

From: Tim Phillips
To: [SENR Exhibits](#)
Subject: Support of HB 2027-A
Date: Monday, May 08, 2017 4:25:48 PM

Chair Sen. Michael Dembrow and Members of the Senate Environmental and Natural Resource Committee,

I am writing to urge you to support HB 2027-A. This is a simple bill that puts an existing OAR into ORS. The OAR bans bridges in the Upper Deschutes State Scenic Waterway. Through a loophole in the administrative rule an agency, in this case, Bend Parks can build a bridge regardless of public input or state oversight. This bill would put the legislative body in control of a longstanding environmental protection.

I've heard from Bend Parks and Rec directly and here is how they would like to "muddy this simple issue". They will tell you:

1). This is a local issue and the legislative body should not interfere.

Ridiculous, it's in a State Scenic Waterway which is controlled by the state. Further, this waterway was placed there by ballot measure voted by the entire state. Finally, the critical management plan had state wide agencies, federal agencies The Governor and Tribal Agencies involved. All said No Bridge. BPRD thinks getting a few folks together is enough to overturn State, Federal and Tribal coordination and environmental protections.

2). Bend citizens passed a local bond measure to build this bridge therefore BPRD has tacit approval by the local voters.

There were dozens of projects mentioned in the bond measure. The bond measure did not tell the voters they would have to violate state rules and laws to build the bridge. Further, they did not tell Bend residents they would have to use eminent domain to seize property from unwilling landowners. Finally, internal documents show BPRD will not have the money from the bond measure to build the bridge. More misdirection and slight of hand by BPRD.

3). The legislative body is interrupting an ongoing public process.

Absolutely outrageous. BPRD in 2015 had a full throated public process of which most were opposed nearly 2-1. OPRD heard the testimony and data and rejected BPRD's request for rule change. The current UDAG process is overwhelmingly against a bridge. But here is what's most troubling. Based upon internal documents no matter what OPRD (who controls the existing OAR-see attached) BPRD found a loophole to ignore OPRD, the public and build the bridge anyway. Further, Don Horton (Director of BPRD) said in an email (see attached) he was "hopeful" homeowners were excluded from the public process.

4). They will say 88% of Bend Residents support this bridge. Again this is almost malfeasance. They cannot say who received the survey. The survey did not inform participants, building a bridge would have to violate state rules or use eminent domain from unwilling property owners. It's a classic "push poll" to give BPRD cover for violating state rules. Now we find out the person that conducted this survey and was heading this project at BPRD as suddenly resigned. Further, BPRD will not fully release documents after 2 public records requests on this matter.

5). They will say they never considered using Eminent Domain.

The parks folks said condemnation was never considered during house testimony. More misleading statements or internal confusion at BPRD. (See email attachments) BPRD discusses with USFS using eminent domain from "unwilling home owners".

What BPRD will not acknowledge is the overwhelming evidence against building a bridge:

Internal emails with USFS saying they did not want to add more intensified users into Federal Wild and Scenic.

Internal emails with OPRD saying State Scenic Waterways were not designed for bank recreation.

BPRD's possession of documents that strongly suggest they will not succeed in getting a connector trail into Federal Wild Scenic territory.

Internal emails from OPRD suggesting they were concerned with BPRD's use of eminent domain.

Internal emails and strategy documents saying changing the rules for BPRD would create serious consequences for State Scenic Waterways throughout the State.

ODFW has strongly opposed the bridge in written documents.

What they will acknowledge finally is there is an existing trail that does not violate SSW and require eminent domain that connects Bend to Sunriver which was their goal all along.

I expect when you have your hearing they will drag out these oldies but goodies and I hope you look at the facts and weigh the credibility of those from BPRD.

Please join me and Oregon Wild along with private property rights advocates and scientists to stop BPRD's willful disregard for process, the environment, community input, and private landowners rights to peacefully enjoy their property.

See attachments:

Content typed on a small device that is susceptible to typos and errors.