

Tim Phillips Testimony in Support of the -1 amendment to HB 2027

I am writing in support of the -1 amendment to HB 2027. I am a land owner in the Upper Deschutes State Scenic Waterway for over 10 years. I purchased my property knowing the land was protected by the Oregon Scenic Waterways act passed by ballot measure in 1970. Further my property and those of my neighbors is also protected in the Upper Deschutes Scenic Waterway which was also passed by ballot measure in 1988.

Both regulatory schemes prohibited bridges in this stretch of the river emphasizing the outstanding remarkable values and placing conversation for wildlife, vegetation and the riparian zone ahead of all else. Further, the Oregon Legislature recognized this and expressly withdrew ORPD's condemnation authority for acquiring recreational trails and rights of way under ORS 390.989.

However, in an nefarious use of combining agency powers Bend Parks and Rec in combination with OPRD have found a possible loophole around the longstanding legislative intent. As the bridge prohibition sits in an Administrative Rule 736-040-0073 Bend Parks and Rec hopes to have OPRD change the rule and allow BPRD build a bridge along with a subsequent trail within the State Scenic Waterway. In this case, OPRD only has to change the bridge rule and then BPRD use that as an end around State Scenic Waterway's laws.

These are not comments submitted lightly but based upon a review of over 1000 internal emails and documents obtained through public record requests from OPRD and BPRD.

Our large coalition of property owners, environmental groups, property rights advocates and concerned citizens ask the Oregon State Legislature to raise the bar on the bridge prohibition by voting in favor of HB 2027 with the -1 amendment.