

Michelle Healy
Planning and Park Services Director
Bend Park and Recreation District
HB2027A - Testimony
May 10, 2017

Chair Dembrow and Members of the Committee, I am Michelle Healy, the planning and park services director for the Bend Park and Recreation District. Thank you for the time to provide information about why we oppose HB2027A. Included with this testimony are maps and photographs for your review.

HB2027A would prohibit the construction of a bridge over the Deschutes River on the south end of Bend that is necessary to complete the Deschutes River Trail (DRT) connection to the National Forest. While this trail and the associated bridge are likely new to your committee, the community has been at work for decades to complete a vision for the DRT extending from the community of Tumalo, through Bend to Sunriver.

This completion of the Deschutes River Trail is referenced in several public planning documents dating back to the 1990s, including in the Bend Park and Recreation District's Trails Master Plan, the City of Bend's Transportation System Plan, Deschutes County Transportation Plan and the Deschutes River Trail Action Plan. Most recently, the project was included in the 2012 District bond measure approved by the voters. The bond measure included numerous segments of the DRT trail, including the connection to federal land on the west side of the river on the south boundary of Bend, which is subject to HB2027A legislation.

Following the passage of the bond measure, the District began in earnest on the South UGB Bridge project by convening a Citizens Advisory Committee (CAC) in 2014. This 22-member group evaluated 5 possible bridge locations and 8 trail connections. The committee developed 23 evaluation criteria, which they used to consider the different bridge options. The CAC process included numerous committee meetings (that were open to the public), a general public meeting with over 100 attendees, and the mailing of a questionnaire to 874 homes on both sides of the river to collect input about the project. After months of work the CAC ultimately recommended bridge option 3, which is located on federal land on both sides of the river, and trail alignment option 3C, offered by the adjoining private landowner.

Following the work of the committee, the District coordinated with Oregon State Parks staff to request changing the Oregon Administrative Rule (OAR) for this area of the scenic water way that prohibits any type of new bridge. The result was the District's formal request to the Oregon Parks Commission. The Commission did not approve a rule change, but rather elected to direct their staff to begin a public process to examine if there were merits to modifying the Rule. The District could have sought a legislative remedy at that time; however, we chose to work within the process set forth by State Parks for amending rules.

Recent comments related to HB2027A have positioned the project as requiring the use of condemnation, and being a threat to wildlife and habitat; resulting in the degradation of a pristine natural area. Some of the concerns mentioned include elk and deer migration, the endangered Oregon Spotted Frog and impacts to the scenic quality by the District using a loop hole in the scenic waterway program rules.

- The bridge location endorsed by the District is located outside the Bend UGB on federal land that spans the river. The only private property involved is for the trail extension to connect with the bridge site, and that trail alignment has been offered by the landowner as his preferred trail route.
- This segment of the river is classified as both state scenic waterway, as well as federal wild and scenic river. Any development would be subject to those existing regulations and oversight, including an extensive federal NEPA analysis to identify and evaluate impacts and/or potential mitigations. The NEPA analysis would provide necessary information about the potential impacts and would include the public in the process.
- The project is within the elk and mule deer winter range. A map of the deer and elk range from Oregon Department of Fish and Wildlife accompanies this testimony. As you can see, this range extends around Bend, including on the east side of the river which is fragmented by existing development and will be further developed this year with a new 78-lot residential subdivision. Photos showing this area in 1994 and again in 2017 are also attached. These photos tell the story about how the area has transformed over time.
- Comments neglect to identify that the proposed bridge would connect directly to *Good Dog!*, an existing, year round, off-leash dog recreation area managed by the Forest Service, which is also within the elk and mule Deer winter range.
- This stretch of the river is not identified as critical habitat for the endangered Oregon Spotted Frog by US Fish and Wildlife. Federal mapped Critical Habitat became effective June 10, 2016.
- The State's "one year rule" (OAR 736-040-0080(2)(b) is not a loop hole; rather it is part of the original intent of the State Scenic Waterway Program. It was put in place to protect the rights of private property owners along all of the scenic rivers in the State.

Further comments characterize the District as not considerate of the environment. The District carefully plans all projects with the public, and follows regulatory processes to identify, evaluate and mitigate impacts. In the past 10 years, we successfully constructed four pedestrian bridges over the Deschutes River, each one addressing pertinent environmental requirements - the First Street Rapids Bridge, South Canyon Bridge, Colorado Avenue Bridge and the replacement Farewell Bend Bridge. And, most recently, we received a land use permit from Deschutes County and a scenic waterway permit from Oregon State Parks for a new footbridge over the Deschutes River on the north side of Bend near Riley Ranch Nature Reserve to further connect the Deschutes River Trail.

Like the South UGB Bridge under discussion, this bridge on the north side of town is also part of the District's 2012 Bond measure and is also located in a State Scenic Waterway. This bridge, located in the Middle Deschutes Scenic Waterway, connects the DRT to Tumalo State park, and also connects users to the Riley Ranch Nature Reserve (RRNR). RRNR is 185 acres of land that was originally slated for urban development, but was instead purchased by the District for parkland. The District's approved management plan for RRNR includes policies that prohibits dogs, bikes and large groups from the site due to the sensitive environmental features within the park. This type of management is just one example of the District's commitment to environmental stewardship.

From a broader environmental perspective, the placement of the South UGB footbridge on the south side of town would help an estimated 8,400 current residents reduce a 12-mile roundtrip car trip to the National Forest down to less than 2 miles on foot or bike. Many of these community members are already using the National Forest trails and the Good Dog off-leash park on the west side of the river,

but it could be so much easier. This bridge would help address the growing congestion on our local roads and the limited parking within the National Forest.

