

# Editorial: Whisnant makes a mockery of the legislative process

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State Rep. Gene Whisnant, R-Sunriver, has shown contempt for anyone who would like to see the Deschutes River trail completed from Tumalo to Sunriver. He has set out to block the Bend Park & Recreation District from building a pedestrian and bicycle bridge near the south end of Bend.

Whisnant executed what is called a gut and stuff. He took a bill, House Bill 2027 (<https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB2027>), and introduced an amendment (<https://olis.leg.state.or.us/liz/2017R1/Measures/ProposedAmendments/HB2027>) that removed the language of the bill and replaced it with completely different language. The new language would block the park district from building the bridge. The bill, as amended, passed out of the House Committee on Agriculture and Natural Resources on Tuesday.

The nastiest bit of Whisnant's action is that he violated a longstanding goal of the Legislature. No matter how legislators feel about a bill, they typically don't jam legislation down somebody's throat without talking to them first. But Whisnant jammed this down the throat of the park district and supporters of the bridge without even trying to talk to them first. State Rep. Knute Buehler, R-Bend, told us that he would have voted for the amendment, too.

Why not talk to people first? Whisnant's excuse is appallingly poor. He said there was a lack of time. He told Bulletin reporter Scott Hammers that bills and amendments that don't make it out of committee by Tuesday can be effectively dead (<http://www.bendbulletin.com/localstate/5238744-151/whisnant-amendment-could-torpedo-deschutes-river-trail-extension>). But Whisnant introduced his amendment on April 11. He didn't call the district to let them know and find out their point of view on April 11. He didn't call them on April 12. He didn't call them on April 13. In fact, he didn't bother to call the district until after the district found out about his amendment and contacted him. He called park district Executive Director Don Horton on Monday, April 17, after the park district hurriedly convened a board meeting to decide how to respond.

Whisnant's handling of this issue goes downhill from there. He told reporter Hammers that he would be willing to support changing his amendment if circumstances change. What circumstances?

"If we can make everyone happy, that's the best of all worlds," he said.

We don't know what kind of fantasy universe Whisnant is living in, but building a bridge over the Deschutes is not going to make everyone happy. Some residents near the bridge don't want it, their NIMBYism masquerading as concern for the environment.

Whisnant apparently isn't all that interested in debate. But what the idea of a bridge over the Deschutes needs is a principled discussion. The concerns of residents near the bridge need to be heard. The concerns of those worried about possible impacts on wildlife need to be heard. And the views of those supporting the bridge to interconnect the trail system and reduce car trips need to be heard. The Oregon Parks and Recreation Department has been doing that. Whisnant's amended bill would choke off that debate.

Republican leaders are always criticizing the Democrats in control of the Legislature for not taking into account other points of view. But Whisnant has proven that blithely ignoring the opposition is bipartisan. Want to get something done in the Legislature? Get to Whisnant first. He might not even bother to talk to anyone else.



Oregon's Capitol in Salem. (file photo)

# Local lawmaker tries to kill Deschutes trail connection

By Scott Hammers • The Bulletin Published Apr 18, 2017 at 03:01AM / Updated Apr 18, 2017 at 09:51AM

An amendment introduced in Salem by Rep. Gene Whisnant could block efforts to complete the Deschutes River Trail between Sunriver and Tumalo, Bend Park & Recreation District Director Don Horton said Monday.

At a Monday meeting of the park district board called on short notice, the board unanimously agreed to formally oppose the amendment to House Bill 2027 introduced last week by Whisnant, a Sunriver Republican, in the House Agriculture and Natural Resources Committee.

The amendment, tacked onto a bill that would authorize lottery funds for water storage projects, would forbid the construction of any bridge across the Deschutes River in an area upstream of Bend where the district is looking to connect trails on the east side of the river with Forest Service trails on the river's western banks.

"It will put an end to connecting the Deschutes River Trail," Horton said at Monday's meeting.

Bridges are already prohibited in this section of the river canyon, which is part of the Upper Deschutes River Scenic Waterway, a state designation that restricts development beyond the development codes enforced by the county. Among other restrictions, houses and other structures must be set back at least 100 feet from the river or 20 feet from the rimrock and painted to minimize their visual impact.

The park district has been working with the Oregon Parks and Recreation Department seeking a rule change that would lift the restriction on bridge construction. The amendment submitted by Whisnant would prohibit the state parks department from granting an exception for the park district's proposed footbridge.

