

KROFT Jeff

From: Justin Crump [justin@aegmedia.com]

Sent: Friday, November 09, 2007 9:16 AM

To: Rogue River Comments

Subject: Rogue Navigability Report

Hello,

I recently learned about the navigability report that was done on the Rogue from rm 68.5 to 157.5 and I wanted to say that I support the findings. As a user of the Rogue from shore and boat, I am happy to hear about this change. Thank you!

Regards,

Justin Crump

AEG Media

(541)743-1255

11/15/2007

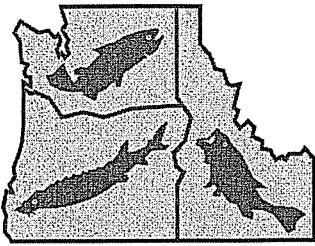
KROFT Jeff

From: NSIALIZ@aol.com
Sent: Friday, November 09, 2007 9:31 AM
To: Rogue River Comments
Subject: (no subject)

See attached letter of support for preliminary findings.

See what's new at AOL.com and [Make AOL Your Homepage](#).

11/15/2007



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November 9, 2008

Louise Solliday, Director
Division of State Lands
775 Summer St. NE
Salem, OR 97301-1279

Re: Rogue River Navigability

Dear Director Solliday,

On behalf of the Northwest Sportfishing Industry Association, I am writing to express support for the preliminary findings in the Rogue River Navigability Study Report and the conclusion that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

While the NSIA is supportive of the rights of the public to the beds and banks of public waterways, we are appreciative of the research and work that went into the DSL report and preliminary findings.

Thank you for this opportunity to comment on the very important issue of public access to this stretch of the Rogue River.

Yours in Service,

Liz Hamilton
Executive Director

**dedicated to the preservation, restoration and enhancement of sport fisheries
and the businesses dependent upon them. Call toll free: 1-866-315-NSIA**

KROFT Jeff

From: Jeannine Englehart [jeads1@embarqmail.com]
Sent: Friday, November 09, 2007 10:25 AM
To: Rogue River Comments
Subject: Re: navigability study questions

Hello Mr. Kroft,

I have some additional points that I would like included in your document.

First, if your reason for this navigability study is to change the limits of ownership, this should be clearly stated in the first section of your document.

Secondly, I expect any document produced by our governing bodies to be fair and balanced. The document so far has failed miserably at this. Both sides of the argument need to be presented honestly and fairly.

Third, present any evidence of "broad and substantial public support"
- so far I have not seen one iota of evidence presented.

Fourth, where is your Environmental Impact Report? This proposed navigability designation would substantially affect the environment of the river and thus must be examined in detail.

I think that the point in the con section of your report needs to state that land owners on the river DO take very good care of the river and are very concerned about its health.

Fifth, there is no overriding reason for the state to take over what is already working well in terms of the river and its health, including recreational uses by the public.

Sixth, as a member of the public at large, I request that this study be stopped immediately.

Thank you. Jeannine Englehart

KROFT Jeff

From: John Freeman [JFreeman@westmarkind.com]

Sent: Friday, November 09, 2007 10:27 AM

To: Rogue River Comments

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability."

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KROFT Jeff

From: Sean Brisbine [sbris68@msn.com]
Sent: Friday, November 09, 2007 10:40 AM
To: Rogue River Comments
Subject: Rouge River Navigability Study

I am in support of the Department of State Lands preliminary finding that the Rogue River from Grave Creek to Lost Creek Dam meets the federal test for navigability.

Thank you,

Sean Brisbine

KROFT Jeff

From: Scott Johnson [scottj@worldstar.com]
Sent: Friday, November 09, 2007 10:48 AM
To: Rogue River Comments
Subject: Rogue River Navigability

To Whom It May Concern:

I am writing to express my support of the finding that the Rogue River is navigable and therefore open to public access. In fact, I think it is absurd that we have to spend thousands of dollars to defend the public's right to use waterways since this right was set forth in our state's constitution. All waterways are public property, and any assertion to the contrary is unconstitutional!

Thank you for your efforts in ensuring that my children and grandchildren will have the right to enjoy the great outdoors.