This extension of the DRT to the national forest is a complex project, even without state legislation. Please allow our community to continue to work through the merits of this project at a local level and engage with the existing local, state and federal regulatory processes by opposing HB 2027A. Thank you for your consideration.

I would be happy to answer any questions.

Senate Committee on Environment and Natural Resources

HB2027A

Accompanying information to Michelle Healy
Testimony
May 10, 2017



Deschutes River Trail (DRT)

DRT History:

1995 - Bend Urban Trails Plan

1998 - Deschutes County Transportation System Plan

1999 - *The Bend Riverway, A Community Vision*

2000 - Bend Transportation System Plan

2002 - Deschutes River Trail Action Plan

2006 - Bend Bike and Ped. Plan TSP Amendment

2008 - BPRD Trails Master Plan

2012 - BPRD Bond Measure

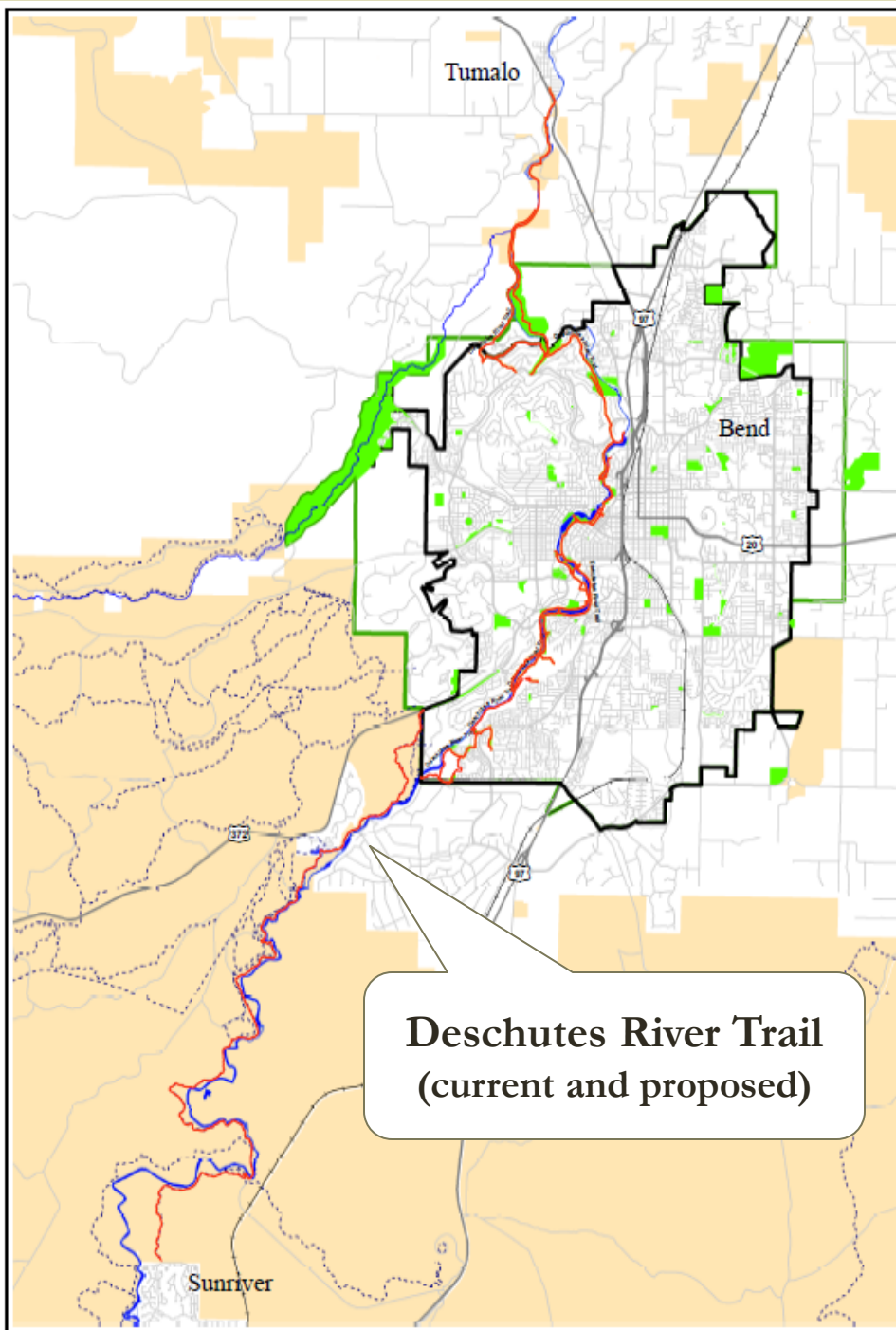
Citizen Advisory Committee 2014 - 2015

Public meeting

Questionnaire of surrounding neighborhoods

CAC recommended bridge and trail locations

BPRD Needs Assessment Survey 2017

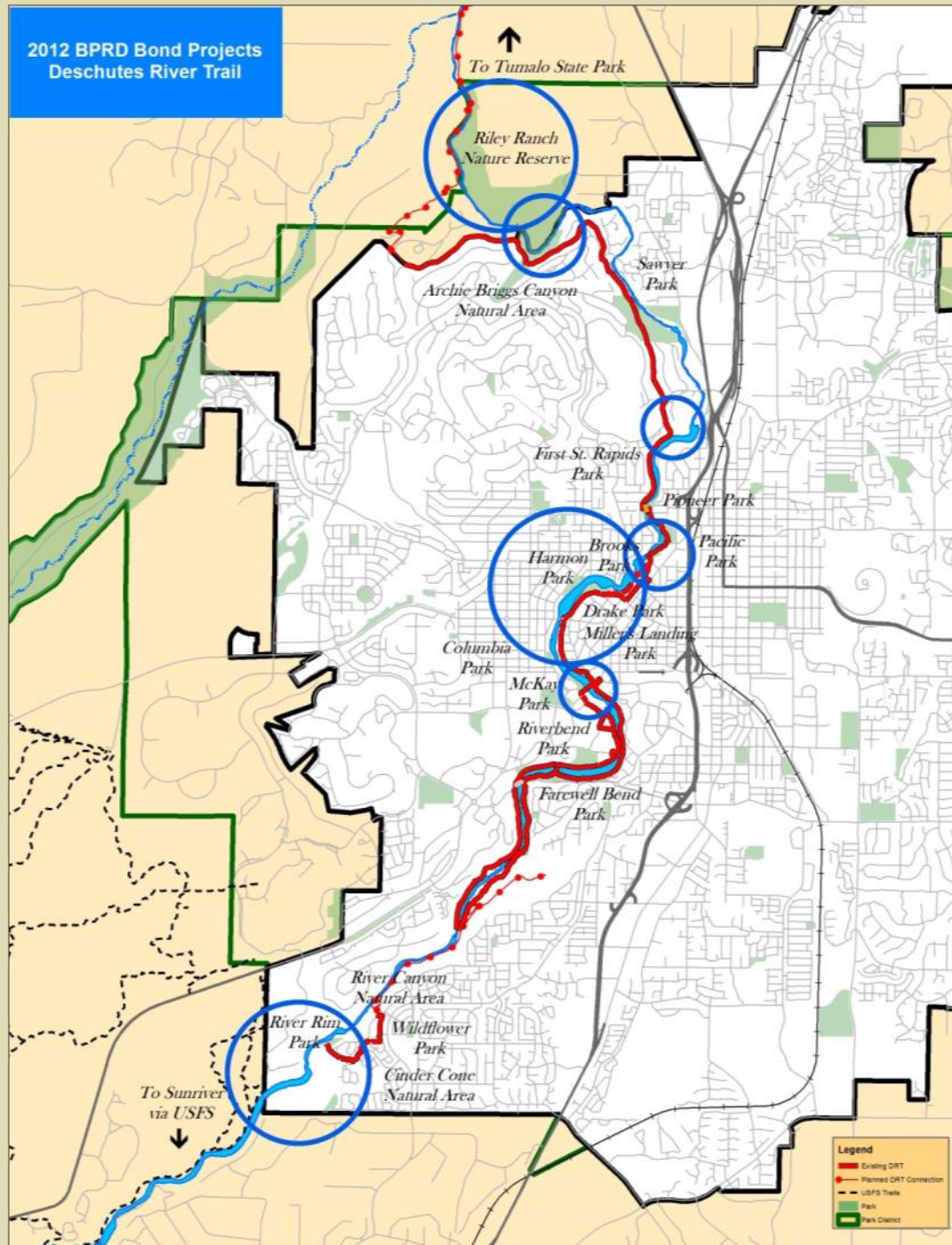
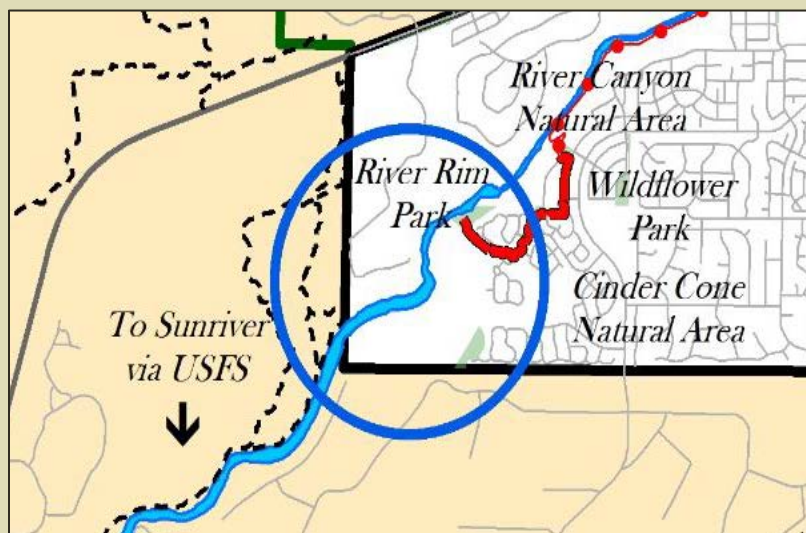


