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A Bridge Too Far...?

BY SIMON MATHER CBN FEATURE WRITER ON APRIL 20, 2017

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E-HEADLINES

Bid to Allow Crossing Over Scenic Upper Deschutes Stretch Stirs Debate

A potential watershed moment in the heated debate over whether to open up river crossing access or prioritize preservation for a designated scenic stretch of the Upper Deschutes is looming on the horizon.

State administrators – following overtures by Bend Parks and Recreation District – are set to consider rule changes this May which could pave the way for a pedestrian footbridge spanning the waterway close to Bend's southern boundary.

But while proponents, particularly on the eastside of the river, advocate for greater access for recreational purposes, some local neighbors fear the mooted move is excessive and would create an adverse ecological impact from heavy pedestrian use within a prime natural habitat.

According to Oregon Parks and Recreation Department, [State Scenic Waterways](#) are designated by public referendum, the state legislature and the governor to “protect the recreational and fish and wildlife qualities” of a designated river or lake. Afterward, the public together with local, state and federal government agencies work in concert to create specific rules, under the umbrella of Oregon Administrative Rules (OAR's) that protect the waterway.

A portion of the Deschutes River between Wickiup Reservoir and Bend was designated at the state scenic level through two actions in 1987 and 1988. First, the Oregon Legislative Assembly designated portions of the river from the reservoir to Bend through a bill in 1987, then, in 1988, Oregon voters approved Measure 7 and added the last, most-downstream mile inside Bend's [Urban Growth Boundary](#), referenced by BPRD as the “South UGB Segment”.

A group of several tribes, agencies, irrigation districts, and local government stakeholders worked out a [joint management plan](#) in 1996. Likely anticipating growth coming down the track — Bend is some four times larger now than when the waterway was designated – they classified the part of the river inside the UGB as a River Community and added some restrictions on development, such as an outright prohibition on new bridges or any other kind of crossing.

But in 2015-16, citing a desire to extend the river trail system through the southwest corner of Bend to a footbridge offering access across the bank to the Deschutes National Forest and trail routes extending to Sunriver, BPRD petitioned the Oregon State Parks and Recreation Commission to amend the scenic waterway rules and loosen the restriction on new bridges.

As part of its 2012 bond measure, BPRD had already allocated some \$1.2 million toward plugging the perceived gap on the east side of the river that would generally connect the River Rim neighborhood and surrounding areas across the Deschutes to national forest and existing trails.

New public trails were anticipated to link to the Cinder Cone Park and Elk Meadow in the RiverRim neighborhood, with potential trailhead parking accessed via Buck Canyon Road forming part of the evaluation and the necessity of gaining easements over private property part of the equation.

The requested state administrative rule amendment would have allowed a bicycle/pedestrian crossing, as part of a BPRD trails master plan goal, fomented since the 1980s, to develop a continuous Deschutes River Trail within Bend, with the intent of ultimately connecting it north to Tumalo State Park and south to Sunriver.

AMENDING THE RULES

But after taking public comment and seeing a mix of both strong opposition and support for the idea, the OSPR Commission declined to amend the rules. Instead, it directed Oregon Parks & Recreation Department staff to look at the management stipulations for the subject portion of the river closest to Bend on a wider level, rather than specifically targeting the one restriction that affects crossings.

OPRD Assistant Director Chris Havel said: “The OPRD staff review is not focusing on any one aspect of management and will not change any rules, but will consider how well the administrative provisions work within the Bend Urban Growth Boundary.

“In addition to OPRD staff, an advisory group—the Upper Deschutes Advisory Group (UDAG)—has assisted with the review, and includes city, county, and federal officials, BPRD, neighborhood associations along the scenic waterway, and recreation advocates interested in both river and land-based recreation.

“Fundamental questions asked have included whether the waterway rules drafted more than 20 years ago are still helpful and relevant, and whether they serve community and state scenic waterway needs well.”

Havel added that the process is the first time the state has gone back to revisit any of its scenic waterway designations, most of which have been in place for decades.

The review is nearing conclusion and expected to produce a report to OPRD Director Lisa Sumption in May of this year.

PUBLIC RULEMAKING PROCESS

Based on the report, Director Sumption will decide whether to ask the Oregon State Parks and Recreation Commission to open a public rulemaking process. If that happens, the department will convene a Rules Advisory Committee, draft rule text, hold public meetings and take comment, and make a recommendation to the Commission, though it is possible this review will stop with the report, and no rulemaking will be necessary.

But the prospect of a revocation of the ban on bridges over Bend's scenic southwestern stretch has some surrounding homeowners alarmed over potential impacts to the environment.

Nearby Sunrise Village resident Evan Julber said: "For BRPD to pursue this matter is an insult to the Oregonians who love, and want to preserve, the best of Oregon and the creatures that depend upon undeveloped ecosystems for their survival.