Scott Johnson
R. Scott Johnson Realty
Portland, OR

11/15/2007

KROFT Jeff

From: JD [speyfisher@charter.net]
Sent: Friday, November 09, 2007 10:52 AM
To: KROFT Jeff
Subject: Rogue River Navigability

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

JD

I fish because the voices inside my head tell me to.

KROFT Jeff

From: peterjcarlos@att.net
Sent: Friday, November 09, 2007 10:55 AM
To: Rogue River Comments
Subject: Rouge river

Dear Sir,

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

As more and more lands are being locked up for private parties it has become increasingly important to protect what we can for the enjoyment of future generations. I can only hope this is just a beginning and most of our rivers can be protected and remain accessible by the general public.

Sincerely,
Peter J. Carlos
2416 N. Hayden Island Dr.
Portland, OR. 97217

11/15/2007

KROFT Jeff

From: MARK SANDLIN [sandlininc@msn.com]
Sent: Friday, November 09, 2007 10:57 AM
To: Rogue River Comments
Subject: Rogue Navigability

I support the DSL's preliminary findings that the Rogue River is a public navigable water way.

S Mark Sandlin
4163 Old Stage Rd
Central [Point, Or 97502

11/15/2007

KROFT Jeff

From: David Mucken [bruiserdm@hotmail.com]

Sent: Friday, November 09, 2007 11:03 AM

To: Rogue River Comments

Subject: Rogue river

To whom it may concern:

As a concerned Oregonian and fisherman, I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

Dave Mucken

Help yourself to FREE treats served up daily at the Messenger Café. Stop by today!

KROFT Jeff

From: Ronald Jameson [ronaldjam@comcast.net]

Sent: Friday, November 09, 2007 11:27 AM

To: Rogue River Comments

Subject: Rogue Navigability

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

Ronald Jameson

392 N. 7th Street
Philomath, OR 97370

ronaldjam@comcast.net

11/15/2007

KROFT Jeff

From: Thomas Oliver [Thomas_oliver@comcast.net]
Sent: Friday, November 09, 2007 11:42 AM
To: Rogue River Comments
Cc: Terry Williams
Subject: FW: Rogue River

I would hate to see any change to the designation for the Rogue River from mile 68.5 to 157.5 change. I have rafted this portion of the river and it must remain natural and unchanged now and for all time.

Respectfully,

Thomas Oliver
8757 Via Media Way
Elk Grove, California 95624

From: tc.williams@comcast.net [mailto:tc.williams@comcast.net]
Sent: Thursday, November 08, 2007 1:12 PM
To: Larry Williams; Jeff Williams; Dave Williams; Ben Vaday; Bo Oswald; Thom Oliver; Billy Morrison; Justin Lyon; Luke Hart; Kevin Dodson; Louie Dix; Rod Cottis; Sonny Cook; Todd Call
Subject: FW: Rogue River

Dear Friends:

Please take the time to "duplicate" this letter and sign your name to it to help keep the Rogue River a navigable river. There is a movement to declare it non-navigable, so that it could be developed. By stating your concern, it will help the Department of State Lands keep the river protected for generations to come.

**Thanks for your help,
Terry**

----- Forwarded Message: -----

From: tc.williams@comcast.net
To: roguerivercomments@dsl.state.or.us
Subject: Rogue River
Date: Thu, 08 Nov 2007 19:15:37 +0000

I support the DSL's preliminary findings that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability. This is a great river to enjoy.....please do not take this away from the sportsmen.

Respectfully, Terry C.Williams

KROFT Jeff

From: rivers [rivers@gbdesignconnection.com]
Sent: Friday, November 09, 2007 12:31 PM
To: Rogue River Comments
Subject: Yes, the Rogue is Navigable and belongs to the state

Yes, I've read the report and I've floated parts of the river. The Rogue is navigable and should be protected and managed as a resource of the people of the state of Oregon. The state of Oregon needs to validate this matter in accordance with Article 2 of the Oregon admission act.