At Monday's meeting, members of the park district board expressed dismay that Whisnant's amendment was submitted without first consulting or advising the park district. Board chairman Ted Schoenborn said Whisnant's amendment would throw away 15 to 20 years of planning for the completion of the trail and a bridge.

Board members Craig Chenoweth and Ellen Grover said Whisnant's amendment ignores extensive public support for a bridge and trail extension and cuts off the possibility of a wider discussion of the issue.

"This is dangerously close to special interest legislation," Grover said.

Reached Monday afternoon, Whisnant said he'd talked to both Horton and Schoenborn on the phone during the less than two hours that had passed since the conclusion of the district board's meeting, but would support his amendment in a committee vote scheduled for Tuesday. Bills and amendments that do not make it out of committee by the end of the day Tuesday are effectively dead for the remainder of the 2017 legislative session, and Whisnant pointed to these short timelines to explain why he did not notify the park district.

Whisnant said opponents of the bridge who approached him believe the park district will find a way to build a bridge, regardless of whether the state parks department approves a rule change. He said his amendment would prevent the district from moving ahead without sufficient input from those living nearby.

At a hearing last week, members of the Agriculture and Natural Resources Committee heard testimony opposing a bridge, substantially from individuals living on or near the river near the possible bridge sites.

At past public meetings, bridge opponents have said a bridge is not needed to complete the Deschutes River Trail, and that the district could utilize existing trails outside of the canyon on the west side of the river to connect currently separate segments.

Whisnant said he's not necessarily opposed to a bridge elsewhere or the completion of the Deschutes River Trail, noting he supported the completion of a leg of the trail between Sunriver and Benham Falls. He said he'd be willing to reverse course on supporting his amendment if circumstances change.

"If we can make everyone happy, that's the best of all worlds," he said.

Assuming the bill and amendment are approved by the Agriculture and Natural Resources Committee, it would require a hearing by the joint Ways and Means Committee, and the vote by the full House and Senate — as well as the signature of Gov. Kate Brown — to become law.

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Potential legislation would block the construction of a bridge to connect the trail along the Deschutes River downstream of Meadow Camp day-use area in Bend. (Ryan Brennecke/Bulletin photo)



Potential legislation would block the construction of a bridge to connect the trail along the Deschutes River downstream of Meadow Camp day-use area in Bend. (Ryan Brennecke/Bulletin photo)



# Bill banning Deschutes River Trail bridge clears state House

By Scott HammersThe Bulletin Published Apr 26, 2017 at 06:31PM / Updated Apr 26, 2017 at 08:40PM  
A bill that could complicate efforts to complete the Deschutes River Trail passed in the Oregon House on Wednesday.

The bill, authored by Sunriver Republican Gene Whisnant, would prohibit the construction of bridges across the Deschutes River in the area upstream of Bend. The Bend Park & Recreation District has been working to construct a bridge in the area that would link the Deschutes River Trail on the east side of the river with national forest trails on the west for about 15 years.

The park district has sought a change from Oregon Parks and Recreation Department rules that would allow it to build a bike and pedestrian bridge near the north end of River Bend Drive. The state parks department administers rules for the Upper Deschutes River Scenic Waterway, which includes a provision banning bridges in the area, which is ultimately toothless. An individual or entity seeking to build a bridge or other structure barred by scenic waterway rules is subject to a one-year delay, after which local land use authorities are free to grant permission to build.

The Whisnant bill would provide the teeth the state parks department's rule lacks by requiring legislators to take action if the park district or anyone else sought to build a bridge. The bill would not change similarly unenforceable rules on building other structures near the water's edge.

Don Horton, executive director of the park district, said Wednesday the district views the bill as a serious threat to the district's long-standing goal of connecting the Deschutes River Trail from Sunriver to Tumalo. Horton said the district intends to oppose the bill in the state Senate.

"Our interpretation is if this goes through as written, Gene Whisnant will have been successful in ending the connection of the Deschutes River Trail," Horton said.

Whisnant read brief remarks on the floor of the House on Wednesday, acknowledging he has heard from supporters of the bridge since the bill was passed through the Agriculture and Natural Resources Committee last week. Whisnant said supporters of a bridge will have an opportunity to share their opinions with the Senate.

The area where the park district has proposed a bridge is one of two significant gaps that remain in the push to connect the Deschutes River Trail from Tumalo to Sunriver. The trail currently runs south from the Old Mill District alongside the river for about a mile, then rises out of the canyon to follow sidewalks and streets through neighborhoods off of Brookwood Boulevard to near Elk Meadow Elementary School. The district has secured an agreement with a property owner that could bring the trail back to the edge of the river to near the proposed bridge site.