"I am against any lifting of the State Scenic Waterway prohibition for the purposes of building a bridge over the Deschutes River, upstream of Bend by the Bend Parks and Recreation Department.

"The impact of a bridge, resulting trail system and increased users would severely and negatively impact the river in the area proposed.

"The City of Bend and Deschutes National Forest already offer ample opportunities for people to enjoy nature. There is absolutely no shortage of recreational opportunities in the Central Oregon area and it is upsetting that the Bend Parks and Recreation Department feels the need to impact the Deschutes River for no reason other than to expand their domain.

"Any bridge, and resulting trail system, is simply not needed. Please, let's keep a portion of the Deschutes River as natural as possible, a true Scenic Waterway, as intended by the State Scenic Waterways Act."

Former Sunrise Village Association President Kevin Keillor added: "The Sunrise Village Association owns a significant amount of riverfront on the north side of the river, including the designated scenic section

from approximately river mile 171 to approximately 171.5.

“Although this section carries the sub-designation of River Community Area it is among the most scenic sections of the upper Deschutes as the river narrows into a turbulent cascade. While there are homes in this section they are all well back from the river above the rim rock and do not detract from the scenic beauty of this section.

“There are no developed trails through this section of the river canyon and it is unique and important wildlife habitat free from harassment by pedestrians, bikers and dogs.

“BMPRD’s rulemaking request, if granted, would violate four of the five general program goals of the State Scenic Waterway Program as stated in the Upper Deschutes Waterway Wild and Scenic Waterway and State Scenic Waterway Comprehensive Plan.

“It would not protect and enhance the scenic, aesthetic, natural, scientific, fish and wildlife values – it would only enhance recreation values at the expense of all others. It would not protect private property rights – almost the entire River Community Area inside the Bend UGB is private property and the possible bridge locations studied by BMRD in this section have been opposed by the affected private property owners including the Sunrise Village Association.

“It would not promote expansion of the scenic water way system but rather contraction by permitting an unlimited number of bridges in a 3.5 mile stretch of river (BMPRD has proposed two bridge locations in the River Community Area alone).

“The administrative rules implementing the Oregon Scenic Waterways Act, including the rule against new bridges, are the result of careful study of individual river sections and an exhaustive comprehensive planning process.

“BMPRD is requesting a quick-fix exception to the rules which should be denied. BMPRD is a developer of recreation facilities and unlike OSP has no mandate to protect and enhance scenic, aesthetic, natural, scientific, fish and wildlife values.

“Its mission is best summed by its statutory power to ‘construct, reconstruct, alter, enlarge, operate and maintain such lakes, parks, recreation grounds and buildings as, in the judgment of the district board, are necessary or proper.’

“BMPRD does a very good job of developing recreation facilities, but not every section of the Deschutes River – especially not the only designated scenic waterway in the City of Bend – needs

to be developed into a playground for people and their pets.”

In public comment regarding the proposal, local landowner Stosh Thompson noted: “The approval of the Parks Bond Measure did not constitute some kind of mandate to build a bridge here.

“The Bond Measure contained two huge projects that were the focus of all of the public discussion: the three-channel kayaking park on the river at the Colorado St. Bridge, and the giant ice skating pavilion where a parking lot used to be.

“The bridge crossing constituted less than 10 percent of the Bond budget and seems was simply swept up in the other more popular projects. It passed with the narrowest of margins.”

Adding to the chorus of dissent from some quarters, Bachelor View resident Jim Bruce commented: “I am an Oregon native and have been a Bend resident for 25 years. During my time here, I have lived in six different areas of town including both the west and east sides of Bend. I am an outdoor enthusiast and enjoy the natural beauty and recreational opportunities of the Deschutes River Basin.

“I am very much against any new river crossing, including the one being proposed by Bend Park and Rec. Adding more trail users via this crossing will only exacerbate the destruction of the west-side river banks, vegetation and wildlife habitat. The area is already simply being ‘loved to death’.

“The State Scenic Waterway was developed for the express purpose of prohibiting the very project under consideration, and others like it. I would like to think its enforcement, or lack thereof, would not be subject to the petitioner’s status as the local Park and Rec District.

“It would seem to me that the alternative to adding impact to the Deschutes River trail and westside trail system would be the development of an east-side trail system to serve those living on the east side of Bend. Funneling all trail users into the same system results in user conflict and erosion of said trails through constant over use.

“There have also been many instances of trail users trespassing across private property with impunity, creating friction between property owners and trail users.

“Allowing more users to cross from the east to west side of the river will undoubtedly result in more conflicts of this type. Private property rights need to be preserved during this process as much or more as public property designations such as the State Scenic Waterway. Diluting either private property rights or public land protection is simply not in anyone’s best interest.”