“all the navigable waters shall be forever free”

Heather McNeill
409 SE 10th
PO Box 7956
Bend, OR 97708

rivers@gbdesignconnection.com
(541) 306-0819

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.503 / Virus Database: 269.15.26/1120 - Release Date: 11/9/2007 9:26 AM

KROFT Jeff

From: Eben Pindyck [ebenpindyck@hotmail.com]

Sent: Friday, November 09, 2007 12:36 PM

To: Rogue River Comments

"I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

Sincerely,
Eben Pindyck

11/15/2007

KROFT Jeff

From: STEVEN LOUELLEN IVERSON [lounsteve@msn.com]
Sent: Friday, November 09, 2007 12:46 PM
To: Rogue River Comments
Subject: Rogue River Navigability Study.

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability. Steve Iverson, 1659 NW 20th Street, Redmond, OR 97756

11/15/2007

KROFT Jeff

From: grantdkennon@aol.com
Sent: Friday, November 09, 2007 12:46 PM
To: Rogue River Comments
Subject: Rogue River Navigability

To whom it may concern:

I want to state that I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

Thank you,

Grant Kennon

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

11/15/2007

KROFT Jeff

From: Colin Rich [colin@pacific-intl.com]
Sent: Friday, November 09, 2007 12:48 PM
To: Rogue River Comments
Subject: A vote for citizens right to access the Rogue

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability. That's all that needs to be said.

Colin Rich
Pacifica, Inc.
Production Manager
(503) 221-2466x20
(503) 525-0305
colin@pacific-intl.com

KROFT Jeff

From: David Hamann [hamann@cs.pdx.edu]
Sent: Friday, November 09, 2007 12:53 PM
To: Rogue River Comments
Subject: Rogue River Navigability comment

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

David Hamann

14685 NW Forestel Loop
Beaverton, OR 97006

KROFT Jeff

From: Jesse Thomas [Jesse.Thomas@americ.com]
Sent: Friday, November 09, 2007 12:57 PM
To: Rogue River Comments
Subject: Please Keep the Rogue River open for everyone to enjoy!

I support the DSL's preliminary finding that the Rogue River from mile 68.5 to 157.5 meets the federal test for navigability.

KROFT Jeff

From: Ed Hardt [twohardts@eoni.com]
Sent: Friday, November 09, 2007 12:57 PM
To: Rogue River Comments
Cc: Paul Messersmith; Tom Kitchar; Ed Hardt
Subject: Comments to the Rogue River navigability study

Eastern Oregon Mining Association PO Box 932 Baker City, OR 97814	Waldo Mining District PO Box 1574 Cave Junction, OR 97523	Willamette Valley Miners PO Box 13044 Salem, OR 97309-1044
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October XX, 2007

November 9, 2007

Oregon Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301-1279

COMMENTS TO THE ROGUE RIVER DRAFT NAVIGABILITY STUDY REPORT

Dear Dept. of State Lands;

Thank-you for this opportunity to comment on the *Draft Rogue River Navigability Study Report* (hereafter RRNSR). These comments (below) are respectfully submitted jointly by three (3) of Oregon's mining organizations, i.e.; Eastern Oregon Mining Association (EOMA), Waldo Mining District (WMD), and Willamette Valley Miners (WVM) (hereafter collectively the "Miners"), who represent the mining interests in eastern Oregon, SW Oregon, and the Willamette Valley area for over 500 Oregon miners.

In the RRNSR, the Department of State Lands (DSL) uses the term, "waterway," however this term is misleading to the public, because the DSL do not explain in this draft what rights are associated with the different jurisdictions that would be lost or gained by a finding that the Rogue River was navigable. Currently, the State of Oregon, under State Law, governs the water of the river, but not the beds beneath. Any private ownership are governed by State Law, the public lands that go through the beds beneath, are governed by federal land management agencies, owners of mining claims and claims on any oil or gas beneath own the minerals; therefore, any mining claimant on the public lands would have ownership of those minerals and be governed by Federal law, such as the 1872 Mining Laws.

If the State of Oregon acquired the ownership of the "beds" of the river, because it was determined that

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it was “navigable” then any claim on the public lands would end at the high water mark and any owner of a deed to private land that shows ownership to the middle of the river, would now be owned only to the high water mark. The reason is that because of the numerous court cases that involved this subject, the U.S. Congress passed the Submerged Land Act, 43 USC 1301, which states the States have title to the “beds beneath navigable waters,” this includes the gas, oil, minerals and aquatic life. However, the Federal Government would now have jurisdiction of the water. State Law governs the waters of non-navigable rivers and streams.

