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ATTORNEYS AT LAW

May 9, 2017

ATTORNEYS

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The Honorable Michael Dembrow  
Chairman, Senate Committee on  
Environment and Natural Resources  
900 Court Street NE  
Salem, Oregon 97301

The Honorable Alan Olsen  
Member, Senate Committee on  
Environment and Natural Resources  
900 Court Street NE  
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The Honorable Herman Baertschiger  
Member, Senate Committee on  
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900 Court Street NE  
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The Honorable Floyd Prozanski  
Member, Senate Committee on  
Environment and Natural Resources  
900 Court Street NE  
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The Honorable Arnie Roblan  
Member, Senate Committee on  
Environment and Natural Resources  
900 Court Street NE  
Salem, Oregon 97301

Re: House Bill 2027

Dear Mr. Chair and Members:

I have been the attorney for the Bend Metro Parks & Recreation District since 2002 ("District"). I have practiced law in Bend for the last 44 years and have seen many changes.

From 1993 and 2001 I was the Senator from Senate District 27. I chaired the Judiciary Committee for six years and served on the Rules, Ways and Means, Revenue and other committees. Additionally, I was on the Emergency Board for four interims. I mention this as background, because I understand what happens when there is a "gut and stuff." In this case, there was no prior notice to the District or the City of Bend.

A legacy of service to our community.

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The District's preferred location for the bridge would be on United States Forest Service ("USFS") land that borders the Bend Urban Growth boundary. Attached is a map that shows the bridge location and the trail location. The C3 takes the trail away from the river until it descends to the proposed bridge location. The trail will connect with many USFS trails and roads, including the "river loop spur" that travels all the way to Sun River.

Concern arose among landowners on the west side of the river, when five location options were publicly reviewed. The USFS required the District to look at options on private property before the USFS would consider a bridge on USFS property.

The USFS will not accept an application for the bridge until the Oregon Parks and Recreation Department ("ORPD") amends the rule to allow a pedestrian bridge or a year passes after a decision not to reopen the rule. The District preferred to work with ORPD and asked for the bridge rule to be reconsidered. ORPD decided to consider reopening the rules for all of the wild and scenic waterways rather than only this Deschutes River segment. The rules have not been reviewed in 21 years and much has changed.

If the District proceeds, the USFS will require an environmental impact survey and assessment and this is a thorough and expensive process. NEPA requires significant public input and comment throughout the process. Mitigation is required if the proposed use threatens the environment or wildlife.

There has been concern about the District condemning property for the trail and bridge location. In my 15 years as the District's attorney I have never filed a condemnation lawsuit on behalf of the District. The District has been extremely sensitive in exercising this authority. If the USFS location for the bridge was approved, there would be no condemnation for the bridge site. The District has a letter of intent with the property owner where the C3 trail would be located. In fact, the proposed C3 location is at the property owner's request (Stephen E. Thompson, Jr.).

A proposed connecting trail has been on the City Urban Trails Plan since at least 1955. Much of the growth in Bend has been on the east side of the river. West side residents have access off of Century Drive. Currently east side residents would need to drive 12 miles in order to use the west side connection to the USFS trails and dog park. Parking would be a challenge. Vehicle traffic would increase.

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This bill should not go forward. Instead, allow the existing process to work.

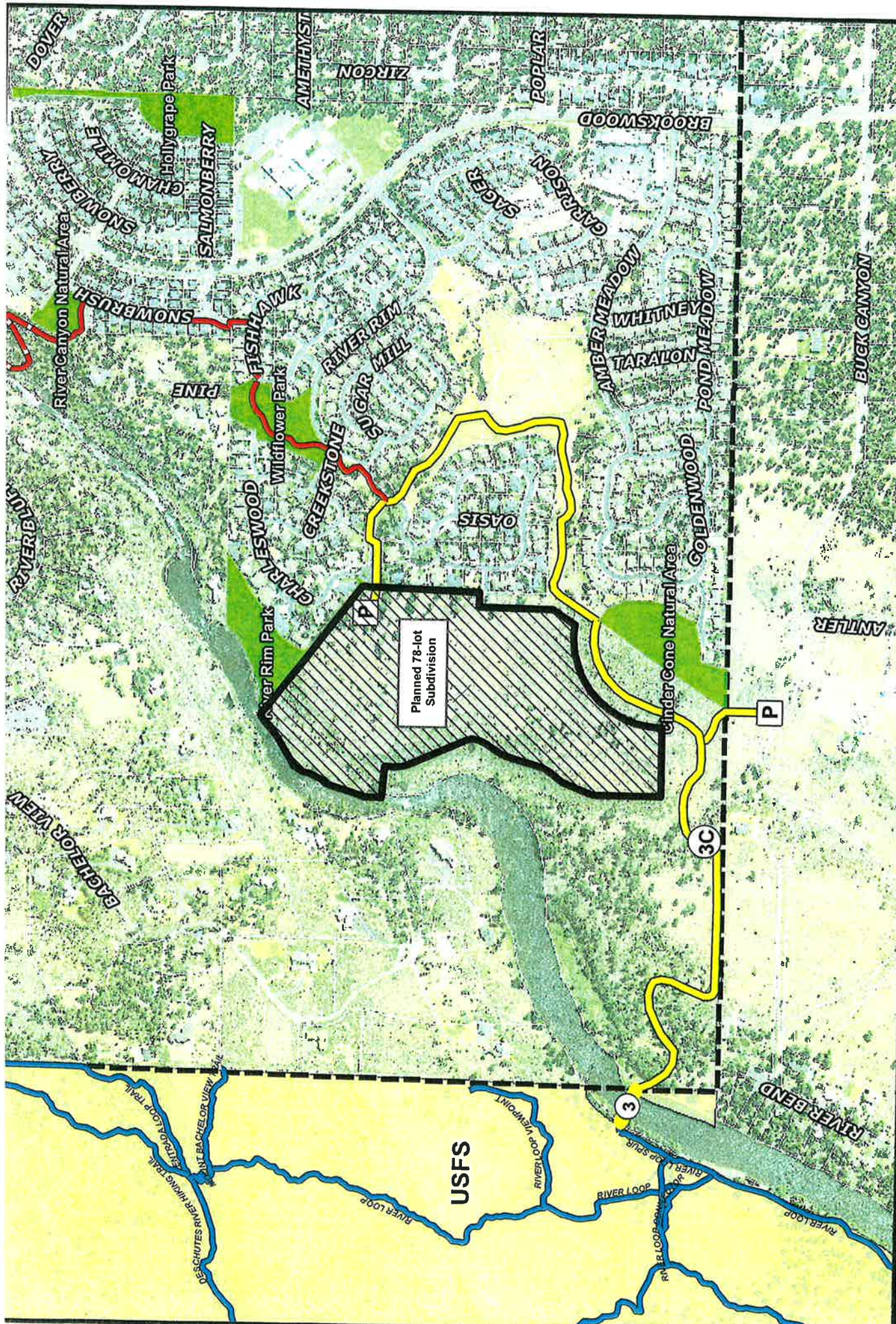
Thank you for your service and consideration.

Sincerely,



Neil R. Bryant  
[bryant@blilawyers.com](mailto:bryant@blilawyers.com)

Enclosure



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

### South UGB Area

Map Date: 5-4-2017  
Source: Bend Park and Recreation District  
Not to Scale

*play for life*