

Dear Beth,

I would like to request that you enter this email into the written committee record, with respect to HB 3367, scheduled to be heard today at 3pm.

Thank you.

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-----Original Message-----

From: Brad Chalfant [mailto:bsc@deschuteslandtrust.org]
Sent: Wednesday, May 20, 2015 6:58 AM
To: Sen Dembrow; Sen Edwards C; Sen Prozanski; Sen Thomsen
Cc: Rep Buehler; Sen Knopp; Kelley Beamer; Brad Chalfant
Subject: HB 3367

Dear Senators,

My apologies for the late email, but I/we didn't learn of this bill until late yesterday afternoon and understand that your committee will be hearing HB 3367 this afternoon. I'm writing to encourage you to either vote down or delay action on HB 3367. I believe that this bill is likely to have significant unintended consequences and that the issues it seeks to deal with are best addressed before DLCD. I fear that passage of this bill could significantly impact the public's access to important recreational, educational, ecological and historical resources.

While there may be valid reasons to consider requiring formal landuse review and the not insignificant expense of such process for large regional trails or trail systems, the same can't be said for the majority of trails, paths and walkways that exist or are built on private property. It's not inconceivable that HB 3367 could result in the closure of short paths and trails across private property, leading to the Oregon beach, our rivers, scenic viewpoints and historical sites, as well as ecological and agricultural sites that are used for education, interpretation and research. Does a trail that loops entirely within a private property constitute a "transportation facility" and what if that trail has multiple access points? How many private landowners will take the time, expense and trouble to pursue conditional use approvals in order to continue offering such

access.

While I don't believe that any of these "facilities" are of the nature that spurred the recent Benton County case and produced this legislation, they are all potentially impacted by HB 3367 and argue for referring this matter to DLCDC rather than enacting HB 3367.

Finally, the Oregon Legislature has seen fit to provide limited recreational immunity to private landowners in order to encourage them to allow public access across private land to the Oregon beach, our rivers and streams, scenic viewpoints, historical and educational sites. Oregonians greatly value the public access they currently enjoy and are not likely to relish its loss. Intended or not, HB 3367 runs directly counter to Oregon's longstanding public policy of encouraging private landowners to afford reasonable public access.

Please consider carefully, the potential implications of the passage of HB 3367 and defer further action. Thank you.

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Sent from my iPad