

Don Horton
Executive Director
Bend Park and Recreation District
HB4029 - Testimony
February 8, 2018

Chair Clem and Members of the House Committee on Agriculture and Natural Resources, I am Don Horton, Executive Director for Bend Park and Recreation District. Thank you for taking the time today to listen to testimony about HB 4029.

Bend Park and Recreation District is a Special District formed by the voters of Bend to provide park and recreation services on behalf of the City of Bend in order to meet land use goal 8. Through an Inter-governmental agreement with the City of Bend, we work closely with the City to acquire right-of-way and build the urban trail system. A part of this system is to connect the urban trails to the USFS lands. This has taken place without question along the entire interface of the Bend urban area and the Deschutes National Forest.

Through the District's comprehensive planning efforts over the past 20 years trails have been recognized as the highest recreation need in our community. Trails bring healthy recreation options to communities, allowing people of all ages to walk, bike and experience nature. Trails function as viable transportation corridors linking people to schools, employment, recreation, and to each other.

The flagship of the District's trail system is the Deschutes River Trail. Voters recognized the importance of the Deschutes River Trail in 2012 when a \$29 million bond was approved by voters to complete the trail. The District has been successful at advancing all sections except for the South UGB Bridge, which is in jeopardy in HB4029. Voting in favor of HB 4029 as currently drafted would be voting against the will of the voters in Bend.

Following State Statutes and Administrative Rules

There is a common misconception among footbridge opponents that BPRD has attempted to change Scenic Waterway law: BPRD is not seeking a change in the existing law; however, HB 4029 does. The State Scenic Waterway law was put in place by the legislature to guide the conversation when landowners wish to build within the waterway boundary. If HB 4029 becomes law, the Upper Deschutes River will be the first Oregon scenic waterway where opponents of a project have successfully lobbied the legislature to circumvent the system by converting a rule meant to guide a conversation.

BPRD has understood the parameters surrounding the Federal Wild and Scenic River and Oregon Scenic Waterway and has been following these rules with the understanding that at the end of the day construction of a bridge is not a guaranteed outcome. With City, County, State and federal process ahead of us there is still a lot of community input and discussions to occur. The District wants a community conversation, including with environmental stakeholders, about the best way to address trail connectivity and related issues.

Misrepresentations

There have been a number of misrepresentations about our possible project.

1. **Wildlife concerns**-This section of the river is no longer a sensitive wildlife area due to the urban development that has occurred over the past 20 years, including a 78-home subdivision development currently under construction. Much of the habitat that was previously used by wintering deer no longer exists because of residential encroachment. The possible bridge location is outside of the U.S. Forest Service Elk Management area and will connect urban residential developments to an intensive recreation area on USFS lands.
2. **Spotted Frog**- The area is not listed as critical habitat for the Oregon spotted frog. BPRD has considerable experience working in and managing spotted frog habitat at the Bend Whitewater Park where the upstream wetlands are maintained by a pneumatic bladder system monitored and controlled daily by BPRD staff. The US Fish and Wildlife acknowledges that we would need to consult with them to build a bridge or extend a trail in any area along the Deschutes River.
3. **Condemnation**- BPRD has never used condemnation as a tool to acquire property in the 46-year history of the organization with the exception of friendly-condemnation requested by a couple of landowners. Friendly condemnation is a benefit to the landowner by giving them two additional years to reinvest in a 431 exchange. BPRD has also never used condemnation as a threat to acquiring property.

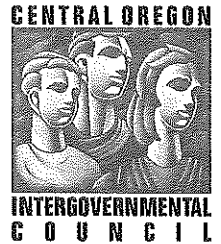
Environmental Stewardship

Bend Park and Recreation is the provider of recreation needs but also serves as a resource manager. We manage 49% of the riverfront through Bend. We dedicate many resources to riverfront habitat management including working with the Upper Deschutes Watershed Council to rehabilitate riparian areas and to establish new wetlands. We rebuilt the bank vegetation at First Street Rapids, Riverbend, and Farewell Bend parks, created fish passage at the old Colorado Dam, and recently purchased over two miles of riverfront property for the Riley Ranch Nature Reserve.

Given the significance of this project to the Bend community and to our visitors, I urge you to allow us to continue this effort locally. We have not had the chance to complete the discussion in the community about connecting the DRT without the urgency of a bill in Salem. The bill last session was introduced while BPRD was still in early planning stages. Going through last session had its benefits. It caused us to re-evaluate our need to coalesce the environmental and recreation communities in an open fact-driven dialog. Since last session we purposefully took a pause because of the emotions involved. It's now time to have that discussion.