**Deschutes River Trail
(current and proposed)**

2012 Bond Measure

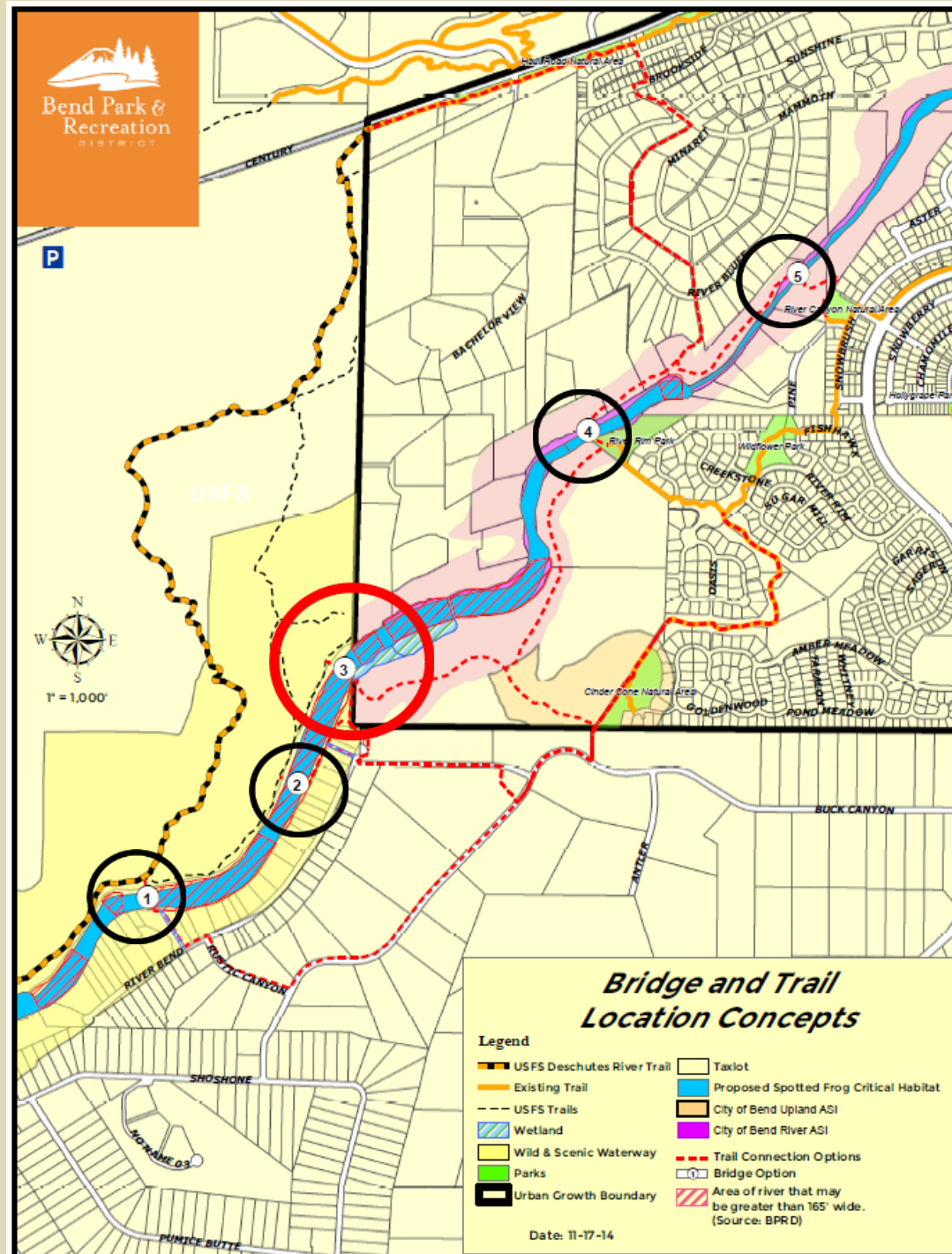
- 4 miles of DRT
- Sunriver to Tumalo State Park