By Horton's measurements, the bridge would shave about four miles off the trip from Elk Meadow to Meadow Camp on the west.

Walkers and cyclists can currently go from Bend to Meadow Camp and on to Sunriver, primarily by using the Haul Road trail that runs alongside Colorado Avenue and Century Drive. Horton said the Haul Road trail is an important connection, but is not an adequate substitute for the proposed bridge and trail connection in southeast Bend.

“It’s great for people that live on the west side of the river but does nothing for people on the east side of the river,” Horton said.

The state Senate has not yet scheduled a first reading of Whisnant’s bill.

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A bill that passed in the Oregon State House would prohibit the construction of a bridge across the Deschutes River in the area upstream of Bend. (Ryan Brennecke/Bulletin file photo)

# Erik Lukens column: Gene Whisnant's give-away to riverfront property owners harms Bend trail users

By Erik Lukens, The Bulletin Published Apr 27, 2017 at 08:46AM

The people who seek to prevent the construction of a footbridge over the Deschutes River in southern Bend are right about one thing: Oregonians are witnessing “an assault on Oregon’s Scenic Waterway protections,” as one opponent argued in a letter to lawmakers in April.

They’re wrong, however, about who’s making the assault.

It isn’t local park officials, who’d like to build the long-planned bridge. Rather, it’s Rep. Gene Whisnant, R-Sunriver (<https://www.oregonlegislature.gov/whisnant>), who’s proposed special-interest legislation designed specifically to prevent a river crossing that would give those who live east of the river convenient pedestrian and bicycle access to the National Forest trail system along Century Drive.

It goes without saying that Oregon’s Scenic Waterways Act, which covers this section of the Deschutes River, is designed to protect the recreational, environmental and aesthetic value of the river and the area around it.

What’s less well known, but highly relevant here, is the fact that the act also protects the rights of those who own land along the river. The result is a regulatory balancing act that actually favors property owners.

Whisnant’s unusual proposal is an assault on the protections enjoyed by one particular group of property owners, the public, in order to benefit another group of property owners, a small number of riverside homeowners who don’t want public trails nearby.

So, let’s call Whisnant’s proposal, House Bill 2027 (<https://olis.leg.state.or.us/liz/2017R1/Measures/Overview/HB2027>), what it is: A regulatory give-away engineered by a legislator who should know better.

The controversy that spurred Whisnant to action involves a relatively short section of the Deschutes, including a roughly one-mile stretch within the city’s urban growth boundary that ends at the Central Oregon Irrigation District diversion.

This section of river, including the part within city limits, has been designated a state scenic waterway. The owners of property within a quarter mile of the river in such sections must notify the Oregon Parks and Recreation Department before engaging in activity, such as building a house, that could compromise the view from the river or otherwise affect one of its desired characteristics. The state then encourages the use of vegetative screening and other mitigation measures and retains the ability to say “no.”

Rules for this particular section of river, adopted nearly 30 years ago, explicitly prohibit bridges.



Why, you ask, did Whisnant propose legislation prohibiting bridges along a section of river that appears to enjoy such protection already? Because the state parks department is currently re-examining the rules covering this part of the Deschutes, a process that could, and should, lead to the removal of the bridge prohibition.

And also because state law recognizes the interests of property owners, a fact that is inconvenient to the people who convinced Whisnant to do their bidding. If the state decides that a proposed project – whether a shed or a bridge spanning the river – is inconsistent with scenic waterway rules, the property owner must pause for up to a year. The timeout is intended to encourage negotiation, says Chris Havel, associate director of the Oregon Parks and Recreation Department. It also gives the state an opportunity to buy the property to prevent the project, though that rarely happens. If no agreement has been struck by the end of the year, the property owner may proceed with the project as long as it meets county and local regulations.

This isn't a loophole. It's the way the act is supposed to work. The Scenic Waterways Act is not, nor was it intended to be, strictly prohibitive.

That act's property protections are enjoyed by the owners of homes along the designated stretch of the Deschutes in south Bend. Some of the most vocal opponents live in the Bachelor View subdivision on the river's west side, and others live in and near the River Rim subdivision (where I live) on the east side. The act also would protect the property interests of Bend's park district if it acquired the land needed to build a footbridge. Whisnant's bill would eliminate the district's property protections, at least when it comes to building the bridge supported by voters in 2012 to increase trail connectivity. It would do nothing, meanwhile, to compromise the protections enjoyed by other property owners unless they wanted to build a bridge. Which they don't.

