

Conservation

Planned Destination Resorts Threaten the Metolius River

By Glenn Zinkus

Federally designated as a Wild and Scenic River, Oregon's Metolius is managed as a wild-trout fishery and, in addition to its wild redband trout, is home to perhaps the healthiest population of threatened bull trout in the West. However, all is not well in paradise: two planned destination resorts threaten the Metolius River basin.

In 2006 Jefferson County rezoned, allowing it to evaluate proposals for destination resorts in the basin. One potential development, The Metolian, proposed by Dutch Pacific Resources, is billed as an "ecological" resort to be situated on 640 acres between Suttle Lake and Camp Sherman. The other, perhaps more ominous, development is a planned 10,000-acre destination resort proposed by Ponderosa Land and Cattle Company, to be located on Green Ridge. This resort potentially includes 2,350 homesites, 150 overnight accommodations, and golf courses. Possible water use for the proposed Metolius basin developments could approach 6 million gallons per day.

Early in 2007 the Oregon Legislature launched attempts to protect and preserve the basin: Senate Bill 30 would have prohibited building any destination resorts within 3 miles. The bill passed in the Senate but at that time was effectively killed by Governor Kulongoski. In a letter to the committee chair expressing his opposition to the bill, the governor wrote, "The Metolius basin is a special place that deserves special protection." However, he went on to write that he supported following the established Land Use Board of Appeals processes for resolving challenges to the Jefferson County destination resort mapping and, for that reason, did not support Senate Bill 30.

Kulongoski also opined that land use decisions regarding destination resorts must include protections for groundwater supplies, surface water flows, water quality, and fish and wildlife habitat in the Metolius river and basin. He asked the Oregon Water Resources Department (OWRD), Oregon Department of Environmental Quality, and Oregon Department of Fish and Wildlife to evaluate whether existing laws were adequate to provide these protections. At the governor's request, all three agencies identified concerns about building a destination resort near the Metolius River and concluded they have no clear authority to prevent construction of such a resort under existing laws.

Agency concerns include loss of fish and wildlife habitat, reductions in stream flow, increased human degrada-

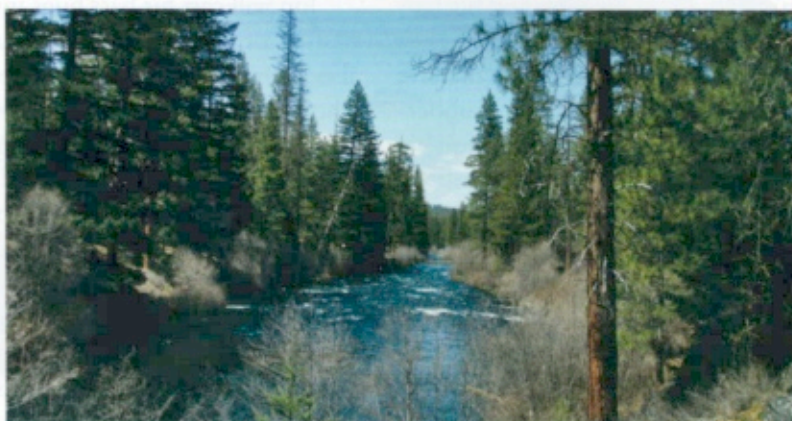


PHOTO BY GLENN ZINKUS

tion of the environment, road development, and pollutant discharges. The OWRD acknowledged in its letter to the governor that groundwater withdrawal, whether inside or outside the Metolius sub-basin, will likely affect the headwater springs.

Current land use laws don't protect the water flows. Under the current mitigation plan, mitigation water can be restored anywhere in the system and could very well be placed well downstream of the best trout habitat on the Metolius. Of course, groundwater use and lack of adequate mitigation for potential stream-flow impacts to the Metolius have serious potential consequences.

In December 2008 the governor asked the Department of Land Conservation and Development to start the process of designating the Metolius basin as an "Area of Critical Concern." A rare approach to protecting unique areas, this designation would prohibit destination resort development in the basin. If this effort is successful, the Metolius basin would become Oregon's first Area of Critical Concern.

If the effort fails, Kulongoski has a legislative backup plan that also restricts development of destination resorts within the basin.

Other important efforts by conservation organizations were under way at the time of this writing. At least five protests—an unusually high number—have been filed against OWRD's water permit for the Ponderosa Land and Cattle Company development.

In March 2008 a coalition of conservation organizations, including Central Oregon Landwatch and Friends of the Metolius, had filed briefs challenging the Jefferson County resort map. While the result of this suit was that the Court of Appeals essentially upheld the Jefferson County process, the Oregon Supreme Court has accepted a petition for review of that decision. The new hearing is scheduled for June 2009.

You can write Governor Kulongoski and state senators and representatives in support of protecting the Metolius; these letters have been and can continue to be effective.