

ROB BAUER

September 16, 1996

Tape 3, Side 1

M.O'R.: This Michael O'Rourke for Washington County Historical Society continuing the interview with Ron Bauer on September 16, 1996. Today's interview is taking place at the Oregon Historical Society in the library.

Well, since you came well-equipped here with documentation today, Rob, why don't we talk a little bit about a couple of these documents before I ask you more about your own participation and involvement in Riverkeepers?

What are we looking at right now?

R.B.: This is a 1957 adjudication of water rights. There were several lawsuits filed over water rights and so the State assembled the lawsuits together, sent out notification to all the property owners along the rivers, along the creeks, to say kind of put up or shut up, state your water right claim, you know, provide us all the documentation, and we'll go through and adjudicate and come up with who's got what and make it official. The base law was a 1909 state water rights law.

M.O'R.: And that's sort of a first come, first served, water right, right?

R.B.: Right. Yeah. He who was there first, who got it, and you had to maintain continuous use.

The adjudication is interesting because it has a lot of historical information that people submitted the documents, their water rights, the operation of the Oregon Iron & Steel Mill, which was the basis of the water rights.

M.O'R.: For Lake Oswego.

R.B.: For Lake Oswego, right.

M.O'R.: Actually, that's the interesting point in itself. Oregon Iron & Steel sounds like a privately-held company of some sort.

R.B.: Right.

M.O'R.: So how is it that the municipality of Lake Oswego becomes heir to that water right?

R.B.: The municipality doesn't have involvement at all.

M.O'R.: Oh. It's still Oregon and Iron Steel?

R.B.: No. What happened was Oregon Iron & Steel was turned over to the Lake Oswego Corporation, which is basically a neighborhood association of waterfront property owners. So it's a private corporation that now is heir to the water rights and they control the lake and the canal, issue boat licenses and boat operator licenses on the lake, and they control both the canal and then the dam that's discharging from it. So it has nothing to do with the city. It's all a privately-held nonprofit - I'm not sure how it's organized, but ...

M.O'R.: But they acquired the water right from Oregon Iron & Steel?

R.B.: Right. And Oregon Iron & Steel owned a lot of property around there, and in later years platted it out for homes. I live in the Lake Grove area, and we have access to the lake because our property was in the Lake Grove school district that used to - that had a lot on the lake to give swim lessons. Other people, like a couple blocks away, they have a right to put a boat in the lake, a lake easement, because their property was originally owned by Oregon Iron & Steel Company, so that went along with the deed, that they had access to the lake. But I can't put a boat in the lake, or most anybody else. You have to have - you either live on the lake or on property that was owned by Oregon Iron & Steel to have that in your deed.

M.O'R.: You were just saying before we had the tape running that USA has some interesting language in the deed to their property having to do with Oregon Iron & Steel?

R.B.: Yes. USA purchased some property by Jackson Bottom, where the new water quality lab is, and handwritten in really nice script, it says that the property owners will hold harmless Oregon Iron & Steel from any flooding caused by their dam. Their dam is at River Mile 3.4. This property's at River Mile 44.4. So I have to conclude from that that the dam was much higher previously than it is now to allow the steamboats to get all the way up there, and that that also was one of the reasons why it would flood in Tualatin whenever there was a rainstorm and the stories around 1910, when the farmers got together and hired somebody to blow up the dam, I've never documented those, but it's something I'll do one of these days.

M.O'R.: Anything else that caught your eye in any of these reports that ...

R.B.: Oh, yeah. They talked about there was a lawsuit filed by a riparian owner, somebody living along the river downstream of a canal, and it went clear to the Oregon State Supreme Court in 1882, and the Court held that the defendant's enjoined from diverting the waters of the Tualatin River from its natural channel, which meant that the canal and the water going into the lake was basically illegal, their water withdrawal.

It says here: "It appears that the defendant, the predecessor of the Oregon Iron & Steel Company, bought out Mr. Shaw in order to quiet the plaintiff." And then there was a second suit by Peter Weiss, which Weiss Bridge there in the town of Willamette's named after, went clear to the Supreme Court again, and I understand - it doesn't say here - but that it was settled for \$8,000. So that was in 1886. So \$8,000 seems like a huge sum of money back then, but

the mill depended on that water for power generation protesting the pipes and possibly floating logs and stuff through.

