From:	Bryant Green 73
To:	PUBLICCOMMENT * OPRD
Subject:	Sunrise Village / Bachelor View Bridge proposal
Date:	Friday, November 20, 2015 4:57:45 PM

To whom it may concern,

Thank you in advance for your valuation of this proposal. My family lives in Sunrise Village and strongly oppose the potential of a new bridge on the protected Deschutes River scenic section of land.

I've seen first hand wildlife from deer to osprey freely enjoying this section. By opening the designated area it will not only change this pressure but also negatively affect the local neighborhoods with increased traffic and increased pollution.

Please take these brief comments in consideration.

Thank you,

Bryant

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From:	bobdellie
To:	PUBLICCOMMENT * OPRD
Cc:	Andrew & Gabrielle West; Jeff & Teresa Payne; Kristin Phillips; Tim Phillips; Volker & Denise Oakey; Toni Lopez; Gerry Lopez; Pat & Sara Worley; Dave & Lee Husk; Nancy Walther; Miles & Soma Lilly; Win & Laurel Francis; Laura Murray; Jim Darrow; Russ Zinner; Jill Wimberly; Tom Wimberly; Bryan & Lura Wilhelm; Paul & Linda Whitsell; Lisa Vlessis; Angelo Vlessis; Stosh & PJ Thompson; Stosh & PJ Thompson; Ambrose & Mary Su; Angelika Olsen; Shane Olsen; Jim Murray; Bill & Michelle Martin; Jack & Clara Lewis; Delight Stone; Cliff Curry; Frank & Jane Cammack; Bob & Dellie Brell; Peter Yonan; Anne Scott; Win Francis; Brett Gingold; Jim & Nansee Bruce; Nansee Bruce; Sean Easly; Brett & Rayna Evert
Subject:	Upper Deschutes River State Scenic Waterway-BPRD Proposed Amendment
Date:	Friday, November 20, 2015 3:55:50 PM

To Whom it May Concern.

Let us introduce ourselves. Our names are Bob and Dellie Brell. We live on Bachelor View Road in Bend, Oregon and in close proximity to the Deschutes River and that section which has been designated as a State Scenic Waterway. Bob has chaired a City of Bend sponsored Neighborhood Association known as Century West Neighborhood Association (CWNA) with over 750 members at this time and we have been at the forefront of change in Bend and change to the area where we live. Change is inevitable and in the case of Bend we feel the change has been notably for the good as well as for Bachelor View Road. We say that with some reservation but on balance, Bend is a better place and Bachelor View Road is a better place. On the other hand, we cannot say with certainty that the Deschutes River is a better river than it was in 1996 when we purchased our home. Growth in Bend has put significant added pressure on the Deschutes River in terms of general use, bank stability and quality and the fallout from development in spite of the best efforts to minimize impact by the City of Bend Development Code. Development seems to "trump" most decisions and encroachment of the River is an ongoing battle. The development community just recently attempted to get the Bend Development Code changed to allow structure height in the WAZ (Waterway Zone) increased from 35 feet to 45 feet. The Council wisely voted that down. Thinking ahead, my concern is that our generation will not leave our area as a better place for those who follow and I think each of us need to proceed with extreme caution as decisions are made impacting our valuable resources.

We believe the original prohibition for a bridge was put in place for a good reason. We believe a public bridge serving a public trail should ideally be built on public land particularly where public land is available as is the case beginning at mile 172 on the Deschutes River. We are fortunate that there is Forest Service land on both sides of the river beginning at mile 172 and beyond to accommodate this, which was recognized by the CAC's decision to select Option 3C. The additional scrutiny by the Forest Service required for the location of the bridge on Forest Service land is something that we should welcome. A bridge anywhere in a State Scenic River area deserves the highest level of review.

BPRD has as an imperative to create a continuous trail from Tumalo to Sunriver. We believe they can achieve this imperative without a continuing trail along the River but by directing trail users at the west side of the Bill Healy Bridge to continue parallel to Read Market Road to the existing trail at the roundabout at Century Drive/Read Market Road/MT Washington Road which then proceeds from that point SW again parallel to Century Drive and known as the Haul Road Trail which goes all the way to the Forest Service land and the existing trail system already therein. A bridge at significant public expense is avoided and a continuous trail is achieved. Some may argue that this "existing option" doesn't compare with walking alongside the Deschutes River. I won't debate that but the downside is significantly less....significantly less!

We urge Oregon State Parks to deny the request for a bridge crossing in the State Scenic Waterway which would encourage BPRD to explore the non-Deschutes River option mentioned above. If you feel compelled to approve a crossing then approve it only at the City Limits/UGB below river mile 172; you will be doing future generations a huge favor and leave a legacy for which you can be proud. In closing, we leave you with this Kenyan Proverb to think about."Treat the Earth Well. It was not given to you by your parents. It was loaned to you by your children".

Respectfully,

Bob and Dellie Brell
61130 Bachelor View Road
Bend, Oregon 97702
541-382-9427
bobdellie@bendbroadband.com

From:	Bruce Johnson
To:	PUBLICCOMMENT * OPRD
Subject:	Proposed Rule change to OAR 736-040-0073
Date:	Friday, November 20, 2015 3:47:42 PM
Attachments:	Deschutes River Trail - through COID.pdf DRT Alternate Routes East Side - No COID.pdf West Side DRT Route.pdf

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I have previously submitted comments regarding my opposition to the proposed changes to Administrative Rules to allow construction of a footbridge within the Upper Deschutes State Scenic Waterway south of Bend, as requested by the Bend Park and Recreation Department.

I would like to add additional information in response to testimony in this matter provided by staff members of the Bend Park and Recreation Department.

It is my understanding that Steve Jorgenson, BPRD project manager for the "Southern UGB Bridge", provided testimony that BPRD selected the location for the bridge based on the recommendation of the Citizen's Advisory Committee. While this statement may be technically accurate, it is greatly misleading.

I was a member of the Citizen's Advisory Committee that was selected to provide community input on the bridge location. Most of the members of the committee were residents of the neighborhoods on the East side of the Deschutes River directly impacted by the proposed bridge, trail and parking required to complete the Deschutes River trail from the east side of the river to the west side at Bend's Southern Urban Growth Boundary.

The Citizen's Advisory Committee was told, repeatedly through the process, that:

1) The Committee's responsibility was to select the best location at or near the Southern Urban Growth Boundary for a bridge to be built across the Deschutes River, and trail connecting it to River Rim Park.

2) The committee could not recommend alternatives to the bridge.

3) That the Oregon Administrative Rules prohibiting new bridges was not a problem. The bridge could be built 12 months after the initial request was made, even if the request was denied. This explanation usually was made without qualification during the meetings, although printed material distributed by BPRD to the committee did include additional mention of the Rules that explain that the State could still choose to acquire the land, to protect the ORVs of the scenic waterway if the petitioner and State could not reach an agreement during the one year waiting period. (Although it may be an oversight that the rules don't address how to resolve the issue if the petitioner is a government agency.)

4) That there were only five reasonable locations for the bridge near the South Urban Growth Boundary, Two locations between the COID intake and the south UGB. Two locations immediately south of the UGB. And one location at the UGB. The one at the UGB was presented as the preferred option, partially because both sides of the bridge would terminate on land managed by the USFS. The other four locations were presented as more problematic, for various reasons. (All of the options considered were within the State Scenic Waterway.)

In the end, the committee was asked to vote on which of the 5 options would be preferred. The majority of the committee voted for the option that BPRD had favored all along, despite many lingering concerns.

I, for one, asked several times about the advantage of building a bridge across the scenic waterway, instead of using existing trails on the west side of the river to connect the Deschutes River trail. The response was always that my request was outside the scope of the Committee's assigned responsibility.

One of the primary reasons given for the not using the existing west side trail was that it diverted too far from the river and lost that wild river experience. What wasn't addressed during the meetings, to any extent, was that the proposed trail on the east side would also need to be diverted from the river through city streets and neighborhoods. I have included maps of the west side trails connection and the proposed east side trail connection (Three possible routes). I believe that no real advantage is gained by extending the trail on the east side and adding the bridge, over already existing route on the west side. There certainly isn't enough justification to reverse the OPRD rules that protect our Scenic Waterway.

Thank-you for your consideration,

Bruce Johnson
1910 NW Hill Point Dr
Bend, OR 97703
541-815-5264
brucej331@gmail.com

From:	Jason Eckhoff
To:	PUBLICCOMMENT * OPRD
Subject:	Re: Oregon State Park's hearing on the proposal by Bend Metro Park and Rec Department ("BMPRD") to lift the ban on bridges over the part of the Deschutes River that is designated as an Oregon Scenic Waterway
Date:	Friday, November 20, 2015 3:24:25 PM
Attachments:	Oregon State Parks 001.pdf

To whom it may concern:

Please see the attached comments concerning Oregon State Park's hearing on the proposal by Bend Metro Park and Rec Department ("BMPRD") to lift the ban on bridges over the part of the Deschutes River that is designated as an Oregon Scenic Waterway.

Thank you,

Jason and Cynthia Eckhoff
61158 Riverbluff Trail
Bend, Oregon 97702
jleckhoff@baurproperties.net

From:	Kreg Lindberg
To:	PUBLICCOMMENT * OPRD
Subject:	Comments on Upper Deschutes River State Scenic Waterway rulemaking
Date:	Friday, November 20, 2015 3:15:09 PM

Thank you for the opportunity to submit the following comments. They are an amended version of comments provided at the November 18, 2015, OPRD commission meeting.

Also, I understand it is possible to be added to an email list to receive any notifications as the process unfolds. Please add me to that list (kreg@bendbroadband.com).

Thank you.

Kreg Lindberg
211 NW Wilmington Ave.
Bend, OR 97703

The following are comments by Kreg Lindberg regarding the request of the Bend Park and Recreation District (BPRD) to change the current restriction (prohibition) on constructing bridges in the Upper Deschutes State Scenic Waterway (SSW). The area also is designated as a federal wild and scenic river (WSR). By the nature of trail recreation, bridge construction, if allowed, would affect not just the immediate area, but also neighborhoods north of the bridge and the natural environment well into the SSW and WSR to the south.

I believe that a decision to revoke the current restriction on bridge construction would, in practice, be a decision to approve the bridge proposed by BPRD. Though this is a two-stage process, the second stage "lacks teeth." BPRD has indicated previously that, if their application at the second stage is denied, they will simply wait a year and then proceed with the bridge (this is based on statements from BPRD staff during at least two meetings that I have attended; at the November 18, 2015, OPRD commission meeting, Steve Jorgensen said "it's not that simple" but did not refute the underlying point that BPRD would proceed even with a denial at the second stage). Therefore, the current "first stage" decision regarding amendment of OAR 736-040-0073 is critical.

The first section of my comments addresses BPRD's argument for changing the OAR restricting bridge construction. The second section addresses related issues that I believe are important to consider. Together, they explain why I believe the proposed bridge is neither necessary nor good.

Rule consistency

BRPD notes that only two SSWs include bridge restrictions and that the restriction on the Upper Deschutes SSW should be changed to make it consistent with SSWs that do not have the restriction.

As noted by Oregon Parks and Recreation Department (OPRD) staff at the October 28, 2015, hearing, each SSW has conditions tailored to reflect the concerns and priorities associated with that SSW. Two former Deschutes National Forest staff who were involved in the process (Mollie Chaudet and Don Pederson) spoke at the hearing. Mollie noted that multiple options were considered in the process of developing the comprehensive management plan (CMP) for this area, and an option that included the bridge restriction specifically was chosen. Likewise, Don noted that the bridge restriction was intentional and designed to sustain the outstandingly remarkable values (ORVs) of the area.

Thus, the uncommonness of the bridge restriction is a key reason to sustain, not revoke, it. The restriction was included not by accident but because it was important for maintaining the special character of this particular SSW. Revocation in order to achieve consistency across SSWs would undermine this SSW and the SSW program more generally. This is an illustration of diversity being good and policy monoculture being bad.

Trail connectivity

BPRD asserts that revocation of the rule is necessary to achieve the goal of trail connectivity. I recognize the value of trails, both as a trail recreationist and as a recreation professor who conducted the statewide surveys for OPRD's most recent non-motorized trail plan and statewide comprehensive outdoor recreation plan (SCORP) processes. Results from these surveys demonstrate the desire of trail users for trail options. On the surface, that may suggest that any trail, or any connectivity enhancement, is important. I also recognize the "feel good" nature of creating longer trails. However, additional scrutiny is warranted regarding BPRD's assertion of the need for this bridge. Not all trail connectivity projects are necessary or good.

BPRD staff have spoken of a 33-mile trail from Tumalo to Sunriver as if it might be a local example of long-distance trails such as the Pacific Crest Trail (PCT). However, 33 miles is too long for day walkers / hikers, and it is difficult to envision anyone backpacking the route – due to the lack of camping areas and the fact that the central part of the route passes through downtown Bend; much of the "trail" is on roads, paved trails, and neighborhood sidewalks. It is not an experience of nature. Some mountain bikers may ride that distance, but, again, very few are likely to bike this route due to its urban character and the availability of much more desirable single track in natural environments surrounding Bend.

Put simply, someone like Cheryl Strayed is unlikely to hike and write a bestseller about this set of trail and pseudo-trail segments. The fact that BPRD's bridge project budget includes $250,000 for a parking lot near the bridge is a reminder that the project is much more likely to serve local residents who drive to the bridge trailhead than "through hikers" traveling from Tumalo to Sunriver.

BPRD staff suggest that the development of their specific vision for the Deschutes River Trail reflects strong community desires. Bend residents, like residents elsewhere in Oregon, value trail opportunities. However, there already are many trail options in and around Bend, and I have not seen widespread public outcry in favor of this particular trail section or bridge.

The 2012 bond measure (9-86) that provided funding for the bridge passed with the

smallest majority of any measure on the Deschutes County ballot in that election (see http://webapps.deschutes.org/Elections/Home/Framed/45). Importantly, the bond measure focused on "high profile" projects such as safe passage in the Colorado Avenue bridge area. I believe that very few, if any, voters were aware of this particular bridge. The official bond measure summary was that the measure "would provide funds for capital costs including:

Preserve fish / wildlife habitat in and along Deschutes River
Purchase / preserve natural areas
Create safe water passage at Colorado Dam
Complete Deschutes River Trail
Create / improve parks
Create covered, open-air community recreation facility."

Prominent in the summary was preserving and expanding fish / wildlife habitat, not building a bridge in the Upper Deschutes State Scenic Waterway and Wild and Scenic River area, especially a bridge that likely will undermine habitat in that area.

Central to this issue is the existence of 1) current trail connectivity and 2) other options for additional trail connectivity. BPRD staff imply that current trail connectivity does not exist and that their proposed bridge is necessary to achieve connectivity; this is not the case.

With respect to current trail connectivity, any pedestrian or biker seeking to travel from Tumalo to Sunriver can do so via the Haul Road Trail connector in southwest Bend. Pedestrians can access that trail via the Conley Brooks Bridge or the Healy Bridge. Bikers can access that trail via the Healy Bridge.

Residents of southern Bend on the east side of the Deschutes River (river right) already can connect to the national forest on the west side of the river via these existing bridges. If faster bike access is needed, BPRD can explore options for facilitating bike access on the Conley Brooks Bridge and on up to the Haul Road Trail. BPRD has a lot of tax revenue and connections in this community, and it has proven adept at obtaining trail access options when it chooses to do so.

In addition, a trail north from Shevlin Park is under construction, which will provide another connection for persons traveling from Tumalo to Sunriver, in that case via the myriad options in the Phil's Trail system. That route occurs in environments that are much more natural (and thus more desirable for trail users) than the river trail route that BPRD has pursued.

In summary, the proposed bridge that has catalyzed BPRD's request is not necessary for trail connectivity. Rather, its function will be to shorten the distance for residents of the Brookswood section of Bend to the national forest trails immediately south of the urban growth boundary (UGB). I respect the desires of those residents for quicker access, but I believe any evaluation of this issue should recognize the scale of the primary beneficiaries. This is not a project of national, state-wide, or even community-wide importance.

Population growth and characterization of the SSW area as urbanized

BPRD has characterized the area where the bridge restriction would be revoked as urbanized (page 23 of the background document provided by OPRD). Although there are residential areas located on adjacent rimrock plateaus not visible from the river, the river corridor itself is predominantly natural in character. This distinction is important, because the change resulting from revoking the bridge restriction would be much more noticeable in a natural area than in an urbanized area. This change would go well beyond the change in viewshed associated with installing a bridge. As described below, I believe the increased recreation use in the Upper Deschutes SSW and WSR area would have significant negative impacts on both natural values (including wildlife) and the quality and character of recreation experiences.

BPRD argues that a bridge in this area is needed because of Bend's population growth since 1990. Trail options have increased during this period, especially for mountain bikers. In general, I support creation of new trail opportunities. However, population growth often reduces options for citizens who seek more natural, less developed, and less congested recreation opportunities. The Upper Deschutes SSW and WSR area currently provides opportunities of this type. That is to be valued, especially given its proximity to an urban area. Thus, Bend's population growth is a rationale for sustaining the current natural and recreation environment of the SSW and WSR rather than shifting toward a more developed and congested condition by revoking the bridge restriction.

The following are important additional issues.

I do not believe revocation of the bridge restriction would be consistent with Oregon's State Scenic Waterways program. The SSW program brochure distributed at the October 28 hearing included "Protection & Preservation" as the only descriptors on the cover. Such a perspective is shared by the people of Oregon, as illustrated by results from the statewide non-motorized boater survey recently conducted for OPRD. When asked the single most important quality that should be considered for inclusion of waterways in the SSW program, almost two-thirds (62%) of respondents reported "habitat for fish and wildlife" and "natural environment." Another 10 percent reported "opportunities for solitude (few other people recreating)." Only 10 percent reported "opportunities for recreation" in general (Figure 3.3, page 39 of the non-motorized boater survey report). Being conservative and assuming all of those latter 10 percent value the type of recreation that would be facilitated by the bridge, there remains the 72% of respondents whose SSW values may be undermined by the bridge.

In the SSW brochure, it was noted that program goals include:

- Protect and enhance scenic, aesthetic and natural values; recreation; scientific features; and fish and wildlife qualities.

and:

- Encourage other agencies to act consistently with the goals of scenic waterways management.

Though it would increase recreation quantity in the area, in the process the bridge would detract from recreation quality; as noted above, I believe the bridge would fundamentally change the recreation character and experience in the area.

Moreover, it will undermine the scenic, aesthetic, and wildlife qualities that led to state designation as a SSW and federal designation as a WSR. BPRD's favored bridge location (Site 3) would place it in the middle of sensitive riparian habitat on river right. Just upriver is the Ryan Ranch Key Elk Area and the Tumalo Winter Range Cooperative Closure area. Thus, both mule deer and elk would be affected by the bridge, if it were to be allowed.

Concerns that the area's outstanding values might be undermined led to the bridge restriction and to the adoption of recreation capacities, as described in the Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Management Plan (CMP). Segment 4 (see CMP Figure 1, page 3) would be most affected by the bridge, and it has an annual capacity of 44,000 visitors (CMP Table 5, page 35). Bridge construction almost certainly would lead to violation of this capacity. As a result, I believe a decision by OPRD to change OAR 736-040-0073 would contradict its commitment as a signatory to the CMP, not only by undermining the broad commitment to sustaining the area's outstanding values but also by undermining the specific commitment to the Segment 4 recreation capacity.

Others share my concerns, as indicated by the verbal testimony at the October 28 hearing and by responses in the recent statewide non-motorized trail survey conducted for OPRD. Almost three-quarters (73%) of respondents stated that "the ability to experience the natural environment" was somewhat or very important. This was by far the most important issue, with twice as many respondents indicating it was important relative to "more trails connecting towns or places" (Figure 3.14, page 33 of the non-motorized trail survey report). More than two-thirds (68%) of respondents indicated that "protection of natural features, including wildlife habitat" was a moderate or high priority. This represents one and a half times as many respondents as those prioritizing "connecting trails into larger trail systems" (Figure 3.12, page 31).

Again, I understand that some Bend residents and visitors would like increased trail opportunities. However, if allowed to proceed via amendment to OAR 736-040-0073, I believe this bridge would generate quite significant environmental and experiential costs due to the nature of the affected area. In recognition of such costs, the Deschutes National Forest and the Central Oregon Trail Alliance recently developed the Catch-and-Release trail to route people around – rather than through – this area, in that case due to increased trail use to the west. Multiple trail connection options already exist between the City of Bend and surrounding public lands, and the Catch-and-Release example illustrates that additional options can be created without going through the heart of the SSW and WSR.

Residents in the Brookswood area who seek the type of experience provided by the SSW and WSR currently can access the area. They simply need to travel a similar (modest) distance as that faced by most other Bend residents and visitors. The SSW and WSR area is not a neighborhood park, and I believe its special qualities merit the modest investment of time and effort required to access it. Those who value its special qualities will devote the most time and effort needed to get there.

Lastly, it is possible, perhaps likely, that the deadline by which BPRD needs to expend bond measure revenue will have expired by the time they would be ready to proceed with bridge construction. This may lead to a situation in which developers could build private bridges across the Deschutes and BPRD's original intent for the bridge would not even be

realized.

I encourage both OPRD and BPRD to respect and preserve the current values of the SSW and WSR area. I encourage OPRD to deny BPRD"s request for amendment, and I encourage BPRD to pursue other options for increasing trail opportunities for the citizens it serves.

From:	Thomas Bahrman [tom@bahrmanlaw.com]
To:	HAVEL Chris * OPRD; PUBLICCOMMENT * OPRD
Subject:	Comments on Proposed Rule Change for the Upper Deschutes River
Date:	Friday, November 20, 2015 2:24:39 PM
Attachments:	image003.png Ltr to OPRD re Proposed Amendment to OAR 736-040-0073.pdf
Importance:	High

Chris, attached are our comments on the proposed amendment to OAR 736-040-0073 regarding the Upper Deschutes River scenic waterway. Please include me on all further notices regarding this proposed rule change.

Thanks,
Tom

Thomas Bahrman | Bahrman Law LLC
985 SW Disk Drive Suite 120, Bend, Oregon 97702
Portland: 503.407.0337 | Bend: 541.617.9612
tom@bahrmanlaw.com

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From:	David Dobkin
To:	PUBLICCOMMENT * OPRD
Subject:	Comments submission re Deschutes River Pedestrian Bridge Proposal on Oregon Scenic Waterway
Date:	Friday, November 20, 2015 1:58:12 PM

To: Oregon Parks and Recreation Department

Attn: Oregon State Parks and Recreation Commission

Re: Proposal to allow a bridge across designated Oregon Scenic Waterway on the Deschutes River within the Bend UGB (beginning at approximately river mile 171 and extending upstream from there)

I am writing to oppose lifting the prohibition against bridge construction on the segment of the Deschutes River designated as an Oregon Scenic Waterway upstream from Bend. Granting an exception to the prohibition, as requested by the Bend Metro Parks and Recreation Department, will adversely impact ecological and wildlife values in the riparian corridor, especially within the UGB section of the designated Scenic Waterway.

