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**From:** frank huebsch <frankhuebsch@q.com>  
**Sent:** Wednesday, February 7, 2018 2:57 PM  
**To:** HAGNR Exhibits  
**Subject:** Testimony on HB 4029

For consideration of the Committee on Agriculture and Natural Resources,

This testimony is in favor of the proposed changes to ORS 390.855 to prohibit construction of new bridges on the Deschutes River, currently under protection of the General Management Plan ("Plan") for the Upper Deschutes Wild and Scenic River Corridor and State Scenic Waterway, July 1996 (<https://www.rivers.gov/documents/plans/upper-deschutes-plan.pdf>)

I am a resident and property owner since 2005 in the Bend community of River Rim located near the portion of the State Scenic Waterway designated as "River Community" within the Bend Urban Growth Boundary between the Deschutes National Forest boundary and the Central Oregon District's diversion structure at mile 171. Additionally, I served as a Citizen Advisory Committee member organized by the Bend Park and Recreation District ("BPRD") for the so-called South UBG Footbridge and Trail in 2014-15, a volunteer trail steward of the Deschutes River Trail ("DRT") within the Deschutes National Forest between Meadow and Dillon Falls day use areas from 2009 to 2012, and City of Bend Community Development Department staff from 2004 to 2008.

During my service as DRT steward, I observed, remediated and rehabilitated, with the help of Forest Service staff and other volunteers (including 13 students and staff from Catlin Gable Environmental School in Portland and members of Central Oregon Running Klub), serious damage to sensitive slopes and vegetation within the DRT corridor at the historic Lava Island Falls Rock Shelter in Segment 4F caused by unauthorized user-created trails. Artifacts left by native inhabitants dating at least 6,000 years have been recovered from this site.

It is worth noting that as stated on page 22 of the Plan, "[e]xcept for the section of the river from the north boundary of the Deschutes National Forest to the Central Oregon Irrigation diversion, all sections of the Upper Deschutes Scenic Waterway are administered according to the guidelines provided by the Upper Deschutes Scenic Waterway Land Management Plan. The excepted section is managed on an interim basis until the rule making process is complete." It appears that the passage of the proposed changes to ORS 390.855 under HB 4049 would help close this "loophole" in the Plan guidelines for the subject Segment 4G of the proposed legislation classified as River Community in the State Scenic Waterway.

The USDA Forest Service properties on the Deschutes National Forest are protected under the Wild and Scenic Rivers Act of 1968 (US Public Law 90-542) which "protected certain rivers throughout the nation to ensure their free and unimpaired flow and preserve their outstanding scenic, recreational, geological, fish and wildlife, historic, and cultural values." Originally promoted as a means of countering federal dam-construction programs, the act evolved into an effort to limit development in general along rivers and their banks in the name of recreation." (Wilderness Management, Stewardship and protection of Resources and Values, Fourth Edition, Chad P. Dawson and John C. Hendee, International Wilderness Leadership Foundation, 2009, page 169).

"The two states with the greatest mileage in the system are Alaska with 3,210 miles on twenty-five rivers and creeks, and Oregon with 1,778 miles on forty-eight rivers and creeks". (Dawson and Hendee page 171)

"Designating rivers as wild, scenic, recreational, or a varying combination of the three designation types plays an important role in preserving diverse wild river communities. Continued support and interest in protecting free-flowing wild rivers will ensure their preservation." (Dawson and Hendee page 171)

One of the management criteria applied for preserving and protecting the Outstanding Remarkable Values, including geologic, hydrologic, fishery, vegetative, wildlife, cultural recreational scenic resources identified in the Plan (page 24 et seq) is establishing, monitoring and evaluating the amount of recreational use a natural resource area can sustain without

unacceptable change to the protected resource values, thereby exceeding the established carrying capacity of the ecological system. The Final Environmental Impact Statement that supports the Plan establishes annual capacities for recreational activities of the DRT corridor (Plan, page 34 and Table 5).

In my experience, supported by informal comments of US Forest Service and Oregon Department of Fish & Wildlife administrative representatives, the DRT corridor is currently at or near its carrying capacity, and user conflicts may increase as the number of recreational users increases beyond the carrying capacity, which may result in damage to fragile ecosystems and protected resources as cited above.

From informal comments and statements made during the CAC meetings by Forest Service administrative representatives, any proposed bridge location is not relevant Forest Service requirements for issuing a Special Use Permit for new connection to the existing DRT which requires completing a formal NEPA process, including an environmental impact statement which meets carrying capacity limits of the existing DRT corridor.

I support the study of alternate potential routes to complete the BPRD proposed trail between Sunriver and Bend which conform to the requirements of Section 2 of HB 4029 and which were not considered by the CAC under direction of BPRD. I believe that a new footbridge, regardless of its location in the State Scenic Waterway, connecting to the Deschutes Wild and Scenic River Corridor runs counter to the will of Oregon voters who have historically led the nation by opposing such development into protected land and resources and have prevented overreaching expansion beyond established urban growth boundaries.

Thank you for your consideration.

Respectfully,  
Frank Huebsch