

LETTER PUBLISHED IN THE WORLD AND THE SENTINEL NEWSPAPERS

MEASURE: HB 2173
EXHIBIT: 15
House Land Use
DATE: 02/28/2013 PAGES: 6
SUBMITTED BY: Arlys Fones

Arlys Fones
9114 SW Trail Court
Portland, OR 97219
503 334-5622

Sept. 19, 2012

To the Editor:

Shortly after returning from World War I, my father, Henry George, and his brother, Frank, purchased the land off Highway 42 now known as Garden Valley. For years the brothers farmed the land. As a child, I ran in the fields, drank cool, clear water from folded cups of the skunk cabbage which grows in this pollution-free area, and watched herds of elk as they came to graze.

In the nineteen fifties, my father built the road, naming it Garden Valley Road, not by chance, but because it was the road for the "Garden" valley. He divided the area into building sites, carefully including the fertile bottom land so homeowners could grow fine gardens.

China Camp Creek is pure and the bottom land is as rich as any land anywhere. My father intended that the area would be preserved for what it is best suited. The area has been continuously farmed and has always been a sanctuary for elk and other wildlife.

After my parents' deaths, my family created the Gladys George Trust to protect the remaining family-owned area for gardening and farming.

I learned of the threat of continuous flooding from a friend who mailed me The World Aug. 18th newspaper article of Sarah Crawford's story about our property. What a way to find out about the flooding threat to the area my family loves and for years has sought to preserve.

My question is: Why have we not been contacted officially by anyone working on the flooding project? To be successful, land use planning requires public input throughout the entire process.

As for my family and for me, no amount of money or other compensation could ever be adequate for a taking of this land that we call irreplaceable. It is our inheritance.

Hoping you will use your influence to stop the creation of a man-made, mosquito-prone marsh that in no respect can benefit the people of Coos County more than what we have at present,

Arlys Fones, Trustee, Gladys George Trust

LETTER PRINTED IN THE SENTINEL 10/24/12 P. 2

Arllys Fones
9114 SW Trail Ct.
Portland, OR 97219
503-334-5622

Oct. 10, 2012

To the Editor:

In the Myrtle Point Herald Oct. 4th front page story, "Commissioner Fred Messerle explains China Camp Creek project," Fred Messerle sums up the project as "Tide gates...NOT a land grab." See on Messerle's own website (fredmesserle.com) and elsewhere on the internet a Jan. 2012 article entitled "Land-use plan could be win for conservation and commerce" which states, "The flooded area of Winter Lake will be divided into three tracts, each with its own tide gate. Two of the tracts will be highly regulated and drained to allow for grazing....The gate of the third tract will be set nearly completely open, allowing the land to be almost completely under tidal influence..." RESULT—A TAKING OF FARMLAND!

The report continues, "Also in the works is a plan to connect this more tidally influenced tract back to China Camp Creek, and RESTORE (emphasis added) that waterway's natural winding path." RESULT-- A TAKING OF FARMLAND—A LAND GRAB!

What is in store for property owners in the nearly open tide gate area and on up China Camp Creek? The FEMA Flood Plain Insurance Maps clearly show that Winter Lake and Garden Valley China Camp Creek bottom land are all in the flood plain. These landowners deserve the same protection as others. This is a drainage district after all. Making way for fish is an admirable goal. The taking of fertile farm land is not!

What is the rest of the story, Commissioner Messerle? We need some clarification here.

I understand that the ultimate goal is to extend the "Winter Lake" beyond winter all the way to Powers. Asking for your help in stopping the water before it reaches your doorstep,

Arllys Fones, Trustee Gladys George Trust property on Garden Valley's China Camp Creek

Arlys Fones
9114 SW Trail Court
Portland, OR 97219
503-334-5622

Oct. 17, 2012

Beaver Slough Drainage District
280 N. Collier St.
Coquille, OR 97423

QUESTIONS TO BE ASKED AT THE OCT. 22ND DRAINAGE DISTRICT MEETING

1. ORS 547.005 states "The persons...may form a drainage district for the purpose of having such lands reclaimed and protected by drainage or otherwise from the effects of water." Is not a plan that allows for flooding working against the legal purposes of a drainage district?
2. ORS 547.405 states "Boards of supervisors shall...maintain ditches, laterals, drains, canals, sloughs, waterways of conduits within the boundaries of their drainage districts." Will the proposed plan destroy some of the drainage ditches rather than maintain them? Are the gates being maintained at present?
3. ORS 547.115 states "Each supervisor before entering upon official duties shall subscribe to an oath...that the supervisor will honestly, faithfully, and IMPARTIALLY (emphasis added) perform the duties imposed upon the supervisor by the Drainage District Act." Does Fred Messerle or other supervisors support a plan to allow backflow to China Camp Creek? If so, is this not a dereliction of duties to China Camp Creek landowners? Does the plan allow some landowners preferential treatment?
4. I understand that the flooding proposal was at the approval stage without notification to affected landowners. When were the affected landowners to be notified and have input?
5. Will the proposed backflow bring saltwater as far as China Camp Creek?
6. How much flooding will the proposed plan bring to landowners in the valley and on China Camp Creek?
7. How will it be guaranteed that the proposed flooding will not put the drainage district at risk of being responsible for damage to the railroad, Highway 42, roads in Garden Valley and other property owners inside and outside the drainage district?
8. If already flooded, what will happen when a natural flood occurs?
9. If flooded, is this area at greater risk to tsunami damage?

Nov. 29, 2012

PETITION TO OREGON DEPARTMENT OF FISH AND WILDLIFE CONCERNING WINTER LAKE/CHINA CAMP CREEK

We live in times of uncertain weather with melting polar icecaps, rising sea levels, violent storms and severe drought. Government and private agencies in all coastal localities are planning and preparing for events such as earthquakes and ocean surges from larger storms and tsunamis.