As a professional research scientist, I have designed and conducted extensive ecological studies of western riparian ecosystems for more than 30 years in the Intermountain West and Pacific Northwest. As a resident of Sunrise Village in Bend since 1992, I have witnessed the decline and loss of structural diversity of the native plant community along the Deschutes River and the consequent decline in wildlife abundance and species richness associated with extensive recreational use of the designated trails along the river in the Bend area. Recreation and development along much of the river have seriously compromised the ecological integrity and functionality of the riparian corridor for native wildlife.

The adverse impacts on native plants and wildlife have been especially evident over the past decade in the riparian corridor extending from the Reed Market Road bridge upstream to the end of the developed trail along the west bank of the river. There is no developed trail and only very limited access, however, on the west bank of the river extending from the end of the developed trail upstream through Sunrise Village and Bachelor View common areas. The riparian plant and wildlife communities along the latter section of the river contrast sharply with the downstream communities by having higher densities and structural diversity of native woody vegetation and consequently greater abundances of native wildlife. In addition, the riparian plant community of this section provides critical cover and food for mule deer and serves as a vital spatial link in their seasonal migration between winter and summer habitat.

In summary, a bridge across the Deschutes River within the UGB upstream from the end of the west-bank developed trail would create the same adverse ecological impacts from heavy recreational use seen along the river downstream from the Sunrise Village boundary. Such impacts would compromise the ecological functionality of the most important remaining riparian habitat on the south side of Bend.

Respectfully submitted,
David S. Dobkin, Ph.D.
Executive Director

High Desert Ecological Research Institute
15 S.W. Colorado Avenue, Suite 300
Bend, OR 97702
(541) 749-8913

From:	Frank Cammack
To:	PUBLICCOMMENT * OPRD
Subject:	Upper Deschutes River Scenic Waterway Proposed Rule Change
Date:	Friday, November 20, 2015 12:53:29 PM

Please be advised we strongly oppose a rule change for the Upper Deschutes Scenic Waterway .

Frank and Jane Cammack
61095 Bachelor View Rd
Bend, Oregon 97702

From:	DAVE JONES
To:	PUBLICCOMMENT * OPRD
Subject:	Upper Deschutes State Scenic Waterway rules
Date:	Friday, November 20, 2015 12:38:10 PM

To Whom It May Concern,

I am submitting my thoughts on the proposal allow the Bend Parks and Recreation district to construct a footbridge in the WIld and Scenic stretch of the Deschutes River upstream from Bend.
Steve Jorgensen of Bend Parks and Recreation district attempted to show a presentation to the annual River Rim Homeowner's Association (456 homeowners) last night (11/19/15). He had technical challenges and was unable to show his presentation, so he had to describe it. It was a woefully inadequate presentation. His inability to show his presentation detracted from the effectiveness of his pitch. That should have been an essential part of any technical public presentation. Bend Parks and Rec was unable to clearly define where key points of the trail and bridge would be. (Does the district not own a projector? That ought to be a required piece of equipment for any/all presentations. Just a laptop clearly doesn't cut it.) People were left asking those very questions after the meeting. It is dangerous to assume everyone knows who Thompson and Stosh are and the other details of the Deschutes River Trail project.

There are significant gaps in the plan that make supporting it a leap of faith:
1. Unsure about being able to do the Buck Canyon paving/parking lot. If this is not a sure thing, the traffic and parking load goes into a subdivision that was never designed to handle that. It is not good stewardship to make that move just because you can. That makes the Parks and Rec district a poor neighbor to it's constituents.
2. Why not do the trail along the north-south fence between River Rim Park and the south fence of Thompson's property? Had Bend Parks and Rec *shown the maps and photos* last night they might have been able to address that question. At least those unfamiliar with the details would have ad the opportunity to ask.
3. Why not wait until you have solid information from one land-owner (Thompson) before imposing unknown impacts on dozens of homeowners (River Rim residents?). Why rush the process? Make sound decisions based on solid information, not on what might or might not happen.

I, like many local residents, supported the bond measure to extend the Deschutes River Trail. We were led to believe it was a trail along the river; not meandering trail a quarter mile from the river through a subdivision. Had I known my "yes" vote would lead to this proposal, I would not have supported it.

This proposal is hasty. It feels rushed. The need for the bridge has never been explained.

Steve Jorgensen also explained that if the state denies the request for a bridge on this stretch of the Wild and Scenic waterway, it can, after a period of 12 months, go ahead and build the bridge. This was met with confused laughter last night. he stressed that although they *could* do that, they preferred not to. It felt like a thinly disguised threat. It was unsettling to hear this. Perhaps I missed something in the translation, but...again...it was a scattered and incomplete explanation of the project.

Please reject this proposal until the Bend Parks and Rec District provides more solid, real information about the Thompson and Stosh properties. Please require this parks and rec district to fully explain the need for the additional footbridge.Allowing this incomplete request could have the untended consequence of negatively impacting both the stability and safety of a neighboring subdivision.

Thanks.
-Dave Jones

dbjones@bendcable.com
(541) 706-1053

dbjones@bendcable.com
(541) 706-1053

From: Andrew West
To: PUBLICCOMMENT * OPRD
Subject: Deschutes River Bridge Access
Date: Friday, November 20, 2015 11:17:35 AM

To the Oregon Parks Recreation Department

I am writing to you in response to the current situation with the proposed bridge location on the Deschutes River. It has come to our attention that the proposed pedestrian bridge across the river will now need to be located within the UGB of Bend rather than in the preferred location on the adjacent Forest Service land. As you know there is currently a ban on any bridges within the UGB . In order to build a bridge the OPRD would need to lift that ban. It is my personal opinion that this would be a terrible mistake.

Any lifting of this ban would require a significant taking of private property on both sides of the river which would severely impact several immediately adjacent property owners. It would also dramatically alter the nature of the adjacent neighborhoods as residents from both sides of the river flood into these areas to access a river trail that is already stressed to its limits. If the bridge location is placed within either our neighborhood of Bachelor View Rd or the adjacent Sunrise Village these areas would become in essence a part of the river trail network. People from all over Bend and the flock of tourists that arrive each weekend would feel that it is their right to walk, bike, drive and park within our quite and private neighborhoods. It is already happening now at an increasingly alarming rate. In both of these neighborhoods the road is owned and maintained by the local residents and there is no public access. A bridge in this area would require the city to take full control of our roads and paths by legal force and in essence start a contentious and expensive court battle that would last for many years. That much is obvious.

What is less obvious is the long term impact of the ever increasing impact of free and unfettered access to a river ecosystem that is starting to look more like an urban water park than a Wild and Scenic River. The degradation of the Deschutes River has become quite pronounced over the last few years and as Bend continues to grow at an unsustainable pace this area will face its greatest challenge. It is truly being loved to death. On an exiting map of the river trail network one can see a nice orderly plan of hiking, biking and horse trails. Unfortunately, the reality is quite different. There are dozens of freelance trails carved out over the place. Some are game trails that have become de facto mountain biking trails and some trails literally cut right through peoples private land in order to make a shortcut to the river. This type of behavior will only become more common with a new bridge and expanded access.

Making a continuous trail from the town of Tumalo to Sunriver has been a dream of the Bend Park and Rec dept. for a long time and in theory it sounds pleasant. Unless of course one takes into account the current and projected population growth of this area and Oregon's. As it stands now the number of conflicts between different user groups has grown exponentially worse. Once a bridge access is placed within an existing quite residential area to increase the number of visitors one can only imagine where this will

lead. I would strongly urge you to not lift the ban on bridges across the Deschutes River within the UGB. There is plenty of access already and any further access will only degrade this precious resource to the point where its designation as a Wild and Scenic River becomes meaningless.

Sincerely

Andrew West
406 581 4447

From: Jim Bruce
To: PUBLICCOMMENT * OPRD
Subject: Bend Park And Rec Proposed Deschutes River Crossing Public Comment
Date: Friday, November 20, 2015 11:05:17 AM

To Whom it May Concern:

I am an Oregon native and have been a Bend resident for 25 years. During my time here, I have lived in six different areas of town including both the west and east sides of Bend. I am an outdoor enthusiast and enjoy the natural beauty and recreational opportunities of the Deschutes River Basin. I am very much against any new river crossing, including the one being proposed by Bend Park and Rec. Adding more trail users via this crossing will only exacerbate the destruction of the west-side river banks, vegetation and wildlife habitat. The area is already simply being "loved to death".

Just to be clear, I am against the crossing whether in or out of the City Limits. The State Scenic Waterway was developed for the express purpose of prohibiting the very project under consideration, and others like it. I would like to think it's enforcement, or lack thereof, would not be subject to the petitioner's status as the local Park and Rec District. In my opinion, the people in charge at Park and Rec have an agenda that does need to be called into question. Just because it is a "public" versus a "private" venture should not result in tacit approval of the proposal, i.e. Bend Whitewater Park.

Finally, it would seem to me that the alternative to adding impact to the Deschutes River trail and west-side trail system would be the development of an east-side trail system to serve those living on the east side of Bend. Funneling all trail users into the same system results in user conflict and erosion of said trails through constant over use. There have also been many instances of trail users trespassing across private property with impunity, creating friction between property owners and trail users. I have personally witnessed several of these: users seem to assume that they have inherent, entitled rights to cross private property to access public lands. Allowing more users to cross from the east to west side of the river will undoubtedly result in more conflicts of this type. Private property rights need to be preserved during this process as much or more as public property designations such as the State Scenic Waterway. Diluting either private property rights or public land protection is simply not in anyone's best interest.

Thank you for your consideration.

Jim Bruce
60985 Bachelor View Rd.
Bend, OR 97702
541-390-6776

From:	Sara C Gregory
To:	PUBLICCOMMENT * OPRD
Cc:	HEATH Corey
Subject:	Comments on Upper Deschutes State Scenic Waterway Rules
Date:	Friday, November 20, 2015 10:50:11 AM
Attachments:	201511_ScenicWaterway_Comments_ODFW.pdf

Please find ODFW's comments attached.

Thank you,
Sara Gregory

Sara Gregory
Wildlife Habitat Biologist
Oregon Department of Fish & Wildlife
61374 Parrell Road
Bend, Oregon 97702
Office: 541-633-1113
Cell: 541-797-3180
sara.c.gregory@state.or.us

http://www.dfw.state.or.us/
Turn in Poachers!

From: Angelo Vlessis
To: PUBLICCOMMENT * OPRD
Subject: State Scenic Waterways Act Proposed Rule Change
Date: Friday, November 20, 2015 10:31:37 AM

I have reviewed the proposed rule change from Bend Park and Recreation to the State Scenic Waterways Act and strongly disagree with the proposal. Oregon is one of the few states that seeks to protect the natural beauty of our enviroment. Here we have a private citizen that has donated valuable land to this effort, and BPR is seeking to do an end around and destroy that effort. It is absurd to even consider such a change to this important and monumental Act. Preserve the Act as it stands, protect Oregon's natural beauty and wildlife!

Angelo & Lisa Vlessis

From:	Jill Wimberly
To:	PUBLICCOMMENT * OPRD
Cc:	Me
Subject:	please deny proposed rule change on Deschutes River
Date:	Friday, November 20, 2015 9:41:28 AM

To whom it may concern,

Please deny the proposed rule change on the State Scenic Waterways Act on the Deschutes River in/near Bend , Oregon. It will be devastating to the natural habitat and destroy the natural experience for everyone.

1. This area is currently protected, a bridge over the Deschutes river in this area will destroy the natural sanctuary. The State Scenic Waterways Act was put in place for a reason. There was fore site and vision to protect our wildlife from urban growth. Allowing more people to access it through the protected area will destroy the sanctuary which could never easily be reclaimed.
2. There is no reason to build a bridge to connect SE Bend to the Deschutes River trail. It is already connected. Bike paths, bike lanes and roads allow all of Bend access to this area.
3. Easy access to a special area no longer keeps the area special.

Thank you,

Jill Wimberly
jillwimberly@peoplepc.com
541-788-4210
61015 Bachelor View Rd.
Bend, OR 07702

From: Judy Clinton
To: PUBLICCOMMENT * OPRD
Subject: testimony for proposed amendment to Upper Deschutes State Scenic Waterway
Date: Thursday, November 19, 2015 9:56:34 PM

Nov. 19, 2015

Oregon Parks and Recreation Board
OPRD
Atten: Deschutes rulemaking
Testimony regarding Bend Park and Recreation District (BPRD) proposal to amend OAR 736-040-0073.

Repeatedly in various Bend centric reports with public input such as Bend Riverway Project, Community Profile & Trends 2006-2007, City of Bend Water Overlay Zone (WOZ) community participants have expressed a desire to conserve and protect natural areas, fish, wildlife and scenic qualities. This attitude also reflects Oregon's land use goals #4, 5, 6 (OAR 660-015-0000 (4) (5) (6) and the Oregon Scenic Waterway Program (ORS 390.805-.940 & OAR Chapter 736 Division 40).

OAR 736- 040-0073 (1) (B) (e) specifically does not allow new bridges in the area where BPRD proposes one. I think this is for a good reason because the people of Oregon and Bend want to protect the above listed values. A bridge would make a loop trail and vastly increase pedestrian and bike traffic. The proposed area is in elk and deer winter range, home to a blue heron rookery and numerous other wildlife. Pedestrians and bikes disturb/disrupt the wildlife thus further jeopardizing their health and sustainability. The Deschutes Co. deer population is already being compromised by various factors including development according to ODFW.

I observed an increase of foot and bike traffic along Central Oregon Irrigation District maintenance road and the river trail in the same area after the pedestrian bridge over the Deschutes River was installed in Bend's "South Canyon" area. That increase in foot and bike traffic caused more degradation of the trails and riparian areas, bought in more knapweed. BPRD had to build a raised foot trail over an indentified goal 5 riparian area because the area was getting damaged by overuse. Also people are causing erosion in numerous places along Central Oregon Irrigation District (COID) maintenance road by trying to reach the Deschutes River over a cliff. The area is now yellow taped off as a precaution.

When the area known as Elk Meadow got developed some of the elk herd moved to Awbrey golf course and agricultural areas to the north causing much financial damage (from talk by ODFW former and present staff and article in Bend Bulletin). Our actions can have unintended consequences and many can't be undone. All these things I've actually observed over 20 years of living in the south part of Bend. Where the proposed bridge is located is even more wildlife dense and will be affected by more people traffic than it already is.

I understand there is a balance to be considered between goals 4, 5, 6 and goal 8 for recreation but there are many opportunities for recreating along the river. Why not give wildlife a chance for a change, why do people's wants have to trump those of other creatures needs? It is more difficult and expensive to repair what has been damaged than not damage it in the first place. An issue not addressed in any OAR, ORS, Goal 5, Bend Ordinance but of utmost importance for wildlife sustainability is cumulative effects of land development, human use, degradation of the environment, disturbing wildlife while eating

or feeding and caring for their young are a few issues of concern. Maybe the first development, trail, road doesn't cause the problem but it is repeated incursions of these sorts that begin to unravel the wildlife's environment and viability.

This proposed change could also set a precedent for other bridges in river community areas and amendments to the Oregon Scenic Waterways Program. The Oregon Scenic Waterway program has very specific rules for each of the mentioned rivers, individualized rules for that particular river or section of river. Those individual rules should not be taken lightly or changed for some other public district's convenience or wishes. People who built houses or structures in the River Community Area had to follow those rules, BPRD should also even if it is a public agency. The segment of the scenic waterway extending from the Deschutes National Forest boundary in Section 20, Township 19 South, Range 11 east, of the Willamette Meridian, (Section 20, T19S, R11E, W.M.) to the Bend Urban Growth Boundary at River Mile 172 is too special to add more pressure to the wildlife and overuse of the land. The Deschutes National Forest is struggling with overuse in popular areas now, this could become another one. So please deny the BPRD request for an amendment change for the above reasons.

Thank you for your consideration,

Judy Clinton
19486 Pine Dr.
Bend, OR 97702

From:	Stosh Thompson
To:	HAVEL Chris * OPRD
Subject:	Fwd: BMPRD application to remove bridge prohibition along Deschutes River
Date:	Thursday, November 19, 2015 8:36:34 PM
Attachments:	Testimony for OPD (full).docx HMTWS Mission and Facts.doc Land Use Planning and Zoning Goals.docx Problems with the bridge (1).docx Initial Step.pdf 4-9-15 CAC mtg notes.pdf

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Hi Chris,

I am forwarding to you a copy of all of the testimony that I submitted, some of which I included in written form at the Hearing on Oct. 20, and much that I have added since, including in the body of this letter.

I am also enclosing here thee files that address the following issues:

1. The Deschutes River continuous trail from Sunriver to Bend already exists and is very popular. The map shows it clearly in red in the file labeled "Deschutes River Trail 2002." It has been in existence for over a decade now.

2. The BMPRD-appointed Citizen Advisory Committee recommended a very specific bridge plan known as 3C as a result of an exhaustive year-long process. This alternative crosses the river between USFS properties above the UGB. The public process began before March of 2014 and wound up in April of 2015. I am enclosing the initial notice I received in March 2014, the "Initial Step," and the final report to the Committee, entitled "4-9-15 CAC mtg notes."

3. The approval of the most recent Parks Bond Measure did not constitute some kind of mandate to build a bridge here. The Bond Measure contained two huge projects that were the focus of all of the public discussion: the three-channel kayaking park on the river at the Colorado St. Bridge, and the giant ice skating pavilion where a parking lot used to be. The bridge crossing constituted less than 10% of the Bond budget and was simply swept up in the other more popular projects. I don't have the Bond Measure documentation at hand to include in this email, but it is readily available. It passed with the narrowest of margins, by the way.

I feel it is important to call attention to this documentation because the BMPRD in their public presentation at the hearing you presided over made it sound as though the trail was missing a critical link between Bend and Sunriver that had to be filled by a bridge. It also made it sound as though the CAC had recommended a "bubble," or some general notion of a bridge somewhere in the general vicinity of the UGB-USFS boundary, rather than a specific site. I attended all of the meetings and the final decision involved a detailed discussion of the pros and cons of a bridge sited on USFS land versus private land inside the UGB. The Committee voted overwhelmingly to keep the bridge on USFS land. This discussion is referred to in the "4-9-15 CAC mtg notes." The Committee did not approve a "bubble," but rather a specific site shown on the USFS on all of the subsequent maps. A change of bridge location would require opening whole new public process, as Steve Jorgensen pointed out to the Committee at the time. Finally, as I've pointed out, the public did not vote on this bridge as a stand-alone project that received overwhelming support.

Please keep these facts in mind when reviewing the advisability of removing a prohibition on bridges that was put in place with foresight and wisdom by earlier planners at the State level.

Thanks,

Stosh
Stephen Thompson, Director
Helen M. Thompson Wildlife Sanctuary

---------- Forwarded message ----------
From: **Stosh Thompson** <stoshthompson@gmail.com>
Date: Tue, Nov 17, 2015 at 4:42 PM
Subject: BMPRD application to remove bridge prohibition along Deschutes River
To: oprd.publiccomment@oregon.gov

Dear Members of the OPRD Staff and Board,

I am enclosing copies of the written public testimony that I submitted at the Hearing in Bend on October 20, 2015. I am enclosing the supporting documentation that I included with my testimony. I am also submitting here in the body of this email a summary and additional material.

Additional Testimony from Stephen Thompson, Director, Helen M. Thompson Wildlife Sanctuary

A. Relevant History

The most important information that is missing in the consideration of BMPRD's application to lift the bridge prohibition is the historical backdrop of land designations in the area. I served for eight years on the Deschutes County Planning Commission, which included the Bend Urban Area, at a time when many important land use decisions were being made. The takeaway here is that although the stretch of river from mile 172 to mile 171 is in a less restricted section in the State Scenic Waterway classification, a good portion of it is actually set aside for special protection, which should be maintained. A bridge over the river between mile 172 and 171 would be in direct conflict with the goals set forth below. We therefore urge OPRD to reject the request by BMPRD to remove the current restriction on bridges between river mile 172 and mile 171.

1. Thompson Wildlife Sanctuary

The Helen M. Thompson Wildlife Sanctuary was established in 1972 as a private nature preserve to protect key riparian habitat from the kind of development that was beginning to occur up and down the river. The owners received assistance from the Oregon Department of Fish and Wildlife and Deschutes County during its

formation. They have had an informal understanding with the Bend Metro Park and Recreation District that if a trail was built between the two sides of the river on adjacent Forest Service land, the trail could link up to an existing continuous trail on the east side. There are are two important distinctions to recognize here. The bridge needed to be on Forest Service land in order to undergo the necessary review process to make sure all impacts have been assessed. The trail needed to be continuous up to the Wildlife Sanctuary so that the Thompson property was the last remaining link and all other issues involving the trail had been resolved. That is not yet the case. The Thompson Wildlife Sanctuary will not accept a bridge on its property, because of the impacts on riparian wildlife habitat, particularly the Oregon Spotted Frog (See Below). Note: We can supply photos, videos and additional species maps upon request if given enough time. (**The Mission of the Wildlife Sanctuary is attached, together with a description of its special features.)**

2. Area of Special Interest

Most of the portion of the Deschutes River included in the reach between mile 172 and mile 171 is an Area of Special Interest. This is a designated Open Space with special riparian resources that was set aside specifically for management of these resources. The Open Space designation goes back to a time when the City of Bend was unable to get State approval of its General Plan because of an insufficiency of Open Space. The City voted to expand into the newly designated Bend Urban Area boundary in the southwest corner to pick up instant Open Space acreage. This portion of the Urban Area was not intended for residential or recreational development along the river, despite being in the "Urban Area." The actual delineation of the riparian Area of Special Interest was derived from the Thompson Wildlife Sanctuary riparian conservation zone map. Note this language from the Bend General Plan:

"Areas of Special Interest" are designated on the Land Use Map,

because they have features typical of Central Oregon, or represent important wildlife areas. The most significant are the River Corridor Areas of Special Interest along the Deschutes River, which includes the river canyons and rimrocks in the north and south portions of the urban area. At the south edge of the urban area the River Corridor Area of Special Interest includes riparian wildlife habitat areas along the river canyon and a cinder cone. Keeping these features relatively intact will help retain the natural character of Central Oregon as the community grows. The Areas of Special Interest and other natural areas can be retained as either public or private open space. (**A fuller excerpt from the Bend General Plan is attached**.)

3. Wetlands and Riparian Areas

(From the Bend General Plan):

To help ensure Bend's livability, the following additional goals should be

implemented to provide long-term protection of open space and natural features: • to preserve water resources, riparian areas, and wildlife habitats.

Wetlands and riparian areas ...

• Provide a safe corridor for birds, amphibians, and mammals that live and feed along the river.

• Provide a transition area between aquatic and upland habitat areas during animal migration.