If the river is too sensitive in this area to accommodate a pedestrian bridge that doesn't touch the water, one wonders why it isn't too sensitive to tolerate the proximity of so many large homes.

Whisnant says he introduced the legislation in a hurry in April after being told by one owner of a riverside home that the Bend park district had threatened to use eminent domain to obtain private property for the trail and bridge. The district does have eminent domain authority, and it hasn't pretended otherwise. But the eminent domain panic is exaggerated. One owner of a large property on the east side of the river has committed to work in good faith to locate a path to the edge of the Deschutes, and the district's preferred crossing point is already in public ownership. The U.S. Forest Service manages land on both sides of the river there.

And if that crossing point doesn't work, why prohibit a bridge crossing should the park district obtain land from a willing seller at some point in the future? As a response to the fear of eminent domain, Whisnant's bill is a gross and irresponsible overreaction.

Nonetheless, the Oregon House approved it Wednesday. Local park district officials hope it can be amended in the Senate to allow a pedestrian crossing at the district's chosen location. An email Wednesday from the office of Rep. Knute Buehler, R-Bend, (<https://www.oregonlegislature.gov/buehler>) suggests this may happen. Buehler is working with the park district and Whisnant "to reach consensus agreement among all stakeholders," wrote Buehler spokesman Jordan Conger.

Unfortunately, Whisnant doesn't seem to have gotten the memo. In a copy of a floor speech he delivered Wednesday, Whisnant reiterated his support for the bridge ban and said bridge proponents "will have their opportunity in the Senate to voice their opinions." Those hardly sound like the words of a

consensus seeker.

Unless HB2027 is amended in the Senate, it should die. The bridge crossing may be an annoyance to riverfront homeowners who don't want to look out their windows and see hikers and cyclists in the distance, but the trail connection it would provide is more than a luxury for those who'd use it. It would give those on the east side of the river convenient access National Forest trails without driving through the Old Mill District, heading up Century Drive and parking at an access point. Congestion along this route is a problem already. Creating easy access to open spaces and recreational areas is particularly important given Oregon's land use system, which encourages the sort of dense, urban development that characterizes the east side of the river in this part of town.

Whisnant seems perfectly happy to increase car trips and block easy access to public land for the benefit of a handful of riverfront property owners. Here's hoping his colleagues stick up for the public with equal zeal, beginning with Buehler, whose constituents will suffer the most as a result of Whisnant's gift to a small number of savvy property owners.

- Erik Lukens is editor of The Bulletin.



John Gottberg Anderson / Bulletin file photo The Oregon State Capitol

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## The Bill That Could Stop the Completion of the Deschutes River Trail

A guest OP-ED by Don Horton, Executive Director, Bend Park and Recreation District

BY DON HORTON



The BPRD wants to work toward a new pedestrian bridge, (farther upstream from where this photo was taken) with public input.

**House Bill 2027 impedes public engagement processes on the Deschutes River**

## Trail

A bill now before the Oregon House—HB2027—would imperil planned expansion of the Deschutes River Trail by prohibiting the development of a proposed pedestrian and bike bridge across the Deschutes River in this area; more importantly, it would pre-empt public engagement processes. Our community has enjoyed the Deschutes River Trail for decades. On any day, you can find runners, walkers, cyclists, bird watchers, dog walkers, anglers, and water enthusiasts sharing the trail and soaking up the natural experience.

Being in nature improves one's health and feeds the soul. Central Oregon is fortunate to have hundreds of miles of public trails in the area; however, there is something special about local trails in town that connect neighbors and open opportunities for non-motorized transportation. Health, community, and environmental benefits are among the significant public goods of the Deschutes River Trail, but they are in jeopardy if this current state legislation moves forward.

Connecting the Deschutes River Trail to the U.S. Forest Service land on the south boundary of Bend has been envisioned by the community for decades. This goal is referenced in several public planning documents, including the Bend Park and Recreation District's Trails Master Plan, the City of Bend's Transportation System Plan, the Deschutes River Trail Action Plan, and the Bend Riverway Community Vision. Voters in Bend approved a bond-funded project in 2012 to eventually connect the communities of Tumalo and Sunriver via the Deschutes River Trail, and a 2014 questionnaire of surrounding neighborhoods found that 88 percent of respondents would use the trail and bridge if it were built.



