

February 6, 2018

House Committee on Agriculture and National Resources
Representative Brian Clem, Chair
900 Court Street, NE
Salem, Oregon 97301

Re: Opposition to House Bill 4029/Support for Local Trail Planning

Dear Chair Clem, Vice Chairs McLain and Sprenger and members of the Committee:

My reason for writing is to ask you to take a stand against House Bill 4029, the bill to permanently kill the proposed Deschutes River bridge at the SW edge of the Bend city limits. There is no solid reason for this bill to be even considered. Besides the fact that there is no supporting evidence of the claimed potential negative impacts to the environment (wildlife and plants) – for good reason, this bill takes a process that should be locally driven and turns it over to State and Federal agencies. That is wrong and shouldn't happen.

My wife and I purchased a home in Bend (in the River Rim – RR, subdivision) six years ago. Probably the primary reason we did so, as so many have, was the abundant and accessible recreation opportunities. Unfortunately this bill (HB 4029) is a direct assault on that recreational foundation. However, since purchasing our home here, we have marveled at the lack of sensible, logical access to the National Forest (NF) trail system from the east side of the Deschutes River in SW Bend. So when we heard a bridge was proposed, we thought, excellent, Bend does have vision. Maybe our days of having to drive twelve miles round trip around via the Bill Healy Bridge to a NF trail head may eventually become a thing of the past. From a "green" standpoint, that lowers carbon emissions, reduces traffic congestion, and encourages more and healthy outdoor activity.

The majority of people we have talked to or heard from at meetings on this subject were two thumbs up on the bridge. And while I am the President of the RR HOA, I am not speaking as the President but as a homeowner in RR. What a shock it was, last year, to find out via the Bend Bulletin that a wealthy homeowner, on the west side of the river, had asked Representative Knute Buehler of Bend to sponsor legislation to stop the bridge process. For some reason, he asked Representative Gene Whisnant of Sunriver to run with the legislation, which he did by what appeared to be a rush process and under the public radar. Then it, thankfully, died in the Senate. But now here it goes again, with an even worse bill, this time trying to permanently kill the bridge and all but eliminate any future action by local government. After a look at the facts, one has to wonder why? The main possible reason, environment impact, is without merit as are any arguments about the need to uphold the Wild and Scenic River Act (WSRA) protections.

I say that with over 30 years of experience working with endangered species issues (bald eagles and salmon), various wildlife, wetland protection, stream and lake water quality issues as an environmental and civil engineer. My responsibilities over those years, as a public works director, project manager, city engineer, traffic engineer and for several years a member of the Washington State Public Works Trust Fund Board, included all aspects of city public works (parks, streets, sewer, water, transit, and land use planning). Building and establishing environmentally sound trail systems was a major part of that job in one of the cities I worked for. Finally, I taught high school biology for several years (along with several other areas of science), so I well understand environmental issues.

While I am clearly for this bridge and against the legislation to kill it, I am equally against such legislation moving forward without more community involvement and especially legislation without a sponsor. At a minimum the issue of the bridge should be returned to the local community.

As to the issue of the bridge being on a section of river protected by the WSRA, that fact, and what the Act protects would not change if an exception for a bridge was granted. Doubt this? Then take a look at the intent of the 1968 WSRA. Here are some reasons the bridge does not threaten the purpose or intent of the WSRA.

1. A review of the 1968 Act will cause you to wonder why this section of the Deschutes was ever included. It has been in a low density urban environment for many, many years. A location that lowers the quality of the designation for any river in that situation (there are almost none in the Country like this section). For this section of river the designation doesn't make sense. It would appear that special interests, not science and facts drove the decision. This section of the river has had homes on each side of the river for many years (well over 20 in some cases) and that process is continuing with more homes being added over the next few years.
2. A review of the WSRA makes it clear that while flora and fauna is certainly a part of the Act it is only one of six or more components of the Act. More importantly, however, is the fact that the impact of a bridge to flora and fauna would be minimal to non-existent (so small as to be immeasurable) – especially given that if there has been any impact it seems to have made little difference to most of the wildlife in the area (deer, coyote, osprey, eagles, hawks, vultures, chipmunks and golden mantled ground squirrels, etc.). The possible exception is elk – they left the area years ago (the jury is still out on whether development is responsible for their shifting to the NW side of Aubrey Butte, where they apparently cause problems on the golf course). It's worthwhile noting that damage to flora would actually be reduced by placement of a bridge because it would bring a steady source of restoration and protection funds to the area via the BPRD. In

any case the flora and fauna arguments are without merit. It would appear that the real issue here is the desire by one or a few wealthy home owners on the west side of the river that don't want the bridge for personal reasons – whatever those might be and perhaps a few in the east side subdivisions that fear more people coming through the private subdivisions.

Deer still roam the area (including throughout the housing developments – in all of Bend, as do coyotes, and an occasional- unwanted, cougar, plus all sorts of raptors). A bridge crossing the river will not affect otter, fish or birds. The WSRA was intended to help improve public enjoyment of such sections of river. A bridge, on this specific section of river, at this specific location is consistent with that aspect of the WSRA, with little or no impact on the other protections of the Act.

3. Finally, the bridge is not a gateway to more degrading actions along this section of river. That is, no more trail will be built on either side of the river downstream or upstream of the bridge due to the property being private and the topography. The trail to the bridge on the east side immediately leaves the river and moves uphill into the housing development. Because of that, the proposed trail to the bridge comes through the RR development and on the east side of the new River Vale development, rather than along the river.

One last comment, on possible future efforts to work on alternatives. That idea, noted in the bill, and hyped by proponents of the bill, is a red herring - very misleading. A major goal of the bridge is to provide to residents of SW and SE Bend better access to the National Forest trails on the west side of the river. There is NO other option (alternative) that would accomplish that goal – the bridge is it, period. And just to be clear, there is no other location on the river that would physically work - the river is narrow enough at the chosen location so that the bridge could be built without pilings in the river, a WSRA requirement. So no other location, even if the WSRA would allow it, would work. The alternatives talk/language is a total distraction.

Please don't pass this legislation and return the process to the our local community.

Thank you,

Larry Waters

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