Conflicting uses within the riparian corridor are primarily

existing and future residential development, **new park development,** commercial development and other uses such as roads, **trails**, and docks.

The riparian area along the Deschutes River and Tumalo Creek are considered significant resources under Statewide Planning Goal 5. (**The description of the Thompson Wildlife Sanctuary special features and some sample species maps are attached.**)

4. The Oregon Spotted Frog

On August 28, 2014, the USFS listed the Oregon spotted frog as a threatened species under the Endangered Species Act. There is potentially critical habitat located along both sides of the Deschutes River in the Thompson Wildlife Sanctuary, just downstream form Forest Service land. USGS will soon be confirming this assessment.

Oregon Fish and Wildlife states: "Protecting Oregon spotted frog populations through maintaining healthy aquatic habitats will continue to be the key objective of land managers." USFWS requires critical spotted frog habitat to be preserved and enhanced. A public trail and certainly, a bridge, would be precluded by this goal. Oregon spotted frog habitat begins immediately inside the Sanctuary adjacent to the Forest Service. (**The Oregon spotted frog habitat map is attached, along with a sample of other species maps**.)

B. Current Process

There has ben some misunderstanding and misrepresentation during the current land use process involving a river crossing. It is important to review what has transpired so far.

1. The Deschutes River Trail

A continuous "Deschutes River Trail" was provided for in an extensive public planning process beginning in the 1980's involving the Forest Service, City of Bend and Bend Urban Area. This resulted in the construction of the existing trail all the way from Sunriver to Bend. There is no missing portion of trail in this area of the

river. The planners deliberately sited the trail parallel to Century Drive into Bend where it is easily accessed. It is widely used and has a paved portion after it enters town. BMPRD's application has been widely misunderstood to the extent that they have represented that there is currently no continuous Deschutes River Trail. Another bridge is not necessary for this to be the case. The real goal of the bridge is to provide more direct access across the river for people in south Bend. It is important to realize that these people will still have to use their cars to reach the parking area for the bridge and walk a quarter mile to the crossing. There are already more direct access areas where people can drive. The Bond Measure that included a bridge in this area was an Omnibus Bill that included several big-ticket items, including a skating rink and kayaking park. The bridge was a minor item and passage of the Bond Measure cannot be considered a mandate by the citizenry to build a bridge in this section of the Deschutes River.

2. Citizens Advisory Committee

It was not made initially clear to OPRD that a Citizens Advisory Committee appointed by BMPRD approved a specific site for a bridge. The Committee met for over one year and considered five major alternatives with several variations. The chosen alternative, 3C, specifically identified a bridge site on Forest Service land with connections through the south end of the Thompson Wildlife Sanctuary, whose owners cooperated in the process. As stated in Paragraph 1 above, the critical factor for the Thompson Wildlife Sanctuary is the location of the bridge on Forest Service land. This will require a thorough review process that will go a long way to removing or mitigating potential impacts. It will also avoid riparian habitat on the Sanctuary itself. This includes Oregon spotted frog habitat <u>just downstream from the approved bridge site.</u>

3. Current Issues

There are a number of potential user conflicts and issues associated with a river crossing in this stretch of river. Among these are increased fire danger, property crime, danger to health and safety, environmental degradation, user conflicts, management challenges and cost. Finally I am attaching a newspaper letter discussing problems with the Deschutes River Trail at another location. It includes many relevant points for this section as well. **(A full description of the problems associated with a bridge is attached.)**

Yours very truly,

Stephen Thompson

Director, Helen M. Thompson Wildlife Sanctuary

From:	Rosemarie Rosenfeld
To:	PUBLICCOMMENT * OPRD
Subject:	Deschutes River Pedestrian Bridge proposal
Date:	Thursday, November 19, 2015 5:53:04 PM

To whom it may concern:
I am opposed to lifting the prohibition for any bridges on the Deschutes downstream from the Meadow Park Day Use Area.
I have used the trail along the river for over fifty years. I know we cannot bring back the good old days, but we must husband what we have and preserve and protect it. By that I mean the wild life, the birds, the vegetation and the river. The influx of people using the river trail has resulted in the exodus of wildlife and birds from the area, which is very disturbing to me. The trail is eroding rapidly from overuse in many areas. Moutain bikes and unleashed dogs add to the congestion and hazards.
In short, I oppose lifting the ban, at least not within the urban growth boundary.
Rosemarie Rosenfeld
4500 SW Downsview Court
Portland, OR. 97221

Sent from my iPad

From:	Ann Miller
To:	PUBLICCOMMENT * OPRD
Subject:	New Bridge Proposal Near Meadow Camp
Date:	Thursday, November 19, 2015 1:16:54 PM
Attachments:	Ann"s letter.docx

Nov. 19, 2015

Dear Parks Department,

I am a user of the Good Dog Trail along the Deschutes River Trail. I take my two dogs regularly to this area, where it is possible to let the dogs run leash-free. The dogs love it and I depend on it for my recreation and peace of mind.

Bend Parks has applied to you for a removal of the State Scenic Waterway ban on bridges

along this portion of the Deschutes. I am opposed to a bridge crossing in this area of the Deschutes River, as are a number of other dog owners and recreational users.

This area off of Century Drive is already heavily used. A bridge would bring thousands more users from southeast Bend directly into our leash-free dog use area. In all probability, conflicting uses would put an end to the leash free designation, as mountain bikers would flood the area.

The highest and best use for this area is as a leash-free dog walking area. Hundreds, if not thousands, of Bend residents enjoy this rare opportunity to interact in a positive way with our pets and give them the freedom to roam in the forest and along the river. Please do not take this away from us by approving a bridge crossing that would inject conflicts into the heart of our area and require us to put our dogs back on leashes.

Thank you for the opportunity to comment,

Ann Miller

P.O Box 1610

Bend, OR 97709

From: akaasms@aol.com
To: PUBLICCOMMENT * OPRD
Subject: Fwd: Deschutes River Trail - South UGB Area Bridge and Trail
Date: Thursday, November 19, 2015 1:03:13 PM

Subject: Deschutes River Trail - South UGB Area Bridge and Trail

RE: Upper Deschutes Rule

Chris and OPRD Commissioners,

My name is Ambrose Su, I own the property at 60950 Bachelor View Rd, Bend , OR, which is at the UGB line with the Forest Service, on the north side of the river. I am one of two owners who are potentially the most affected by this whole rule change proposal. I did provide some oral comments at the hearing on 10/28/15, but felt that this would be more in depth. Forgive the length, but it is all pertinent.

Over the years, there has been a lot of talk and press about this proposed bridge across the Deschutes at my location. I have always thought that the Wild and Scenic Waterways Act, and State Scenic Waterways Act, would preclude this from ever really happening. I purchased this property for it's unique beauty and solitude, it really is an irreplaceable area of the river with natural beauty in and near the city limits. The River Corridor here is very undeveloped and pristine. Even though it is classified River Community, it really is more Scenic River than the stretch designated such further upriver. The Helen Thompson Preserve on the South side of the River across from me, provides bank to bank native habitat and setting. It and I place great value on preserving our stretch of the Deschutes, and truly care for it appropriately. To put a bridge, along with it's supporting pathways and reinforcements, across such a wide, and pristine section of this River, would be a crime for present and future generations. There is much wildlife here, including the spotted frog, elk, deer, coyotes, cougars, beavers, otters, etc. There is a large beaver dam near the proposed bridge crossing. Kayakers come through here frequently, relishing the natural rapids, and pristine nature this stretch provides. A bridge wound be counter to what is here already.

Through all of the Park Districts plans, they have never once directly communicated with me. It was only until I found out there was a Citizen Advisory Committee meeting last spring, that I was able to start receiving some of the emails pertaining to this. No one has ever asked me my opinion , even though it is very likely a condemnation of my property would be needed to complete this bridge. I asked to be on the CAC, but was turned down, as being potentially biased. Isn't that part of a committee, to hear all sides? I find the agenda of Bend Parks and Rec to be driven forward by an administration trying to leave a legacy, irregardless of whom they have to step on. They seem willing to spend Public Money like water, with current projects such as the Whitewater Park and Pavillion being over budget, and in the case of the Whitewater Park, less than well received.

I certainly respect BPRD's goals of trail connectivity, but at what cost to the environment and private property rights should this occur. There already is a way for residents on the southern/eastern side of the Deschutes River to cross, at the current Southern Bridge Crossing. This puts them on trails that do already lead to Forest Service land, on existing trails. Do we really need another bridge less than a couple of miles further upstream? Is the trail and bank of the Deschutes on the Northern/western side,

upstream from the UGB, able to handle the 10,000 people that BPRD claims would benefit from a crossing? It already is heavily used as it is, I see runners, walkers, dog owners, and mountain bikers on this stretch constantly already.

I foresee people jumping into the river from such a bridge, thinking they can float downstream, not knowing there are Class IV plus rapids around the corner. Already there are near drownings, do we need to actually have a fatality?

A proposed bridge in my area would lead to an increase in vandalism and trespassing, issues that I have dealt with considerably since living here from 1999. I have already had issues with felony level vandalism, and fires set adjacent to my property. The Forest Service works hard to reduce public/private issues , routing trails away from direct private contact. The 3C bridge option is opposite to this planning goal.

I also find it odd that the City of Bend has designated my land in the river corridor an Area of Special Interest, designating it open space, preventing future development. Yet BPRD, a separate government entity, essentially wants to develop a bridge across the same area.

The Waterways Acts were drawn up to provide future protection of our Rivers, to prevent landowners or developers from spoiling special rivers and adjacent banks. BPRD is essentially a developer in this sense. A bridge crossing would not blend in to what already exists in the stretch of river proposed for change. A bridge this wide would need supports within the river, affecting flow. It certainly would not enhance the qualities of the river already there. It would negatively impact current river users such as kayakers and fisherman. BPRD's goals are counter to those of the Scenic Waterways Act. Their goals are definitely about destroying private property rights, directly counter to the Acts goals.

The reality is that it will be very difficult and expensive to try to put a bridge across the Deschutes River on the stretch of river outside of the UGB, which would be on Federal Forest Service land. That would then leave BPRD putting a bridge within the UGB, which from their plans and public meetings, would have to cross onto my land on the northern/western side of the river. If OPRD allows BPRD to change the Scenic Waterways rules to allow an application process to occur, they are essentially allowing a bridge to occur. Even if their application is denied, under the rules, after a year, they could build it anyway. They would condemn an area of both mine and Steven Thompson's property on both banks of the River, thus being owner of both banks, and therefore allowing a bridge crossing to be developed. This is a dangerous loophole to open.

The time to stop this blatant bullying by BPRD is now, it can't be stopped later. Please protect one of our most wonderful natural resources from being unnecessarily developed, do not change the current OAR's to suit BPRD.

I would be happy to give a tour of the area to any Commissioners who want to see this situation first hand.

Thank you,
Ambrose Su
60950 Bachelor View Road
Bend, OR 97702

From: Jim Murray
To: PUBLICCOMMENT * OPRD
Subject: Upper Deschutes State Scenic Waterway --addendum--
Date: Thursday, November 19, 2015 10:37:10 AM

Dear Administrators; I hit the "send" button before completing my message.

Just a bit more:

I want to emphasize that, although I live quite close to the affected stretch of river, my property is less affected than others. I am writing on the larger principle of doing what's right, not what benefits me specifically. I may be negatively affected if bridges are built in this area, but that's not my main concern. What's being proposed really isn't necessary, and isn't fair to the property owners who ARE affected, some of whom are in fact people I know. I am sure they will weigh in also on this issue.

But most importantly, let's not allow another wild stretch of river to become just another playspace. Once we lose these things, we can't get them back.

Thanks for listening (and sorry for my miscue)...

aloha,

Jim Murray
61080 Bachelor View Road
Bend, OR 97702

Jim Murray
Manager, Oasis Plaza LLC
541 788 2797 cell
SRF #17

From: Jim Murray
To: PUBLICCOMMENT * OPRD
Subject: Upper Deschutes State Scenic Waterway
Date: Thursday, November 19, 2015 10:25:48 AM

To our valued administrators in Oregon state government:

I am writing in opposition to the current proposal to lift restrictions on bridges along the Upper Deschutes River in the vicinity of Bend. I am AGAINST proposals to build such bridges as have been proposed. Here's why:

--Bend has seen dramatic growth in the last 25 years (I have lived here since 1999, and visited since 1984). None of this growth has helped to preserve the wild and rugged environment which is the main feature of our area; rather, it is constantly being eroded by development on all sides. We need to preserve and protect what we can of the wildness of Bend, and bridging the river conflicts with that goal.

--The local Bend parks and recreation department has done its job well, in creating numerous playspaces along the river and in Bend overall; these are of benefit to the community at large. However, lifting restrictions on a bridge or bridges across a wild and scenic river is overreaching by the parks and recreation department. The department's (appropriate) Develop-Everything-Everywhere performance has no place where wilderness-type resources will be affected.

--Ultimately, bridges across the river would negatively impact private property owners on both sides of the river, who have invested their energy and money into residential properties which have counted on the preservation of the wild and scenic nature of the river. These property owners would suffer damages beyond measure for the loss of the resource they counted on in making their investments. These damages would be psychic as well as monetary. How can these people be treated fairly?

--The public good of an expansion of the trail system via new bridges must be weighed against the costs: 1) the permanent loss of an important resource and 2) the loss to the affected property owners. The scale does not balance in favor of new bridges.

Jim Murray
Manager, Oasis Plaza LLC
541 788 2797 cell
SRF #17

From:	Soma Lilly
To:	PUBLICCOMMENT * OPRD
Cc:	Miles Lilly
Subject:	Comment on an ammendment to the Upper Deschutes StateScenic Waterway rules
Date:	Wednesday, November 18, 2015 10:04:17 PM

"To protect and enhance scenic, aesthetic and natural values, recreation, scientific research, and fish and wildlife qualities along scenic waterways.To protect the free-flowing character of designated rivers for fish, wildlife and recreation. To protect private property rights"

These goals of the Scenic Waterways Program are threatened by the Bend Parks and Recreation's request to alter the rules covering the Upper Deschutes State Scenic Waterways. An amendment which would set forth a series of requests by the Bend Parks and Recreation to build a bridge somewhere over a 3.6 mile section of the Deschutes will weaken the Scenic Waterways Program ability to deny future requests for alterations to the rules in other designated areas.

"A society grows great when old men plant trees whose shade they know they will never sit in". At the public hearing in October a comment was made that no specific reason was given as to why the Upper Deschutes State Scenic Waterway rules were written the way they were. I found this statement to be disrespectful and short-sighted to those who lived and set these rules in place over a generation ago. I believe the rules were written with the intent to preserve the river and its banks, and thus our shade, for future generations to enjoy just as they did. They could see that the Upper Deschutes was the heart of Central Oregon as it flowed through Bend and to weaken the heartbeat of the river in the future would have detrimental effects on all of Central Oregon. Bend will only grow. More people will move here and the infrastructure will expand. The Scenic Waterways Program has to remain firm and protect our precious river.

The quality of life in Central Oregon and outdoor recreation opportunities are special and abundant. It is why I moved here eight years ago with my wife and then 4 week old daughter 2,500 miles away from family. We moved away from areas in Ohio and North Carolina that valued development over preservation which is resulting in a deterioration in the character and soul of those communities. Our daughter is now 8 and our son, born in Bend, is 4. My wish for them is to be able to continue to wander the Deschutes river and its banks and experience what I have and then have the opportunity to share it with their children. To sit in that spot where the river speaks softly to the gentle breeze where ponderosa proudly stand watch. Allow your mind to de-clutter and vacate the stresses of the modern world. Help preserve one's ability to find peace in the city of Bend.

If the rules are changed and eventually a bridge is allowed the pristine qualities of those 3.6 miles are threatened and any harm incurred will never be undone. I believe there are alternatives that need to be explored. Weakening the Scenic Waterways Program is not one of them.

I have asked myself the question as to what does the community and the Deschutes River stand to gain from the decision you at the Oregon State Parks Commission are about to make and I then ask myself what do we stand to lose. The answer is clear in my mind. I strongly urge the Oregon Department of Parks to reject this request and thus preserve the rules of the Scenic Waterways Program which were put in place over 40 years ago to protect this majestic section of the Deschutes River. Thank you for considering my comments.

Sincerely,

A. Jackson Lilly, III MD
843 NW Harmon Boulevard
Bend, Oregon 97703
(541) 647-9252

From:	colleenbauer1 .
To:	PUBLICCOMMENT * OPRD
Subject:	"proposed amendments to OAR 736-040-0073(1) and (2) for the Upper Deschutes River Scenic Waterway"
Date:	Wednesday, November 18, 2015 7:21:54 PM

Concerning the "proposed amendments to OAR 736-040-0073(1) and (2) for the Upper Deschutes River Scenic Waterway"
I am a Bend Native and home owner on Bend River Drive buying property with the Deschutes River Scenic Waterway as part of my back yard. We bought out here for just that reason. We are avid Parks and Rec trail users and support the walking/biking trail from Tumalo to SunRiver and beyond.
But, the proposed bridge area by Parks and Rec is not mindful of what Central Oregon is all about. The environmental damage and congestion costs of the rule amendment far outweigh the benefits.
Bend Parks has other options not in the scenic waterway to complete the trail. "The trail connection in Bend can be done better."
Please do NOT amend the bridge rule that was purposefully set. Keep this area of the Deschutes River SCENIC!
Sincerely,
Colleen Bauer
60685 River Bend Drive

From:	Stosh Thompson
To:	PUBLICCOMMENT * OPRD
Subject:	BMPRD application to remove bridge prohibition along Deschutes River
Date:	Tuesday, November 17, 2015 6:42:25 PM
Attachments:	Testimony for OPD (full).docx HMTWS Mission and Facts.doc Land Use Planning and Zoning Goals.docx Problems with the bridge (1).docx

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Dear Members of the OPRD Staff and Board,

I am enclosing copies of the written public testimony that I submitted at the Hearing in Bend on October 20, 2015. I am enclosing the supporting documentation that I included with my testimony. I am also submitting here in the body of this email a summary and additional material.

Additional Testimony from Stephen Thompson, Director, Helen M. Thompson Wildlife Sanctuary

A. Relevant History

The most important information that is missing in the consideration of BMPRD's application to lift the bridge prohibition is the historical backdrop of land designations in the area. I served for eight years on the Deschutes County Planning Commission, which included the Bend Urban Area, at a time when many important land use decisions were being made. The takeaway here is that although the stretch of river from mile 172 to mile 171 is in a less restricted section in the State Scenic Waterway classification, a good portion of it is actually set aside for special protection, which should be maintained. A bridge over the river between mile 172 and 171 would be in direct conflict with the goals set forth below. We therefore urge OPRD to reject the request by BMPRD to remove the current restriction on bridges between river mile 172 and mile 171.

1. Thompson Wildlife Sanctuary

The Helen M. Thompson Wildlife Sanctuary was established in 1972 as a private nature preserve to protect key riparian habitat from the kind of development that was beginning to occur up and down the river. The owners received assistance from the Oregon Department of Fish and Wildlife and Deschutes County during its formation. They have had an informal understanding with the Bend Metro Park and Recreation District that if a trail was built between the two sides of the river on adjacent Forest Service land, the trail could link up to an existing continuous trail on the east side. There are are two important distinctions to recognize here. The bridge needed to be on Forest Service land in order to undergo the necessary review process to make sure all impacts have been assessed. The trail needed to be continuous up to the Wildlife Sanctuary so that the Thompson property was the last remaining link and all other issues involving the trail had been resolved. That is not yet the case. The Thompson Wildlife Sanctuary will not accept a bridge on its property, because of the impacts on riparian wildlife habitat, particularly the Oregon

Spotted Frog (See Below). Note: We can supply photos, videos and additional species maps upon request if given enough time. (**The Mission of the Wildlife Sanctuary is attached, together with a description of its special features.)**

2. Area of Special Interest

Most of the portion of the Deschutes River included in the reach between mile 172 and mile 171 is an Area of Special Interest. This is a designated Open Space with special riparian resources that was set aside specifically for management of these resources. The Open Space designation goes back to a time when the City of Bend was unable to get State approval of its General Plan because of an insufficiency of Open Space. The City voted to expand into the newly designated Bend Urban Area boundary in the southwest corner to pick up instant Open Space acreage. This portion of the Urban Area was not intended for residential or recreational development along the river, despite being in the "Urban Area." The actual delineation of the riparian Area of Special Interest was derived from the Thompson Wildlife Sanctuary riparian conservation zone map. Note this language from the Bend General Plan:

"Areas of Special Interest" are designated on the Land Use Map,

because they have features typical of Central Oregon, or represent important wildlife areas. The most significant are the River Corridor Areas of Special Interest along the Deschutes River, which includes the river canyons and rimrocks in the north and south portions of the urban area. At the south edge of the urban area the River Corridor Area of Special Interest includes riparian wildlife habitat areas along the river canyon and a cinder cone. Keeping these features relatively intact will help retain the natural character of Central Oregon as the community grows. The Areas of Special Interest and other natural areas can be retained as either public or private open space. (**A fuller excerpt from the Bend General Plan is attached**.)

3. Wetlands and Riparian Areas

(From the Bend General Plan):

To help ensure Bend's livability, the following additional goals should be implemented to provide long-term protection of open space and natural features: • to preserve water resources, riparian areas, and wildlife habitats.

Wetlands and riparian areas …

• Provide a safe corridor for birds, amphibians, and mammals that live and feed along the river.

• Provide a transition area between aquatic and upland habitat areas during animal migration.

Conflicting uses within the riparian corridor are primarily

existing and future residential development, **new park development,** commercial development and other uses such as roads, **trails**, and docks.

The riparian area along the Deschutes River and Tumalo Creek are considered significant resources under Statewide Planning Goal 5. (**The description of the Thompson Wildlife Sanctuary special features and some sample species maps are attached.**)

4. The Oregon Spotted Frog

On August 28, 2014, the USFS listed the Oregon spotted frog as a threatened species under the Endangered Species Act. There is potentially critical habitat located along both sides of the Deschutes River in the Thompson Wildlife Sanctuary, just downstream form Forest Service land. USGS will soon be confirming this assessment.

Oregon Fish and Wildlife states: "Protecting Oregon spotted frog populations through maintaining healthy aquatic habitats will continue to be the key objective of land managers." USFWS requires critical spotted frog habitat to be preserved and enhanced. A public trail and certainly, a bridge, would be precluded by this goal. Oregon spotted frog habitat begins immediately inside the Sanctuary adjacent to the Forest Service. (**The Oregon spotted frog habitat map is attached, along with a sample of other species maps**.)

B. Current Process

There has ben some misunderstanding and misrepresentation during the current land use process involving a river crossing. It is important to review what has transpired so far.