River Bluff Trail resident Kathie Eckman also voiced her opinion, saying: "I am a long time resident of Bend (47 years), served on the Bend City Council, and was our Mayor for two terms.

"A bridge across the river in this area to allow for pedestrian and bicycle access would be a major mistake. There were sound reasons this portion of the Deschutes River was designated as a scenic waterway and those reasons still exist today. Using the growth in this part of the state as rationale to change the rules to allow a bridge is the key reason to not allow it.

"This area has enough foot and bicycle traffic on each side of the river without creating more human damage by creating a bridge.

"I personally feel BPRD has got too large and powerful and is throwing its weight around too much. The City does not have the same resources and seeming ability to push things through at the taxpayers' expense."

On the pro-side of the question, a number of residents, particularly on the east side of the river, have expressed support for the footbridge effort as it would represent better access to the wider trails system and reduce vehicle trips currently necessitated to access westerly trailheads.

Among public comment responses to the original crossing proposal presentation, River Rim resident Nick Lelack said: "This bridge will fill a critical gap in the Deschutes River Trailsystem which extends approximately 33 miles between the communities of Tumalo and Sunriver, which is of significant regional benefit, and provides non-vehicular access for Bend residents to reach USFS recreational lands and trails that are located on the west side of the Deschutes River.

"I live in the RiverRim neighborhood with my family in close proximity to

the area that would benefit by this rule change. My family uses the Deschutes River Trail almost every day of the year, has done so for the past decade, and will do so for decades into the future.

"Finally, the bridge will have minimal, if any, impacts on the river, wildlife habitat, scenic beauty, etc. and any minimal impacts will be more than offset by the reduction in vehicular traffic and/or expansion of recreational opportunities for our neighborhood, the city, and regional residents and visitors."

A respondent who does not reside in the immediate vicinity of the southwest bridge target area but expressed a city-wide perspective, Mark Buckley commented: "I am a Bend resident and I am in favor of a footbridge across the Deschutes to connect the river trail between Bend and Sunriver. I live in NW Bend, but a major reason we did not want to live in SW Bend was because of the lack of trail access.

“The single trail will make an entire region of the city more attractive and enjoyable.

Greater trail access from town to the outer trails will reduce the need to drive to reach

long trails. So between reduced driving by SW residents to reach the trails, and

general Bend residents seeking longer trails, traffic and congestion should be

noticeably reduced.”

The section of BPRD’s website referencing plans for the South UGB Segment states: “In past BPRD surveys, residents have always placed a high priority on urban recreational trails that provide close-to-home recreation opportunities by connecting neighborhoods to parks, the river and other destinations.

BPRD Planning Manager Steve Jorgensen added: “Our perspective is geared toward striking a balance between recreation access and preservation, and in all our endeavors we always try to be good steward of environment.

“In that one-mile segment under discussion, only something like five percent of the city’s population can currently access the shoreline, otherwise the only access is to float the river and get out at our nearest park location.

“One reason that the recommended crossing point was proposed is due to the physical situation in that part of river. It is the narrowest part of that stretch so a bridge wouldn’t have to touch the river with moorings and could span from one bank to the other.

“In any scenario we would take appropriate steps to preserve wildlife habitat and work with private landowners to prevent trespass.

“The vision regarding the overall Deschutes River Trail is for connectivity in as close proximity to the river as possible wherever feasible. The preference is always to work with stakeholders and property owners towards compromise and negotiated settlement in any avenues pursued.

“Such a trail extension would provide an additional benefit in actually reducing vehicular traffic impacts to access points such as Bill Healy Bridge, and any moves to get to the forest in a non-automotive way can be perceived to be positive.

“Many people have had a chance to have input on this matter, both for and against, including through multiple meetings held which have been accessible by the public in general and interested affected parties in particular, and the information gathered will form part of the state report.”

OPRD hired Community Solutions of Central Oregon, a Bend nonprofit, to facilitate the meetings and review, and the nonprofit has additionally collected broader public thoughts about rules along the lower section of the waterway through a web-based crowd sourcing initiative as well as a series of public forums designed to engage homeowners directly.

More information on public input regarding the web-based crowd sourcing initiative is available via website: <http://solutionsco.org/crowdsourcing.htm?m=3&s=751>, while more information about the review is accessible online at <http://www.oregon.gov/oprd/Pages/upper-deschutes-scenic-waterway.aspx>. The current review is being managed solely by OPRD staff, and Central Oregon Solutions can be contacted directly via email at: deschutes@solutionsco.org. Any BPRD-related questions or comments regarding the South UGB segment of the Deschutes River Trail, can be addressed by contacting: Steve Jorgensen, Planning Manager, 541-706-6153

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