The other interesting part was that the original legislation that allowed them to do that was, let's see, it was the 1870 Act of the Legislative Assembly of the State of Oregon, and it basically held that they should commence the construction of the canal and the locks on or before the 1st day of August, 1871, and shall complete the same within two years. It was finished in 1880, which is way more than two years, and there's never been a lock on it. So the canal is apparently in violation of the 1870 agreement that allowed them to do it in the first place.

So, you know, maybe somebody could force them to put the locks on as designed in 1870. The goal was to have transportation from Lake Oswego into the Tualatin and on up to Hillsboro uninterrupted by portaging. That was the original intent of the legislation, but the canals were never installed - or the locks were never installed on the canal.

M.O'R.: Well, it's very interesting. I found as a result of talking to the farmers even as far out as Cherry Grove that there's quite a bit of consciousness about Lake Oswego. You know, fifty miles away, so the connection is obvious to those people that live on the river.

R.B.: Well, politically, if not hydraulically.

M.O'R.: Yeah, that's right.

R.B.: Currently now, this adjudication states that they can't raise the river with their dam any higher than necessary to meet their water rights. What in the past they would do was raise these splashboards, they call them, to their full height, back up the river 30 miles, and then control how much water went into the lake by lowering the headgate, which was in the news a lot here during the flood, and throttling it by the headgate.

When they got a new Water Master, they spent time and read the regulations, and what it meant was basically that they had to have the headgate open all the way and lower the level of the river so that it met their flow requirements, that they had been raising the river like 18 inches too high. So the Water Master made them lower part of the dam, and that's caused some problems because people with floating docks and stuff, now the docks were stuck in the mud on the bottom and titled at crazy angles. Where they had, you know, lawns going right down to the water, now there was eight feet of mud flat in front of their property and they were upset that the law was being upheld because it hadn't been for a hundred years.

M.O'R.: And when was this? This was in the '50s?

R.B.: No, this was in the '70s. Well, actually in the '80s. I went down there in my canoe. There was people complaining and were paddled down and ...

M.O'R.: You mentioned the new Water Master that looked at that. Was that Vanderplat?

R.B.: I think so. Tom Vanderplat. And the dam isn't really designed to do that, and they haven't spent the money to do it. They've just flopped down a couple of the boards, and so the water level fluctuates more than it used to.

Right now, because of the damage to the headgate during the flood, the dam is down and you can literally walk across the Tualatin up there between Cook and Tualatin Park, and there'll be rocks. You can probably hop from rock to rock. It's very shallow, you can't paddle a canoe through. You have to get out to ride your canoe through because with the dam down and the summertime flows, that the high point on the river. That's one of the things that I'd heard back in the old days, you know, walking across the Tualatin without getting your knees wet. Well, that's certainly possible in that stretch.

M.O'R.: And with the dam down, then, has the lake been doing poorly this summer?

R.B.: Well, they didn't withdraw water all summer long, so they didn't generate power. And the lake was heavily silted from the flood, and of course the river was full of soil and sediment also, and so they thought that - well they had structural damage at their headgate and they didn't want to bring all this muddy water into the lake and cause nutrient problems. So they didn't for most of the summer, and there's articles in the Oswego Review about people that live along the canal were very upset because it was really green and slimy and really nasty. I don't know whether they're aware of that the Bryant Woods Nature Park, there's springs there, and the water's coming up from the Rivergrove area that's sitting on basalt that was scoured down to bedrock due to the Bretz floods. Ten thousand years later, they build subdivisions, put in thousands of septic tanks with very little soil. So the nutrients from the septic tanks are coming up through the soil, coming out at Bryant Woods Nature Park and into the canal. And normally they're diluted by the Tualatin, but now this year they've shut off the Tualatin, so they had a hundred percent of this water coming from the Rivergrove area that's fairly loaded with nutrients from the septic tanks.

M.O'R.: And that's the primary source?

R.B.: That's the primary source of the canal this summer, was this septic tank effluent that had gone through, you know, a few feet of soil anyway. So they were real upset that is was all green and slimy and there was no flow, so just recently they opened it up again to the Tualatin to let some water through to help dilute that. They had been complaining about Tualatin River water quality for years, and then when they get what's naturally occurring around there undiluted ...

M.O'R.: That floats around naturally.

R.B.: Yeah, right. As natural as a bunch of septic tanks can be. So they're trying a different management plan. In the past they've been just a utility basically and would try to generate as much power as they can, and now they're looking more at water quality and other issues. Their water right is dependent on their generating power, though. They don't have a water right for recreation or, you know, aesthetics.

M.O'R.: You really get a sense of how intertwined life is when you take a look at the Tualatin story.