1. The Deschutes River Trail

A continuous "Deschutes River Trail" was provided for in an extensive public planning process beginning in the 1980's involving the Forest Service, City of Bend and Bend Urban Area. This resulted in the construction of the existing trail all the way from Sunriver to Bend. There is no missing portion of trail in this area of the river. The planners deliberately sited the trail parallel to Century Drive into Bend where it is easily accessed. It is widely used and has a paved portion after it enters town. BMPRD's application has been widely misunderstood to the extent that they have represented that there is currently no continuous Deschutes River Trail. Another bridge is not necessary for this to be the case. The real goal of the bridge is to provide more direct access across the river for people in south Bend. It is important to realize that these people will still have to use their cars to reach the parking area for the bridge and walk a quarter mile to the crossing. There are already more direct access areas where people can drive. The Bond Measure that included a bridge in this area was an Omnibus Bill that included several big-ticket

items, including a skating rink and kayaking park. The bridge was a minor item and passage of the Bond Measure cannot be considered a mandate by the citizenry to build a bridge in this section of the Deschutes River.

2. Citizens Advisory Committee

It was not made initially clear to OPRD that a Citizens Advisory Committee appointed by BMPRD approved a specific site for a bridge. The Committee met for over one year and considered five major alternatives with several variations. The chosen alternative, 3C, specifically identified a bridge site on Forest Service land with connections through the south end of the Thompson Wildlife Sanctuary, whose owners cooperated in the process. As stated in Paragraph 1 above, the critical factor for the Thompson Wildlife Sanctuary is the location of the bridge on Forest Service land. This will require a thorough review process that will go a long way to removing or mitigating potential impacts. It will also avoid riparian habitat on the Sanctuary itself. This includes Oregon spotted frog habitat just downstream from the approved bridge site.

3. Current Issues

There are a number of potential user conflicts and issues associated with a river crossing in this stretch of river. Among these are increased fire danger, property crime, danger to health and safety, environmental degradation, user conflicts, management challenges and cost. Finally I am attaching a newspaper letter discussing problems with the Deschutes River Trail at another location. It includes many relevant points for this section as well. **(A full description of the problems associated with a bridge is attached.)**

Yours very truly,

Stephen Thompson

Director, Helen M. Thompson Wildlife Sanctuary

From:	Tim Phillips
To:	PUBLICCOMMENT * OPRD
Subject:	Fwd: Deschutes trail action plan 02 - Nov 17, 2015, 4-58 PM
Date:	Tuesday, November 17, 2015 6:17:27 PM
Attachments:	ATT00001.htm

See below.

Content typed on a small device that is susceptible to typos and errors.

Begin forwarded message:

From: "Tim Phillips" <tphillips@phillipsandco.com>
To: "chris.havel@oregon.gov" <chris.havel@oregon.gov>, "orpd.publiccomment@oregon.gov" <orpd.publiccomment@oregon.gov>
Cc: "Bob Brell" <bobdellie@bendbroadband.com>, "stoshthompson@gmail.com" <stoshthompson@gmail.com>, "Clifford Curry" <Cliff@curryarchitecture.com>
Subject: Deschutes trail action plan 02 - Nov 17, 2015, 4-58 PM

Chris,

Please accept this final submission for review by the Commission.

Attached is an excerpt of the Deschutes Trail Action Plan created by Bend Parks and Rec. in 2002.

You will note the following in the attached pages:

1) Any trail consideration must protect private property rights. Consistent with ORS and Administrative rules in Oregon. trails cannot be located on private property without the consent of the owner. No such definitive consent has been granted to the best of my knowledge.

2) You will note the 2002 Plan shows a map with an alternate trail that already exists. I circled it in green. This is an existing trail that does not require a new bridge or an encroachment on private property which is not allowed by your administrative rules.

3) You will also notice from that same map there is no trail that hugs the river on the east side. It was never contemplated in the 2002 plan and only through aggressive behavior from Bend Parks do they believe they can site a trail on private property where ever they like. During a conversation with Steve Jorgensen during a July 4th picnic (2014) where Bend Parks had a booth, Steve specifically told me he can simply use a takings to build a trial. Since there are no takings or condemnation of private lands for trials or bridges especially in Wild and Scenic Corridors their request should be denied unless they can demonstrate private land owner cooperation.

4) You will see on page B-5 in 2002 Bend Parks recognized the futility in building a trail without a bridge and states the "trail should not be built unless the bridge has been constructed." By Bend Parks and Rec. admission during their recent public testimony, being granted a bridge on Forest Service land is unlikely. Your commission should deny their request.

Thank you for adding this to my earlier submission.

Tim Phillips

Marked up using iAnnotate PDF<http://ad.apps.fm/-lHCQnLPYOe48eTqF0ornPE7og6fuV2oOMeOQdRqrE23NkXVOaRa1sbPPwg2Gbem6kC6WauqjV2D8pnr39Oa6cHJFgxwIxW6CjfFAyRYWB_QQFtvGmGm78YegHkNWCxf> on my iPad

From:	Steven Hultberg
To:	PUBLICCOMMENT * OPRD
Subject:	Proposed Upper Deschutes State Scenic Waterway Rule Amendments
Date:	Tuesday, November 17, 2015 3:55:46 PM
Attachments:	image001.png LTR OPR Commission (00457281xC624A).pdf

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Please enter the attached letter into the record in connection with the proposed rule amendments.

Steve

RADLER WHITE PARKS ALEXANDER LLP
ATTORNEYS AT LAW

Steven P. Hultberg
PO Box 2007
Bend, Oregon 97709
P 541.585.3697 C 541.420.1024
E shultberg@radlerwhite.com

We advise you that any discussion of federal tax matters in this email is not intended or written to be used, and may not be used by you or any taxpayer, to (a) avoid penalties under the Internal Revenue Code, or (b) promote, market or recommend to any other party any transaction or matter addressed herein. All taxpayers should seek independent tax advice.

From:	Lee Husk
To:	PUBLICCOMMENT * OPRD
Cc:	Dave Husk
Subject:	Comment on proposed deschutes River crossing in Bend
Date:	Tuesday, November 17, 2015 9:35:16 AM

We live in what is called the river community area and have owned land there for more than 13 years. Our residence is at 61017 Bachelor View Road and our west property line is the City of Bend's urban growth boundary as well as the easterly edge of the U.S. Forest Service. My parents Jack and Clara Lewis have lived and owned land at this location since the 1970s.

The trail map that was provided as part of the hand outs at the public meeting on 10/28/15 has a number of omissions regarding existing trails, public access to the river community area. This map is dated 11/17/14 and is titled "Bridge and Trail Location Concepts." We raise this point to show that we have been living with this trail system for many years and are acutely aware of the levels of use and issues that come with overuse.

We are against lifting the prohibition of the State Scenic Waterway for any kind of bridge that crosses the Deschutes River. Our concerns relate to visual damage to the river canyon. This section of river offers wide open unobstructed views of the river, wildlife and foliage. Locating a bridge at any place in this section will impact the scenic beauty of the canyon. Bridge options 1,2 and 3 will impose a man-made structure on this beautiful stretch up and down river.

Public usage of the existing trail system has increased substantially over the past four years to a point where we've seen substantial damage to trails, vegetation, water quality and wildlife habitat. The damage includes increased trail width affecting sensitive vegetation and drainage, degradation of banks and soil and the resulting passage of soil and other disturbed plants into the river, and increased conflicts between pedestrians and mountain bikers. This over use of public lands impacts adjacent landowners with frequent trespassing, overnight camping and litter.

Commercial use of the trails by for-profit companies that bring groups of any where from 5 to 20 riders numerous times a day or week in the summer affects air quality (dust) and water damage to trails due to soft soil. This increased rutting of trails carries water drainage away from vegetation and natural areas.

There is an existing trail that follows the easterly edge of the U.S. Forest Service land and the westerly line of Bend's UGB boundary. This trail starts at the Deschutes River overlook and continues north where it stops. Public use has increased where now there are numerous small trails connecting to Bachelor View Road (river community area). All these connections cross private property. We have found when faced with these trespassers that the majority are lost and are trying to find their way to Century Drive. On the north end of the trail is a steep rock wall that prevents the safe crossing to Century Drive and the result is often riders or walkers create their own bushwhacked paths out to established trails. This disturbs wildlife habitat and erodes public lands. Sometimes people ignore private property postings and cross by homes to reach Bachelor View Road, a private road.

In the proposed text edits (OAR 736-040-0073) there are 100 ft. set backs for

structures and improvements from the ordinary high water line of the river and a minimum of 20 feet from the edge of rim rock. We are concerned about the length of a bridge (options 1,2 and 3) that would be required to meet this code. It would have to be 365 feet long. Options 4 & 5 would have difficulty meeting the setback requirement for rim rock.

Finally we are concerned about the inevitable clashes between users and specifically dog owners who have this small section of river between Sunrise Village and Meadow Camp to walk or run their dogs off leash. With drastically increased use that a bridge would inevitably open up, the clashes between all users would increase, leading to many new management issues.

Deschutes County is experiencing rapid growth and a large influx of tourists. A bridge would add chaos and damage to an area that daily users like ourselves cherish. We ask you to leave it as it is.

Best regards,

Dave and Lee Husk

From: Nansee Bruce
To: PUBLICCOMMENT * OPRD
Subject: Foot Bridge across Deschutes River
Date: Tuesday, November 17, 2015 9:11:53 AM

To whom it may concern:
I am against another foot bridge crossing the Deschutes River, especially in the UGB. I live on Bachelor View road and already have problems with people walking through our property to access Forest Service or National Forest land. I believe the trail going by Entrada, paralleling Century Drive is already a viable trail for mountain bikers, dog walkers and trail users. From it you can access both sides of Century Drive, over to Phil's trail, up to Mt Bachelor or back on the river trail to Sunriver.

Putting a bridge in between mile 173 and 171 sets up both sides of the river for parking problems, dog problems, user problems. There is a foot bridge between The River Trail and Sunrise that has access for both sides of the river now, including usage of the pipeline trail along the Deschutes River. As a mt biker, runner, dog walker and recreational athlete living in Bend for the last 29 years, the river trail cannot sustain the usage we are presently putting on it, let alone thousands more.

Please reject the offer for Forest Service to lift the ban within the UGB. I also reject the idea of a bridge crossing within the National Forest scenic waterway.

Sincerely,
Nansee Bruce

Nansee Bruce

60985 Bachelor View Rd.

Bend, Or 97702

From:	WILLIAM BAER
To:	PUBLICCOMMENT * OPRD
Cc:	peter-baer@parch.biz
Subject:	Request to Amend OAR 736-040-0073 - Property Owner Response
Date:	Monday, November 16, 2015 6:28:13 PM
Attachments:	OAR736-040-0073.wps

Please find attached a correspondence in opposition to the Bend Park and Recreation District request to amend OAR 736-040-0073.

Should you have any questions please contact me, William Baer, at 541-382-7957.

Respectfully,

William J Baer/mlb

From:	Katrina Hays
To:	PUBLICCOMMENT * OPRD
Subject:	Public comment on the proposed change to the Upper Deschutes for BPR
Date:	Monday, November 16, 2015 3:43:37 PM

Chris Havel

Oregon Parks and Recreation Board Commission

Dear Mr. Havel,

My partner Steven McBurnett and I wish to comment on the proposal by Bend Parks and Rec to change the existing designation on 3.5 miles of the upper Deschutes River (and the immediate downstream section) to incorporate possible footbridges.

I spoke at the public hearing, but want you to also have a written response.

First off, I want to say I am a fan and user of the Deschutes River Trail. In 2012 we lived inside Bend's city limits, and we both voted for the bond to support the completion of the trail. I think the River Trail adds hugely to the community of Bend, as it is acts in many ways as a long Oregon State Park, providing access to both city and Forest Service locations and adding to the quality of life here. It is important that the trail be completed to connect the existing sections into a cohesive trail.

I am also a former river guide. I value this country's Scenic riverways enormously—and value the importance of protecting our watersheds from development and human traffic.

The proposed section of change offered by Bend Parks and Rec is too large: three and a half miles is an enormous section of waterway to change.

I propose that the Oregon Parks and Recreation Board Commission send Bend Parks and Rec back to the drawing board. A gentle suggestion to BPR might be that the agency ask for an EXEMPTION to the rules for a very specific location (Site #3, on the BPR map), give or take 50 feet. The agency already knows where it plans on putting the footbridge. Obfuscating the issue with four other locations is a waste of time and energy, and frankly scares the heck out of a lot of people for myriad reasons.

An exemption for a very specific location, however, would force Bend Parks and Rec to do what they should have done initially: decide on the best place for the bridge to complete the trail; educate the community about WHY it's the best location; come up with an initial site plan to be shared publicly; engage the Forest Service, property owners, and community as stakeholders; and work transparently to complete their mandate.

If future bridges are needed upstream, specific exemptions can be considered on a case-by-case basis.

If you wish to contact us for further comments, please do not hesitate.

Best regards,

Katrina Hays

Steven McBurnett

60671 River Bend Dr

Bend OR 97702

From:	Clifford Curry
To:	PUBLICCOMMENT * OPRD
Cc:	Bob Brell; Bruce, Jim & Nancy; Frank Cammack; Darcy, Bobbye; Darcy, George; Darrow, James; Evert, Brett & Rayna; Win & Laurel Francis; Win & Laurel Francis; Brett Gingold; Husk, Dave & Lee; Kewis, Jack & Clara; Miles & Soma Lilly; Lopez, Gerry & Toni; Martin, Bill & Michelle; Murray, Jim; Laura Murray; Oakey, Volker & Denise; Angelika Olsen; Shayne Olsen; Tim Phillips; Scott, Anne; Ambrose & Mary Su; Thompson, PJ; Vlessis, Angelo; Angelo & Lisa Vlessis; Andrew West; Paul Whitsell; Bryan Wilhelm; Jill Wimberly; Tom Wimberly; Yonan, Peter; Russell Zinner; kjkeillor@gmail.com; Chad Sage; kanderson@aperionmgmt.com; lholscher@aperionmgmt.com; medwards@aperionmgmt.com; Kdoroski; Stosh Thompson; Tom Bahrman
Subject:	Changes to the Rules of the Wild and Scenic Designation
Date:	Monday, November 16, 2015 10:56:19 AM

We own 6 acres of Deschutes river front property within the city limits that is protected by the wild and scenic river designation.

The condition on this wild and scenic stretch of river to not allow bridges was put into place many years ago when there were fewer people in the Bend area. The environmental impact from people was less at that time. It was thought by those law makers that the views and environmental impact were worth protecting. Allowing a bridge anywhere in these areas would be thought to have severe negative environmental and visual impacts. Today there are even more people. The environment has been stressed by an increased population and a dramatic increase in tourism load. While this is economically appreciated by Bend residents, the increased use is contributing to the a denigration of the very values that are drawing people to Bend and that this original condition hoped to protect. It is even more critical today that the wild and scenic stretch of the river within the city is protected.

Changing the rules is not necessary. There are ways with minimal impact to allow access from downtown to Sunriver that would not require any additional bridges within the city limits. We do not believe it is impossible to put the bridge outside the city limits. One such way to connect the path would be to use the existing canal maintenance road and connect that to the existing park using easements. Then Stosh Thompson has offered an easement on his property on the east side of the river. The bridge could be built outside the city limits to connect back up to the trail network. If there is a need to change the wild and scenic rules they could be limited to the area outside the city limits.

Clifford Curry FAIA and Dr. Delight Stone
503 551 3503

From:	Tim Phillips
To:	PUBLICCOMMENT * OPRD; HAVEL Chris * OPRD
Cc:	stoshthompson@gmail.com; Bob Brell
Subject:	OPRD Deschutes River Bridge Submission.pdf
Date:	Monday, November 16, 2015 9:41:15 AM
Attachments:	OPRD Deschutes River Bridge Submission.pdf ATT00001.txt

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Chris,
Please find attached my comment for the Deschutes River Crossing Bridge discussion. I sent an earlier submission but would like this to supersede that one.

Thank you.

Tim Phillips

From:	Mollie Chaudet
To:	PUBLICCOMMENT * OPRD
Subject:	Comments on Upper Deschutes River State Scenic Waterway Proposed Rule making
Date:	Sunday, November 15, 2015 5:38:43 AM
Attachments:	2015_11_ 15_comment on proposed rule change SSW.docx

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Please accept these comments on the proposed rule change under the extended comment period announced by Chris Havel at the public hearing in Bend in October. Please contact me if you have any questions. Thank you. Mollie Chaudet

From: DON H PEDERSON Owner
To: PUBLICCOMMENT * OPRD
Subject: Comments on proposal to ammend Oregon Administrative Rule 736-040-0073, Deschutes River
Date: Saturday, November 14, 2015 10:27:11 AM

To: Oregon Parks and Recreation Department Nov. 13, 2015
From: Don Pederson, 19438 Cartmill DR, Bend, OR
Sibj: Comments on Proposal to Amend Oregon
Administrative Rule 736-040-0073

I believe that if the proper process is followed in making a decision about a pedestrian/bicycle bridge across the Deschutes River it will be clear whether or not the Oregon Parks and Recreation Department (OPRD) needs to amend its Scenic Waterways Plan. That process is described in the Upper Deschutes River Management Plan (UDRMP) that the OPRD employees helped write and which was also signed by the Governor, the OPRD, three other state agencies, four federal agencies, the Warm Springs Tribal Council, Deschutes County, the city of Bend, and three irrigation districts. They also agreed to a process for changing the plan.

> "If for any reason a change is needed to the plan, it will first be discussed with the members of the Coordinating Group;" basically, those who developed the plan. It continues, "all projects must be tested for consistency with the plan and if found inconsistent one of three changes must be made: 1. change the project, 2. drop the project, or 3. amend the plan." The goal of this process was to prevent any agency from taking actions that would be inconsistent with other direction in the plan.

I believe that if the Oregon Park and Recreation Commission (the commission) makes a decision on amending the plan now it could cause embarrassment to the state and create conflicts and embarrassment between the state and other agencies that have management responsibilities on the river. For Example:

> If the state removes restrictions on bridges now, as is being proposed, and if the Bend Park and Recreation District (BP&RD) decides not to build the bridge; a developer could use that change to build a bridge that would have no public benefit.
>
> The amendment could be in conflict with the Dept. of Fish and Wildlife's plans for managing this area because by increasing the number of bikes, hikers, and dogs in the undeveloped reach of the river the wildlife may be adversely affected.
>
> The OPRD would also be facilitating the connection of an urban trail system where the objective in simply to increase use with a forest trail system that has very specific user experience and capacity levels that are spelled out in the UDRMP. There is indication that some trails may be near or at capacity, and there have already been conflicts with off leash dogs that have required special regulations.

At the Bend hearing the OPRD staff said that they planned to take the proposed amendment to the Coordinating Group after it is approved by the commission but before the action

becomes final. The proper time for the commission to take action, in my opinion, is after the Coordinating Group has done its work. They can evaluate all the potential issues and have a much better public involvement process than the state did with just one public hearing and when the location of the bridge was unknown.

The Commission could then amend the Administrative Rule knowing that all the issues had been resolved. They would also know that the SPRD had worked with their counterparts in all the other agencies. The amendment could also be written to apply only to the specific location of the BP&RD's Bridge.

Finally, based on my experience as the manager of the recreation program on the Deschutes National Forest at the time that both the UDRMP and the Metolius River Plan were being developed, I believe that the Forest Service may not have the statutory authority to approve a bridge across the wild and scenic section of the river. A similar situation occurred on the St. Croix W&SR where a four lane highway bridge was proposed to replace an existing bridge. The National Park Service, who has jurisdiction on that river, said that they did not have authority to permit new construction across the river no matter how necessary the bridge might be, because the bridge would have a direct and adverse effect on the outstandingly remarkable - scenic and recreational - values for which the river was included in the NWSR system. Ultimately congress amended the act to allow the bridge, but it took about 30 years. I don't know if that precedent would apply to the Deschutes Wild and Scenic River, but I predict that it will take an EIS, several lawsuits, and a lot of time and money, to find out.

If the Commission approves the amendment at this time they will be stepping into a hornets' nest of controversy that can easily be avoided. Simply have the staff go to the Coordinating Group first. If they can resolve the issues the state can amend the plan with little or no controversy. If they can't resolve the issues the state shouldn't amend the plan.

One last comment concerning the alleged need to make all state plans consistent by allowing bridges on all Oregon's Scenic Waterways: The purpose of WSR act, according to congress, was to protect and preserve the outstandingly remarkable values of certain rivers. Congress also wanted all agencies that had responsibilities in managing these rivers to cooperatively develop one management plan. So when the state and the other agencies got together they decided that to protect and preserve those outstandingly remarkable - scenic and recreational values no bridges would be allowed; and no bridges certainly provides more protection than allowing bridges. This language was included in the UDRMP, which is essentially the parent document for the FS's management plan for the river as well as the state's management plan for the river. The goal was to have consistency between agencies managing the same river; not consistency within all the rivers that are in Oregon's Scenic Waterways system. Also, the state generally does not have ownership of the land along Oregon's Scenic Waterways so it is logical that their restrictions on bridges would be lower. However, most of the land along the Deschutes Wild and Scenic River is managed by the FS they giving them more control on where bridges are located, which allows for more restrictions. It is also logical, for the sake of consistency, for the state to use that more restrictive language when their plans overlap a National Wild and Scenic River such as the Deschutes River.

From: Adam Bowles
To: PUBLICCOMMENT * OPRD
Subject: State Scenic Waterway prohibition of bridge on the Upper Deschutes River
Date: Wednesday, November 11, 2015 1:54:18 PM

I am writing today to express my concern with the Bend Park & Recreation Districts (BPRD) application to change the current rules that prohibit bridges on the upper Deschutes river South of Bend. I was raised in Bend and have lived here most of my life. During this time I have witnessed firsthand the impact to the Deschutes river from population increase and further residential development. The BPRD has served the community well over the years and built dozens of new parks and installed countless miles of trails, many of which have provided residents direct river access. The unfortunate reality of continued trail development has been overuse and degraded riparian zones. Many trails that were first developed as single tracks are now large dusty paths with alternate routes created by users winding down to the river banks.

The specific area that BPRD is requesting the ban to be lifted contains significant stretches of river that are very healthy compared to what is witnessed further downstream. These areas have not been negatively impacted from trail development and heavy foot traffic. Some of the healthiest sections are along private land near the edge of the City urban growth boundary just prior to Forest Service land. Allowing a foot bridge to be built anywhere in this stretch of river would be a huge mistake as it would open the door to increase foot traffic further upstream and further damage to the areas along the river. The existence of the bridge prohibition in this area is completely justified and has merit.

I also take exception to the BPRD requesting such a large swath of river (nearly 4 Miles) to be lifted from the prohibition. BPRD formed a citizens advisory committee roughly a year ago who took public comment and identified a specific location that was determined a best fit for the needs of the community. This location was located towards the South end of the prohibition area adjacent to forest service land. A request to open up such a large section of river to a bridge does not seem to be consistent with the recommendations of the BPRD's own advisory committee. I feel the BPRD has not done their due diligence and is just asking for the ban to be lifted so that they can have all options available to them in the future. It seems that our local parks district is not being fully transparent in their intent and they are deviating from the recommendations of their own advisory committee.