Oregon State Parks regulates "Scenic Waterways" across the state, including a specific segment of the Deschutes River from the Central Oregon Irrigation intake upstream into the Deschutes National Forest. The Bend Parks and Recreation District would like to consider a possible bridge in the reach of the Deschutes River just outside Bend city limits as a key last piece of the Deschutes River Trail. The easy sections of the trail are complete, but the few remaining sections to complete the route from Sunriver to Tumalo are complex.

Our community's use of the Deschutes River Trail reminds me of the situation on the Oregon Coast when, in 1967, Oregonians committed to providing public access along the coast. The same concept of connectivity and public access along the remaining areas of the Deschutes River Trail deserves a conversation with all stakeholders before options are prematurely foreclosed. Now is the time to voice your opinions to our elected officials about the value of the Deschutes River Trail and what preserving public access to it means to the community.

The District has a reputation of well-designed and maintained trails throughout the community and is committed to balancing public access and protection of our natural resources. We are dedicated to public engagement and would continue to seek community involvement and address concerns if a project is possible in the future. Our

preference is always to negotiate and work together on solutions.

Working together to find a way to finish the Deschutes River Trail will bring lasting benefits to our community.


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There is much more to this issue than simply connecting the Deschutes River Trail. While this has been envisioned by "some" in the community, many in the community are staunchly opposed to the bike and foot bridge. There are pros and cons on both sides. Yes, the access provided by the bridge would be amazing. But please educate yourself on the many negative impacts of the bridge. As previously offered in a comment, please visit [protectourriver.com](http://protectourriver.com) for a different perspective.

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1 like, 0 dislikes  like  dislike

Posted by Christine Bond on 04/27/2017 at 11:13 AM



Please check out [ProtectOurRiver.com](http://ProtectOurRiver.com) for a different perspective

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Posted by MacGregor Ehlen on 04/27/2017 at 1:30 AM



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Posted by Nicole Vulcan on 04/26/2017 at 8:02 PM

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# Editorial: The 'enviro' group behind Whisnant's footbridge fight

Published May 3, 2017 at 03:53PM / Updated May 4, 2017 at 11:40AM

The Upper Deschutes Conservation Council is the major advocate behind the bill in the Legislature to block a pedestrian and bike bridge over the Deschutes River just south of Bend.

Rep. Gene Whisnant, R-Sunriver, pointed to the group last month when he introduced the plan in the form of an amendment to House Bill 2027

(<https://olis.leg.state.or.us/liz/2017R1/Measures/Overview/HB2027>). "It's a bill supported by the Upper Deschutes Conservation Council," he told members of the committee.

Members of the group then testified before the committee. Whisnant later stressed the Upper Deschutes Conservation Council's support again on the House floor.

But what, exactly, is the Upper Deschutes Conservation Council? Whisnant never explained during the committee testimony or on the House floor. Is it 12 people with houses near the bridge site or 1,200? We tried to find out.

"I assumed it was the people who lived around there and didn't want it," Whisnant told us Wednesday.

It's good to know for sure.

First of all, the Upper Deschutes Conservation Council is not to be confused with the similarly named Upper Deschutes Watershed Council or the Deschutes River Conservancy. Those are 501(c)3 nonprofit environmental groups.

The Upper Deschutes Conservation Council, in fact, is not an environmental group at all. It is not a federally recognized nonprofit. It's an informal collection of about 12 people and a mailing list of many more. It formed in the fall of 2016.

None of that information can be found on the group's website. We got it from the group's paid researcher, MacGregor Ehlen.

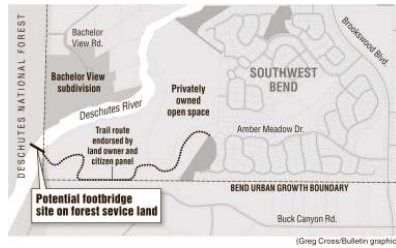
Who is Ehlen? Ehlen is the president of Owyhee Research in Portland. It's a consulting firm that specializes in opposition research, legislative advocacy, corporate due diligence and campaign consulting. Who pays Ehlen on this issue? Tim Phillips.

Phillips is the heart of the Upper Deschutes Conservation Council. He is an investment adviser and a former GOP congressional candidate. He has a house on the Deschutes River near a proposed crossing of the Deschutes River Trail.

Phillips told us a few years ago he and his wife were walking through Drake Park on July 4. They spotted a booth put up by the Bend Park & Recreation District and took a closer look. Phillips saw a map and was surprised to see plans for a trail near his home. He said he spoke with Steve Jorgensen, who was staffing the booth and is the district's planning manager. They got into a discussion about whether the trail and a bridge could be built. Phillips said Jorgensen said the park district could use eminent domain and just take the land. Phillips has been working to defeat the district's plan since.