R.B.: Right. Everything's hooked - well, and it has about every issue, you know, on water, politics, you know, land use, it's all there in a fairly small, you know, 700 square mile basin. Fisheries. You name it, it's there.

But this adjudication of water rights, I copied this from the Water Master is the only place I've seen a copy. There's probably a copy down at the Water Resources Board, but it does give a lot of information, references to lawsuits in the old days, quotes from Captain Kellogg, and different lawsuits about, you know, how far the steamboats went up. This, and the navigability study, that's the one that really talks about the water use and where the steamboats went, and those are like the two key historical documents that got me started.

M.O'R.: We should probably include a copy of those along with the materials accompanying the oral history, but I'll talk to you about that later.

One of the things I wanted to get around to was your own personal experience about joining the Riverkeepers and cofounding the organization with Cathy Claire and ...

R.B.: April.

M.O'R.: Can you tell me how you first became aware of that possibility, of the interest on the part of these other people and how you coalesced there?

R.B.: Cathy called me up to get some information about water quality, or whatever. She knew that I ...

M.O'R.: She called you up in your official capacity?

R.B.: Well, she called me at home. Someone had told her some way around, I'm not really sure, but she wanted some information. And two and a half hours later when we got off the phone ...

M.O'R.: You didn't know her previously, right?

R.B.: No. But I bent her ear for two and a half hours because I had this wealth of knowledge and, you know, she turned the switch on and sometimes it's hard to shut it off.

M.O'R.: At this point now you had been a USA employee for some time. This would have been, what, 1989 or something like that?

R.B.: Yeah, something like that. Yeah, I'd worked in the water quality lab. We'd done sampling on the river. I'd been out on the river in boats to get samples. Done some work looking at water withdrawal, whether there's some illegal irrigation pumps and stuff like that. Mostly it had been going from bridge to bridge taking samples and then running those samples in the lab.

We did go out, some friends of mine, and we put in two rubber rafts at Scholls and left our cars at Tualatin Park, and had intended going from Scholls, which is about River Mile 27, down to about River Mile 9 in a day in rubber rafts. So we hopped in these rafts and we paddled for, you know, and an hour or so, and the bridge was still back there, so that should have told us something. At least, that's how the story goes; it wasn't quite that bad.

We paddled and paddled and paddled and paddled, and ran out of beer and ran out of water, and paddled and paddled and paddled, and

you know, didn't see any houses, any sign of civilization, paddled for hours. And we came to these powerlines, and I said, "Oh, those are the powerlines right there by Sherwood," because I'd been through here on a boat at one time. So one of the people, Woody, he decided he'd bail out at that point and hitchhike, get the cars and meet us halfway at Chamburg Bridge. So I said, "Yeah, you should be right by Sherwood." So he bails out, and we keep paddling on.

And he pops his head up over the bank, and he's in the middle of an 800-, 900-acre field, no sign of a building, no sign of a house, no cars. Just out in the middle of nowhere. And we're paddling along, and we cross the powerlines again, you know. And again. And I kept saying ...

M.O'R.: Did he rejoin you then?

R.B.: Well, eventually, he came out on a road, hitchhiked a couple of times, got the car, and was waiting for us at Chamburg Bridge.

M.O'R.: So it did work as a strategy.

R.B.: Right. But when he got there, we weren't there. And he was trying to - Did we go by? Haven't we made it there already? So we're paddling and paddling, and the sun's beating down, there's no shade in the middle of the river. A canoe goes by, you know, just whew. They're going way faster than these rubber rafts were. And we had four people paddling at a time, dragging the second raft with one or two other people in there, and then we'd take turns paddling.

And actually, Woody wrote an article about it and submitted it to *Northwest Magazine*, that chose not to publish it. But he was that motivated from the trip to write an article about it. Some of the experiences we had. And I kept saying, "Well, that grove of trees looks really familiar, that's got to be Chamburg Bridge just

around the corner," you know. We go around the corner - nope. Half hour later, you know, "Oh yeah, yeah. See this? Chamburg Bridge's just got to be around the corner." And it wouldn't be. And this went on for literally hours. And it's starting to get towards the evening.

And finally we see one house perched way up on the bank, maybe a hundred feet above the river, just a small shack that blends in. We yelled, "Where's Chamburg Bridge?" And they yelled back, "Just around the corner." And everybody almost mutinied at that time and went up to throw the person in the water because they'd been hearing "just around the corner" way too many times. Well, in fact, they were right, and it was just around the corner, and it was 7:30 or something like that. It was getting pretty late in the evening. And so that was our brown water rafting trip.