I am respectfully requesting that you retain the current rule banning all bridges between mile 171 and 174.5 of the Deschutes river. Thank you for your consideration.

Adam Bowles

From:	Toni Lopez
To:	PUBLICCOMMENT * OPRD
Subject:	Bridge in side the UGB....
Date:	Monday, November 09, 2015 8:34:08 PM

We would like to see the bridge inside the UGB...also it would be perfect access by Stosh Thomson's property or Ambrose Su's....It would complment the trails in the dog park area and behond....

From:	Linda Hendrix
To:	PUBLICCOMMENT * OPRD
Subject:	bridge
Date:	Monday, November 09, 2015 11:44:20 AM

To Whom It May Concern,

I would just like to voice my opinion that I am AGAINST lifting the ban on bridges across the Deschutes River. We have plenty of access to all kinds of activities here. We are turning Bend into Disneyland with overuse of existing trails and disrupting wildlife (which is part of the attraction after all) . It would be setting a dangerous precedent to lift the ban on bridges. Building a bridge would be a huge mistake telling people that wildlife does not matter. Perhaps the money would be better spent developing some trails for hikers and bikers on that side of town.

Linda Hendrix

From:	Val Gerard, PhD
To:	PUBLICCOMMENT * OPRD
Subject:	Re: Request by Bend Parks and Recreation District to amend the Scenic Waterways Act, in order to construct a new bike/foot bridge on the upper Deschutes River
Date:	Sunday, November 08, 2015 1:59:22 PM

To: Oregon Parks and Recreation Department

After attending the meeting on October 28, run by Chris Havel, who did an excellent job, I feel compelled to add further input to the decision about amending OAR 736-040-0073, the special no-bridge rule on the upper Deschutes River.

My previous email focused on the non-necessity of the bridge and its potential impact on users of the Deschutes River Trail in the Deschutes National Forest. During the meeting, Chris made it very clear that the current decision is not about whether or not the bridge should be built, but about whether or not the no-bridge rule should be amended. However, Chris also made it clear that, **if the rule is amended, and the State denies BPRD's application to build the bridge, there is a very high probability that the bridge will be built, anyway, after a one-year waiting period.** It seems unlikely that the State will purchase three miles of riverfront property or take similar action to prevent construction of the bridge. **Therefore, the current decision IS, in actuality, not just about the amendment, but about the impact of the bridge.** Furthermore, amending the rule would open that 3.6-mile section of the river to other potential bridge builders.

As I understand it from the meeting, the original purpose of the no-bridge rule on the upper Deschutes was to protect that particular section of the river, knowing that ongoing growth of Bend would spread in that direction. During the first few years that I lived in Bend, I used to fish on the east side of the river in that section. The River Rim neighborhood did not exist, and the only access was Pine Ave., which was a one-lane dirt road. A few Sunrise Village houses were visible on top of the cliffs on the west side of the river. The river, itself, was the very definition of wild and scenic: rapids, ospreys, eagles, and otters (a young otter once jumped onto the rock I was standing on). Aside from an occasional fisherman or whitewater kayaker, there were very few people, and none on the west side of the river, because of the wildlife sanctuary. It is true, as BPRD pointed out, that River Rim and other developments along the river have already increased human impact. However, the houses on the both sides of the river are on top of the cliffs, leaving the river and canyon relatively wild. **The development of that area is not a valid excuse to further impact the river. It would be more appropriate to take additional steps to protect its current state: no bridges, no bike trails, no further human encroachment.**

BPRD's goal in building the proposed bridge is to complete a 33-mile hiking/biking trail from Tumalo to Sunriver. According to Bruce Ronning, formerly of BPRD, progress toward this

goal has been in the works for several decades, and the bridge is the final piece. The 33-mile trail was conceived when Bend's population was much lower, before development expanded along the river at the south end of town. The number of potential trail users was also much lower, back then. Perhaps, BPRD should rethink this goal, in light of increased population pressure. The use of existing trails on the west side of the river to complete the Tumalo-to-Sunriver trail makes more sense in terms of minimizing human impact, rather than further disrupting the river by building a new east-side trail and bridge.

For a century, explorers searched for the Northwest Passage, a convenient route for ships between the east and west coasts of North America. The Northwest Passage now exists in the Arctic Ocean, thanks to an environmental disaster - global climate change. BPRD has requested an amendment to the no-bridge rule, to create a convenient route between the east and west sides of the Deschutes River at the south end of Bend. I think of the proposed bridge as the **"Southeast Passage**." Would creation of the Southeast Passage entail a small-scale environmental disaster on the upper Deschutes River? I believe it would.

Thank you for your attention.

Val Gerard
2103 NW 6th St.
Bend, OR 97703

From:	Greg L. Klecker
To:	PUBLICCOMMENT * OPRD
Subject:	Deschutes Bridge Proposal..
Date:	Sunday, November 08, 2015 8:03:51 AM
Attachments:	Deschutes River Pedestrian Bridge Proposal.docx

See attached.. Thanks for taking comments..

Greg Klecker
Field Technical Product Manager
541-410-4285
glklecker@sherwin.com

From:	Matt Reed
To:	PUBLICCOMMENT * OPRD
Subject:	proposed bridge across the deschutes
Date:	Saturday, November 07, 2015 5:04:21 PM

I would like to voice my strong opposition to a bridge across the river, especially at the proposed location that would have the west terminus at the common area of Sun Rise Village. I am a resident of SRV, and believe this location would have detrimental impacts for several reasons.

One of the main desires for this bridge is so bicyclists can access the bountiful trails on the west side of Bend. I feel this increase traffic will not only cause severe erosion at this river access site, but also will greatly impact the small trail that leads up from the river to our neighborhood.

Also, the river canyon down the west side of the canyon to the Mt Bachelor Village section is very rough and wild. I believe the temptation for walkers would be too great to not venture down the canyon to the pedestrian bridge, and this will greatly impact this wild section of river and its wildlife.

I'm sure many dog walkers will also use the bridge. At the SRV river access location, there are beavers and many other creatures that use this area as a safe haven and wildlife corridor. The huge increase in dogs will cause detriment to these animals and their habitat.

Furthermore, the dogs and people and bikes coming through the walking trails and streets of SRV will cause increased congestion and problems in my neighborhood. There will be an increase in crime, litter, and dog waste, as well issues with traffic. This neighborhood was not designed for this kind of influx of people. There is no parking that can accommodate hikers, and there will be an increase in illegal use of our pool and common resources. This increases our neighborhood's liability and expense.

Please reconsider this location for the bridge. If a bridge will definitely happen, I feel it should be located somewhere where resources already exist such as Meadow Camp. I do have hesitations regarding this location as I feel it will be overwhelmed by use, but at least is it already set up with services.

Thank you for your time. Please feel free to contact me for more of my impressions.

Sincerely,
Matthew Reed
19470 Sunshine Way
541-383-1625

From: Alice B.Petrie
To: PUBLICCOMMENT * OPRD
Subject: Proposed Bridge on Deschutes River
Date: Friday, November 06, 2015 10:50:50 AM

Dear Sirs,

I WOULD LIKE TO ADD MY COMMENTS ON THE PROPOSED BRIDGE ACROSS THE DESCHUTES RIVER WHICH WOULD ADD TO THE URBANIZATION OF A PORTION OF THE RIVER ORIGINALLY PROTECTED BY A FARSIGHTED BAN ON BRIDGES IN THIS AREA.

THE BAN ON BRIDGES HAS PRESERVED THE WILD ASPECT OF THIS SECTION MAKING IT ALREADY A FAVORITE OF WALKERS AND BICYCLES. IT IS ONE OF THE JOYS OF LIVING IN BEND TO BE ABLE TO FIND LOVELY UNSPOILED AREA NEARBY.

AS YOU KNOW, BEND IS GROWING AND THIS SECTION OF RIVER IS ALREADY AT MAXIMUM USE. TO ADD A BRIDGE WOULD ENCOURAGE MORE TRAFFIC IN AN AREA THAT WOULD ONLY SUFFER FROM MORE ACCESS.

PLEASE MAINTAIN THE EXISTING FARSIGHTED BAN ON BRIDGES.

SINCERELY,

ALICE B. PETRIE
2036 NW TWILIGHT DR
BEND, OR 97703

From: Alan Small
To: PUBLICCOMMENT * OPRD
Subject: Our vote against liting the prohibition
Date: Thursday, November 05, 2015 5:41:28 PM

As residents of Sunrise Village we are against the building of the bridge and making the use of our neighborhood open to the public. We pay to have our neighborhood private with a gate and pay dearly for our homeowners association fees to maintain a private neighborhood. We are opposed to opening up Sunrise Village as a public community playground. Thank you, The Smalls

From:	Barbara Hudin
To:	PUBLICCOMMENT * OPRD
Subject:	New pedestrian bridge proposal
Date:	Thursday, November 05, 2015 2:56:21 PM

I am opposed to any bridge that crosses the Deschutes River and funnels foot/bicycle traffic from the east side up through Sunrise Village private pathways and road system. The river trail is already at maximum usage with adequate bridges! Besides the impact on trails and wildlife, this would have a huge impact on the quality of life in and around our neighborhood - noise, litter, privacy, security, traffic - and the west side in general.

After attending the first "Citizen Advisory Board" meeting, I was appalled to find that NOT ONE person on that committee was from Sunrise Village or Bachelor View! In fact, I recall that only one person lived on the west side of the river!!! At this meeting you had already come up with 5 potential bridge locations - wow!
As the song goes, "Pave paradise and put up a parking lot."(Joni Mitchell) This seems to be the goal of Bend Parks and Rec.....so, so sorry I voted for that Bond issue!
Barbara Hudin
19701 Sunshine Way

From: Richard Anderson
To: PUBLICCOMMENT * OPRD
Subject: Bridge building inside the Bend UGB.
Date: Wednesday, November 04, 2015 8:23:15 PM

Dears Sirs,

I am writing this letter to state my opposition to any lifting of the ban for bridge building inside the Bend Urban Growth Boundary.

As a resident of Sunrise Village, I am very concerned about the increase of traffic that a bridge will enable. The Deschutes River Trail system is already suffering from overuse and this increase of population will only further degrade its quality. The addition of more mountain biking and trail running will also increase conflict with the dog owners currently enjoying the Good Dog area of the National Forest.

Besides the environmental degradation of the Deschutes River Trail, I am most concerned about the higher fire danger that population increases bring. There have been two fires in the last two years, both human caused, in the river canyon below Sunrise Village. The area is well known to the Bend Fire Department as a high fire danger area for the surrounding homes.

Thank you for your time,

Richard Anderson
19701 Sunshine Way
Bend, OR 97702

From: Tom Atkins
To: PUBLICCOMMENT * OPRD
Subject: Amend rules for the Upper Deschutes State Scenic Waterway
Date: Wednesday, November 04, 2015 1:07:28 PM

Oregon Parks and Recreation Department November 4, 2015

Attn: Deschutes Rule Making

Request for the Parks Commission to initiate the process to amend Oregon Administrative Rule 736-040-0073 pertaining to State Scenic Waterways - section 0073 that discusses Scenic Area and River Community Area requirements.

I am a retired landscape architect and planner. My wife and I have been Bend residents since 1997. My office provided consulting services to the Bend Parks and Recreation District (BPRD) on a range of park and trail projects including the 2002 Deschutes River Trail (DRT) Action Plan. In addition, as a volunteer I was involved in The Bend Riverway and the Bend 2030 Visioning processes. Discussions of the future of the Deschutes River and the DRT played a major role in those community based planning efforts.

The matter under consideration is important enough that the above administrative rule should be amended to allow for more study and additional community discussion regarding the future of the pedestrian and bicycle bridge location under consideration. This matter is important because:

- A pedestrian and bicycle bridge located within this area would link existing east side residential areas to the USFS recreation resources and trails on the west side of the river.
- The favored Urban Growth Boundary (UGB) expansion scenario (2.1) focuses a majority of the proposed UGB expansion lands in the southeastern sector of the community. The proposed bridge will help satisfy additional demand for access to west side recreation resources that future growth in the southeast of Bend will bring.
- Since the passage of the above Oregon Administrative Rule the landscape context of the area has changed. Bend has become a city of over 87.000. The reach of river under consideration for a pedestrian and bicycle bridge has undergone considerable residential development (particularly on the eastern side of the river) both within the existing UGB and to the south of the existing UGB boundary.
- The 2013-2017 SCORP – chapter 8 - Top Statewide Recreation Issues (pg. 121) states the need for more non-motorized recreational trails linking urban trails to outlying Federal trail systems and providing better trail connectivity between parks and communities. The pedestrian and bicycle bridge under consideration is an important linking element that addresses this issue.
- The SCORP statewide resident survey results show that close to home activities dominate the total user occasions for Oregon residents since these activities can occur on a daily basis with limited travel time. The proposed bridge can provide these close to home opportunities for a large percentage of existing and future Bend residents.
- In Senator Wyden's recent town hall discussion regarding his draft plan for what could become his outdoor recreation bill he mentioned several ideas that relate to this matter and the concept of providing community members with close to home recreation opportunities.

"Shift the definition of success in the U.S. Forest Service away from timber harvest to include amount of recreational use".
"Create a special Front-Country Use management designation for managing federal lands that are easily accessible to urban areas".

- This pedestrian and bicycle river crossing has been identified as an important community trail link in the 2002 DRT Action Plan, The BPRD 2012 Comprehensive Plan revision and the City of Bend's 2006 Bicycle and Pedestrian System Plan

There are user groups and residential neighbors who oppose the location of the proposed pedestrian and bicycle bridge within this reach of the river. The request before you is for the Parks Commission to initiate the process to amend Oregon Administrative Rule 736-040-0073. The issues of potential user

groups conflicts and the perceived impacts on neighbors can be addressed during the local planning process if the Bend Parks and Recreation District is allowed to proceed to the next steps in the process.

This is an important community wide matter. Please allow the local community the time and venue to further discuss and study this matter.

Thank you for the opportunity to comment on this important matter.

J. Thomas Atkins
1486 NW William Clark Street
Bend, Oregon 97703

From:	Diane H
To:	PUBLICCOMMENT * OPRD
Subject:	Sunrise village in Bend, OR
Date:	Tuesday, November 03, 2015 2:06:08 PM

I am a resident of Sunrise Village and do not want public access to our private roads!!!!!!!!!!!!!!!!!!!

Diane Hoffmann
19680 Sunshine Way
Bend, OR 97702

From:	Evan Julber
To:	PUBLICCOMMENT * OPRD
Subject:	Bend Park and Recreation's application for the lifting of the State Scenic Waterway prohibition for any kind of bridge on the Deschutes River
Date:	Tuesday, November 03, 2015 10:37:58 AM

I am against any lifting of the State Scenic Waterway prohibition for the purposes of building a bridge over the Deschutes River, upstream of Bend, Oregon, by the Bend Parks and Recreation Department.

The impact of a bridge, resulting trail system and finally, increased users will severely and negatively impact the Deschutes River in the area proposed by the Bend Parks and Recreation Department.

The City of Bend and Deschutes National Forest already offer AMPLE opportunities for people to enjoy nature. There is absolutely no shortage of recreational opportunities in the Central Oregon area and it is upsetting that the Bend Parks and Recreation Department feels the need to impact the Deschutes River for no reason other than to expand their domain. Any bridge, and resulting trail system, is simply not needed.

Please, let's keep a portion of the Deschutes River as natural as possible, a true Scenic Waterway, as intended by the State Scenic Waterways Act.

Regards,

Evan L. Julber | Bend OR USA | cell: 541.419.9510
19507 Sunshine Way
Bend, Oregon 97702

From: Bryan Wilhelm
To: PUBLICCOMMENT * OPRD
Subject: State Scenic Waterway prohibition for any kind of bridge on the Deschutes River
Date: Sunday, November 01, 2015 6:45:50 AM

To Whom It May Concern,
I urge Oregon State Parks to deny the request for a bridge crossing in the UGB below river mile 172.

We as Oregonians are proud of our wilderness and all that comes with it. The rugged beautiful varied landscapes, the animals, the silence, the noises of nature are part of who we are and what we believe in preserving for ourselves and for future generations.

I also love Central Oregon for its outdoor activities but when are we going to stop encroaching and developing what we cherish to provide momentary passing pleasure? We have an abundance of trails in Deschutes County that can be used for recreation. No one can argue that point. Our elk herd that uses this stretch of the Deschutes River for migration is dwindling and is already being pushed out of its natural habitat. Adding trail access will only make matters worse for all wildlife in this area.

The current push to have accessible trails in almost every square mile of our county reminds me of the greed for growth seen in Los Angeles, California. It is a comparison that when first considered is repulsive but both are based on immediate gratification and the “it is all about me” mentality.

Please think about what I have said and feel if it sits in your heart with a truth that you cannot deny.

I urge Oregon State Parks to deny the request for a bridge crossing in

the UGB below river mile 172.

Lura Wilhelm
541-408-3331

From: Kathie Eckman
To: PUBLICCOMMENT * OPRD
Subject: Hearing: ATTN: Deschutes Rulemaking
Date: Friday, October 30, 2015 12:14:16 PM

Oregon Parks and Recreation

RE: Amending rules for Upper Deschutes State Scenic Waterway

I am a long time resident of Bend (37 years), served on the Bend City Council, and was our Mayor for two terms. I want to register my opposition to the proposed amendment to the rules regarding the Upper Deschutes State Scenic Waterway proposal submitted by the Bend Parks and Recreation District.

A bridge across the river in this area to allow for pedestrian and bicycle access would be a major mistake. There were sound reasons this portion of the Deschutes River was designated as a scenic waterway and those reasons still exist today. Using the growth in this part of the state as rationale to change the rules to allow a bridge is the key reason to NOT allow it. This area has enough foot and bicycle traffic on each side of the river without creating more human damage by creating a bridge.

Wildlife habitat has already suffered greatly by the building of housing so close to the river. The impact on the fish habitat would also suffer if individuals have more direct access across the river.

There are currently numerous trails going through our forests for people to use and these continue to have increased usage as our population increases. A bridge across the river will only compound trail usage damaging this fragile asset. We need to ensure that we protect these areas by not allowing more access to them.

Sincerely,

Kathie Eckman
61088 River Bluff Trail
Bend, Oregon 97702
541-382-8204
keckman@bendbroadband.com

From:	Jim Powell
To:	PUBLICCOMMENT * OPRD
Cc:	HAVEL Chris * OPRD; SMITH Curtis * OPRD
Subject:	Comments #2 OPRD Hearing to Amend OAR 736-040-0073
Date:	Friday, October 30, 2015 11:00:52 AM
Attachments:	OPRD Testimony 2.pdf

Mr. Havel

Attached is a misplaced edit from my comments submitted yesterday. Please add it to the record.

Someone recently supplied me with a scanned copy of the 1986 River Study. I can forward that to you if it is something you want for your archives.

From:	Nancy
To:	PUBLICCOMMENT * OPRD
Subject:	New bridge
Date:	Thursday, October 29, 2015 9:47:14 PM

Yes growth is here. Driving in Bend now is similar to my Seattle neighborhood I left 18 years ago. As a paddler I've watched the rivers edge change drastically. I wish I'd taken pictures. I think we need to stand firm on our sacred river ground. We'll be glad we did. Nancy (BA IN REcreation UO, Masters social work; lover of community and nature and animals)

Sent from my iPhone

From:	Sheri
To:	PUBLICCOMMENT * OPRD
Subject:	Proposed amendment and and bridge
Date:	Thursday, October 29, 2015 8:50:57 PM

Hi,
I am NOT in favor of amending this ordinance because it was originally written to PROTECT the environment from development. Meadow Camp is already highly impacted and at capacity. Figure something else out. Give an inch and then take a mile. Please NO.
Thank you
Sheri

Sent from my iPhone

From:	Jim Powell
To:	PUBLICCOMMENT * OPRD
Cc:	HAVEL Chris * OPRD; SMITH Curtis * OPRD
Subject:	Comments OPRD Hearing to Amend OAR 736-040-0073
Date:	Thursday, October 29, 2015 8:18:45 PM
Attachments:	OPRD Testimony.pdf

Mr. Havel

Here is my memory of background historical information surrounding the Upper Deschutes River designation and my thoughts on BPRD's proposed amendment. If you have any questions about the history, please let me know. I do have some random papers produced during the River Study. Most of my files have been purged; and the reams of notes that I made on my original PC are no longer accessible due to PC and software recycling and file incompatibility with current technologies. Deschutes County may have raw documents stored but I do not believe much, if any, has been scanned into their current archival system.

Thank you for conducting the hearing locally and allowing us citizens to weigh in on this important matter.

From: Becky Stephenson
To: PUBLICCOMMENT * OPRD
Subject: Good Dog/Meadow Camp proposed footbridge
Date: Thursday, October 29, 2015 4:05:57 PM

To whom it may concern in the Oregon Parks Department,

I am writing to you regarding the proposed change in an amendment that would allow a footbridge to be built on the upper Deschutes River near Bend, Oregon, specific to the Meadow Camp area. I am adamantly opposed to this rule being amended.

Building a bridge in the Good Dog/Meadow Camp area would have a negative impact on this beautiful scenic river space. We need to consider that the original intent of the no-bridge rule was to protect this part of the river from exactly what is being proposed. Because of the recent burst of growth we have seen in the Bend area, now more than ever, it is most imperative that the Parks department maintain this protection. With the increase in population this special part of the river, like many places, has experienced a noticeable increase in foot and bicycle traffic in the last few years. This increased use has had visible negative affects on this area, including unplanned trails, increased noise, and an impact on the plant life and wildlife. Adding a bridge to this area will only make this worse.

There are lots of special places out there to enjoy, but that doesn't mean we should make every one of them accessible. In fact by doing so, we take away what makes a place like the Deschutes River Meadow Camp area special in the first place.

I hope you will keep tn mind the original intent of the rule to protect this beautiful area and keep a bridge from being constructed.

Thank you for your time and consideration.

Becky Stephenson

From: Jane Sabin-Davis
To: PUBLICCOMMENT * OPRD
Subject: Deschutes River Bridge
Date: Thursday, October 29, 2015 2:14:58 PM

To Whom It May Concern,

Bend Parks and Recreation has said for the last few years, 'we have always wanted a trail that goes from Tumalo to Sunriver'; it has always been in their planning. However, what may have been planned is not the same as what is needed or valuable to our community.

The Deschutes River Trail is currently at or near capacity. There are user conflicts, as are often discussed by the Forest Service, and during the summer months the trail is constantly in use. The only way to stop BPRD from building their dream, and thus negatively impacting the environment, is for you to deny the permit allowing this project to move forward.