Valuable mineral deposits are known to occur in and around the Rogue River, especially from upstream of Gold Hill, around river mile 123 downstream to the confluence of the Illinois River, river mile 27. If the State of Oregon can claim ownership of the beds of the Rogue River, then any public lands and private ownership will be removed from access to those minerals. It is more likely that DSL would not grant access to the minerals without heavy permitting fees; since, it is more interested in recreation and angling, but not commercial fishing, than having to allow any disruption to the water by those who now own the minerals.

Another item to understand is that the State now controls the water, but navigable waters are controlled by the Federal government. Appropriations of the water however, remains a function of State Law. Any control of the navigable water for permitting would be from approval by a Federal Agency, like the Environmental Protection Agency (EPA) or the U.S. Army Corps of Engineers (Corps)

DSL has explained its reasons to find the river navigable would be to reduce conflict between landowners and recreationists and anglers looking for “land based sites” to carry on their activity (page 5). However the State would also gain title of the “beds beneath navigable waters” and current owners of those beds will lose any ownership of that portion of the land including the minerals, without compensation.

On page 4 of the draft report, DSL stated, “[r]ecreation and fishing are considered by the courts to be forms of commerce,” however, any business is a form of commerce; selling hats, for example is a form of commerce. Anyone who recreates or angling is not engaging in commerce on the river as these are pastimes of citizens. The DSL did not qualify their statement; how does recreation and fishing override the U.S. Constitution and Federal Statutes granting the non navigable waters to the States for “control” and “use” of the ground and surface waters?[1]

There is a lack of information, which should be in the Draft Report. Readers of the draft should be able to know if portions other than this 89 mile study section of the river are navigable. We had to go to the DSL website to find out that 35.5 miles are navigable; however, the DSL does not say, which portions of the river qualify as such.

The map (page 11) does not block areas of private property, U.S. National Forest and Bureau of Land Management (BLM) or any of the public domain lands that the Rogue River runs through. The numerous bridges should be shown and where the historical mentions of areas that are narrow and where the valley widens.. Topographical lines that show at least a mile from each side of the river should be shown and the points where noted creeks join the Rogue River are shown, but not the stream itself. The Draft Report discuss the Applegate River and does not even show where it joins the Rogue River or how far upstream it would be considered navigable, thereby affecting more private property and public lands. Known land marks like Table Rock or the falls near Gold Hill, where no salmon pass, are not shown on the map.

There is no list that would include how many deeds or private properties that might be affected by the decision to call the river navigable. The DSL did not present in the draft which State Laws govern if the

river is found to be not navigable. Also, how were disputes handled by the District Attorney, Mr. Thompson, who filed the request for study to find out if the Rogue River is navigable? The DSL needs to state the differences in how the disputes would be handled between State and Federal Law, because the jurisdictions of the land and water will change. Where are the "land based sites" that were in conflict in the past. How many of them were there? This kind of information is vital to making substantial comments. This information could be vital to give the public understanding why the Land Board took so long and with so much effort by DSL to get a study approved.

In the preliminary conclusions, DSL states, "*...its reasonable to conclude that the 89 mile segment of the Rogue River from Graves Creek to Lost Creek Dam, in its ordinary and natural condition, was used, was susceptible to use, or both, as a highway of commerce over which trade and travel were or could have been conducted in the customary modes of trade or travel and travel on water at the time of statehood.*"

The DSL makes this statement without countering the historical statements of others who understood better what was needed to call a river navigable in 1859. Captain T.J. Cram, Topographical Engineer for the U.S. Army in 1859 stated, "*with the exception of the Coquille and Umpqua...[and inland to approximately Grants Pass] are not at all navigable except for canoes being generally of rapid current, rocky beds and in many places running through deep canyons.*" Captain Cram saw a different river than what DSL portrays as being "susceptible." There was "shallow water" and very low banks in the valleys areas (William Brackenridge 1931), it is difficult in these areas to gain access by vessel, because of the rapid change in volume of the water being backed up by the narrows sections. The narrow sections were steep with huge rocks that made the river treacherous for any boat. The increase in technology need and a few years later brought about risk takers to attempt navigating to the coast from Grants Pass. This is now a sport to overcome great odds that most would never do.