He argues there is no need for a new trail and bridge that would connect the east side of the river to the trails in the Deschutes National Forest on the west side. People already can enjoy a continuous trail to the national forest from Bend along the Haul Road Trail, which parallels South Century Drive. There is, he argues, no need for a bridge across the Deschutes in a designated scenic area.

Whatever you believe about his argument, it is important for legislators to properly weigh the information and arguments made before them. Whisnant has failed to do an adequate job on this bill. He began by not bothering to tell the Bend park district about the bill, though it directly affected the district's plans. And he did not explain to legislators why he so highly valued the support of the Upper Deschutes Conservation Council and what it is. Whisnant's constituents deserve better.



# Erik Lukens column: A bridge, a bill and an influential Buehler backer

Erik Lukens Published May 4, 2017 at 12:45PM / Updated May 4, 2017 at 08:59PM

On April 11, Rep. Gene Whisnant, R-Sunriver (<https://www.oregonlegislature.gov/whisnant>), asked a House committee to conduct a legislative maneuver known as a “gut and stuff.” The process involves ripping out the contents of a bill and replacing them with something brand new, in this case a ban on bridges, including pedestrian bridges, along a section of the Deschutes River in and near Bend.

The process “sounds like a turkey,” said Tim Phillips, the chief executive officer of a Portland money-management firm (<http://phillipsandco.com/our-people/tim-phillips/>), who was the first person to testify in favor of House Bill 2027 (<https://olis.leg.state.or.us/liz/2017R1/Measures/Overview/HB2027>) after Whisnant himself. Phillips is in the process of moving from Portland to a Bend property he has owned for more than a decade.

Phillips was right about the turkey bit.

A week after the gut and stuff, the House committee signed off on the bill. And about a week after that, the House approved it unanimously. Among those who voted “yes” was Rep. Knute Buehler, R-Bend (<https://www.oregonlegislature.gov/buehler>).

The bill is now beginning its journey through the Senate, where, no doubt, supporters hope to see another unanimous vote achieved at warp speed. A committee hearing has been scheduled for May 10.

Why the hurry? Maybe because speed discourages scrutiny, and to scrutinize HB 2027 is to marvel at the capacity of politicians and influential supporters to work the system at the expense of the less wealthy and less well-connected.

The bill’s supporters argue that it’s necessary to prevent the Bend Park and Recreation District from building a pedestrian bridge over a section of the Deschutes protected by the state’s scenic waterway act. On this part of river, opponents correctly note, the act’s rules specifically prohibit pedestrian bridges. Changing the law is entirely consistent with the act, they argue, and would preclude a “nefarious” overreach by park officials.

Um, not quite.

The waterway act also protects the rights of property owners, who may proceed with projects otherwise prohibited by the act after a suitable waiting period. HB 2027, as I explained in Sunday’s column (<http://www.bendbulletin.com/opinion/5263477-151/erik-lukens-column-gene-whisnants-give-away-to-riverfront>), would strip the property protections enjoyed by public agencies like Bend’s park district, at least as far as building bridges is concerned. The law, conveniently, would do nothing to erode the protections enjoyed by other owners of property in the waterway, including Phillips and his fellow bridge opponents in Bend’s Bachelor View subdivision. Unless they wanted to build a bridge.



But what about the environmental concerns of the learned Upper Deschutes Conservation Council, which Whisnant cited at least twice last month in support of the bill? Good luck finding formal evidence of such a group. As a Bulletin editorial Thursday noted (<http://www.bendbulletin.com/opinion/5278448-151/editorial-rep-whisnant-fails-on-bridge-bill>), the UDCC is really just a name bridge opponents have given themselves. Established environmental groups may end up opposing the bridge as well. But throwing up smoke screens in an effort to cloak self-interest and leverage phantom credibility is about as cynical as it gets. It's the sort of thing you do when the truth is less than flattering.

Much about the battle to "save" this section of river isn't as it appears. Phillips isn't merely the owner of riverside property. He's also a longtime political player in Oregon. He ran for Congress in 2004, losing in the Republican primary. He and former gubernatorial candidate Ron Saxton formed the Oregon Leadership Roundtable ([http://blog.oregonlive.com/mapesonpolitics/2008/01/can\\_oregon\\_roundtable\\_help\\_the.html](http://blog.oregonlive.com/mapesonpolitics/2008/01/can_oregon_roundtable_help_the.html)) several years ago in an effort to resurrect the Republican party in the state. He's contributed thousands of dollars over the years to Republican candidates and served last year as co-chair of Republican Allen Alley's gubernatorial campaign.