Their argument is that there are many citizens that are underserved in SE Bend and they too need access to the Deschutes River Trail; or alternatively they don't want to drive 6 miles to access the DRT. The majority of people living in Bend have to drive to access the DRT; why should SE Bend residents be any different? Why, well that is because BPRD wants an excuse for building their dream bridge.

There are plenty of places that Bend residents can go to explore their surroundings. If we build the bridge, the majority of them will be along the already overused trail. Please listen to community members, rather than BPRD, when making this decision.

From:	Vern Bauch
To:	PUBLICCOMMENT * OPRD
Subject:	Fwd: Proposed Bridge Amendment
Date:	Thursday, October 29, 2015 8:38:29 AM

Sent from my Samsung Galaxy Tab®4

-------- Original message --------
From: Kathie Bauch <kpayne48@hotmail.com>
Date: 10/29/2015 8:13 AM (GMT-08:00)
To: vernbauch@hotmail.com
Subject: Proposed Bridge Amendment

To amend the present Oregon Rule 736-040-0073 would be a travesty. The reason the area from mile 171 to 174.4 is such a scenic waterway is because it has not been abused by humans. The vegetation and animal habitat have been left undisturbed. Opening the gate by amending a well intended rule will allow for slow deterioration of such a pristine area. There are alternate routes for hikers, bikers, etc. to enjoy our Central Oregon Wonderland.

We live on the river to enjoy its serenity. Let's keep it that way.

Kathie Bauch
61039 River Bluff Trail
Bend, Oregon 97702
541-390-0393

From: Vern Bauch
To: PUBLICCOMMENT * OPRD
Subject: no need for bridge
Date: Thursday, October 29, 2015 5:47:23 AM

There is no need for a bike and foot bridge at any of the proposed sites.
Bend Parks and Rec says they need this to connect Tumualo and Sunriver by bike paths. This already exists.
I have ridden bikes from Bend to Sunriver many times. You go from Downtown Bend to the marked trail that is a dotted line on the north side of your map, called the USFS Deschutes River Trail and ends up in the area marked site 3. There is an existing trail that leaves the Deschutes Trail and goes to the site of proposed bridge 3. Many people already use this and you can follow the river to Benham Falls bridge and cross the river there and ride to Sunriver. I have never heard of anyone wanting to walk to Sunriver but it could be done on this existing trail.
The proposed trails on the map have a flaw. How can you ride a bike up the Deschutes trail downriver from proposed site 5. Bikes are not allowed on that trail as there were many accidents with bikes and pedestrians. Next you have to cross a bridge or trespass on private property, or ride thru a housing development with houses on both sides of your paved road path. Not a scenic site.

The existing USFS trail runs thru large ponderosa trees and is a beautiful path which hooks up to the river trail above site 3. Why not just put up signs so strangers know where this path is?
Leave the animals in this river area alone. Kayakers paddle every days this river and putting up bridges can not be a thing of beauty. I have seen elk, deer, coyotes, mountain lion, eagles, wildcats, and many more around the proposed site of bridge number 4. I am sure that the other sites have the same wild life.

Keep the bridges out of the river. If you approve this stretch of river for bridges, then the wild river will be on its first step to being ruined.

Vern Bauch
61039 River Bluff Trail
Bend, Or 97702
541-390-7035
vernbauch@Hotmail.com

Sent from Windows Mail

From: Mike and Linda Eisele
To: PUBLICCOMMENT * OPRD
Subject: Comments on proposed Upper Deschutes River Rules Amendment
Date: Wednesday, October 28, 2015 3:50:37 PM

October 28, 2015

Via email
oprd.publiccomment@oregon.gov

Mr. Chris Havel, Hearings Officer Oregon Parks & Recreation Department 725 Summer St. NE, Suite C Salem, OR 97301-1226

Written Testimony in Response to Proposed Amendments to OAR 736-040-0073(1) and (2) for the Upper Deschutes River Scenic Waterway to Remove Restriction on Bridge Construction

Mr. Havel:

My Name: Michael Eisele
My Address: 60669 River Bend Drive, Bend OR 97702
Contact: lameisele@hotmail.com

I object to the proposed rules amendment on the Upper Deschutes River Scenic Waterway and ask you to deny the change.

America invented protection of public lands, including National Parks and Monuments, Scenic Waterways, and many other programs that keep amazing resources for future generations. The State of Oregon has been a leader in these programs.

Having a Wild and Scenic river, the Deschutes, close to the city of Bend is unique in Oregon, and possibly in the country. No where else can you transition from city to a unique, unspoiled river environment in such a short time and distance.

Our prior generation had the foresight and thought to protect the Deschutes with the rules currently in place. They have served us well. With the growth of Bend, and the changing urban growth boundary, our generation faces an increasing challenge to protect the Deschutes for our following generations. That should be our focus.

My residence is near the proposed pedestrian bridge intended by Bend Parks and Rec. This would be a convenience for me. But creating convenience is a bad reason to justify

weakening the Scenic River rules. It would be convenient for me if a chairlift could carry me to the top of Smith Rock. It would be convenient for me if a bridge took me across Crater Lake, so I did not have to drive around it. I don't think OPRD would find much support for either of those 'conveniences'. So why does OPRD entertain weakening the Deschutes River protection, for a similar convenience? You should not.

The proposal is a violation of rules that serve a good purpose. Worse, the proposal is a violation of the trust the past generation has put in us to protect the unique Deschutes River, close to Bend. For both of these reasons, I urge you to reject any rule amendments.

From:	Myles A. Conway
To:	PUBLICCOMMENT * OPRD
Cc:	"Matt Tomseth"; Diana.S.Tomseth@lesschwab.com; Rachel K. Bunday
Subject:	Deschutes Rulemaking (Opposition to Amendment of OAR 736-040-0073
Date:	Wednesday, October 28, 2015 3:39:04 PM
Attachments:	00469047.pdf

Please enter the attached letter into the hearing record in connection with ongoing Deschutes rulemaking. Thank you.

Myles A. Conway
Partner

D - 541 . 408 . 9291
C - 541 . 480 . 0811
E - mconway@martenlaw.com
martenlaw.com
404 SW Columbia St, Suite 212
Bend, OR 97702

MARTEN LAW

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Please consider the environment before printing this e-mail.

From:	Louise Hawker
To:	PUBLICCOMMENT * OPRD
Subject:	Comment regarding Bend Parks & Rec request to amend rules for Upper Deschutes Scenic Waterway
Date:	Wednesday, October 28, 2015 2:21:53 PM
Attachments:	October 28 Testimony to Oregon Parks and Rec Re Bend Parks Rulemaking.pdf

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Attached please find my comments regarding Bend Parks & Rec request to amend rules for Upper Deschutes Scenic Waterway, in response to the October 28 hearing in Bend.
Please confirm your receipt of this document.
Thank you.
Louise Hawker

From:	robert jensen
To:	PUBLICCOMMENT * OPRD
Subject:	BMPRD Bridge Request That Could Result IN A Public Trail Through Sunrise Village
Date:	Wednesday, October 28, 2015 12:37:57 PM

My Wife and I, home owners in Sunrise Village, strongly oppose any action that could result in a bridge across the Deschutes River that could result in a public trail through Sunrise Village. Two of the proposed bridge options would run directly behind our property which is at least one-Quarter mile away from the river. These options make no sense and would have many negative impacts on our community including a decline in property values. We stand ready to support legal action if the proposed rule change results in a public incursion into our private community and its common areas, roads and paths.

Robert G. Jensen

Nansie Jensen

61120 Riverbluff Trail
Bend, OR. 97702

From:	Val Gerard, PhD
To:	PUBLICCOMMENT * OPRD
Subject:	Request by Bend Parks and Recreation District to amend the Scenic Waterways Act, in order to construct a new bike/foot bridge on the upper Deschutes River
Date:	Wednesday, October 28, 2015 12:14:57 PM

To: Oregon Parks and Recreation Department

I am writing **in opposition** of the request by the Bend Parks and Recreation District to amend the Scenic Waterways Act, in order to permit construction of a new foot/bike bridge over the Deschutes River north of Meadow Picnic Area, near Sunrise Village. My reasons are as follows.

1) There is **already a continuous route on the west side of the river** that cyclists can use to ride from the City of Bend to access the Deschutes River Trail north of Meadow Picnic Area. A second route on the east side of the river is not necessary, and will primarily cater to a relatively small subset of the population that lives in SE Bend, well below the Bill Healy Bridge. Residents of that area made the decision to live there with the full knowledge that they would have to cycle or drive, either to the southern crossing (Bill Healy Bridge) or to Lava Butte, to access the Deschutes River Trail. This small and expected inconvenience for a small subset of the population is disproportionate to the large cost and even larger environmental impact of the proposed bridge.

2) The section of the Deschutes River Trail from the proposed bridge site to the trail access point above Lava Island Falls includes the **rockiest, narrowest, most difficult portions of the trail** for hikers and cyclists. At this time, many cyclists from Bend begin their rides south of Lava I. Falls, while cyclists coming from Benham East or Sunriver end their rides there, thus avoiding the difficult sections. Cyclists currently account for a small proportion of the total bike/foot traffic on this section (see below). Increasing bike traffic will increase the difficulty for both cyclists and hikers, because cyclists passing opposing bike/foot traffic and slower hikers is problematic.

3) The section of the Deschutes River Trail between Meadow Picnic Area and Sunrise Village is now the **only section available for hikers and cyclists to recreate with their dogs off leash, from May 15 to September 15.** I conducted five 1.5-hour surveys on this trail section, midday on Sundays, during June-August, 2014. I found that **114 out of 126 total hikers were accompanied by dogs.** Of the dogs, **115 were off leash, and only 4 were on leash**. Only **26 cyclists** were encountered during the same surveys (21% of total bike/foot traffic), accompanied by **4 dogs, all of which were off leash**. Increased bike traffic on this section of the river trail could very likely be used by the Forest Service as a reason to disallow off-leash dogs, as high use is the reason given for leash restrictions on the river trail from Meadow Picnic Area to Benham East. Although **dog owners make up over half of the**

population in Bend, hikers and cyclists who wish to recreate with off-leash dogs near water (a critical resource on hot summer days) have been given minimal legal access to the Deschutes River Trail. Denial of access to this last, small section of the trail would not only be unfair to a large segment of the Deschutes NF user population, but would definitely result in public outcry and increased illegal use of restricted sections.

For these reasons, I strongly urge you to maintain the status of the upper Deschutes River as a Scenic Waterway and, as stated in the program goals, to "Encourage other agencies [including BPRD] to act consistently with the goals of scenic waterways management." The proposed amendment to OAR 736-040-0073 unjustifiably goes against that goal.

Thank you for your attention.

Val Gerard
2103 NW 6th St.
Bend, OR 97703

From:	Vern Bauch
To:	PUBLICCOMMENT * OPRD
Subject:	Bicycle/pedestrian bridge on wild scenic river
Date:	Sunday, October 25, 2015 7:03:30 AM

Why do you think laws are passed in the first place?
This is a river that is supposed to be untouched by people and government
Why don't we build a path and bridge in you own house so people can walk thru own back private yard and use your private driveway owned by you and not the government.
Think about your own house before you go any further with this stupid idea
You guys have too much money and the county needs to take much of it away as youmare spending like a drunken sailor,ie. Northwest crossing lakewith no planning
Leave my private property owned my me alone a leave ideas like this from even being discussed
Vern bauch
61039 riverbluff trail
Bend or 97702
541 390 7035
Vernbauch@hotmail.com

Sent from my Samsung Galaxy Tab®4

From:	Patti Craveiro
To:	PUBLICCOMMENT * OPRD; don@bendparksandrec.org; Sunrise Village; Jason Craveiro; Diana Tomseth; vernbauch@hotmail.com
Subject:	Proposed river crossing bridge in SRV
Date:	Saturday, October 24, 2015 1:18:31 PM
Attachments:	River Bridge opposition letter.docx

Please address my attached comments at our upcoming SRC meeting and additional public hearings relevant to this issue.

I am a long time resident in this area and I am fundamentally opposed to such development on this wild and scenic stretch (it should mean something to have such a designation) of our river and to the placement of proposed public structures in a private residential neighborhood when there are other government owned access sites available outside of the current river mile protected area.

If I could be present at the october 28, 2015 meeting in person I would be there but I am currently in Montana fulfilling nana babysitting duties until November 7th.

I wish to be kept appraised of any discussion and any actions that may occur in my absence and I want to be clear that most certainly oppose such changes to our current wild and scenic river status and protective responsibilities of such.

Patti Craveiro

From: Bruce Johnson
To: PUBLICCOMMENT * OPRD
Subject: Attn: Deschutes Rulemaking
Date: Saturday, October 24, 2015 12:04:18 AM

Regarding proposed amendment to OAR 736-040-0073:

I am writing to oppose the proposed changes to the Oregon Administrative Rules to allow pedestrian / bicycle bridges to be constructed over the Scenic Waterway section of the Upper Deschutes River river between the Arnold Irrigation Intake at river mile 174.6 and the COID diversion at river mile 171 for the following reasons.

1) The Oregon Parks and Recreation Department was charged by the Oregon Scenic Waterways Act to develop rules that would ensure that scenic waterways identified by State Statute would be managed to preserve and enhance the "outstanding scenic, fish, wildlife, geologic, botanical, historic, archaeologic and outdoor recreation values of present and future benefit to the public." The Department recognized that each identified waterway had unique qualities that required individualized plans to protect those qualities. There must be a reason why the Department chose to single out sections of the Deschutes and Metolius Rivers as the only Scenic Waterways in the Act to prohibit the building of new bridges. Until the original reasons for prohibiting bridges over this stretch of river are understood, no action should be taken to reverse that decision. This is not a ‘consistency’ or ‘equity’ issue as Bend Park and Recreation staff have argued. Management of this stretch of river should be considered independently of all other scenic waterway management plans.

2) The southern crossing bridge is not needed to complete the Deschutes River Trail. The Deschutes River trail already has a route on the west side of the river that connects from the river trail at the Bill Healy bridge to the Meadow Picnic Area. The west side route follows Reed Market Road to the Haul Trail near Athletic Club of Bend, then along the Haul Trail until it meets the existing "Deschutes River Trail" at the Entrada Lodge then through the Deschutes National Forest back to the river.. Although this route takes travelers away from the river for a substantial distance it still allows for pedestrians and bicyclists to safely complete the trail. The proposed east side trail from the Bill Healy Bridge to the proposed Southern Crossing bridge also requires routing away from the river and along neighborhood streets in the River Rim/ River Canyon area to complete the connection. It may even be necessary to divert the trail as far away as Brookswood Boulevard if the Central Oregon Irrigation District denies access across their property. I was a member of Bend Park and Recreation's Citizen Advisory Committee for the proposed Southern Crossing bridge. The committee was specifically told not to consider making a recommendation to use the existing west side route, which would have negated the need to build a new bridge altogether, as an option, .

3) Despite being presented as a necessary link in the Deschutes River trail, the Southern Crossing bridge will be primarily used by residents of the Southwest Bend neighborhood (East of the river) to access the river shoreline on the west side. As

evidenced by discussions in the Citizen's Advisory Committee meetings and public presentations, the most vocal proponents of the Southern Crossing bridge were southwest Bend residents who complained about not having easy access to Deschutes National Forest lands on the west side of the river. Private property ownership on the east side of the river makes it difficult for non-riverfront residents to access the river on that side. If the Southern Crossing bridge and proposed parking lot is built near Bend's Urban Growth Boundary, it would afford easy access to a desirable recreation site for thousands of Southwest residents. The west bank of the Deschutes River at that point could become more of a playground or park than the natural setting that was envisioned. However, this "park" would not have the amenities such as garbage service and oversight that typical public parks have. Garbage would collect, river banks suffer further erosion, and vegetation would be trammeled. Although that section of river bank can currently be accessed by trails from the Meadow Picnic area and the "Good Dog!' parking lot, both require approximately a one mile hike to reach the flat lands by the river bank near the UGB. Currently, about 100 hikers and bicyclists visit that corner of the National Forest each day, mostly passing through on short trips. I estimate that the number of users will likely increase two to four fold if the Southern Crossing Bridge is built. If not, what is the purpose of the bridge?

4) Critical Spotted Frog habitat may be compromised by excess foot and bicycle traffic along the banks of the river. Spotted frog habitat has been identified along the Deschutes River within the city limits right up to the south Urban Growth Boundary. Although, to my knowledge, no inventory of spotted frog habitat or populations in the riparian zones south of the UGB has been undertaken, it is reasonable to assume that their habitat extends further south along Forest Service land. Other wildlife habitat and populations in the area may also be further negatively impacted by increased traffic, including an active osprey nest in the vicinity of the proposed bridge.

5) The bridge, and traffic it brings, will conflict with the goals, standards and guidelines of the "Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Management Plan", developed in 1996 by Federal, State and local agencies, and private entities with vested interests in the best management practices for that stretch of the river. The plan was signed by the governor of the State of Oregon, as well as the agency heads of state agencies, including the Oregon Parks and Recreation Department. The plan details an agreement between all parties to manage the identified sections of the Upper Deschutes to "protect and enhance the Outstandingly Remarkable Values" of the Upper Deschutes. Developed standards and guidelines to accomplish this goal include: (Underlining added for emphasis)

> **Geology guideline G-4:** " Water quality, as it is affected by land based activities or in stream structure, will be protected by the use of project specific Best Management Practices and by the improvement of riparian conditions through modification of river access points."
>
> **Vegetation Standard:** " … Riparian areas will be managed to support riparian dependent species …. and provide wildlife habitat"

Wildlife Standard: "Management activities will maintain Outstandingly Remarkable wildlife populations and diversity of species within the corridor."

Recreation Guideline R-1: " Total use will be managed according to designed annual capacity. These designed annual capacities will serve as the basis for site designation and development. The Recreational Opportunity Spectrum Standards and resource protection needs will determine the total numbers, location and development levels of recreation sites (…. Including trailheads …)"

Table 5: Designed Annual Capacity for all of Segment 4 = **44,000**

(NOTE: Segment 4 covers the Deschutes River from the Central Oregon Irrigation District canal within Bend Urban Growth Boundary to Sunriver) including the stretch of river between the COID canal and Arnold Irrigation canal intake and that is being considered for the location of a new pedestrian / bicycle bridge.)

Recreation Guideline R-3: "… New development will be designed to minimize disturbance of wildlife and move use away from sensitive riparian areas to the extent possible …"

Administrative Guideline A-5: "New bridges, transmission, gas or water lines will be discouraged. Where no reasonable alternative exists, adverse affects to scenic quality will be minimized by using existing rights-of- way and structures or burying lines."

In conclusion, I urge the Oregon Parks and Recreation Depart to uphold existing rules prohibiting the construction of new bridges on the proposed section of the Upper Deschutes River until:

- The original intent of the ban on bridges can be adequately researched, understood, and addressed.
- Consideration is given to using existing paths west of the river to connect the segments of the Deschutes River trail rather than building a new bridge.
- The potential impact to the endangered spotted frog and other wildlife species that may be caused by increased foot and bicycle traffic can be studied, and plans developed to mitigate any potential damage.
- A reasonable estimate of projected foot and bicycle traffic across the bridge and along the river bank can be determined and accepted as a manageable increase within the guidelines of the Upper Deschutes Comprehensive Management Plan, State Scenic Waterways act and the Federal Wild and Scenic Rivers Act.

Thank you for your consideration,

Bruce A Johnson
1910 NW Hill Point Drive
Bend, Oregon 97703

541-815-5264
Brucej331@gmail.com

cc: Kevin Larkin, District Ranger, Bend-Fort Rock Ranger District, Deschutes National Forest

From: Ed
To: PUBLICCOMMENT * OPRD
Subject: Public Hearing Comments OAR 736-040 Exemption Request
Date: Friday, October 23, 2015 12:20:39 PM

Thank you for the opportunity to comment on the Bend Park and Recreation District request for changes to provisions of OAR 736-040.

I strongly urge Oregon State Parks Department reject the District's request that to amend OAR 736-040-0073 in order to permit application for the construction of a pedestrian/ bicycle bridge spanning a portion of the Deschutes River within a designated Scenic River Area.

As stewards on behalf of the people of Oregon, The Oregon State Parks Department has overseen the Deschutes and other designated Scenic Waterway management programs for many years. OSPD has successfully balanced the outstandingly remarkable and valuable resources of geology, wildlife habitat, cultural significance and recreation that these rivers provide for our great state of Oregon. By denying the District's request Oregon State Parks will continue that legacy.

In opposing I submit that Bend Parks and Recreation has already demonstrated that, while it has done an outstanding job providing urban parks of great benefit, it lacks the concerns and values expressed by the people of Oregon in 1970 when the Oregon Scenic Waterways program was passed by a 2 to 1 margin. As an example I cite the Park's recent activities within the area defined by the Middle Deschutes/Lower Crooked Wild and Scenic River Management Plan as Segment 1 (Bend's Sawyer Park to Bend's Urban Growth Boundary), a River Community Area.

Promising Park District voters a comprehensive plan to add a new park (Riley Ranch Natural Preserve), new and expanded trails, river overlooks and two pedestrian/bicycle bridges spanning the Deschutes within Segment 1, the District was successful in passing a $29 million dollar bond measure to fund that plan and others. Shortly after the bond measure was passed, the District began removing trees within the ¼ mile corridor of Segment 1 along a one mile section of the north east shore of the river downstream of Archie Briggs Canyon. This project left tree stumps and burn marks from fires that were used to dispose of the cut trees. All this is visible from the river and certainly diminishes the river's aesthetic value.

I doubt, though cannot confirm, that there was any consideration of the environmental impact (habitat, water temperature changes due to reduced shade, risk of additional soil runoff, ETC) before this project began. If that is the case it suggests a District policy of access regardless of consequence.

Please continue to preserve and protect the wonder that is our Deschutes River and reject the Bend Park and Recreation District request to amend OAR 736-040.

Sincerely,

Ed. Neumann

4170 NW SAWYER CT

BEND, OREGON 97701

From:	Dennis Jody Griffin
To:	PUBLICCOMMENT * OPRD
Subject:	Deschutes Rulemaking
Date:	Thursday, October 22, 2015 10:55:13 AM
Attachments:	ORPARKSBridge.pdf

October 21, 2015

City of Bend Parks and Recreation District
State of Oregon Parks and Recreation Department

Re: South Deschutes River Canyon Crossing

My name is Dennis Griffin, my wife Jody and I are the homeowners at 60755 River Bend Drive, Bend, Or 97702.

It has come to our attention that the City of Bend Parks and Recreation District in concert with the State of Oregon Parks and Recreation Department are trying to circumvent the guidelines and intent of the Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Management Plan dated July 1996. Specifically the placement of a bridge in this regulated corridor.

We purchased our property in 2003 and we were very familiar with the guidelines and intent of the aforementioned comprehensive management plan prior to our purchase. Our home and property are located in segment 4F and therefore enjoys protection under the Federal Wild and Scenic River Act. This is the specific reason we purchased this property, it is mandated that this section of river corridor is to remain unchanged for ¼ mile on either side of the river.

