



**PORTLAND PARKS & RECREATION** <sup>SM</sup>

Healthy Parks, Healthy Portland



*Board Members*

*Patricia Frobes, Chair*

*Kendall Clawson, Vice Chair*

*Paul Agrimis*

*Tonya Booker*

*Michelle Dedeo*

*Jenny Glass*

*Ian Jaquiss*

*Joseph O'Leary*

*Jim Owens*

*Gladys Ruiz*

*Judy BlueHorse Skelton*

*Kathy Fong Stephens*

*Christa Stout*

*Paddy Tillett*

*Jeff Anderson, Ex Officio*

*Meryl Redisch, Ex Officio*

# Parks Board Meeting Written Public Testimony

*December 5, 2017*

*Sustaining a healthy park and recreation system to make Portland a great place to live, work, and play.*

1120 SW Fifth Avenue, Suite 1302 | Portland, Oregon 97204 | 503-823-PLAY (7529)

[portlandparks.org](http://portlandparks.org) | Commissioner Amanda Fritz | Director Mike Abbate



**PORTLAND PARKS BOARD TESTIMONY  
DECEMBER 5, 2017  
REGARDING FOREST PARK OFF ROAD CYCLING PROPOSAL  
BY BUREAU OF PLANNING AND SUSTAINABILITY**

**By Marcy Houle**

I am a wildlife biologist and author, and have been involved with ecological studies of Portland's Forest Park for over 30 years. Working with other regionally and nationally known scientists, I assisted in creating the specifications of the Forest Park Natural Resources Management Plan for the protection of Forest Park wildlife and natural ecosystem.

**Ordinance 168509**, known as the Forest Park Management Plan, clearly states that a "**Six Point Wildlife Plan**" must be completed for Forest Park before any new use or change in use can be permitted in Forest Park. This is Environmental Code and Land Use Law.

The Six Requirements are as follows:

1. To begin regular monitoring of natural resources to determine if resources are being sustained, improved, or degraded over time.
2. To coordinate wildlife monitoring with recreation monitoring.
3. To develop a monitoring protocol.
4. To establish permanent wildlife monitoring stations.
5. To monitor stations on an annual basis.
6. To conduct periodic nighttime wildlife censuses.

***TO DATE, NONE OF THE SIX POINTS, AS REQUIRED BY LAW, HAS BEEN DONE.***

**These requirements were put into place by scientists and managers to establish what the carrying capacity of Forest Park is. This "baseline" *must* be determined before allowing any increase or change in use in Forest Park, to insure the health of the resource can be guaranteed—which is the top priority for Forest Park as stated in the Ordinance.**

**In 2012, under the direction of Commissioner Fish, Portland Parks conducted a wildlife report and a two day snapshot of Forest Park wildlife, which I was also a leader. We need to be clear: All involved in this report have said this this 2-day field study and report is NOT a BASELINE.**

***THERE IS NO USER GROUP THAT IS BEING SINGLED OUT BY THIS LAW.*** It applies to all. We are not singling out narrow path cyclists. Just as we aren't singling out equestrians who also desire more bridle paths, dog lovers who desire more off-leash parks, hikers who desire more connecting trails, and runners who desire obstacle courses.

There are lots of desires for Forest Park. But the fact still remains, the HEALTH OF THE PARK IS THE TOP PRIORITY, BY LAW. The ordinance is written so that *all* groups must comply and be held to the standards to protect the unique ecological features of Forest Park and for the benefit of future generations.

*One of Oregon's greatest Senators, Richard Neuberger, penned a national article in 1956 about Forest Park. In the piece he showcased its value and vision and wrote: "Portland's boundaries enclose a wilderness" that he and generations have treasured. He ended with: "I truly hope there will always be men and women in Portland who will fight to keep it that way."*

MY QUESTION FOR YOU IS:

AFTER 70 YEARS OF CAREFUL MANAGEMENT TO PROTECT THIS UNIQUE PLACE WITH NATURAL RESOURCES NOT KNOWN BY ANY OTHER MAJOR CITY -- WILL YOU BE THE PARK BOARD THAT STOOD UP FOR THEM, UPHELD THE VISION, OR WILL YOU BE KNOWN AS THE PORTLAND PARK BOARD THAT DISREGARDED THE LAW AND LET THE VISION DIE?