Among those to whom Phillips has been exceptionally generous is Buehler, who received \$7,000 from Phillips last year. The most recent contribution to show up on the state's campaign finance database is one for \$5,000 less than five months ago. The contribution, says Phillips, was to fund polling for Buehler's potential run for governor in 2018. (Whisnant has received nothing.)

You might not know it by Whisnant's exertions on his behalf, but Phillips is actually Buehler's constituent. The Bachelor View neighborhood, including Phillips' riverside property, sits in the southwest corner of Buehler's heavily urban district.

Phillips says he has no idea whose district he lives in and doesn't care. "I live in Oregon," he said Wednesday.

Where has Buehler been during the Anti-Bridge Gut and Stuff Party of 2017? Conspicuously silent, though not in the dark. He says Phillips approached his office with a request for action after the legislative session began, but too late to do anything without the use of a gut and stuff. However, Buehler said, he has constituents on both sides of the Deschutes and decided the bill wasn't something he wanted to put more work into.

Enter Whisnant, who says Buehler's office brought the issue to his attention. After reviewing additional information from the Upper Deschutes Conservation Council, he said, he decided he'd be "glad to run it." The bridge, he notes, would create a link to his district, no matter that most of the people affected by the project actually live in Buehler's district.

With Whisnant taking the lead, Buehler quickly overcame his ambivalence and voted in favor of HB 2027.

It's possible that the motivations of everyone involved here are as pure as the water rushing by Tim Phillips' lawn chairs. But this saga has a lot of parts, and somehow they've all moved together to produce something that stinks. An influential Republican seeks special-interest legislation that limits public trails near his property. His own representative, a Republican to whom he's donated thousands of dollars, keeps a low profile while a Republican from a neighboring district does the dirty work.

Everyone involved, meanwhile, pretends that it's all for the environment, and representatives from across the state, recognizing a local matter when they see one, give HB 2027 a "yeah, whatever" vote in the affirmative.

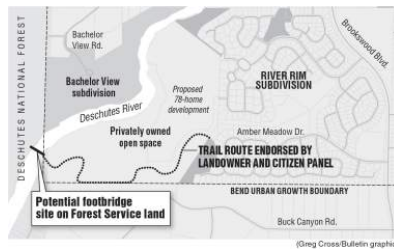
It's all just so convenient, especially for Buehler, who has avoided playing a central role in the most contentious debate to involve his district this session. Meanwhile, an influential and generous constituent has gotten the legislation, and maybe the result, he wanted.

Buehler objects strenuously to the suggestion that HB 2027 is special interest legislation and points out that he has supporters and donors on both sides of the issue. Still, for a legislator who's earned a reputation for thoughtfulness, especially on the subject of money and influence in politics, this isn't a good look.

This might be funny, in a cynical way, if not for the fact that HB 2027 threatens to prevent a pedestrian bridge — a pedestrian bridge! — that would provide thousands of Bend residents living in dense developments east of the river (including mine) convenient access to public land just outside of city limits.

Here's hoping this turkey gets carved up in the Senate.

— *Erik Lukens is editor of The Bulletin.*



# Editorial: Weigh in on Whisnant's bill on the footbridge

Published May 5, 2017 at 03:13PM / Updated May 7, 2017 at 05:31AM

If ever there was a bill in the Legislature that encapsulated dysfunction, it's House Bill 2027. The bill would ban a proposed footbridge over the Deschutes River south of Bend.

It has received only lackadaisical attention in Salem. But on May 10, there is chance to give the bill the consideration it's due in the Senate Committee on Environment and Natural Resources. Even State Rep. Gene Whisnant, R-Sunriver, who created the current version of the bill, wrote us: "... I regret that the bill did not have time for more vetting. ..."

Now there's an understatement.

House Bill 2027 would have originally used lottery bonds to finance water storage. It's now completely different. Whisnant gutted the language of the original bill and stuffed it with his own. The bill would kill the Bend Park & Recreation District's plan to build a bridge on the south end of town to link up with trails in the Deschutes National Forest.

Whisnant's maneuver came as a surprise to the park district. He didn't tell it what he was doing. And he told us he wasn't even quite sure who the Upper Deschutes Conservation Council was — that's the group advocating for the bill. The result was there wasn't any substantial debate in a House committee about the bill, because the only people who knew what was going on were the advocates for it.

