

From: Judy Clinton
To: [SENR Exhibits](#)
Subject: 2027-A
Date: Monday, May 08, 2017 6:43:57 PM

Dear Chairman and Senators Olsen, Baertschiger, Prozanski, Roblan;

I recommend that you pass HB 2027-A prohibiting any bridges across the Deschutes River in Oregon's Scenic Waterway as defined in section 1 (1) and (2) of the bill. I've observed this area from a distance over 20 plus years. It provides habitat for golden and bald eagles, osprey, blue heron, numerous water fowl, otter, beaver, bobcat, deer, elk and more.

Environmental groups are supporting this bill because they stand for the principles in Oregon Scenic Waterway rules protecting Oregon rivers, the environment and it's inhabitants not about influence, money or property. Rules that protect OR wildlife, fisheries, scenic values, geology, hydrology and recreation. Some groups view the Bend Parks and Recreation District's request for a bridge as an assault on those state rules. Some groups see reopening the rulemaking process on the Upper Deschutes as setting a statewide precedent for other designated scenic rivers. Others realize that these bridges would exacerbate negative effects on wildlife and damage surrounding areas that support them.

Oregon Parks and Recreation Dept. (OPRD) held a bridge hearing in fall of 2015 which showed the community was split about 60 against bridge -40 pro bridge. OPRD commission heard Bend Parks and Recreation District's (BPRD) request for a bridge and was denied because of the bridge prohibition in OAR 736-040-0073. As another way of assessing local opinion OPRD created a committee to review the rules set forth in the Upper Deschutes Wild and Scenic River and State Scenic Waterway management plan. This process was precipitated by BPRD's request for bridges in the Oregon Scenic Waterway segment 4G where bridges are prohibited. That committee, Upper Deschutes Advisory Group (UDAG), will make a recommendation, whether to open the rules or not, to the director of OPRD. I am on that committee and the final report was scheduled to be delivered May 5, 2017.

The third draft of the UDAG report states two issues are very contentious: the bridge and private property rights the very reason for this bill. This report shows that based on an online survey under limiting development the majority of respondents were **against** bridges and concerned about **degradation** of the environment. Under rule making suggestions the respondents wanted more **protection** for property owners, **mitigation** of trail degradation and **protection** of off leach dog areas. Under advocating for protections the vast majority wanted **safeguards** for the environment. So a second independent public opinion hearing/survey has indicated that the majority of respondents to both surveys don't want and think they don't need a bridge or trail in this area.

Bend has an abundance of recreational opportunities along the river. ORS 390.835 states "the highest and best uses of the scenic waterways are recreation, fish and wildlife uses". Yet fish and wildlife have suffered and recreation flourished in the areas around Bend. (see attached ODFW letter opposing the bridge) There has to be a balance and a refuge to sustain wildlife and fish. Recreation at the expense of wildlife is irresponsible. The Upper Deschutes River segment 4G provides that refuge if the bridge prohibition in OAR 736-040-0073 is codified to an ORS.

2027-A became necessary when BPRD made clear they would use condemnation of private

property and OAR 736-040-0030 if OPRD did not amend Oregon Scenic Waterway Rules to allow for prohibited bridges. OAR 736-040-0030 includes a 12 month waiting period for non conforming uses which renders OAR 736-040-0073 useless. Since BPRD doesn't own any property in the bridge area, condemnation would be their course of action.

BPRD is intent on undermining Oregon's Scenic Waterway protections. They are willing to condemn private property which includes a private wildlife sanctuary to get their trail and bridge. HB2027-A needs to be passed to prevent the overreach of a local agency to undermine a state public referendum protecting state river values. I encourage you to protect the Oregon Scenic Waterway by passing HB 2027-A.

Thank you for your consideration,
Judy Clinton
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Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Deschutes Watershed District

East Region

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November 20, 2015

ATTN: Deschutes Rulemaking
Oregon Parks and Recreation Department
725 Summer St. NE
Suite C
Salem, OR 97301

RE: Amendment of rules for the Upper Deschutes State Scenic Waterway (OAR 736-040-0073)

The Bend Parks and Recreation Department has requested amendment of the Oregon State Scenic Waterway rules (OAR 736-040-0073) to allow construction of bicycle and/or pedestrian bridges between Deschutes River Mile 174.6 and 172.

The Oregon Department of Fish & Wildlife (Department) is mandated by State Statute to manage fish and wildlife resources to prevent serious depletion of indigenous species and to provide optimum recreational and aesthetic benefits for present and future generations of the citizens of Oregon (ORS 496.012). Generally, the Department supports public enjoyment of the State's natural resources. However, this amendment has the potential to increase public use of areas that have been designated as important to the conservation of wildlife. Much of the area on the west side of the River between River Miles 174.6 and 172 is part of a U.S. Forest Service Key Elk Management Area as described in the Deschutes National Forest Land and Resource Management Plan (1990). In addition, according to the Deschutes County Comprehensive plan, the west side of the river is part of the Statewide Goal 5 Tumalo Deer Winter Range. These areas are managed to reduce disturbance to deer and elk during winter when they are particularly vulnerable due to colder temperatures and lack of food resources.

Several recent studies have revealed that recreational activities can be a significant source of disturbance to wildlife. Human presence with and without companion animals (typically dogs) has been shown to alter wildlife behavior in the form of increased vigilance and energy expenditure (Miller et al. 2001, Lenth et al. 2008, Naylor et al. 2009, Vandeman 2014).

For these reasons, the Department recommends that the Oregon Parks and Recreation Board Commission reject the proposed amendment of OAR 736-040-0073.

Thank you for the opportunity to comment. If you have questions or want information that the Department can provide, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sara Gregory". The signature is written in black ink and is positioned above the typed name and contact information.

Sara Gregory
Wildlife Habitat Biologist
Deschutes Watershed District
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cc: Corey Heath, Deschutes District Wildlife Biologist

References:

1. Miller, Scott G., Richard L. Knight, and Clinton K. Miller. "Wildlife responses to pedestrians and dogs." *Wildlife Society Bulletin* (2001): 124-132.
2. Lenth, Benjamin E., Richard L. Knight, and Mark E. Brennan. "The effects of dogs on wildlife communities." *Natural Areas Journal* 28, no. 3 (2008): 218-227.
3. Naylor, Leslie M., Michael J. Wisdom, and Robert G. Anthony. "Behavioral responses of North American elk to recreational activity." *The Journal of Wildlife Management* 73, no. 3 (2009): 328-338.
4. Vandeman, Michael J. "The Impacts of Mountain Biking on Wildlife and People--A Review of the Literature." In *Society for Conservation Biology meeting*, Columbia University, New York, NY. 2004.