potential be meaningful in these other cases. If the Missouri River BLM case goes to court it would land in the same 9th Circuit Court that our Waldo Lake case is in, and thus the Waldo Lake decision will be a precedent for that.
8. **Other Issues:** Other issues brought up in CSPA’s appeal are:
 - 1) the Commerce Clause protects floatplane use of Waldo Lake since the use involves interstate travel;
 - 2) the lack of consultation with FAA and the US Coast Guard is especially negligent as it involves creating rules that affect a mode of interstate travel, and the flight safety and basic navigability issues for those aircraft;
 - 3) the FS plan does not acknowledge President George Bush’s Executive Order for Facilitation of Cooperative Conservation issued on August 26, 2004, to promote voluntary public-private partnerships while implementing laws such as the Management Plan for Waldo Lake; and
 - 4) under the federal ADA requirements, floatplanes provide improved access to Waldo Lake for some elderly and disabled classes of people, thus assisting in FS compliance with their ADA requirements to keep their lands accessible.

CALENDAR OF EVENTS

December 12, 2007 5:30 pm Governor Hotel: Airway Science for Kids annual dinner and auction; come and support this Portland non-profit that trains middle school age kids in aviation at Hillsboro Airport Classroom, Pearson Airpark Classroom, and Portland Community College Classroom; contact casckm@comcast.net for more info; many seaplane pilots attend this event and support this program!

May 18, 2008 Sunday, Spring CSPA Annual Meeting, tentative date.

September 7, 2008 Sunday after Labor Day, Summer CSPA Annual Fly-in, tentative date.

DONATION FORM FOR LEGAL FUND

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Columbia Seaplane Pilots Association 13200 Fielding Road Lake Oswego OR 97034

Donation to Columbia Seaplane Pilots Association Legal Fund to keep Waterways Open

- \$ _____ Name _____
- \$500 Address _____
- \$250 City _____ State _____
- \$100 telephone _____ email _____
- add \$20 *add another year's CSPA dues while I'm at it*



Columbia Seaplane Pilots Association
13200 Fielding Road
Lake Oswego, Oregon 97034