The footbridge would be a way for people on the east side of that part of the river to more easily access the trails in the national forest on the west side. It could cut down on people having to hop in their cars and drive.

Opponents say the park district is manipulating a loophole in state rules and threatening to ruin a designated scenic area. They say the bridge would undermine wildlife. On top of that, they say, there is an existing trail on the west side of the river along the Cascade Lakes Highway that people can use to get to the trails.

So far, the group of people calling themselves the Upper Deschutes Conservation Council have done a fairly expert job of moving their bill through the Legislature without any real scrutiny. Whether you think the bridge is a good idea or a bad one, more people should weigh in. You can email testimony to the senate committee at [senr.exhibits@oregonlegislature.gov](mailto:senr.exhibits@oregonlegislature.gov). (mailto:senr.exhibits@oregonlegislature.gov) The sooner you send it in, the better. Mention the bill number, House Bill 2027.



A bill that passed in the Oregon State House would prohibit the construction of a bridge across the Deschutes River in the area upstream of Bend. (Ryan Brennecke/Bulletin file photo)

# Letter: Defeat Whisnant's bill to block bridge

By Oliver Tatom Published May 8, 2017 at 12:02AM

The Bend Park & Recreation Department's persistence in building a bridge between the Bachelor View and River Rim subdivisions in south Bend has understandably outraged some residents of those neighborhoods. Among them is Tim Phillips, CEO of the Portland wealth management firm Phillips & Co., whose Bend home is near the proposed bridge site along the Deschutes River.

In testimony submitted to the Oregon Parks and Recreation Department during a review of the rule preventing the bridge's construction, Phillips wrote the local department's proposal "disregards community interests and threatens residents home values, endangered species (spotted frog), as well as reduces trust between the community and Bend Parks." He echoed this in a letter to The Bulletin last month.

Fair enough. But where Phillips goes too far is in his praise of state Rep. Gene Whisnant, R-Sunriver. In a maneuver The Bulletin refers to as a "gut and stuff," Whisnant amended House Bill 2027 to permanently block construction of the bridge. This, according to Mr. Phillips, was an act of bravery "affirming Oregon's commitment to our rivers."

In fact, Whisnant is no friend to Oregon's public lands and waterways. He has a lifetime score of 32 percent from the Oregon League of Conservation Voters. In 2011, he voted to fast-track the permitting process for pipeline construction. In 2013, he voted against limiting permits for suction dredge mining. In 2015, he voted against requiring Oregon utilities to ditch coal energy and for removing wolves from the state's endangered species act. And earlier this year, Whisnant notoriously co-sponsored controversial legislation to study transferring federal public lands to state control.

Given his involvement in Republican politics, Phillips may know where Whisnant stands on the environment. Phillips has donated generously to, among others, Mitt Romney, Greg Walden, Monica Wehby, Knute Buehler and the National Republican Congressional Committee. He has donated to Democrats Ron Wyden and Kurt Schrader. And in 2004, Phillips ran unsuccessfully for the Republican nomination in Oregon's 1st Congressional District in Portland.

According to Bulletin Editor Erik Lukens, Whisnant's attempt to kill the bridge was prompted by a riverside homeowner who claimed BPRD threatened to seize private land through eminent domain. In his testimony to the state, Phillips reported that BPRD Planning Manager Steve Jorgensen made this threat to him at a picnic.

It may well be that the BPRD is wrong to request a rule change allowing for a bridge at the edge of the city's urban growth boundary. The Oregon Department of Fish & Wildlife concluded increased public use in the area would disturb deer and elk and recommended against the rule change. On the other hand, I generally support efforts to connect the two halves of Bend, especially in ways that encourage active transportation and reduce car trips. This is why I approve of the state's decision to bring a diverse group of local stakeholders to the proverbial table and find consensus.

Whisnant upended that deliberative process, using his power against the very community he purports to represent on behalf of a single powerfully connected individual.

I do not always agree with The Bulletin's editorial board, but it was correct to call this "NIMBYism masquerading as concern for the environment." And I agree with Lukens: HP 2027 deserves to die in the Senate.

In emails to his newsletter subscribers, Whisnant encouraged them to submit comments to the Senate's Environment and Natural Resources Committee before its next public hearing May 10. I hope others join me in letting the committee know that, whatever one's feelings about the bridge, Whisnant's spurious legislation should be soundly rejected.

— *Oliver Tatom lives in Bend.*