Any plan by Oregon Department of Fish and Wildlife must be forward looking to prepare and protect in these types of emergencies. ODFW has a responsibility to all landowners and to all wildlife as well as to fish.

We, the undersigned property owners and tenants of the China Camp Creek/Winter Lake area petition the Oregon Department of Fish and Wildlife to formally rethink the "Coquille Valley Oregon Wetland Conservation and Restoration, a Proposal to the National Coastal Wetlands Conservation Grant Program" and to begin a totally new plan that starts by addressing our main concern, which is future flooding.

We request that a condition of the grant be the safety precautions which will assure the protection of all land from flooding by including provisions that:

- All tide gates will be highly regulated to drain and to allow for agriculture
- No additional land will be allowed to be under tidal influence
- There will be no intentional back-flooding
- Drainage district channels will remain the same
- There will be no rerouting or flooding of China Camp Creek
- Culverts under Highway 42 will be of adequate capacity and at the same level as China Camp Creek

We have expertise and experience which can help make the project a success. Please accept our input. Everyone's efforts are needed to mitigate the effects of warmer climate. Please protect our homes and lands as you would protect your own.

John Howell
 Steve Kanning
 Annamaria Kauer
 Sharon Wetteman
 Maria Wetteman
 Dr. Wisely
 Kay Westphal
 Barbara Burris
 Patrick H. Burris

James R. Westphal

Jan. 30, 2013

Arlys Fones
9114 SW Trail Court
Portland, OR 97219
503 334-5622
arlysphones@yahoo.com

Oregon Fish and Wildlife Commission
3406 Cherry Avenue N.E.
Salem, OR 97303

Dear Commission Members:

I am writing a final plea for reconsideration of the Eel Lake/Winter Lake land trade by the Oregon Fish and Wildlife Commission because I believe that this decision is truly harmful to Oregon citizens. My father used to own land along China Camp Creek in Garden Valley, and my family still owns land, being farmed, at the upper end of Garden Valley.

No agreements are in place with adjacent landowners or drainage districts. This trade is premature until the project is researched.

Only the few who have pushed this through will have financial gain. All others will be harmed. Must this reach the point of lawsuits from flooded farmers in a drainage district where intentional flooding is against the law (ORS 547)?

There is no demonstrated need, let alone urgency for this land trade and project. A hold on this trade will win the goodwill of thousands of Coos and Douglas County very angry citizens.

Thanking you for your prompt attention in this matter,

Arlys Fones

1 enclosure

On December 6th in Portland, far across the state from Coos and Douglas Counties, Bandon Biota, (connected with Bandon Dunes), Oregon Dept. of Fish and Wildlife, Nature Conservancy and others including Fred Messerle, formerly appointed and recently defeated county commissioner, succeeded in pushing through the Oregon Fish and Wildlife Commission a land trade that anyone who objectively views the facts will see is not in the public interest. In the Eel Lake, Tugman State Park-Lakeside water supply area, the public is to be left, outside of 200 feet, an easterly view of stumps on private land where a public area of pristine 80-year-old forest has existed. The people of Coquille Valley will receive a mosquito-prone marshland/lake with West Nile virus potential and the certainty of flooding of private landowners in a drainage district where flooding is illegal under Oregon law (ORS Chapter 547). The trade has been approved even though 70% of Coos County citizens voting on a November 6th ballot measure expressed their opposition to more marshland by voting "no". Who is profiting here? It is definitely not the public. It appears that a few who worked together to limit public opposition, obscure the facts, and push the decision through in the absence of the chairman, will benefit economically. All other Oregonians will not benefit, not even economically, and will actually be harmed.

Despite being illegal, the Winter Lake proposal has not been researched. Geomorphic mapping and other studies described in the USGS Open File Report 2011-1228 "Columbia River Estuary Ecosystem Classification Concept and Application" (on the internet) need to be done before land is traded to see if such a project is even viable.

Landowners, not aware and not involved until the eleventh hour, have watched while their voices have been silenced or have fallen on deaf ears—landowners have petitioned before the land trade that— all tide gates will be highly regulated to drain and to allow for agriculture, no additional land will be allowed to be under tidal influence, there will be no intentional back-flooding, drainage district channels will remain the same, there will be no rerouting or flooding of China Camp Creek, agreements will be in place with adjacent landowners and drainage districts, an agreement that the existing drainage plan for both drainage districts will not be changed by any restoration plan designed and completed by ODFW or partners (TNC, OWEB, WRCA, BSDD, DU, etc.) either now or in perpetuity, Garden Valley/Waterman's/other drainage district lands will continue with the existing drainage.

Why is this of such concern to homeowners and landowners? Anyone who looks at FEMA Flood Insurance mapping can see that Garden Valley and the Coquille Valley are all in the flood plain. How can China Camp Creek drain into a manmade lake above its level?

Furthermore, the parties involved in the land swap project proposal are clearly not considering the flooding concerns of landowners substantiated in a January 13th Oregonian NW Metro article "Climate report projects dire future for Northwest" based on a draft third national assessment on climate change. Besides higher temperatures, the article states "as sea levels rise, more than 140,000 acres of coastal lands within 3.3 feet of high tide will be inundated more frequently, putting coastal communities at more risk from tidal surges during large storms." A responsible approach will protect the public from future ocean surges with appropriate tide gates which resist river/ocean surges. I continue voicing my request that Oregon Fish and Wildlife Commission reconsider the land trade. Commissioners and other parties must understand that they will be held accountable for their final decisions.