

**UNITED STATES
ATTORNEY'S OFFICE
District of Oregon**



PRESS ROOM

08/22/2011

**Two Plead Guilty, Sentenced for Dumping
Truck Loads of Rocks and Other Material in
Side Channel of the McKenzie River**

EUGENE, Ore. – Geraldine Betz and Stephen Ponder pled guilty today in U.S. District Court in Eugene, Oregon to a violation of the Rivers and Harbors Act for the unlawful discharge of multiple truck loads of rock and other material into the side-channel of the McKenzie River.

The McKenzie River originates in the Cascade Mountains of Western Oregon and flows ninety miles into the Willamette River. The Willamette is a major tributary of the Columbia River. The McKenzie provides drinking water for Eugene-area residents and habitat for threatened species such as Chinook salmon and bull trout

“Oregon’s navigable rivers are shared resources - not private fiefdoms - and we must all respect the laws designed to preserve our rivers and habitats for future generations,” said U.S. Attorney Dwight C. Holton. “I commend the collaborative efforts by the National Marine Fisheries Service, the Environmental Protection Agency - Criminal Investigation Division, and the Oregon Department of Fish and Wildlife in investigating this case.”

According to statements made during the hearing, Betz and Ponder each owned property located along a side-channel of the McKenzie River. In the spring of 2008, the defendants discussed

constructing a channel dam to stabilize the bank and reduce the flow of the channel. In November 2008, Betz hired a construction company to bring rock out to her property to build a dam. Multiple dump truck loads of rock and other material were placed into the entrance of the McKenzie River from the side-channel at the direction of Betz and Ponder. Neither defendant possessed, nor had they obtained, the necessary permit to authorize the discharge of such materials into the river. Under the Rivers and Harbors Act, it is unlawful without a permit to discharge or deposit any kind of refuse matter into any navigable water, or tributary of any navigable water of the United States.

In accordance with the terms of the plea agreement, Betz and Ponder were sentenced to three years of probation. Betz was also sentenced to pay a \$6,500 fine, as well as make a \$3,500 community service payment to the Oregon Governor's Fund for the Environment. Ponder was sentenced to pay a \$1,625 fine and make an \$875 community service payment to the same fund. The Oregon Governor's Fund for the Environment is a sustained granting fund managed by the National Fish and Wildlife Foundation to benefit the coastal areas and rivers and streams passing through the District of Oregon.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division. It was prosecuted by the U.S. Department of Justice's Environmental Crimes Section, Environment and Natural Resources Division, and the U.S. Attorney's Office for the District of Oregon.