Cram (1859) stated that the Rogue River was only navigable in a few of its reaches by canoes, but otherwise "not at all navigable." Twenty years later, Philip Eastwick, Assistant Engineer for the U.S. Army (1879) states, "*in lowering the boat over the rapids, it was carried away by the strong current and wrecked on a rock in the river a short distance below.*" Eastwick also describes braving 33 rapids between Rock Point and Finley Bend (rm91), DSL has not revealed where "Rock Point" is, apparently it is not far from Evans Creek. Further more, DSL did not quote Eastwick's conclusions of whether the river was navigable in the Draft Report. We can be certain that he was impressed by the river, however without altering the beds and banks to tame the river, it was too dangerous for any trade and travel.

33 years from 1859, Francis Shunk (1892) of the U.S. Army Corps of Engineers stated, "*I do not regard the Rogue River as worthy of improvements. Navigation as far as Grants Pass is [I] think out of the question.*" The DSL states that the Cadastral Survey maps and notes 1854-1919 "*indicates that they believed the waterway was a navigable stream from Illahee (rm33) to...Shady Cove (rm150).*" DSL believes that they must have believed this because they mapped the meandering of both banks of the Rogue River. The DSL quotes a field note to help prove their point, which is for the vicinity of Galice (rm75.5); this quote describes "many branches and springs" and notes the Rogue River is "very deep and treacherous, flowing through solid rock as it does in many places," (Campbell et al., 1884 and 1817-1919). To map the meandering lines for navigation does not make any sense here, because DSL quotes the notes that describes the river is "flowing through solid rock as it does in many places...[and] it forms many places of rare scenic beauty." There is no meanderings in the solid rock, however its place on a map is important for other reasons, to map where a crossing could be made, for instances.

The reoccurring theme is that in many places there are "rapids" and "strong deep currents" (page 18). The Rogue needed taming to make it more useful, because the river was considered "treacherous," not navigable. On page 20 of the Draft Report it states, "*thirteen future dam sites were proposed in a 1932*

USGS report;” this is 63 years after the State of Oregon was admitted to the Union. The first dam was built about 30 years after statehood which is about 1890, (page 21 Draft Report. The dams were needed to make the river susceptible for navigation and water storage.

The DSL is stating that “*it is possible to obtain perspective on the ordinary and natural condition of the waterway from current and historic flow data...*” as if to show that there was enough water to navigate by comparing flow data from 30 years after statehood through the present. The problem is that if there was more water in the river, it made the “treacherous” river more treacherous, not more navigable, which shows that the river was less “susceptible” to navigability.

It appears that rather than believing the early reports that navigable was “out of the question” at the time of statehood, DSL is taking present technology and more recent knowledge on how to overcome a problem to prove the river was “susceptible” to navigability in 1859. Who would have ever thought that man could navigate the stars and go to the moon; except, given time, man could figure a way to navigate almost anything. Here on earth, it began by altering the beds and banks of the Rogue River with dams, this changes the river from its natural condition and provides water for irrigation, drinking and power production.

At the time of statehood, Cram (1859) stated that the river from Crescent City to Grants Pass is “not at all navigable except for canoes being generally of rapid current, rocky beds and in many places running through deep canyons.” The term navigable meant something different to an engineer working for the U.S. Military. Part of the term may mean to portage around obstacles, except there were too many narrow canyons rapid currents and rocky beds. Undoubtedly, the rocky beds mentioned was the larger boulders that created the rapids and very little room to portage, some narrows were as close as 25 feet wide from a width of up to 300 feet wide in the valleys. There was little room for any portage. The nature of the river is that it has about a 57 foot average drop per mile, which is steep enough to produce very strong deep currents.

To prove that the river was “susceptible” to navigability, the DSL believes that anything you can float would make it so. However mining dredges were not portage able once it was built, to skip mining an area a dam had to be built to float the dredge past; the dredge, when working removed the beds and bank material and floated in the resulting ponds that moved as the operation dug its way, this does not prove navigable, the dredges altered the beds; besides all this the first dredge was in 1898, 39 years after statehood. Ferries also did not prove navigability, just because it could float in the eight or so places (page 40). The ferries did not navigate the river, they were pulled back and forth across the floatable sections by rope, there was no navigation involved and bridges now accomplish the need to cross the river.