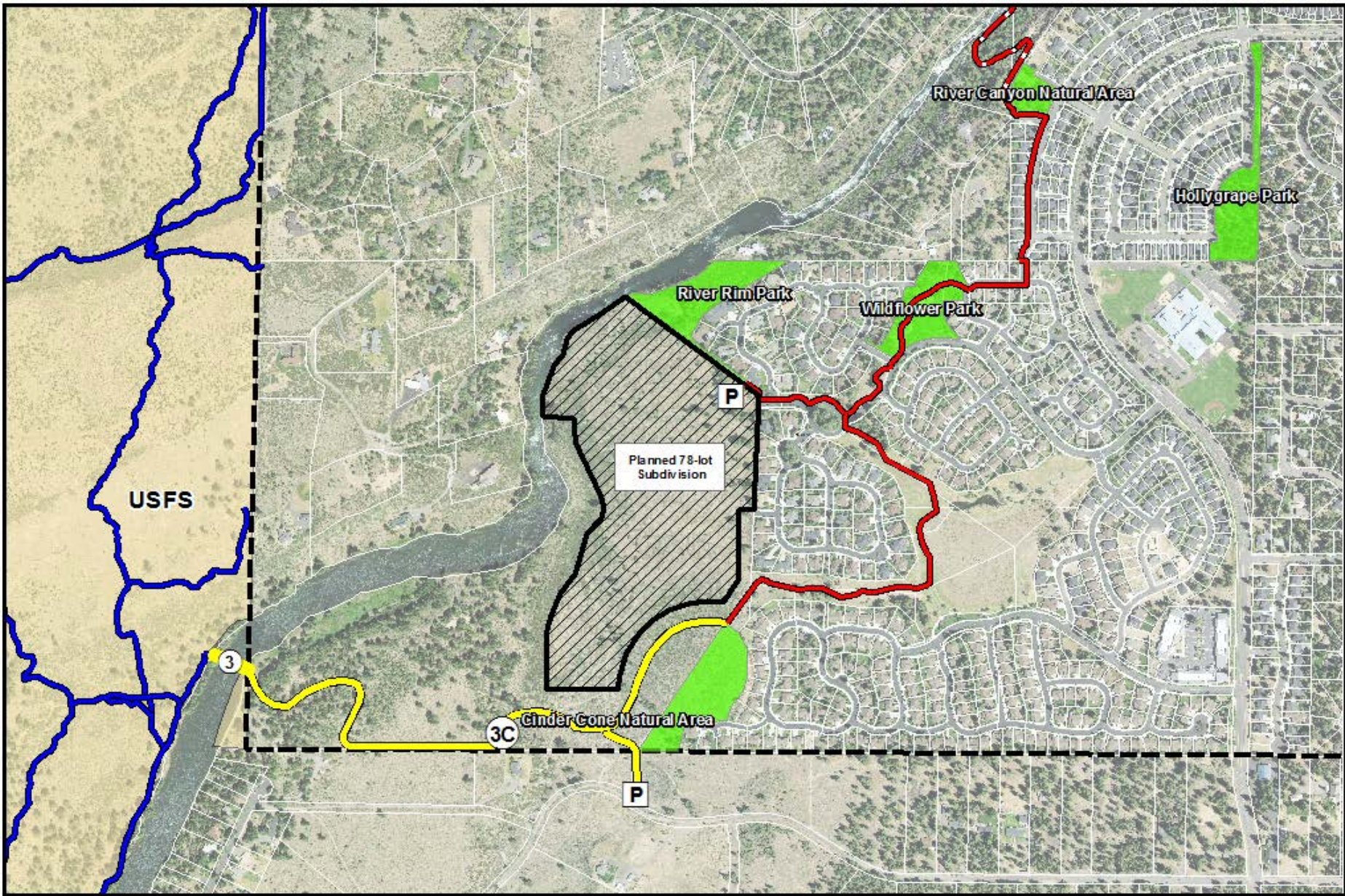
South UGB Bridge Area



Bridge Location

- Citizen's Advisory Committee
- Five bridge options
- Option 3 recommended
- Additional analysis needed





Legend

- Existing
- DRT Option 3C
- USFS Trails
- Urban Growth Boundary
- Public Land
- Planned DRT