M.O'R.: And by this time you'd accomplished what percentage of the voyage?

R.B.: Oh, we'd barely gone halfway. Yeah. And, you know, we'd run out of food, water, patience. It was more of a survival thing than any kind of fun. You know, we'd assumed that the current would help us drift along. But the wind would blow, and the leaves would be floating upstream past us, and the wind would hit the rubber rafts and, you know, really slow them down, and if we stopped paddling, we'd just be blown upstream. I suppose that was one of the reasons that I wanted to put river mile signs up so you could tell where you were because it was so easy to get lost on the river unless you really kept track. So they apparently had had a discovery day trip - Claire had had the first one - and we went on the second one.

M.O'R.: The first one, as I recall, was actually an organized in connection with STOP?

R.B.: Right. And you know, some of the environmental group said, "If you invite USA to participate, you know, we won't show up." And so she did that, and they never showed up. And so, I think that was a ...

M.O'R.: That was the Sierra Club?

R.B.: Yeah.

M.O'R.: And REI?

R.B.: Yeah, and so from that point on, I think, she changed her mind and said, "Well, I'll invite everybody, and if you're not big enough to show up ..." You know, we've got to all work together, and I think that was one of the founding philosophies of Riverkeepers is, you know, having a dialogue with everybody, rather than try to be exclusionary or writing some group off. And so she was very adamant about that throughout the ...

M.O'R.: From that point on?

R.B.: From that point on.

M.O'R.: When she first called you and you had your two and a half hour long conversation, was that ...

R.B.: Monologue, probably.

M.O'R.: Was that sometime after the first Discovery Day?

R.B.: Right. I think it was just prior to the second Discovery Day, and so that's why we went along and kind of showed up, and somebody else had showed up and ended up doing the shuttles. So, you know, there's a bunch of us piled in back of somebody's car. We did the trip, and then the next year, I started helping.

One of the things I've felt strongly about was putting some information out on the river so as people paddle along that they could get some history, get some current water quality information. So we put things in ziploc bags and tied them onto tree branches and had them hanging down, and the hope was that people would - and

what actually happened was somebody would paddle up there, two or three other canoes would accumulate around them, and they'd read aloud what was on this to the other people, and they would swap stories that they had heard about the Tualatin and go on to the next one, and maybe a different group would kind of form around it.

People have this image of the Tualatin as a shallow, slow-moving river, so I put a weight on a rope and hooked it to a bleach bottle with a note that says "pull this up," and it was 18 feet deep. So they're yarding this thing up to really give them a hands-on experience of how deep the water is. It's moving very slow because it's wide and deep and there's not much water going. And also, you know, the put-ins were kind of slide down the muddy bank and hang on to somebody's hand, and so we put in progressively better docks at the put-ins, you know, some pallets kind of stuck on the mud. And then the next year, you know, something built better, and some stairs chopped into the dirt to where now we have wooden stairs and handrails and 16-foot docks sticking out in the river.

M.O'R.: So you put in the same place every year, then?

R.B.: The first three years were at the same spot from basically Chamburg Bridge area down to Tualatin Park. Actually the put-in was the old Ellsner Park, it was a private park. It's shown on like the Thomas Guide as a park hatched in, but it was a private park where you paid like 25 cents to rent a canoe or rent a rowboat and had picnic tables. It was upstream from Roamer's Rest and Avalon, but probably about the same time frame. And you can still see some of the light fixtures hanging in the trees, so that they could light it up at night. And we identified that as a real important spot for the Metro greenspaces to look at, to see if they could purchase it.

M.O'R.: But it's privately owned.

R.B.: Privately owned, right. And the wildlife refuge is right across the river from there. And the current plans I've seen on the wildlife refuge is to have a canoe put it right across from this. So it would be redundant to purchase it, and it's right off of a busy street, so it would be hard to have safe access to it.

M.O'R.: So that plan isn't ...

R.B.: Well, I don't know where Metro is and how willing the seller is ...

[End of Tape 3, Side 1]

ROB BAUER

September 16, 1996

Tape 3, Side 2

M.O'R.: It's obvious that you had a pre-existing interest in the history of the river before you got together with the Riverkeepers, and I'm just wondering, what was your thinking at the time in terms of what this involvement might mean?

R.B.: Well, this was really before the Riverkeepers, when it was just Claire and April and that outgrowth of STOP.