As described earlier, risk takers could float down the river, once those few gained and understanding on how to do it. It was 10 years after statehood when William Winson floated from Grants Pass to Gold Beach, as reported in the Gold Beach Gazette (1894). People have been floating over Niagara Falls too, but that segment of the river has yet to be considered navigable, or as supporting trade and travel.

Twenty-five years later, the Draft Report (page35) describes how two men towed their boat from Gold Beach to Grants pass, bought 700 pounds of provisions and floated back. They said the “*stream could be made navigable for small boats...by blasting and locks.*” The “narrow canyons” are as narrow a “25 feet” in some places, of course, the beginning of this understanding, of dams and locks, was developed twenty five years after statehood. The point is that the river had a strong deep current and just too many obstacles with the exception of a few ford-able places; without altering the boulders and “solid rock” or placing “locks” to manage the treacherous current, it is too dangerous for trade and travel to occur on a regular basis. With the exception of a few risk takers to attempt passage, navigation could not take place.

This is demonstrated by Eastwick (1879), page 37, “at which point the boat was lost after trying to lower it over rapids...” The point is, just as some made it over Niagara Falls and some didn’t, some did float from Grants Pass to Gold Beach and some didn’t. This does not show the “susceptibility of the river to navigation.” There were only short sections that could be used and mostly after dams were built to tame the treacherous parts of the river. Eastwick mentioned braving 33 rapids between Rock Point and river mile 91, this would certainly contain the areas above and below Grants Pass. Commercial fishing was limited to a 19 mile segment of the river and started about 30 years after statehood, it was closed in 1935 because of the lack of fish.

In the 1880’s the floating of logs was attempted. The first attempt was unsuccessful “because of the nature of the river,” which “scattered” the timbers to the banks. Later attempts were apparently more successful above the Gold Ray Dam; this included about a 30 mile stretch above the dam to float the timber to the Tolo sawmill (page 43). This need began about 1909, which is 50 years after statehood.

There were only two areas depicted that could have come close to susceptible for navigation, the 19 mile stretch below Grants Pass and the possibly 30 mile stretch above the Gold Ray Dam. Starting at 30 years after statehood there were several dams built to make the water useful, The DSL Draft Report indicates that certain dams will be removed (page 20-24). One cannot help but wonder when this is completed that the “susceptibility” to navigate will return to a not so navigable river, because of the “deep strong current,” and the treacherous nature of the river. Even recreationalists will have to come up with new techniques and designs to continue to sport the rapids of the river.

On page 45, the DSL considers it “interestingly” that the 1932 USGS study of potential water-power sites suggest a requirement of the structure to allow passage of logs. Jones et al. (1932), considered it “improbable that there will be any navigation above Copper Canyon except the driving of logs,” if a highway was built. The DSL stated that this “*indicates...regardless of amount of success log driving may have had...on the Rogue*

River study segment, the river even in 1935 was still considered a potentially viable means for floating logs.” However, there is no log driving today and the dams with locks were never built, one of three was started, but it was determined that there was “not enough economic benefit” and therefore, not completed (the dam was started at Elk Creek, page 23). None of the dams allow for timber driving or for any locks, the two major dams that were built was for flood control and water storage.

The key here is that in 1859 the river was not even susceptible to navigation, unless dams were built. No locks have ever been built, mainly because it was understood that there was never the susceptibility for trade and travel, which is because of the treacherous nature of the river. Outside a few occasional attempts to navigate by a few individuals a few times and then quit, to navigate the river was really off limits to most of the people and why the river to this day has not been considered navigable. The historic record does show that the governments and the people did try to make it a navigable river, however, because of the nature of the river, we feel that it would be best to leave it as it is, a non navigable river..

Edwin Hardt, President Eastern Oregon Mining Association
twohardts@eoni.com

Tom Kitchar, President Waldo Mining District
mythicalmining@cavenet.com

Paul Messersmith, Government Affairs, Willamette Valley Miners
messersp@comcast.net

[1] 30 USC 612(b), 43 USC 661-666, 33 USC 1370 and 33 USC 1251(b) also Article X (10) amendment to the U.S. Constitution