

RG
02-03-10

Waldo Lake motor ban, and the process leading to it, unfair

By ROB DeHARPPORT

I must say that in her Jan. 30 guest viewpoint Willamette National Forest Supervisor Meg Mitchell put a nice spin on the process (or lack of) that was involved in the Oregon Marine Board's decision to ban gas-powered motors from Waldo Lake.

Let's share a little history about the management and development of Waldo Lake by the U.S. Forest Service. In the early 1960s Waldo Lake was accessible only by the rough Taylor Burn Road or the newer Charlton Lake Road, both on the north end of the lake.

Increased recreational pressure on all Cascade lakes played a part in the planning of the three campgrounds now located on the east side of Waldo Lake and the modern road leading to the lake and campgrounds from Highway 58. These three campgrounds are the largest in the entire Willamette National Forest, with more than 200 developed camp sites in all.

Road building and campground construction were completed in 1969. The development was paid for with revenue from Forest Service timber

sale receipts and was originally developed as a "multi-use recreational area" for all to use and enjoy.

The lake and surrounding area are special to all of us. Hikers, bikers, hunters, fishermen, tent campers, RV campers, motor boaters, sailors, kayakers and canoe enthusiasts all enjoy peaceful time on the water or sitting around a campfire with friends and family. The 10 mph speed limit on the lake ensures a conflict-free, wake-free and quiet experience for all users. This quiet experience cannot be found on any other large lake in Oregon for motor boaters, yet there are many nearby quiet options for paddlers (Gold Lake, Charlton Lake and Hosmer Lake are all motor free).

In 1984 Congress created the 37,162-acre Waldo Lake Wilderness Area; this area borders Waldo Lake on the three undeveloped sides of the lake. The 22-mile Waldo Lake Trail serves as the wilderness boundary. Because the trail actually is "outside" of the wilderness area, bicycles are allowed on the trail.

In recent years the Forest Service has decided to change

the classification of the Waldo area from multi-use recreational to semi-primitive recreational. We have a basic interpretive problem here: How does an area with more than 200 developed campsites and all the improvements constitute "semi-primitive"?

Jurisdiction over the surface waters on Waldo Lake's 10 square miles is currently in the hands of the United States 9th Circuit Court of Appeals after recent court decisions have ruled the banning of motor boats "arbitrary and capricious" and also "without basis in fact or science."

Last October, Gov. Ted Kulongoski did not actually request the Marine Board to sign a memorandum of understanding banning gas motors on the lake; he demanded it with thinly veiled threats.

Every Marine Board member was very uncomfortable with the pressure from the governor's office. Why else would members make comments such as, "This is a failure of democracy," "This was a tragedy for the democratic process," "It's been very clear that we serve at the pleasure of the governor" or "I might have

been appointed to this position, but I'm sure it wasn't to be a bobblehead that just says yes to everything."

Talk about circumventing process! Our governor has a history of this sort of strong-arming appointees. In 2008 Oregon State University Climatologist George Taylor was forced to resign because, as Kulongoski told KGW-TV, "Taylor's contradictions interfere with the state's stated goals to reduce greenhouse gases." Further proof of the lack of process, or sham of process, is the fact that both public hearings with the Marine Board were held after the memorandum of understanding was signed!

The Marine Board is on record several times over the years opposing a ban. Here is one OSMB statement:

"The Forest Service should have considered four-stroke motors as an alternative to a ban. We believe that this is an attempt by the Forest Service to 'end-run' the Wilderness Act; to create an ex-post-facto extension of the wilderness area without an act of Congress; that they are overstepping the state's authority to regulate and manage rec-

reational boating; and that this decision is arbitrary without any sound basis in science or fact. We believe our position compliments that of Steve Stewart."

Stewart is the boater whose lawsuit asserted state ownership of the lake bed. The quotation is from a May 21, 2007, Marine Board meeting summary.

The sad fact is that the governor would not consider a logical, clean and quiet alternative such as the four-stroke motor proposal, or something similar to the Lake Tahoe Management Plan. Instead he imposed his exclusionary ban on the Marine Board and Oregon motor boaters. Exclusion is a direct conflict to the Marine Board's mission statement regarding access.

The issue is far from over. As mentioned above, we all love Waldo Lake and wish to protect it; the solutions vary. Some are sensible and inclusive; the Marine Board ruling was fixed, senseless and exclusive.

Rob DeHarpport of Westfir is co-founder and secretary-treasurer of Waldo Lake for Everyone! (www.waldolakeforeveryone.com).

2

Former supervisors like decision

We served as forest supervisors of the Willamette National Forest between 1970 and 2009, a span of 40 years, and remain Eugene-Springfield area residents. We each recognized how special Waldo Lake is and wanted it to remain as natural as possible. Care was taken with road and campground layout so that the shoreline, when viewed from the lake, remained near-natural. Wilderness and roadless areas surround the lake, one of the 10 purest lakes in the world.

It produced a sense of satisfaction when the state Marine Board made the decision to support the partnership between the Forest Service and the state to remove gas-powered engines from the lake except for emergency operations. We salute the board for making the right decision. The current forest supervisor, Meg Mitchell, we know, looks forward to working with the state toward consistent regulation of Waldo Lake and management of this special place.

ZANE SMITH, 1970 -74
MIKE KERRICK, 1980-91
DALLAS EMCH, 2002-09
Retired Forest Supervisors
Willamette National Forest

RG
02-02-10