South UGB Area

Map Date: 5-4-2017
 Source: Bend Park and Recreation District

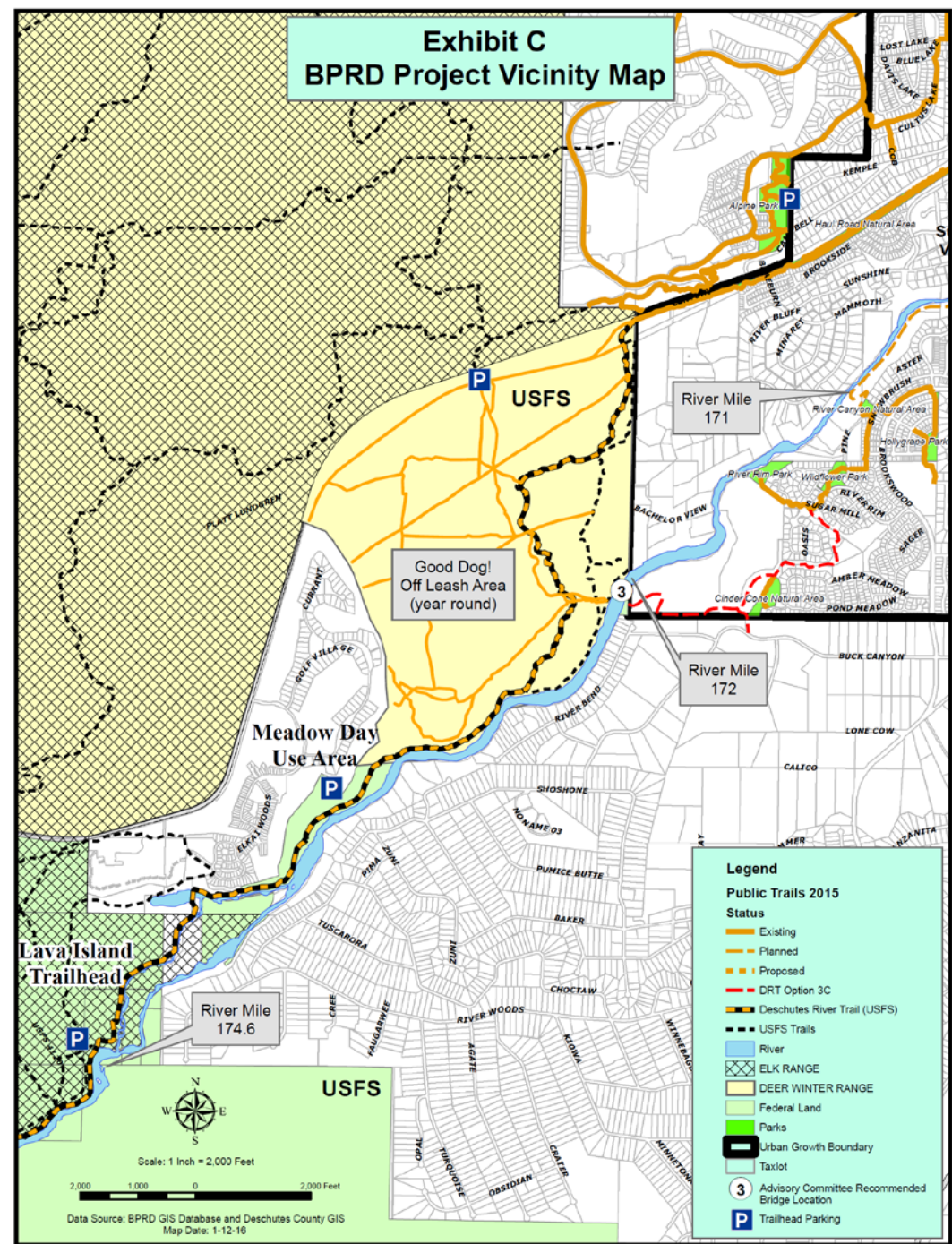


play for life

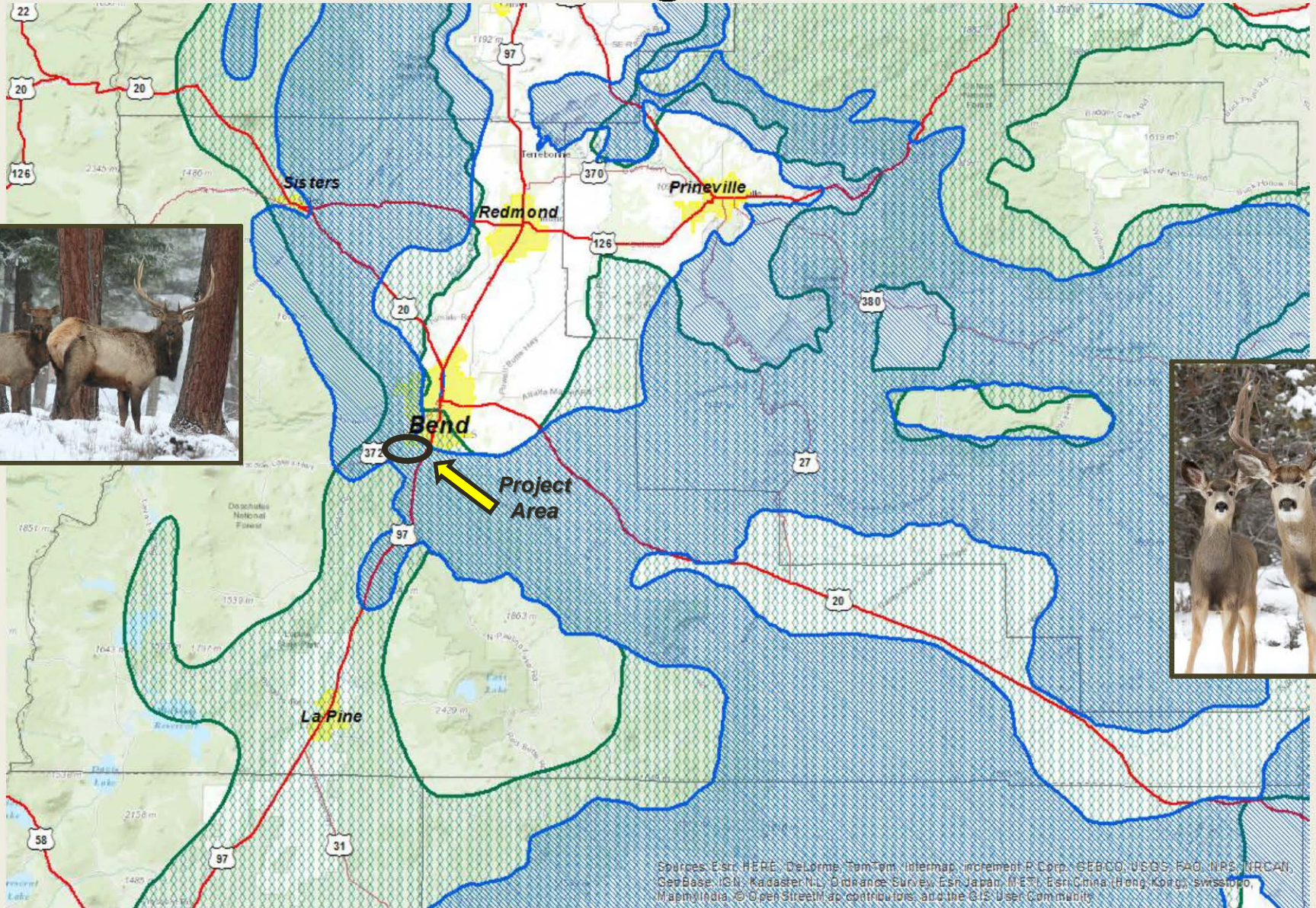


Environmental Concerns

- Good Dog! – year round dog off-leash area
- Mule Deer/Elk Winter Range
- Spotted Frog
- Transportation options
- Residential development
- NEPA requirements