M.O'R.: Right. I guess maybe a way to put it would be, I guess at that time it really just the Discovery Day; is that right?

R.B.: Right.

M.O'R.: You apparently thought that it was worthwhile to devote your time and energy to that, so I was just wondering what your thoughts were about ...

R.B.: Basically what I was doing was like I said, I was doing some of the organizing, helping build the docks, and get some of the historical information out there.

M.O'R.: Did you think it would lead to a better quality river or ...

R.B.: Well, you know, there was so much misinformation about the river out there, and people would just see it from a bridge going 45 miles an hour, and it had a reputation as an open sewer. You know, Jack Churchill had been on TV, and the TV guys were talking about the last surviving crawdad.

So I guess Claire called a meeting at her house. Tom Ruh, who's the principal at Stafford, which is right along the river, and I think myself, Claire and Kim her friend, and Woody, who's the guy who bailed out. I'm assuming April was there at the first

meeting. We kind of formed Riverkeepers at that point, wrote a mission statement.

M.O'R.: This was after the second Discovery Day or before the second Discovery Day?

R.B.: Yeah, I think it was after the second, maybe between the second and the third.

M.O'R.: Discovery Day, okay.

R.B.: Right. And got the name incorporated with the state and a few of the things like that, and then basically did Discovery Day and that was about the only event we did.

Claire might have talked to different groups, Kiwanis or Grange or stuff like that, to try to get people - the focus was Discovery Day, to try to get people interested in that and learning about the river.

And then it grew and grew, and we were basically just a board organization where we had like eight to twelve people that were on the board, and we had to decide whether we were going to be a group of people that put on this event once a year and, you know, paddled on the river just ourselves the rest of the time, and had fun, or we were going to get serious and get 501(c)(3) status and go after some of the Tualatin Valley Water Quality Endowment Fund money and be able to write grants and receive money.

I suppose the endowment fund finally getting straightened out and on line was one of the things that keyed us to do that, because we knew that money was going to become available, and we had ideas how we'd like to spend it. So we decided to change to a membership organization, and the support from the community has been really gratifying. We've got over 300 paid members. The San Francisco Baykeeper has like 700 paid members for the entire San Francisco Bay. So, here's this little puny Tualatin that the national riverkeeper organization really they just ignored us for years and

years and years. We'd keep writing to them because we heard that they had trademarked the riverkeeper name, and we wanted to upfront and legal and use the name with permission, and they basically just ignored us for years and years and years. Then finally we were the first organization that they gave permission to use it, you know, with this long legal document, and told us we couldn't use an "s" on it because it's a riverkeeper, not plural, and we felt, and feel strongly, that everybody should be a riverkeeper, you know, it's just not this one person that's THE riverkeeper. Everybody that's out on the river or lives along it should be a riverkeeper.

Our organization's been more grassroots than some of the other riverkeeper organizations that have been founded - basically somebody filed a lawsuit, got a half million bucks, got a million bucks, and formed an organization kind of top down because they had this big chunk of money from the lawsuit, and the money from the lawsuit went to the endowment fund, who decides where it goes. So we have to compete with everybody else.

M.O'R.: And so they name did wind being the Riverkeepers, right? Or is it ...

R.B.: Yeah, we're whistling in the dark, you know, and hoping they don't us over an S or something. That's just what you want to see, an environmental group spending time and energy arguing whether you can have an S or not. We're very diligent in putting the little circle R whenever we use Riverkeepers, because that's one of the requirements, and it has to be a different font from the word Tualatin, and there's just a host of minutiae that we have to do to keep in their good graces.

M.O'R.: Now, you said that one of your motivations for deciding to change the nature of your organization was the realization that there would be this money available.

R.B.: Well, a lot of times we said, "Well, should we charge money for these trips," and I said, "What could we possibly spend money on? We're digging stairs in the bank with shovels, into the dirt, so that doesn't cost anything. How could we spend, you know, more than a hundred bucks on Discovery Day? Why do we need to have a treasury and try to get money because there's nothing we need the money for."

Well, the first grant that I wrote was for river mile signs. Because my experience of being lost on the river, you know, several times, and seeing that there had been some river mile signs on the Willamette at some point, I saw in a canoe book, these little signs. So I looked into what signs would cost and wrote a grant for about \$1500, making lots of assumptions, and we got the grant and put in river mile signs on the lower 44.