The intended purpose of the Wild and Scenic Rivers Act is, and I quote, as follows;
"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

The management plan refers to the vegetation along this segment of river as having an "Outstandingly Remarkable Value", we could not agree more.

Seventeen cooperators endorsed this comprehensive management plan with the placement of their signatures. They knew exactly what they were doing, enforcing the intent of the Wild and Scenic Rivers Act. We strongly urge that the rules, regulations, intent and spirit of this comprehensive plan be adhered to in its entirety. There are multiple alternate locations for placement of a bridge that do not impact this section of the Upper Deschutes River.

Regards,

Dennis and Jody Griffin
denjogriffin@earthlink.net

Please see signed copy of this letter which is attached.

From:	Keith Wright
To:	PUBLICCOMMENT * OPRD
Cc:	Heidi
Subject:	Deschutes Rulemaking: do not lift the ban on bridges over the scenic upper Deschutes River
Date:	Tuesday, October 20, 2015 11:07:59 AM

Dear Oregon Parks & Rec:

Do not lift the band on bridge over the scenic upper Deschutes River

It has come to our attention that the Bend Parks and Rec Department is proposing a lift of the prohibition on new bridges of any kind across the scenic section of the upper Deschutes River. The proposed change they are requesting would permit bridges across the scenic section of the river through the SunRise Village neighborhood. We strongly oppose these changes that would allow this resource to be harmed.

We live in SunRise Village and spend a lot of time every week in this specific section of river. One of the main reasons we moved into this neighborhood was the private access to a small section of the Deschutes River. I fish in the privately owned Sunrise Village section of the river at least two days a week and down into the canyon and take our dog and children their to enjoy the beauty and quiet of the common area. We also run along other sections of the Deschutes River trail several days a week.

The proposed change to allow bridges in this section of the river must not be allowed for several critical reasons:

1. **Scenery**: There is a very specific reason that bridges are not allowed along this section of river: it is scenic! That is why we love this part of Central Oregon. Ruining the scenery with bridges and more public trails through isolated canyon and rimrock destroys the very thing we love. Isn't that the point? If we don't pause and protect some of what we have in the midst of all this new development, then we are failing ourselves and our children.
2. **Fish**: I am an avid fly fisherman and fish all along the Deschutes River. The healthy fish population through the SunRise Village section of the river is a testament to less pressure and careful catch and release than the sections immediately above and below it. Healthy Redside, Rainbow and a few Brown Trout make this section of the river home. Above and below this private access section it is rare to see or catch any fish. This resource must be protected for the overall health of the river. If public access were granted through this section of the river it would be fished out as has happened in adjacent areas. As it is, I have had to ask poachers to leave who sneak in for this very reason.
3. **Wildlife**: I have seen coyote, bobcats, deer and a wide variety of other animals who live in the remote canyon and Sunrise Village rimrock. Putting a bridge and trail through this section would move those animals out.
4. **Private property rights**: The state of Oregon and city of Bend has a duty to respect the private property rights of their citizens. Allowing a bridge that would access Sunrise Village land and take users through our neighborhood without the approval of the neighborhood association would be a violation of our property rights. The Sunrise Village board of directors has already clearly

voice opposition to any bridge plans that would access neighborhood property.

5. **It's not broken- don't try to fix it**: I run on different sections of the Deschutes River trail several days every week, all year long. We have more than enough access to this beautiful trail already and destroying part of our ecosystem and violating rights to incrementally add more access is simply a bad idea and poor allocation of resources.

If a bridge must be considered then the only viable option that would limit these damages would be the option that Bend Parks and Rec has represented and published in the media up until now -- at the southern end of the Bend Urban Growth Boundary onto Forest Land. Again, better is not to change what is already a beautiful area and system of trails.

This is a simple issue -- Do Not grant approach for over 3 miles of river access to be opened up to this type of "development". We don't need it. We don't want it.

Thank you.

Best
Keith

Keith & Heidi Wright

61035 Minaret Circle
Bend, OR 97702

From:	Kevin Keillor
To:	PUBLICCOMMENT * OPRD
Cc:	Jim Prehoda; e@fractionalexchange.com; sean.brennan@summitfunding.net; louisspepper@gmail.com
Subject:	Deschutes Rulemaking
Date:	Friday, October 16, 2015 10:39:39 AM
Attachments:	image001.png

I am a resident of Sunrise Village in Bend, Oregon, and President of the Sunrise Village Association. Sunrise Village is a planned community located along the Deschutes River. The Sunrise Village Association owns a significant amount of riverfront on the north side of the river, including the designated scenic section from approximately river mile 171 to approximately 171.5. Although this section carries the sub-designation of River Community Area the it is among the most scenic sections of the upper Deschutes as the river narrows into a turbulent cascade , as shown in the photo below. While there are homes in this section they are all well back from the river above the rim rock and do not detract from the scenic beauty of this section. There are no developed trails through this section of the river canyon and it is unique and important wildlife habitat free from harassment by pedestrians, bikers, and dogs.

Bend Metro Park and Recreation District's (BMPRD) rulemaking request, if granted, would violate four of the five general program goals of the State Scenic Waterway Program as stated in the Upper Deschutes Waterway Wild and Scenic Waterway and State Scenic Waterway Comprehensive Plan. It would not protect and enhance the scenic, aesthetic, natural, scientific, fish and wildlife values – it would only enhance recreation values at the expense of all others. It would not protect private property rights – almost the entire River Community Area inside the Bend UGB is private property and the possible bridge locations studied by BMRD in this section have been opposed by the affected private property owners including the Sunrise Village Association. It would not promote expansion of the scenic water way system but rather contraction by permitting an unlimited number of bridges in a 3.5 mile stretch of river (BMPRD has proposed two bridge locations in the River Community Area alone). Finally the rule change would encourage and allow BMPRD to take action that is inconsistent with the scenic waterways program, which is contrary to Oregon State Park's mandate to ensure consistency by other government agencies.

The administrative rules implementing the Oregon Scenic Waterways Act, including the rule against new bridges, are the result of careful study of individual river sections and an exhaustive comprehensive planning process. BMPRD is requesting a quick-fix exception to the rules which should be denied. BMPRD is a developer of recreation facilities and unlike OSP has no mandate to protect and enhance scenic, aesthetic, natural, scientific, fish and wildlife values. Its mission is best summed by its statutory power to "construct, reconstruct, alter, enlarge, operate and maintain such lakes, parks, recreation grounds and buildings as, in the judgment of the district board, are necessary or proper . . . ." ORS 266.410(3). BMPRD does a very good job of developing recreation facilities, but not every section of the Deschutes River – especially the not only a designated scenic waterway in the City of Bend - needs to be developed into a playground for people and their pets. Please enter my comments in the record of this rulemaking proceeding. Thank you.

Kevin J. Keillor
61105 Minaret Circle
Bend, Oregon 97702

This email has been checked for viruses by Avast antivirus software.
www.avast.com

From:	Tim Phillips
To:	HAVEL Chris * OPRD; PUBLICCOMMENT * OPRD
Cc:	Bob Brell (bobdellie@bendbroadband.com); stoshthompson@gmail.com; kristen@riverscabin.com
Subject:	Deschutes River Bridge
Date:	Thursday, October 15, 2015 11:45:27 AM
Attachments:	image005.png image006.png image007.png 2015_South_UGB_Trail-Bridge_Summary_and_Staff_Reco.pdf

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Chris,

Thank you for the time on the call today. I have attached the findings of extensive community work on bridge and trail location. I hope you take this into consideration when Bend Parks wants to summarily expand their range of options.

As you can see from the findings, extensive community input and the generosity of a resident will locate a bridge on River mile 172.

Expanding the range of bridge locations down to River 171 again disregards community interests and threatens residents home values, endangered species (spotted frog), as well as reduces trust between the community and Bend Parks.

My preference is you decline their request outright and protect the Wild and Scenic Corridor; particular based upon their bad faith submission. If that's not possible, they should pinpoint the bridge location back to where the attached study preference river mile 172.

Please let me know what else I can do to stop this complete disregard for the community.

Thank you again for your consideration.

Tim

Tim Phillips
Chief Executive Officer
tphillips@phillipsandco.com

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Testimony for Oregon State Parks

Good evening.

My name is Stephen Thompson. I am the owner/manager of the Helen M. Thompson Wildlife Sanctuary. I have a PhD in zoology and served for eight years on the Deschutes County Planning Commission. Our nature preserve is located just downstream from the bridge site on federal land selected by the Citizens Advisory Committee at river mile 172.

The Thompson Wildlife Sanctuary was created in 1972, led by my mother, Helen Thompson, one of Oregon's celebrated conservationists, at a time when Bend was still more than two miles downstream. Although the once distant city limits have overtaken us, the Sanctuary and its mission have not changed. It includes 40 acres of prime wildlife habitat on both sides of the Deschutes River and received the endorsement of the Fish and Wildlife Department, the County and the City during its formative years. In the absence of our ownership, there would have been as many as fifty houses up and down both sides of the river. Our map for a conservation easement was adopted for the riparian Area of Special Interest, where the primary goal was identified as wildlife habitat. I am including a detailed description of the history and features of the Sanctuary in my written testimony, and I'll give a brief summary here.

The Sanctuary with its active management provides key breeding, feeding, resting, and wintering habitat for a number of target species including river otter, beaver, elk, deer, waterfowl, herons, quail, birds of prey, with an emphasis on eagles and osprey; owls, woodpeckers, a wide variety of passerines with an emphasis on marsh birds and cavity nesters, and notably, habitat for the Oregon spotted frog. A number of other species of interest inhabit the Sanctuary as well, too numerous to mention here.

We worked with the trail committee for over a year to choose the best alternative for a bridge out of the ones provided by Bend Parks. We concluded that if a bridge was built for a public trail it should be on

public land and as far upstream as possible from the Sanctuary to minimize impacts on wildlife habitat. The site agreed on by the committee was not the best one from our perspective. We agreed that as long as the bridge was built on Forest Service land, however, we would provide a route from it through the Sanctuary to the terminus at Elk Meadow. Our goal would then become to minimize the impact of a potentially heavily traveled public trail on our wildlife habitat and its resident plants and animals.

The Sanctuary contains wetlands and soft banks on both sides of the river with islands in the middle, ideal habitat for many target species. Another key attribute is the absence of a public trail on either side of the river, which provides a rare opportunity for animals to follow their natural rhythms and activities. For example, the resident bald eagle currently perches low in a tree by the river, ready to swoop on a duck or a fish Herons openly fish on the islands. River otters regularly hunt near the river's edge and haul out on the banks, while beavers are active during the daytime. Very importantly, this is the main crossing point in the Upper Middle Deschutes for deer from one side of the river to the other. None of this would be occurring with people and dogs present close to the river. While there is no shortage of public access on the 25 miles of river trails from Sunriver to Tumalo, there is a shortage of protected year-round riparian habitat managed solely for wildlife. What is lacking in Deschutes County is a balance between recreation and wildlife management. That is our mission, which also includes education. We are currently developing a website and plans for field trips, so students can learn from observing a natural, unaltered stretch of the Deschutes river.

Even though the selected 3C option is at mile 172, Bend Parks is requesting the lifting of the prohibition of bridge construction all the way downstream to river mile 171. This would include all of the Sanctuary and encompass a mile of private property.

We believe the original prohibition for a bridge was put in place for a good reason. The river trail already experiences heavy use and signs of erosion and vegetative degradation on the west side. Trail use is presently at full capacity. If a bridge is added at any point, this use

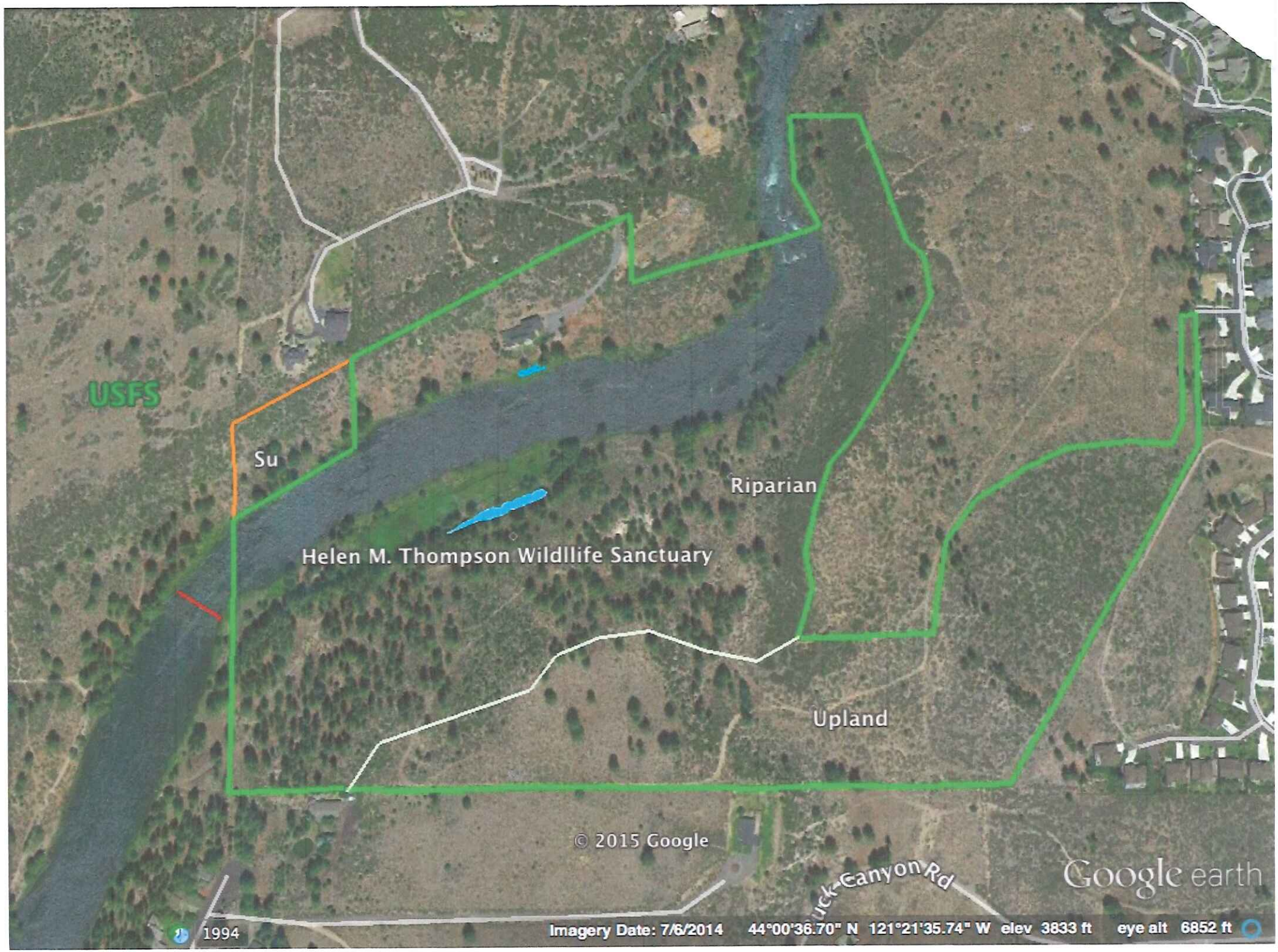
will increase dramatically and will have to be mitigated. Regardless of any other consideration, the further downstream a bridge with its associated trail is located, the more this pattern of overuse on the river will be extended.

We are concerned about the additional threats of fire, crime, accidental drowning, user conflicts and erosion associated with a dramatic increase in human access from across the river in this area. We have addressed these issues in a separate document.

The bottom line is that a public bridge serving a public trail should be built on public land. Otherwise there is no justification for it. We are fortunate that there is Forest Service land on both sides of the river at mile 172 to accommodate this, which was recognized by the CAC's decision to select Option 3C. A Forest Service review will be required regardless of where a bridge is built. The additional scrutiny required for the location of the bridge on Forest Service land is something that we should welcome. A bridge anywhere in a State Scenic River area deserves the highest level of review. (It is revealing that those who argued for moving the bridge downstream to private land just to avoid an additional step in the approval process, also happen to live near the current bridge location.) Trying to locate a bridge on private land will not speed up the process but could involve issues of condemnation, litigation, compensation, safety and other delays.

We urge Oregon State Parks to deny the request for a bridge crossing in the UGB below river mile 172 to eliminate this problem altogether.

Thank you for your time.


USFS
Su
Riparian
Helen M. Thompson Wildllife Sanctuary
Upland
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Google earth
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Imagery Date: 7/6/2014 44°00'36.70" N 121°21'35.74" W elev 3833 ft eye alt 6852 ft

Helen M. Thompson Wildlife Sanctuary

Mission Statement

The mission of the Helen M. Thompson Wildlife Sanctuary is to provide important year-round habitat for riparian and upland wildlife species along a unique stretch of the Deschutes River in Central Oregon, and to provide educational opportunities associated with wildlife habitat not available in other locations. The Sanctuary addresses the shortage of protected riparian habitat set aside uniquely for wildlife in Central Oregon.

Sanctuary Physical Description

The Helen M. Thompson Wildlife Sanctuary (TWS) is located along both sides of the Deschutes River in the southwest corner of the city of Bend, Deschutes Co., Oregon. The TWS was created in 1972, by Helen Thompson, and subsequently managed by her son, Stephen Thompson. The Sanctuary was augmented with their combined purchases of seven parcels of land, which at the time, were located more than two miles upstream from the city of Bend. Since then, the Sanctuary has been refined through many steps involving land purchases, lot line adjustments, sales and other land use processes. Today, the property consists of more than 40 acres on both sides of the river. It is surrounded on three sides by low-density residential housing and on the fourth by public Forest Service land, including a leash-free dog park. It includes the Oregon State Scenic Waterway, Deschutes County riparian Area of Special Interest, and the multi-agency Waterway Overlay Zone (WOZ). The property management plan is designed to meet Oregon State Goal 5 wildlife objectives.

Sanctuary Attributes

The TWS provides riparian, wetland, riverine, upland-shrub, Ponderosa pine-forest and rim-rock habitats free of development and traffic by people and dogs. The TWS provides key breeding, feeding, resting, and wintering areas for a number of target species. It is the only stretch of the Deschutes River for miles without direct public access and the resulting potential, if unintended, disturbance of wildlife. The area experiences very light boating traffic because of access issues and dangerous falls downstream. There are ten islands in this wide, shallow area of the river.

Target Species

Target species in the TWS include river otter, mink, beaver, elk, deer, geese, ducks, herons, quail, birds of prey with an emphasis on eagles and osprey; owls, kingfishers, doves, woodpeckers, and a wide variety of passerines with an emphasis on marsh birds and cavity nesters, and the Oregon spotted frog.

Other species include coyotes, bobcats, badgers, raccoons, rodents including tree and ground squirrels, marmots and muskrats; rabbits, bats, various amphibians and reptiles, several fish species, invertebrates such as crayfish; and aquatic insects critical to the food web. The TWS provides both important summer breeding habitat and critical winter habitat for various target species. This stretch of river provides key spawning ground for native rainbow trout as well as holding areas for fish and crayfish that are the primary prey of river otters, mink, herons and osprey.

Unique Features

The half-mile stretch of river that comprises the TWS contains a number of features that make it unique in the Middle Deschutes region.

1) This portion of the river is **wide and shallow** with a moderate flow rate. This feature provides habitat for a large number of species. It is also the **main crossing point** for deer year round and for wintering elk.
2) The consistent depth keeps the **entire width of the river covered with water** during the yearly fluctuations in water level. This provides high survival of aquatic insects reproducing in the shallows and contributes to the **high productivity** of fish and crayfish.
3) This bottom is covered in rocks and **spawning gravel**. This produces both fish and crayfish in abundance and supplies their predators with food.
4) The Sanctuary includes **both sides of the river**. This allows an overall coordinated effort for wildlife and habitat management. Some species like hunting bald eagles are particularly sensitive and will not remain perched across from human and dog presence on the other side of the river.
5) This stretch contains ten **midstream islands.** These features create standing water, eddies, riffles and feeding, resting and nesting areas. The eddies and riffles provide ideal feeding areas for fish and their predators. They receive heavy use by osprey, otters, beavers, herons, geese and ducks.
6) The Sanctuary contains **wetlands and soft banks on both sides** of the river. These provide habitat for river otters and beavers, as well as marsh birds, amphibians including spotted frogs and fish such as sticklebacks.
7) The Sanctuary is defined by **distinct ridges on both sides** of the river. This simplifies management and provides habitat for birds of prey, reptiles and mammals such as marmots and bobcats.

8) The Sanctuary contains **no public trail along the river** where a large number of people and their pets, especially dogs, would travel regularly. This one feature sets the TWS apart from the entire length of river from Tumalo to Sunriver that contain comparable habitat features. In addition, dogs are not allowed anywhere on the property. This allows wildlife to pursue normal activities around the clock without disturbance or harassment. The result is a **high diversity of species** exhibiting natural behavior not commonly seen elsewhere on the river. Reproduction here results in **emigration up and down river** into other parts of the system, providing fish and wildlife elsewhere. While there is no shortage of public access on trails in Deschutes County along the river, there is a shortage of protected year-round riparian habitat.

Sanctuary Activities

The TWS provides a testing ground for various habitat manipulations and enhancements to increase the number and diversity of target species, such as bird boxes, nesting platforms, feeding stations, quail and small mammal refugia, rock, log and plant placement, wetland enhancement, pond and slough maintenance and native wildlife food plantings. It can also provide learning experiences and teaching opportunities for a variety of audiences. Interpretive trails are being contemplated on both sides of the river for private tours. The TWS will also be available to agencies and universities for field studies. A trail is maintained through the TWS along the top of the East rim outside the riparian corridor, except in the extreme SE corner, affording combined river and mountain views. If added to the Deschutes River trail system, this stretch of trail could have interpretive and educational signage to protect the TWS while simultaneously expanding the educational part of its mission.
The TWS is also home to a native plant garden and to a model, state-of-the-art, net-zero home incorporating sustainable building practices, renewable, locally sourced materials, and zero VOC materials.

Administration

The TWS is currently owned and operated by Stephen E. Thompson, one of the original founders. Mr. Thompson has a PhD in zoology with an emphasis in animal sociobiology and non-game wildlife management.

The TWS honors the memory of Helen Malarkey Thompson, one of Oregon's most devoted and active conservationists, for her tireless efforts to protect wildlife habitat throughout the state. She first recognized the unique wildlife value of this stretch of river in 1967, and together with her husband and son,

over the next seven years, purchased the land for the Sanctuary. Helen M. Thompson has received numerous awards and testaments for her efforts from the Nature Conservancy, the Audubon Society, Friends of the (Columbia) Gorge, the American Garden Club and its Portland affiliate, and the National Tropical Botanical Garden.