Elk & Deer Winter Range in Deschutes County

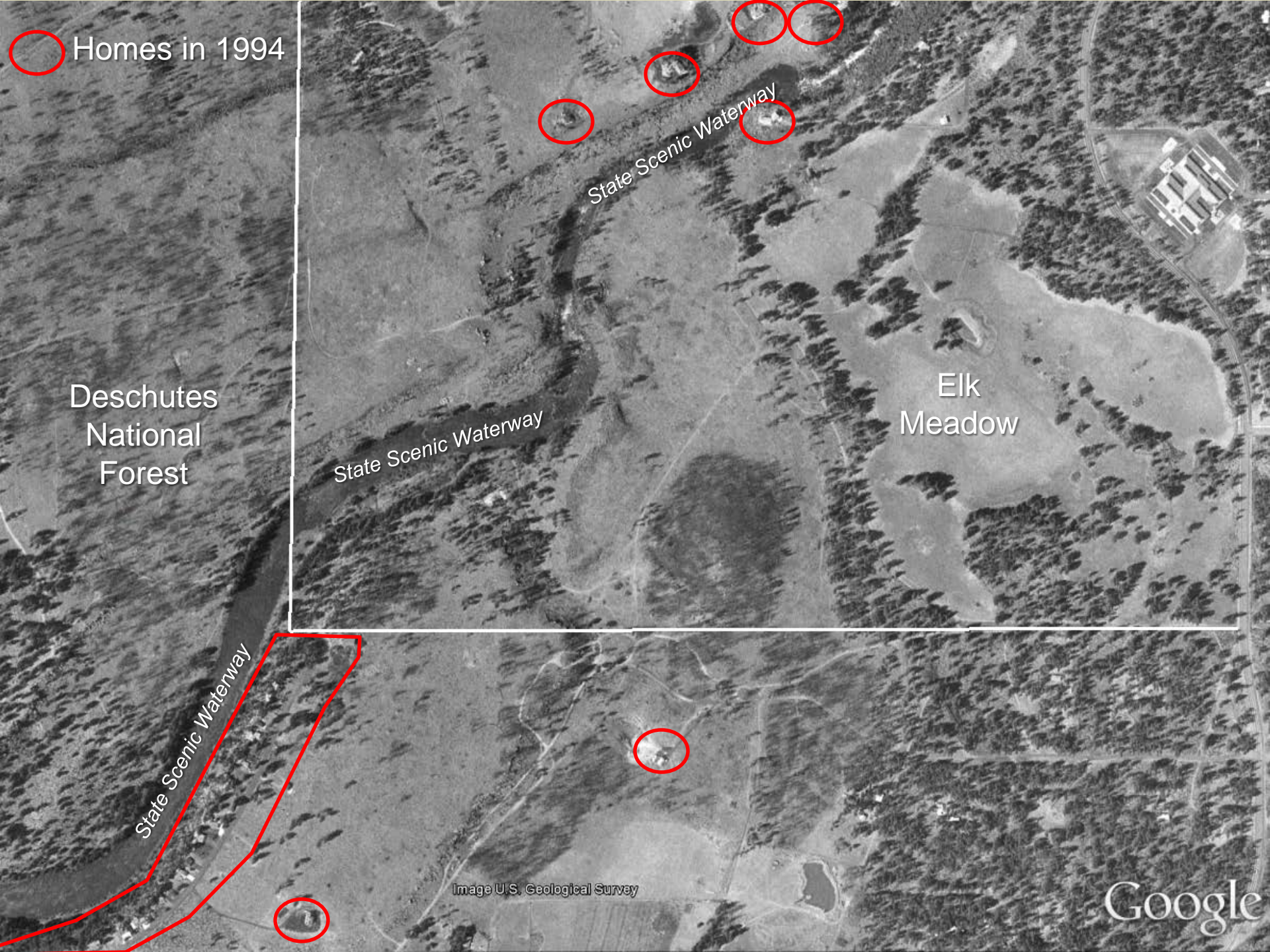


-  Deer Winter Range
-  Elk Winter Range

25

Mi





Homes in 1994

Deschutes
National
Forest

Elk
Meadow

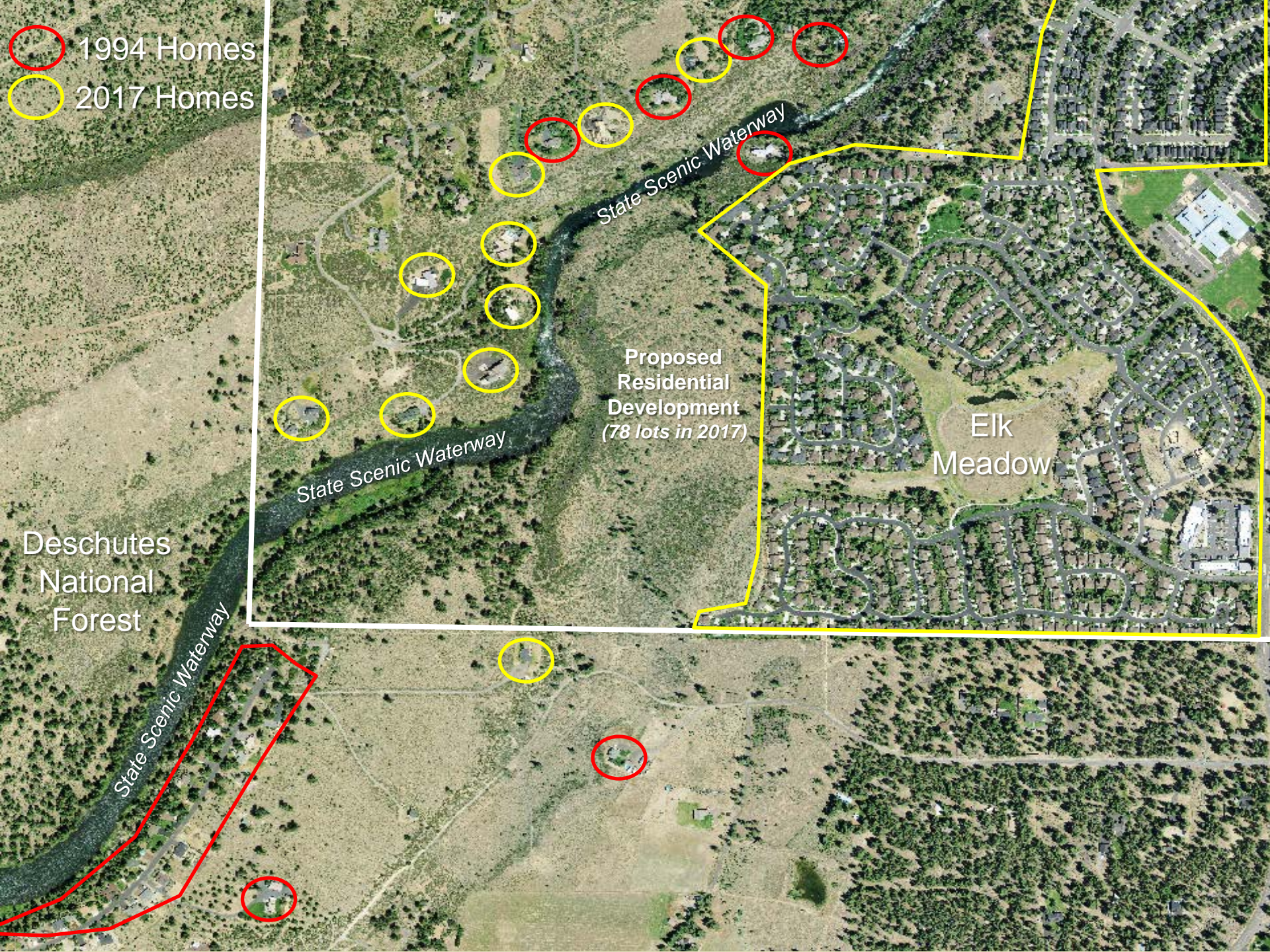
State Scenic Waterway

State Scenic Waterway

State Scenic Waterway

Image U.S. Geological Survey

Google



- 1994 Homes
- 2017 Homes

Deschutes National Forest

State Scenic Waterway

State Scenic Waterway