Today you will hear arguments pro and con about the desire to build a bridge and much written testimony has been presented, surveys results shared, and the issue debated passionately representing both side of this issue. All of these issues need to be carefully considered; however, this is not the place to consider a local issue such as this. We encourage you to support our community by allowing that discussion to take place in our community and by our community's citizens.

Thank you for your time.



February 6, 2018

Don Horton, Executive Director
Bend Park & Recreation District
799 SW Columbia Street, Bend, OR 97702

*Everywhere
Central Oregon
Works*

RE: HB 4029 – South UGB Bridge Crossing

Dear Don:

This letter is in response to your email dated February 5, 2018 (attached for reference) regarding COIC's thoughts on local collaborative efforts in Central Oregon, and the potential to engage in a locally-driven collaborative process to analyze the recreation and conservation impacts of the proposed south UGB crossing bridge.

Central Oregon has the reputation of being a highly collaborative region – we're well known for being state leaders in collaborating on a wide array of issues, including housing, emergency and fire management, economic development, transportation, and complex natural resource issues. When faced with a complex and challenging issue that involves multiple organizations and potentially conflicting values, our region's first response is generally to collaborate to identify innovative solutions.

As you know, COIC has helped design and implemented many collaborative processes in Central Oregon. Collaboration has allowed the region to identify and pursue "made in Central Oregon" solutions, and allows for:

- Weighing the balance of different values and perspectives - pros and cons;
- Identification of creative, "third way" solutions - rather than just "yes" or "no";
- Community and partner engagement with and commitment to implementing the solution (sustainability);
- Ensuring inclusive solutions (i.e. addressing diverse needs) ;
- The preservation and strengthening of working relationships to take on the next complex issue, together.

COIC and our partners have used this approach to yield results including a wide array of collaborative engagements in the natural resources realm. A few pertinent examples include:

- The Deschutes Collaborative Forest Project (DCFP):
 - Congressional designation of the Deschutes Skyline Collaborative Forest Landscape Restoration project – providing \$10 million in extra funding for restoration in Bend's public lands backyard.

- Specific project recommendations and implementation - an excellent example is the West Bend project - this high-visibility area is utilized by a broad range of stakeholders and implementation will stretch out over years. Reaching agreements on restoration treatments in this project is a significant collaborative effort and maintaining public support throughout the ongoing implementation continues to require collaborative solutions in the realm of outreach and communicating alternative recreational opportunities.
- Broad community support to change smoke and air quality policy in order to allow for more prescribed burning.
- Deschutes National Forest Alternative Transportation Feasibility Study - The goal of the Study was to promote the use of non-motorized alternative transportation options to access high-use recreational areas on the Deschutes National Forest (DNF) while reducing environmental impacts at these sites.

This last example is particularly pertinent to your email, and to HB 4029. One of the findings of the Alternative Transportation Feasibility Study relates directly to the proposed south UGB Crossing. The Study outlines this bridge as a potential opportunity to enhance non-motorized access to recreation opportunities on the Deschutes National Forest, but notes that “The carrying capacity for trails in this area would need to be considered in a NEPA analysis before choosing a preferred concept for this opportunity. The opportunity would enhance access and promote non-motorized transportation within the DNF, but the benefits of this enhancement would need to be balanced with resource protection” (pp. 32-33). The Study goes on to outline some of the resource, operations, administrative, and other considerations that would need to be weighed before making any decisions regarding the bridge.

We believe that the potential south UGB bridge crossing would be an ideal candidate for a neutrally convened and facilitated local collaborative process involving stakeholders and the broader community. This process would include determining if the bridge – or another solution – is the optimal choice for achieving recreation, environmental, and other values while respecting local private property rights as well as broader community interests. We believe when faced with complex decisions of this nature, collaborative processes should be the first choice. Please let us know if you would like any assistance in designing or implementing this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Friend', written in a cursive style.

Karen Friend, Executive Director



Scott Aycock <scotta@coic.org>

Thoughts from COIC

Don Horton <Don@bendparksandrec.org>
To: "scotta@coic.org" <scotta@coic.org>

Mon, Feb 5, 2018 at 1:30 PM

Hi Scott

As you are aware we are looking at how to move the community discussion about the extension of the Deschutes River Trail forward. A section of this trail is the south UGB Bridge crossing identified in the Deschutes Forest Alternative Transportation Plan which COIC helped create.