Problems with a bridge across the Deschutes above Bend

Premise. In light of the review process afforded by Oregon State Parks, BMP&RD might want to reconsider the whole trail and bridge project. The bond measure containing the bridge that passed was an omnibus bill that included many large, popular projects in the Bend area. It was not necessarily a mandate to build this particular bridge. The presence of a bridge in the stretch of river from Mile 173 to Mile 171 creates as many problems as it does benefits and these have not been adequately recognized or addressed.

Possible Collateral Impacts of a Bridge upstream from Bend

The prohibition by Oregon State Parks for a bridge on the Deschutes River between Mile 174.5 and Mile 171 has merit and should be kept in place. There are a number of problems associated with removing the prohibition and siting a bridge in this area, particularly downstream from the Meadow Camp Day Use Area.

Environmental Degradation. The west side of the Deschutes River from Miles 173 to 172 is currently suffering from severe overuse. River bank erosion is occurring, vegetation is being stripped and trails are being turned into powder. Part of the problem is the heavy use by dog owners and their dogs at the de facto Good Dog Trail. Pedestrians and rock climbers are also having an impact on this stretch of river. A bridge bringing a large number of people from Southeast Bend into this area is going to have a compounding effect.

Fire. The forest in this stretch of river is a tinder box. We have experienced several fires in the area, the most recent right at the location of the proposed bridge. A large population of new people will be drawn to the area by a bridge here. The area is rustic enough that people might be tempted to start fires or be careless with lighters. It is difficult for firefighters to access the area on the west side of the river. Many new users of a bridge will not be familiar with fire safety practices.

Public Health and Safety. A bridge in the Meadow Camp area, especially with parking nearby, may encourage people to launch all kinds of watercraft to float downstream. The lower section contains an unclassified rapids at mile 171.5 where the river suddenly narrows and drops in a sharp

curve through large rocks and downed trees. This is a deceptive hazard and it is only a matter of time before someone drowns here, especially if they are floating in an inner tube. Currently, only experienced kayakers from Meadow Camp use this portion of the river. Even more important, someone floating from the proposed bridge must exit the river precipitously at River Rim Park or risk almost certain drowning in the series of Class IV rapids or the COI canal intake downstream. This is a serious problem and death is a high price to pay for whatever advantages accrue from a pedestrian bridge.

Crime. Trespassing, littering, theft, vandalism and excessive noise are all threats, not only to wildlife, but also to the surrounding neighborhoods. Nearby parking introduces a large population of people who are not necessarily in tune with this quiet, natural section of the river as are the people who live there. Human nature is such that once people access new areas they will often enter into adjoining properties and trespass along the river. River Rim, Deschutes River Woods and Bachelor View are all neighborhoods that may be negatively impacted.

User Conflicts. Fishermen, birdwatchers, walkers and other low impact users will find the crowd of people coming from the east and spreading into the trail system overpowering. Some people who currently use the west side area, including the dog walkers on the Good Dog Trail, will find that the increased traffic will diminish their experience. Leash free dog use will almost certainly have to end here. A considerable portion of the new traffic using the bridge will probably be mountain bikes from the east. The trails on the west side of the river are inadequate to handle this additional traffic. As it is, mountain bikes have a difficult time negotiating the narrow winding trails along the river, especially when dogs are running free. Often, either they or the pedestrians are forced off the trail. This issue can also be listed under Public Health and Safety.

Unnecessary Cost. One of the stated goals of BMP&RD is an uninterrupted trail connecting portions of the Deschutes River from Sunriver to Tumalo. The proposed bridge was offered as one key component of this goal. Currently there is already a very good, well-used trail connecting the Bill Healy Bridge with the USFS Deschutes River Trail, thus completing the Sunriver to Tumalo connection in this area. (There is only one short sidewalk section in the vicinity of the Athletic Club of Bend.) This west side trail satisfies the purpose of establishing a continuous trail from one end of Bend to the other, providing access to the river and connecting to the

Deschutes River Tail. The east side route, however, is incomplete in the area of the COI canal and follows a winding route through a residential neighborhood at River Rim. The Thompson Wildife Sanctuary has offered to provide a route through its land IF a bridge is built on public land just above its property. The question is whether such a bridge should be built. The bridge is not essential to completing a route from the Bill Healy Bridge to the Deschutes River Trail. It represents an expensive project ancillary to the original goal.

Wildlife Management. Conflicts will arise in meeting the Goal 5 and Bend General Plan requirements for riparian corridor and wildlife habitat management. Increased foot traffic in the area, mountain bikes, unsupervised dog use and water traffic all challenge the ability to successfully manage wildlife habitat and protect riparian areas. People who live in the area are attuned to the natural rhythms and habits of the wildlife here. People arriving from elsewhere via a new parking lot looking for recreational opportunities, will introduce a number of unpredictable and possibly incompatible actions, behaviors and activities.

Land Use Planning and Zoning Goals.

BP&R is not adequately addressing some of the relevant issues contained in the Bend General Plan, the ASI, Goal 5 of the statewide plan, or the river overlay zones. I have excerpted language from Chapter 2 of the Bend General Plan *ver batim*, as it relates to open space, natural areas, wildlife and the riparian corridor on the following pages, with key sections highlighted.

Bend Area General Plan
Chapter 2:
Natural Features and Open Space

Preamble

Open space and natural features are an integral part of the Bend Urban Area plan. A wide range of types and sizes of open space and natural features within the urban area should provide: diverse plant and animal habitat…
As defined in the plan, open space and natural features may be in the form of: …natural areas and areas of special interest, river and stream corridors, open space easements and right-of-way, and lands excluded from development. The preservation and enhancement of open space and natural features, and their incorporation into the infrastructure of the Bend Urban Area is a function of the plan and related ordinances.

Goals

"Bend is a community that values the area's natural features and wildlife."

To help ensure Bend's livability, the following additional goals should be implemented to provide long-term protection of open space and natural features:

- to preserve interesting and distinct geologic formations and areas of natural vegetation;
- to preserve water resources, riparian areas, and wildlife habitats;
- to encourage environmental awareness so that citizens will become stewards of our natural areas;

Overview

A city is the sum of physical, biological, and historical processes that shape the social values and image of the community. The natural features such as the rock outcroppings, native vegetation, the river, and wildlife frame Bend's special character and sense of place.

Types of Open Space

"Areas of Special Interest" are designated on the Land Use Map

because they have features typical of Central Oregon, or represent important wildlife areas. The most significant are the River Corridor Areas of Special Interest along the Deschutes River, which includes the river canyons and rimrocks in the north and south portions of the urban area. At the south edge of the urban area the River Corridor Area of Special Interest includes wildlife habitat areas along the river canyon and a cinder cone. Keeping these features relatively intact will help retain the natural character of Central Oregon as
the community grows. The Areas of Special Interest and other natural areas can be retained as either public or private open space.

Deschutes River Corridor

Wetlands and Riparian Areas

Wetlands and riparian areas have a variety of native plant species that are adapted to growing in locations where the soils are wet during all or part of the year. Well established wetlands and riparian areas provide a complex ecosystem that support a diverse combination of plants and animals. Wetlands and riparian areas:

- Provide shade to help moderate water temperature to support fish and other aquatic animals.
- Provide vegetation and woody debris that serve as habitat and nesting areas for a variety of aquatic animals, birds, and mammals.
- Provide a safe corridor for birds, amphibians, and mammals that live and feed along the river.
- Provide a transition area between aquatic and upland habitat areas during animal migration.

The riparian area along the Deschutes River and Tumalo Creek are considered significant resources under Statewide Planning Goal 5. Conflicting uses within the riparian corridor are primarily existing and future residential development, new park development, commercial development and other uses such as roads, trails, and docks.

Table 2-2 Significant Wetlands in Bend

Field Code	General Location of Wetland
R9	At south edge of UGB on east side of river. Land area about 2.5 acres

Fish and wildlife

23. The city and county shall ensure through conditions of approval that development in the Urban Reserve Area adjacent to or within one mile of lands designated by the County's wildlife overlay zone incorporate setbacks or buffers to protect designated wildlife areas.

24. All trout spawning areas shall be considered significant habitat and shall be protected.
29. Wetland areas that are significant Goal 5 resources to be protected through the city's riparian corridor standards are those areas listed and mapped in the General Plan.

To summarize, the unique wildlife habitat characteristics of this section of river have led to the establishment of the Thompson Wildlife Sanctuary. The undisturbed riparian habitat and riverine features make it exceptional in terms of wildlife conservation and Goal 5 values. The Bend General Plan recognizes these goals and encourages private efforts to meet them. The original South Canyon ASI designation recognizes the special wildlife aspects of the river corridor here as well.

In addition to the issue of balancing land use goals concerning wildlife with this project, BP&R may not fully appreciate some of the possible unintended consequences of the proposed bridge and trail.

Federal Endangered Species Act

On August 28, 2014, the USFS listed the Oregon spotted frog as a threatened species under the Endangered Species Act. There is potentially critical habitat located along both sides of the Deschutes River in the Thompson Wildlife Sanctuary. USGS will soon be confirming this assessment. Oregon Fish and Wildlife states that "Protecting Oregon spotted frog populations through maintaining healthy aquatic habitats will continue to be the key objective of land managers." USFWS requires critical spotted frog habitat to be preserved and enhanced. A public trail and certainly, a bridge, would interfere with this goal.

MARTEN LAW

October 28, 2015

MARTEN LAW
404 SW Columbia St, Suite 212
Bend, OR 97702

Via Email and First Class Mail

Oregon Parks and Recreation Department
Attention: Deschutes Rulemaking
725 Summer St. NE, Suite C
Salem, OR 97301
oprd.publiccomment@oregon.gov

Re: Opposition to Proposed Amendment to OAR 736-040-0073

Dear Hearings Officer:

Our office represents Matt and Diana Tomseth, the owners of two riverfront parcels along a segment of the Upper Deschutes State Scenic Waterway. We are writing to register our opposition to the proposed amendments of OAR 736-040-0073 that would authorize the eventual construction of multiple bridges along this designated portion of the state scenic waterway.

The area impacted by this amendment stands as one of the most scenic sections of the Upper Deschutes River. This Scenic River Area is characterized by a steep canyon with turbulent waters and abundant wildlife. There are no developed trails in this section of the river, allowing the area to serve as important habitat for river otters, bob cat, elk, deer and numerous other fish and wildlife species. The area provides a refuge for wildlife where they are free from conflicts with hikers, bikers and pets. The homes in this section of the river are located on the canyon rim, far above the river in locations that minimize conflicts with wildlife. The future construction of bridges in this area would be detrimental to the natural and scenic values of the river and contrary to the Scenic Waterways Act, ORS 390.805-.940 (the "Act").

The Tomseth property itself is characterized by very steep terrain and is not an appropriate location for trail or bridge construction. The placement of a trail or bridge in this location would severely impact the natural and scenic values of the river corridor. Significant cut, fill and excavation work would be required in connection with the development of any new bridge or trail and such construction could not be completed in accordance with the standards set forth in OAR 736-040-0073(2). Applicable setback requirements would necessitate substantial excavation work to the detriment of the natural and scenic values for which this segment of river was designated under the Act. Loose rock and steep terrain create a safety hazard in connection with the development of any trail corridor in this area.

The Upper Deschutes River Scenic Waterway rules (OAR 736-040-0073) were developed in accordance with ORS 390.845 and are intended to reflect the management principles, standards and plans related to this unique section of scenic waterway. The rules are

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based on the special attributes of the area and specify the management principles and development standards necessary to "protect or enhance the aesthetic and scenic values" of the river segment. ORS 390.845(2). The limitation on bridge construction is contained in both OAR 736-040-0073(1)(e) and the implementing "Upper Deschutes State Scenic Waterway, Comprehensive Management Plan." The isolated removal of this important management prohibition is contrary to the significant master planning efforts conducted to date and would work to undermine the natural, scenic and wildlife values of this important river segment.

The Upper Deschutes State Scenic Waterway, Comprehensive Management Plan was developed as a "comprehensive and workable management plan which will protect or enhance the special attributes of the designated river corridor." *Management Plan, Page 48.* Land management rules for the designated "River Community Area" specifically prohibit the construction of bridges. This prohibition represents a balancing of land management "program goals" that are designed to protect and enhance scenic, aesthetic, natural, recreation, scientific, fish and wildlife values. Program goals also provide for the protection of private property rights and explicitly prohibit "public use of private property without the explicit consent of the landowner." The proposed amendment would remove a critical land management prohibition that has been implemented as a central component of the governing master plan. It is not appropriate for the department to remove this prohibition without thoroughly evaluating the impact of this change on the master plan. The required evaluation cannot be performed until a "location specific" bridge and trail proposal is reviewed and evaluated as part of the master planning process.

For the reasons set forth above, we strongly urge the Hearings Officer and department to deny the proposed rule change. Thank you for the opportunity to submit our comments.

Sincerely,

Myles A. Conway

cc: Matt and Diana Tomseth

October 21, 2015

City of Bend Parks and Recreation District
State of Oregon Parks and Recreation Department

Re: South Deschutes River Canyon Crossing

My name is Dennis Griffin, my wife Jody and I are the homeowners at 60755 River Bend Drive, Bend, Or 97702.

It has come to our attention that the City of Bend Parks and Recreation District in concert with the State of Oregon Parks and Recreation Department are trying to circumvent the guidelines and intent of the Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Management Plan dated July 1996. Specifically the placement of a bridge in this regulated corridor.

We purchased our property in 2003 and we were very familiar with the guidelines and intent of the aforementioned comprehensive management plan prior to our purchase. Our home and property are located in segment 4F and therefore enjoys protection under the Federal Wild and Scenic River Act. This is the specific reason we purchased this property, it is mandated that this section of river corridor is to remain unchanged for ¼ mile on either side of the river.

The intended purpose of the Wild and Scenic Rivers Act is, and I quote, as follows;
"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

The management plan refers to the vegetation along this segment of river as having an "Outstandingly Remarkable Value", we could not agree more.

Seventeen cooperators endorsed this comprehensive management plan with the placement of their signatures. They knew exactly what they were doing, enforcing the intent of the Wild and Scenic Rivers Act. We strongly urge that the rules, regulations, intent and spirit of this comprehensive plan be adhered to in its entirety. There are multiple alternate locations for placement of a bridge that do not impact this section of the Upper Deschutes River.

Regards,

Dennis K. Griffin Jody G. Griffin

Dennis and Jody Griffin
denjogriffin@earthlink.net

October 28, 2015

Chris Havel, Hearings Officer
Oregon Parks & Recreation Department
725 Summer St. NE, Suite C, Salem, OR 97301-1226

SUBJECT: **Agency Public Hearing on Proposed Amendments to OAR 736-040-0073(1) and (2) for the Upper Deschutes River Scenic Waterway to Remove Restriction on Bridge Construction**

Dear Mr. Havel,

The Bend Parks and Recreation District is requesting that the Parks and Recreation Commission initiate the process to amend the administrative rules pertaining to the Upper Deschutes River State Scenic Waterway. Specifically, Sections (1) and (2) pertaining to the *Scenic River Area* and the *River Community Area.*

The district is requesting that the rules be amended to remove the current prohibition on non-motorized pedestrian and bicycle bridges from crossing the Deschutes between the Arnold diversion and the COID diversion point.

Changing the administrative rules to allow river crossings within a national Wild & Scenic River is beyond any single agency or commission authority, including the department or Oregon Parks and Recreation Commission. It shouldn't be taken lightly. It isn't minor or technical in nature, or an agency housekeeping item. It's also not an item identified for future consideration under the Upper Deschutes Wild and Scenic and State Scenic Waterway Comprehensive Management Plan (CMP). Rather, it's a major change in an existing long-standing policy that has been endorsed by multiple agencies and management authorities. All state, federal and tribal agencies that signed the Management Plan should have the opportunity to fully consider this major shift in policy, especially with regards to the *Scenic River Area* segment.

We believe that there is good cause for the department to recommend that the Commission deny the petition in its entirety. However, we have already informed the district that we would not oppose a bridge crossing within the city limits and the *River Community Area* of the Upper Deschutes State Scenic Waterway under OAR 736-040-00732(2). The comments present herein show cause for the change in rule under Section (2), and reasons strongly against rulemaking under Section (1) for *Scenic River Area*.

For that reason, we would withdraw our objection and comments, in part, if:

1. The requested petition for the rule amendment is Withdrawn or rejected in terms of the *Scenic River Area* under OAR 736-040-0073(1); and

2. The Commission initiate rulemaking to consider allowing no more than two non-motorized bridge crossings located entirely within the *River Community Area* boundary of the Scenic Waterway under OAR 736-040-0073(2).

Based on information generated by the district on bridge options within the *River Community Area*, no more than two bridge crossings would appear to be necessary. As such, we ask that the rule amendment further limit the number of bridge crossings, within the *River Community Area* only, to no more than two.

We object to any fast-track rulemaking and ask that the Commission hold a public hearing here in Bend to consider rulemaking. If the decision to proceed is made, we ask the Commission to appoint a Rural Advisory Committee (RAC), representing all sides of this issue and interest groups, to study the implication of a rule amendment to allow up to two bridges within the *River Community Area* of the State Scenic Waterway.

Thank you for the opportunity to provide comments on this important matter.

Yours truly,

Douglas R. & Linda J. White
60762 River Bend Drive
Bend, Oregon 97702

Attachment: Additional Comments Submitted into the Record

Comparison of Advantages and Disadvantages of the Requested Rulemaking by River Segments

River Community Area - OAR 736-040-0073(2)	**Scenic River Area - OAR 736-040-0073(1)**
Outside a national Wild & Scenic River	Inside a national Wild & Scenic River
The CMP's Goal is to "*allow* development compatible with the city land use planning and zoning ordinances and ensure that any new developments are *unobtrusive*." <Web II as: "not noticeable">	The CMP's is to "*Preserve* the area's scenic character and ensure that all new developments *blend into the natural character of the surrounding landscape*."
Easements do not appear to be limited under the CMP.	Easements that are granted appear further limited to only those shown to be consistent with the purpose and intent of the national Wild and Scenic Rivers Act.
The CMP does not mention new bridges outside the national Wild & Scenic River	Even with rule amendment new bridges are "discouraged" under the CMP.
Since being downriver from Inn @ 7th Mt and off federal land this area is "not a significant concern for impacts to [Oregon] spotted frog" according to the DNF.	Since crossing has federal nexus involving federal land, an Endangered Species Act (ESA) Section 7 consultation process with USFW service would need to be initiated.
Primary permit authorities – OPRC & City of Bend. <Clear> permit process: 1. Applicant/Owner: Land Owner(s) & BPRD. 2. Authorities: OPRD NOI & City Land Use Decision	Deschutes County, OPRC, USFS/FW and other authorities with <complex> permit processes: 1. multiple applicants/owners - <each needing to ask the other for permission> 2. Authorities: USFS Special Use/NEPA, USFW ESA, OPRD NOI, Deschutes County, others?
Inside the BPRD boundary and UGB	Outside the BPRD boundary and UGB
City Land Use Plan (TSP) includes policy/process to review and approve crossings using Goal 5 process.	Deschutes County Plan TSP is <silent> in terms of bridge crossings within county jurisdiction and on the DNF.
Includes one <avoidable> significant Goal 5 wetland identified and protected by city code.	Includes significant and non-significant wetlands, but no local wetland inventory (LWI) or detailed assessment of wetlands/functions to distinguish them; Only inaccurate maps available showing endangered species habitats.
Bridge crossings under the Bend DC are not restricted by special setback standards for structures as per current ruling issued in county land use case (not final decision however).	Bridge crossings are restricted by <complex> set of County zoning setback standards for structures, as per current land use ruling.

Oregon Parks and Recreation Department
Public hearing on proposal to amend Oregon Administrative Rule 736-040-0073
799 SW Columbia Street, Bend, OR
6-8 p.m., October 28, 2015

Comment sheet – please print neatly

Your first and last name: Linda Winter

Your residential address: 60762 River Bend Dr. Bend OR 97702
(street) (city) (state) (zip)

Comment:

My Consorn is changing the laws about the bridges in this area opens up a whole other can of worms which could not protect the beauty, property value of those effected. Also more opportainity for fire in areas that would need to be explored. Area's where wind funnels up and ~~hand~~ has already happened. This would indeed change the look of a scenic area. Public is hard on sensitive area's and is disrespectful. why not just keep things protected spotted frog, wild life in area.

You may comment here in writing and hand to the hearings officer today, or submit comments by email to oprd.publiccomment@oregon.gov.

All comments must be received no later than 5 p.m., October 30, 2015 to be considered. OPRD Staff will summarize comments and make a recommendation to the Oregon State Parks and Recreation Commission in February 2016. To be placed on a emailing list on this topic, send an email to oprd.publiccomment@oregon.gov and say you're interested in the Upper Deschutes rule.

More information on Oregon's scenic waterways is online at http://bit.ly/scenicwaterways.

60663 River Bend Dr.
Bend, OR 97702-8945
November 3, 2015

Oregon Parks and Recreation Department
1115 Commercial St NE., Suite 1
Salem, OR 97301-1002

Re: Upper Deschutes Bridge Proposal

Dear OPRD:
I attended the public hearing held in Bend on October 28, 2015. I was also a member of the Citizen Advisory Committee sponsored by the Bend Park and Recreation District (BPRD) to consider a project to locate and build a bridge across the Upper Deschutes River upstream from Bend. I live on the river in the River Bend Estates neighborhood, on the east side of the river.

I am opposed to amending the Scenic Waterways act to permit bridges to be built across the Upper Deschutes River. A bridge across any portion of the river considered by BPRD would substantively alter the nature of the Upper Deschutes from a Wild and Scenic River to a ***Domesticated, Tamed and Convenient*** River. The whole purpose of the Scenic Waterways Act of 1970 was to prevent this from happening. To quote your own pamphlet, *Oregon's Scenic Waterways:*

> "Oregon's Scenic Waterways Program was born in 1970 when Oregon citizens voted, by a two-to-one margin, for an initiative establishing the Oregon Scenic Waterways Act. Passing this law showed that Oregonians could come together to improve and protect an environment they love, and **want to pass on to generations to come**." (emphasis added)

The folks who wrote into law the prohibition of bridges in our area knew what they were doing. They could envision growth in the area and the threat it would pose to the Scenic Waterway. The presence of any bridge (ones built by BPRD are not narrow, but rather wide, even for "pedestrians and bicycles") ruins the whole spirit and atmosphere of a wild and undomesticated landscape. That is not what the Upper Deschutes is all about.
If the act is amended to permit the bridge proposed by BPRD more bridges build by developers could follow – perhaps not immediately, but at some future point. So, for the convenience of users, can you envision asphalt paving on the trails, rain shelters along the trail, restrooms, drinking fountains? An exaggeration now, but who knows? This along a "wild and scenic river" – please!
My neighbors and I welcome those who use the trails appropriately on both sides of the river. The essence of the river is preserved and enjoyed by their presence. What we do not want to witness is the loss of the river we cherish. Please do not allow the amendment. Thank you.

Sincerely,
Don M. Hartsough