Proposed Residential Development (78 lots in 2017)

Elk Meadow

State Scenic Waterway



DRT – north end of Bend

Middle Deschutes State Scenic
Waterway - “Recreational River
Area”

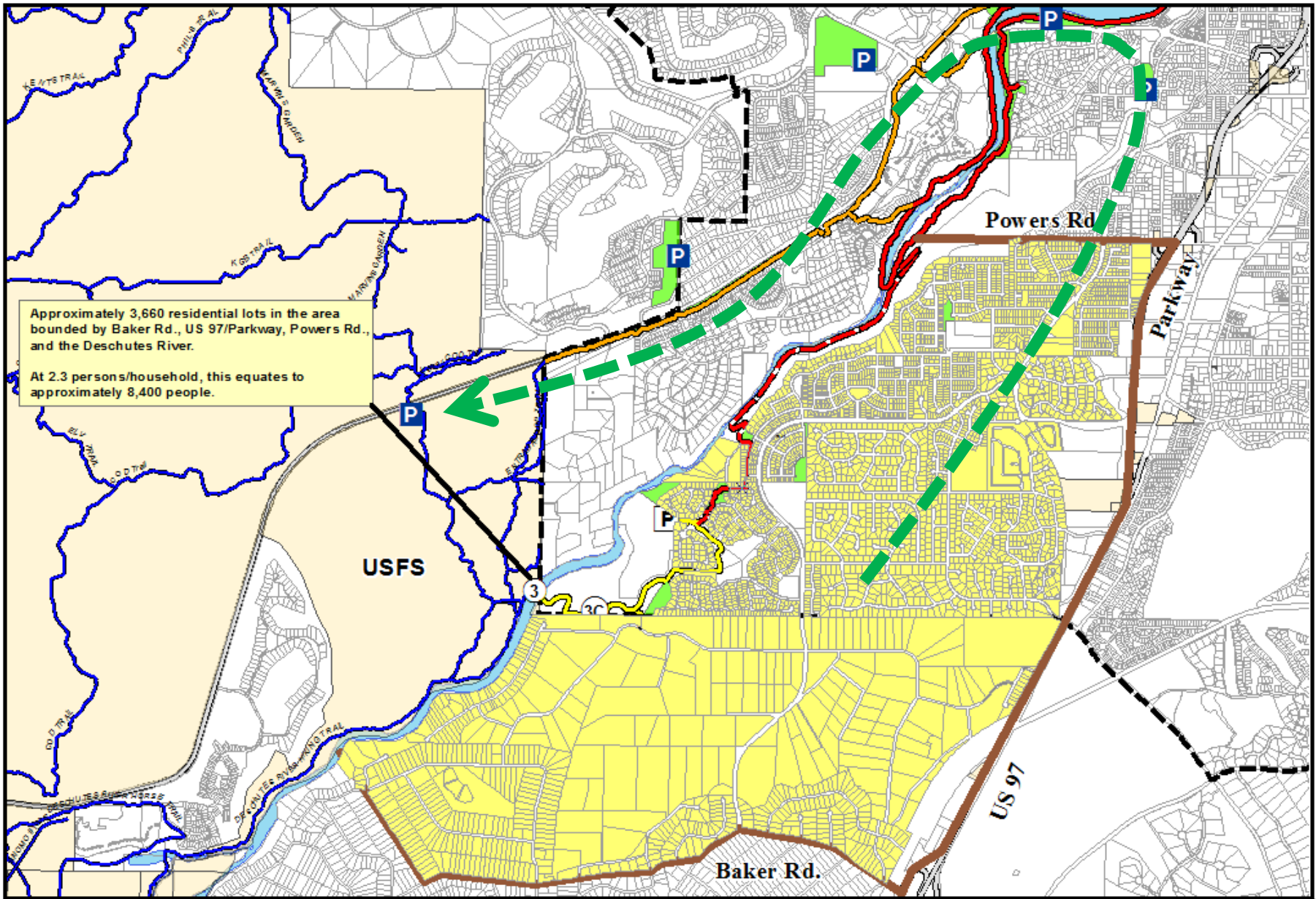
(New bridge approved 2015)



DRT – south end of Bend

Upper Deschutes State Scenic
Waterway - “River Community
Area & Scenic River”

(No new bridges)



South UGB Area East Side Residential Proximity to Bridge





Thank You