

TESTIMONY IN SUPPORT OF HB 2027

FROM: The Upper Deschutes Conservation Council (A Group of Concerned Citizens)

DATE: Apr. 5, 2017

I. PROBLEM PRESENTED

The Oregon Parks and Recreation Department (OPRD) and the Bend Park and Recreation District (BPRD) are currently working to abolish longstanding environmental protections in the Upper Deschutes Scenic Waterway. OPRD and BPRD's ultimate goal is to seize undeveloped riparian property and construct a high-use bridge and trail system, undermining the conservationist intent of the Oregon Scenic Waterways Act, ORS 390.805-390.925 (the Act).

The Upper Deschutes Scenic Waterway is a protected area under the Oregon Scenic Waterways Act. Under past management, two different administrative schemes—the Upper Deschutes Plan and OAR 736-040-0073—have prohibited new bridges in this stretch of the Deschutes. This protection still exists under OAR 736-040-0073. Nonetheless, OPRD and BPRD have proposed an amendment to OAR 736-040-0073 that would allow new bridges and intensified recreational use in the Upper Deschutes Scenic Waterway.

The Oregon Department of Fish and Wildlife has already publicly opposed this amendment as destructive to deer and elk wintering ground. Further, the Upper Deschutes Scenic Waterway contains critical habitat for the threatened Oregon spotted

frog. Other adverse environmental impacts will include increased fire risk, elevated stress on protected species, trash accumulation, and riparian habitat destruction.

ORPD and BPRD have ignored the environmental conservation mandate of the Oregon Scenic Waterways Act and have instead worked toward preordained development objectives. Although recreation is a listed goal of the Act, ORS 390.845(1) provides that primary agency emphasis shall also be given to protecting the “aesthetic, scenic, fish and wildlife, [and] scientific” qualities of scenic waterways. In the present situation, OPRD and BPRD have failed to conduct an environmental assessment of the upper Deschutes and have been dismissive toward public environmental concern. OPRD and BPRD’s policy of promoting recreational development at the expense of the environment contravenes the purpose of the Oregon Scenic Waterways Act.

As a further threat to the integrity of public process, OPRD and BPRD have excluded affected landowners from participation in a Citizen’s Advisory Council in 2014-15, and from a current rulemaking advisory group, the Upper Deschutes Advisory Group (UDAG). Legislative action is therefore necessary to protect both the Upper Deschutes Scenic Waterway and public intent.

II. SOLUTION

The best solution for the Upper Deschutes Scenic Waterway is a direct, statutory prohibition of new bridges, as proposed by HB 2027. This solution will strengthen protection of the Upper Deschutes by elevating the longstanding bridge prohibition under OAR 736-040-0073 from an Oregon Administrative Rule to an Oregon Revised Statute.

III. PUBLIC POLICY IMPLICATION

Abolishing environmental protections in Oregon scenic waterways would mark the beginning of an insidious trend. When agencies and other government bodies consider themselves above voters and the law, all Oregon scenic waterways are at risk. Passage of HB 2027 will ensure that Oregon scenic waterways are preserved for their outstanding natural values.