I'd like to hear your thoughts on local collaborative efforts that have been helpful in the past and if you think a similar process might work here.

We are currently faced with a bill, HB 4029 that would kill the ideas of a bridge making this connection. This bill would preclude our hope for a collaborative, local process that if done right could have both recreation and conservation benefits.

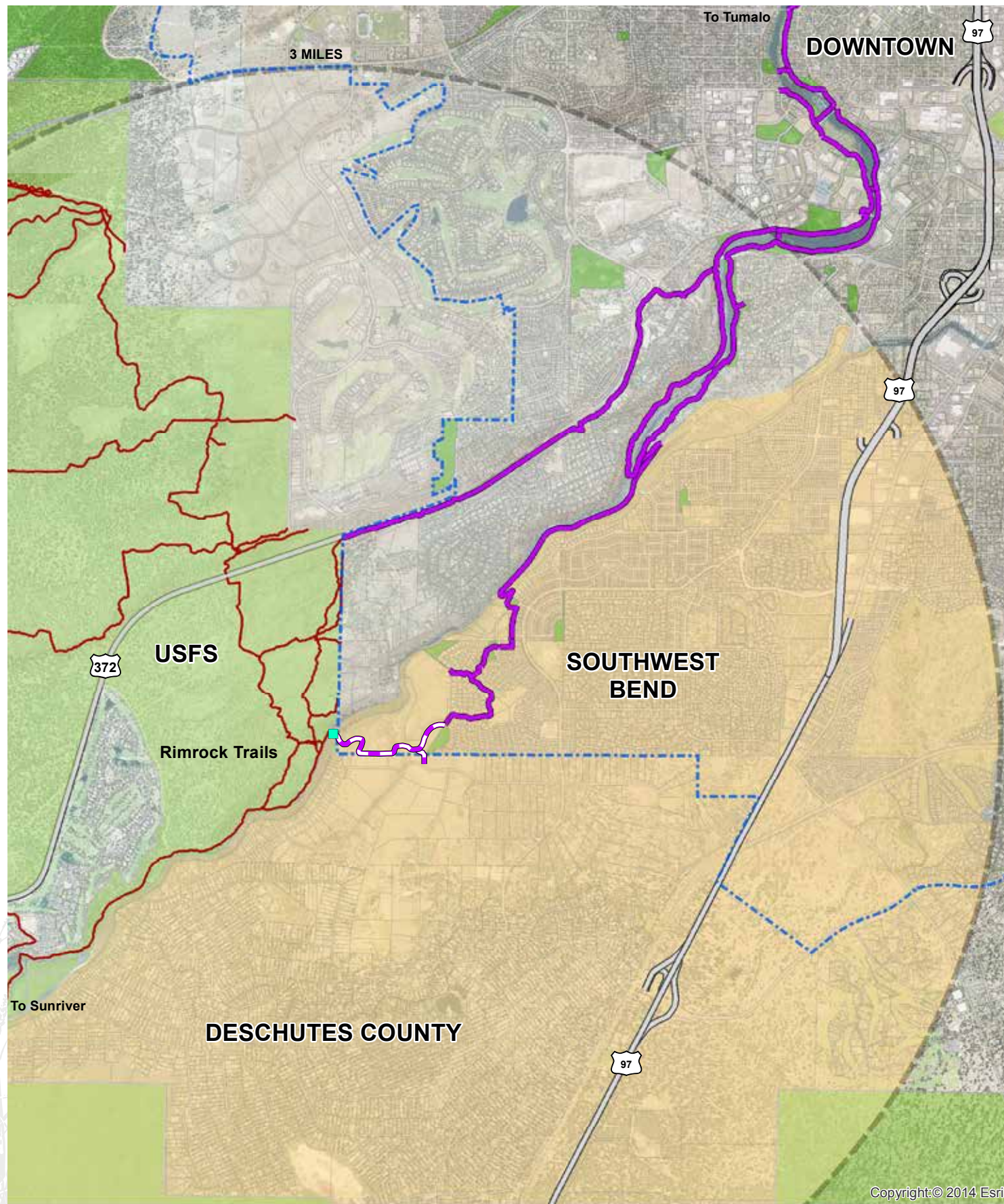
I appreciate your thoughts in advance.

Don

Sent from my iPhone



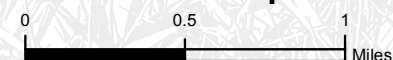
Southwest Bend UGB and possible pedestrian bridge location.