I had assumed that about half the signs we could put on trees, but there was a lot of resistance to that, you know, you do something to a tree and harm it. So the majority of them are all on posts, which the posts cost more than the sign. So I was able to get the signs twice as big as I'd planned for half as much by going through the Walla Walla State Penitentiary. They have a sign shop for the State of Washington, and they'll make signs for nonprofits. So the sign was about \$12 and the post is about \$17.

So I had cut it pretty close on the money, because I hadn't expected on putting in quite so many posts. But, you know, an environmental group has to be kind of holier-than-thou. In fact, I've heard complaints, probably by people that have never been on the river, that the river mile signs are visual pollution, you know. They're two feet long and they're once every 5,280 feet. So that's a pretty, you know - what is that, one part in two and a half thousand that is covered with signs? You know, if you want to

worry at that level, you shouldn't be out on the river disturbing the wildlife, you know.

M.O'R.: I suppose if you're on the Tualatin in a canoe and you're floating down the river you have some awareness of the river and the watershed, but I've noticed that there's all kinds of signs on not only the Tualatin, but also the tributaries at the bridges.

R.B.: Right. That was a project with the designated management agencies. They were behind in their service water management. It'd be USA, Washington County, the twelve cities, Department of Ag, Department of Forestry. And the DEQ basically did a consent decree with them that said since you're behind, you have to finish up by a certain time, you have to do some public education, you have to do some this or that.

And so the DMAs responded with we're going to help sponsor Discovery Day because it's the premier event on the river for public education. We'll put up the stream signs on the bridges so people know what watershed they're in as they're driving around. It's been very successful in Clark County and quite a few counties up in Washington have done it. So they applied to the endowment fund and got money for that sign project. But Riverkeepers weren't involved in that. Our signs are down on the river, not on the bridges.

M.O'R.: Right. Well, I noticed there's similar signs now marking Walsh Creek up here on as you go up over Barnes Road.

R.B.: Is that the one that goes through the Audubon ...

M.O'R.: Yeah.

R.B.: Yeah. That might be a Bureau of Environmental Services deal, or it could be right out of Audubon, I'm not sure.

M.O'R.: Well, I've walked up the creek numerous times when I took walk in Forest Park, and wasn't even aware of its name until

relatively recently. I think that the signs on the roadways are a real good idea, actually.

R.B.: Yeah. Out by our farm on - I used to go stomping in Whipple Creek as a kid and go up the side branch and had no idea that it even had a name, and they put signs up there on Packard Creek. Sometimes I've been to meetings and people have to introduce themselves, you know, "I'm so-and-so and I live in the" - whatever creek watershed, sort of like an AA meeting almost. But, you know, people have to figure out what watershed they're in and have an awareness that they're all connected.

When I got my first service water management bill from Clackamas County, it said that I was in the Tualatin Basin, and that's incorrect. I'm actually in Springbrook Creek - well, Waluga wetlands that goes to Springbrook Creek that goes into Lake Oswego that goes into Oswego Creek that goes into the Willamette. So my septic effluent never touches the Tualatin.

So I called them up and said, "You must have me confused with somebody else. I'm proud to say my septic tank effluent and runoff from the street goes into Lake Oswego. And Lake Oswego doesn't drain to the Tualatin, it sucks from the Tualatin." And so the person politely explained, you know, "Well, for the purposes of this legislation, Lake Oswego is considered part of the Tualatin subbasin."

And I go, "Well, that's fine, but my water doesn't go in the Tualatin Basin." And I was pretty gentle with her, but I just wanted to make my point. But when USA had put in their service water management bill, they had, I don't know, maybe ten people answering the phones from irate people, you know, this rain tax, they got called Nazis, and Ayatollah, because it was about the time frame, they got letters written on toilet papers. Some of the

people would be in tears from the angry people on the phone just chewing them out for this \$3 a month bill.

So I didn't want to do the same to Clackamas County, but I just wanted to point out that I wasn't in the Tualatin subasin. That proudly, my septic tank went straight to Lake Oswego, and they should protect the wetlands between my septic tank and the lake, if they want to keep the water quality good.

M.O'R.: When did USA start billing for this?

R.B.: Late 80's.

M.O'R.: Did that come out at the lawsuit too?

R.B.: No. That came out of DEQ rules that eventually storm-water discharges - like culverts and stuff like that are going to have discharge permits, or maybe they already have. I know people run out whenever there's a rain event like it was this weekend and go out and sample these things to see what the level of pollution is coming from the street runoff and all that. And I'm assuming that eventually if it doesn't meet the standards, then you have to put in some kind of water quality facility, whether it's a grass-line pond to absorb the silt and slow the water down, or some physical cement structure, I'm not sure. I'm not really up on the surface water management.

