

# **A Cause for Legislative Intervention – Support for HB 2027**

## **SUMMARY OF ISSUES:**

**1. OPRD is attempting to abolish longstanding environmental protections in the Upper Deschutes Scenic Waterway. This is the first time that the State of Oregon has considered abolishing scenic waterway protections.**

- “It’s unfortunate that you’re the guinea pigs on this, but you’re very helpful guinea pigs” - Chris Havel of OPRD, Bend Bulletin, Dec. 10, 2016. *Bridge Question Spurs Look at River Development Rules.*
- Legislative action is necessary in order to:
  - (1) Maintain permanent river protection under the Oregon Scenic Waterways Act.
  - (2) Fix flawed / pre-ordained public process by OPRD. Restore transparency.
  - (3) Respect private property rights.
  - (4) Respect the intent of Oregon voters.

## **2. Scenic Waterways History**

- Oregon voters passed the Oregon Scenic Waterways Act by ballot initiative in 1970. Voters demanded that certain rivers be set aside for conservation.
- In 1988, voter sentiment remained the same: “In our development oriented society, it takes special diligence to protect our natural resources.” Voter’s Pamphlet, Oregon General Election (1988) (Sen. Bill Bradbury, Sen. Jane Cease, Rep. Ron Cease, and Rep. Dave McTeague).
- In 1988, Oregon voters protected the Upper Deschutes Scenic Waterway through ballot initiative. Conservation—not high-use development—remains a consistent purpose of the Oregon Scenic Waterways Act.

### **3. What OPRD is trying to do:**

- OPRD is attempting to abolish longstanding environmental protections in the Upper Deschutes Scenic Waterway. This area was consciously set aside by Oregon voters.
- Abolishing these protections will pave the way for the Bend Park and Recreation District (BPRD) to construct a high-use bridge and trail system in the affected area.
- Under past management, two different administrative schemes have prohibited bridges:
  - The Upper Deschutes Plan – a multi-agency, state and federal collaboration issued in 1996.
  - Currently, OAR 736-040-0073 prohibits bridges in this stretch of the Deschutes.
  - Nonetheless, OPRD—working closely in concert with BPRD—has proposed a rule amendment that would allow new bridges and intensified recreational use in the Upper Deschutes Scenic Waterway.

### **4. What we are asking for: A statute that mirrors the current bridge prohibition under OAR 736-040-0073.**

- 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.
- This prohibition would approximately extend from the National Forest boundary north of Sunriver to the boundary of the Upper Deschutes Scenic Waterway within the Bend UGB.
- The Deschutes Scenic Waterway has other specific statutory protections and provisions in place. (In addition to protections that exist under the OARs). For instance, boating permits and management of the lower Deschutes are regulated by statute.
- We envision the proposed statute functioning in a similar same way.