DON HORTON,
EXECUTIVE DIRECTOR

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South UGB Proposed Bridge Location



Date: 1/31/2018



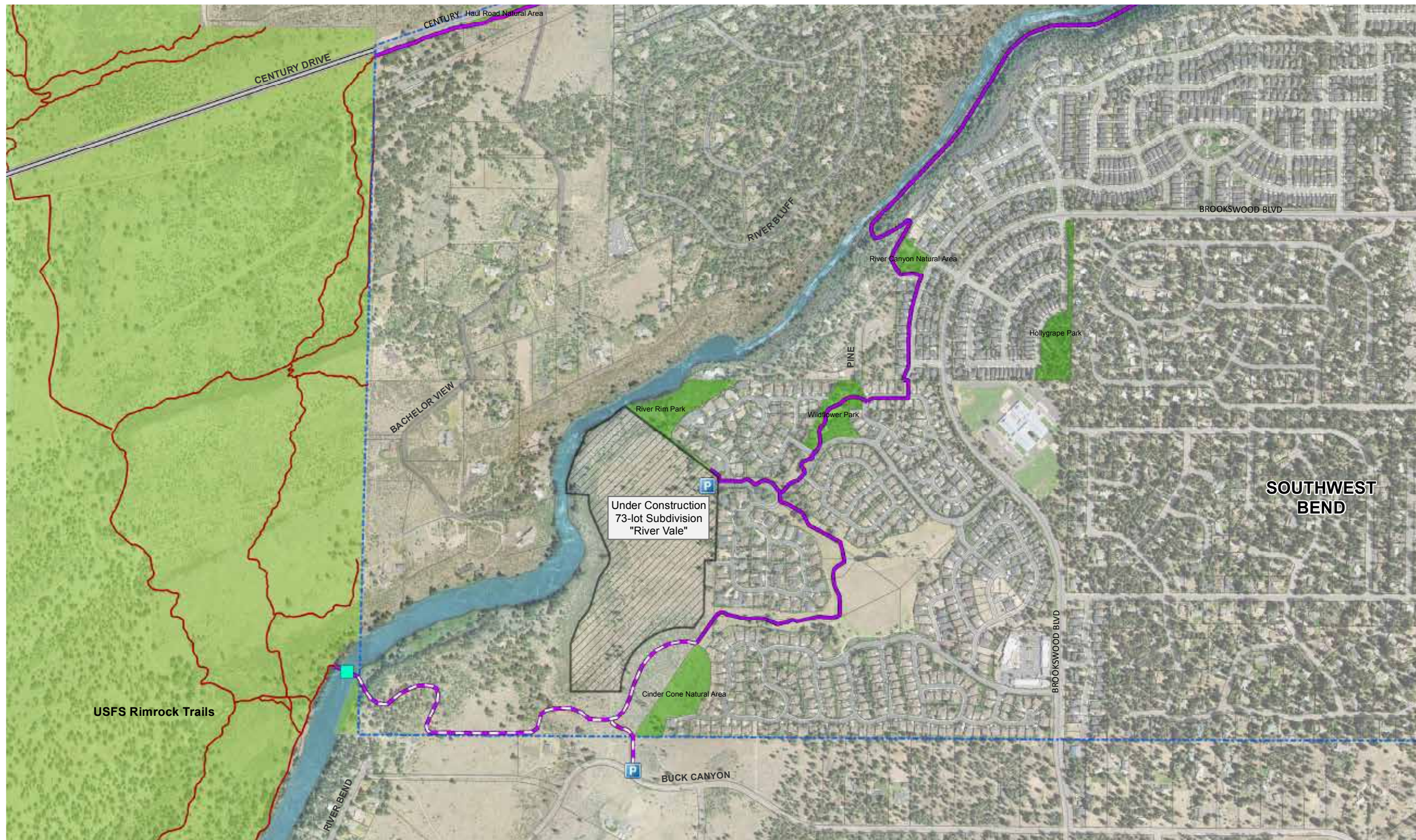
- Proposed Trail
- Existing Trails
- USFS Trails
- Proposed Bridge Location
- Urban Growth Boundary
- Public Lands

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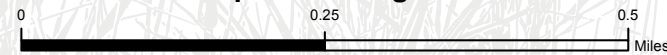


DETAILED VIEW

Southwest Bend UGB and possible pedestrian bridge location.



South UGB Proposed Bridge Location



Date: 1/30/2018

- Proposed Trail
- Existing Trails
- USFS Trails
- Proposed Bridge Location
- Urban Growth Boundary
- Public Lands

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