M.O'R.: But the money that's being levied, though, would be to treat surface water?

R.B.: Right. And to document culverts that they have, to do street sweeping, because if you clean the streets, then you have less runoff, the culverts don't fill up, you have less pollutants. For years, the storm drains in the street, they have a pipe that comes out and bends at a 90-degree angle, and that's so when it fills up with water, the oil and grease will float on top, but the intake to the rest of the system is down below the water, so that the oil and grease is trapped in these storm drains. Theoretically,

cally, someone is supposed to come along and then suck that stuff out.

And they're also a couple feet deep, so sand and gravel and dirt, organic material, will settle out at the bottom, and you vacuum that out, so you're taking the grease and oil off the top and you're taking the debris off the bottom. So it acts like a little settling basin and an oil separation. But what would happen is it'd fill up with dirt and gravel and it would plug up this pipe where it went 90 degrees and went down, so the city crews would just go in there with a sledgehammer and bust the 90 off, so it was just an open pipe. So the gravel would fill up and then run into the rest of the system, and the oil and grease would all run away, and they'd never be bothered by that storm drain again.

So there had been thousands of those suffering from benign neglect throughout the entire system. And then when the surface water management program was promulgated, they had this huge backlog of things that had never been cleaned, that had been damaged to avoid cleaning. All the debris that had been sucked in could have damaged and plugged up pipes someplace else. You know, maybe only Bob over there on the road crew knew where these things were because they weren't documented anywhere. And so that's where that money's going, too.

M.O'R.: Let me bring you back here to talking a little bit about the Riverkeepers as a developing organization. We were talking about the money just a minute ago. One thing that amazed me was that I guess that in the beginning Cathy and perhaps yourself and others ...

R.B.: It all came out of our pockets.

M.O'R.: Yeah, but wasn't that almost - that was a conscious decision, I understand, at least for the first couple of years, that there was actually money offered by ...

R.B.: Yeah, that was Claire. USA had offered money, I think, to help out the event, and she didn't want to be beholden to anybody, and probably at time, still looked - you know, USA was the villain, or one of the villains, and the lawsuit was going on and, you know, she gave me a bad time about that because I was working for the enemy, and I gave her a bad time about being connected to a septic tank a hundred feet away from the river, and the discharge from the septic tank is like ten times more concentrated than raw sewage coming to the treatment plants, and that she was directly connected to the river every time she flushed, and the three feet of rain fell on the drainfield and was contributing, too. And, you know, if you wanted to shut USA down and put everybody on septic tanks, it'd be pretty bad.

M.O'R.: Is that what she wanted to do?

R.B.: Well, no, I was just comparing it to her, you know, lifestyle choices that also had an impact on the river.

M.O'R.: Carried some baggage with them or whatever.

R.B.: Right, right. She who is without sin can cast the first gallon in the river, you know, I think. Or she who is without pollution can cast the first gallon into the river.

M.O'R.: Did she give you a bad time, was it somewhat with tongue in cheek, then, or was she ...

R.B.: Well, I mean, USA had been portrayed in the media and stuff as, you know, the evil on the river, and the lawsuit, with all the thousands and thousands of alleged violations, you know, as significant as forgetting to sign page 11 on a 12-page form - you know, was greatly exaggerated for the political impact.

M.O'R.: Right. By Churchill.

R.B.: Well, yeah. He knows how to get a good sound bite and what the TV wants to cover. It's been very difficult to get press coverage, TV coverage, on Discovery Day. You know, we get 250, 300

people out there on the Tualatin, and the TV isn't there because it's a positive story. There are people out there enjoying the river, having a good time, not coming back with extra limbs or, you know, losing half of them. It's not sexy, and it's been really tough to get coverage out there.

M.O'R.: Did you have any awareness when you first were working with Cathy and decided to go with the name Tualatin Riverkeepers - I mean, you already talked about the problem with the riverkeepers group, but of course the name had already been appropriated by Jack Churchill at the very beginning. At that point, I think, it was a one-man organization.

R.B.: Yeah, a couple, three of them, yeah. It was just a name, somebody to have standing in the lawsuit. They weren't incorporated or anything. They also got Peter Paul to sign, and I talked to him years later, and he was pretty upset with them because he had no idea he was signing on to a \$175 million lawsuit. He was told that this was something to help the river, and so he signed it and when I talked to him a few years ago, he expressed that he was kind of upset to find out what he was all involved in there.

