

House Bill 4029

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Agriculture and Natural Resources for Oregon Wild)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person, public body or local service district from constructing bridge on Deschutes River within certain segments of Deschutes Scenic Waterway.

Directs State Parks and Recreation Department to study and make recommendations to Legislative Assembly for recreational trail connecting Bend and Sunriver.

Directs department to study three scenic waterways each biennium and make recommendations to Governor for designation of additional scenic waterways.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to scenic waterways; creating new provisions; amending ORS 390.855; and prescribing an
3 effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. A person, a public body as defined in ORS 174.109 or a local service district**
6 **as defined in ORS 174.116 may not construct a bridge on the Deschutes River within:**

7 (1) **The segment of the Deschutes Scenic Waterway established under ORS 390.826 ex-**
8 **tending from the Deschutes National Forest boundary in section 20, township 19 south, range**
9 **11 east, Willamette Meridian, to the urban growth boundary of the City of Bend at river mile**
10 **172.**

11 (2) **The segment of the Deschutes Scenic Waterway established under ORS 390.826 within**
12 **the urban growth boundary of the City of Bend beginning at river mile 172 and extending**
13 **downstream one mile to the Central Oregon Irrigation District's diversion structure at river**
14 **mile 171.**

15 **SECTION 2. The State Parks and Recreation Department shall, in consultation with the**
16 **United States Forest Service, the Department of Transportation, the State Department of**
17 **Fish and Wildlife and the Bend Park and Recreation District, study potential routes for a**
18 **recreational trail connecting Bend and Sunriver and submit a list of proposed routes to the**
19 **Legislative Assembly, in the manner provided by ORS 192.245, no later than September 15,**
20 **2019. The proposed routes shall:**

21 (1) **Bypass the protected sections of the Deschutes River Scenic Waterway Recreation**
22 **Area created under ORS 390.932;**

23 (2) **Minimize impact to wildlife habitat and migration corridors; and**

24 (3) **Incorporate preexisting or planned trail segments.**

25 **SECTION 3. ORS 390.855 is amended to read:**

26 390.855. (1) **The State Parks and Recreation Department shall undertake a continuing study of**
27 **three rivers each biennium** and submit [*periodic*] **biennial** reports to the Governor, with the con-
28 currence of the Water Resources Commission, recommending the designation of additional rivers or

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 segments of rivers and related adjacent land by the Governor as scenic waterways subject to the
 2 provisions of ORS 390.805 to 390.925. Consistent with such recommendation, the Governor may des-
 3 ignate any river or segment of a river and related adjacent land as a scenic waterway subject to
 4 the provisions of ORS 390.805 to 390.925. The department shall consult with the State Fish and
 5 Wildlife Commission, the State Department of Agriculture, the Environmental Quality Commission,
 6 the Department of State Lands, and such other persons or agencies as it considers appropriate. The
 7 State Parks and Recreation Department shall conduct hearings in the counties in which the pro-
 8 posed additional rivers or segments of rivers are located. The following criteria shall be considered
 9 in making such report:

10 [(1)] (a) The river or segment of river is relatively free-flowing and the scene as viewed from the
 11 river and related adjacent land is pleasing, whether primitive or rural-pastoral, or these conditions
 12 are restorable.

13 [(2)] (b) The river or segment of river and its setting possess natural and recreation values of
 14 outstanding quality.

15 [(3)] (c) The river or segment of river and its setting are large enough to sustain substantial
 16 recreation use and to accommodate existing uses without undue impairment of the natural values
 17 of the resource or quality of the recreation experience.

18 **(2) The department shall submit the reports required in subsection (1) of this section no**
 19 **later than September 15 of each even-numbered year.**

20 **SECTION 4. The State Parks and Recreation Department shall submit the initial report**
 21 **required under ORS 390.855 as amended by section 3 of this 2018 Act no later than September**
 22 **15, 2020.**

23 **SECTION 5. This 2018 Act takes effect on the 91st day after the date on which the 2018**
 24 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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