M.O'R.: Without knowledge, eh?

R.B.: Right, basically. So, had the Riverkeepers really existed - other than in Churchill's imagination - if there had been an organization, perhaps we would have started out with a million dollars in the bank, like the Hudson Riverkeeper, they started out with a lawsuit against Texaco or somebody and got a big cash settlement, and they had control of the funds completely.

And I was just seeing some Alaska Baykeeper, the same thing. Some environmentalists had sued a petroleum company and gotten a big wad of money, and so that was their founding. But those are kind of top down, rather than the grassroots low-to-the-ground,

like we were. So initially, all the money just came out of our pockets.

M.O'R.: Right. But now you mentioned this possibility of the Riverkeepers being the organization that might have inherited the responsibility for distributing these funds, had they been ...

R.B.: If it had existed at the time, you know, if they had been a 501(c)(3) and, you know, an official organization.

M.O'R.: But at the same time you sort of characterizing organizations that were endowed in this light as being top down organizations.

R.B.: Right. It would have been a completely different organization.

M.O'R.: Yeah, what I was going to ask you is do you think that it would have been a better way to go, to have all that money in the bank?

R.B.: They would've probably had a couple professional staff people and sat in an office and filed lawsuits and stuff. Our goal was to get people out there to become stakeholders, to become users of the river and to demystify the river experience. They were so prepared to see, you know, corpses and bloated fish floating by, and it's really nice at the end of Discovery Day, and people are going, "Well, I've lived here 15 years and I had no idea that this recreational opportunity was right here," and that's what we were looking for is to get people out on the river. That was our first goal, and it didn't take a whole lot of money to do that.

Then we started finding out that, you know, it's the '90s and the liability issues and that there was insurance available, so that's like an \$800 chunk for Discovery Day for insurance, for the property owners and ourselves.

M.O'R.: And essentially you were blissfully ignorant for a couple of years on those points.

R.B.: Well, yeah. We had been told that canoeing with public was so dangerous that only Lloyds of London would cover you, and don't even ask anybody. So then I found out that there was insurance available through the American Canoe Association, and since we found out we felt we had a fiduciary responsibility. I mean, being ignorant is one thing, but knowing that it was available and choosing not to is another thing.

M.O'R.: In which year, then?

R.B.: Oh, that would have been like the fourth annual. It was at Rude Bridge to Farmington. To get the insurance, everybody had to be a member of ACA, all the participants. So we asked for \$5 so that they could join ACA so that then they could be covered by the insurance that we had bought. So we collected - that was the first one that we - the only one that we've collected money. I mean, the legacy is still there, we haven't usually collected any money, charged people for the trips. That surprises a lot of people. They call up, "Well, how much is this?"

And I say, "It's free."

"Oh!"

M.O'R.: So you only charged the one year, and then it wasn't necessary to cover the insurance costs on subsequent years?

R.B.: Well, we got money from USA has given Riverkeepers like a thousand dollars. Well, then the next year the DMA, the Designated Management Agencies, as part of their consent decree with DEQ said, "We'll help support this big event on the Tualatin." And so they supported us for a year, and then they were off the hook. So then the second a few of them still kind of supported us, and the deal has trickled down and is going less and less as far as these governmental agencies.

M.O'R.: But I assume USA has continued ...

R.B.: USA has continued to fund us, and they provide a 15-passenger van for the shuttle and a driver, and several of them are river guides and help out, and sometimes like to mow the site - there's five foot of reed canary grass, and they go out there with their equipment mow it. They've been real helpful. They're, you know, aware that they have to have the public informed about the river and educated about it.

M.O'R.: In terms of the transition from running the river Discovery Day on no money to now running it on what's probably still a fairly modest budget.

R.B.: Oh, yeah. Yeah.

M.O'R.: But with some corporate help from USA and other organizations, was that any kind of a tough transition to make in terms of it being ...

R.B.: Well, no. We realized we've got to buy some lumber to build these docks and stuff, because, you know, a couple of pallets stuck out in the mud wasn't going to cut it. So we were spending a couple hundred dollars a year on docks and stairs to get access, and we're able to spend all we get and more, probably.

Looking at making a kind of portable floating dock, now that we could -. It takes a lot of my energy to put these docks up and stand out in a canoe trying to pound posts in the river, and it's been getting more and more professional every year. Port-a-potties and tents and stickers for each Discovery Day event. Did a little survey, a random survey, this year as I was driving people back to their cars to rate the length and how many times they'd been out.

[End of Tape 3, Side 2]