K.M. of Willamette Heights: *"Associating Marcie with Goebbels is cruel and wrong."*

B.E. of Lost Park, *"I thought the comparison with Goebbels was hysterical."*

Of course, people get called names all the time. If one takes a stand of any kind, one needs to develop a thicker skin. I have been called other things when I have testified in defense of Forest Park. This time, though, feels worse.

Being compared to a Nazi propagandist, is uncomfortable for me, yes, but for those whose friends and family members suffered from his role in the extermination effort, it seems truly disturbing for its utter lack of moral decency.

The issue goes deeper, though. Some off road cyclists, I know, are angry. And, I believe, understandably so. They wish venues to do their sport. We need to look for these places. There are hundreds of acres in and around Portland that could be proposed -- notably the buttes owned by the city in southeast. Numerous locations do not have laws restricting this use, as Forest Park does -- laws that have been carefully considered and written by scientists and professionals for the protection of Forest Park's highly sensitive natural habitat.

If there is blame to be laid for this unfortunate and inflammatory debate then BPS must share in it. The Bureau of Planning and Sustainability and Portland Parks have not made the public aware of the legal issues surrounding the park.

For all the citizens of Portland's sake, it's time they took responsibility.

*Marcy Houle of Portland is a writer, wildlife biologist and award-winning author of four books, including "One City's Wilderness: Portland's Forest Park." Email: [mjhoulebiologist@gmail.com](mailto:mjhoulebiologist@gmail.com)*

Address to the Portland Parks Board on Dec 5, 2017 by Paul Majkut, Attorney at Law

In *Half-Earth, Our Planet's Fight for Life*, 2016, p. 135, Edward O. Wilson wrote:

“The clear lesson of biodiversity research is that the diversity of species, arrayed in countless natural ecosystems on the land and in the sea, is under threat. Those who have studied the database most carefully agree that human activity, which has raised the species extinction rate a thousand times over its prehuman level, threatens to extinguish or bring to the brink of extinction half of the species still surviving into this century. Yet there remain scattered around the world many reservoirs of Earth's biodiversity, from a few acres in area to authentic original wildernesses with areas in excess of many thousands of square kilometers. Almost all of these last domains of the natural living environment are under some degree of threat or other, but they can be saved for future generations if those alive today have the will to act on their behalf.”

Forest Park is a reservoir of Earth's biodiversity. In *One City's Wilderness*, Portland's Forest Park, OSU Press, 2010, p. 58, Marcy Houle wrote:

“With the exception perhaps of martens, all of the species that Lewis and Clark recorded in 1806 can still be observed in Forest Park. From a biological standpoint, it is critical to remember that this assemblage of Northwestern animals is not random but instead has evolved over centuries of time, owing to each animal's specific adaptations to its habitat. All wildlife species have requirements for breeding areas and feeding sites, and this results in wildlife and habitat being completely interrelated. Wildlife is its habitat. The two cannot be separated.”

As I pointed out in my two August letters to the Portland City Council: The 1995 Forest Park Natural Resources Management Plan is a city ordinance that “maintain(s) (Forest Park's) wilderness quality while allowing appropriate passive recreational use.” The Plan struck this balance by not allowing mountain bikes on the steep, soft dirt surfaces of the Park, but only on 30 miles of roads and hard packed surfaces of some Fire lanes. In proposing new mountain bike trails in the Park through the Off- Road Cycling Management Plan (ORCMP) staff have simply ignored this city ordinance's requirements.

Mountain bikes tear up habitat and disturb wildlife well outside the trail and disrupt their nesting and foraging behavior. Creating new single-track trails for bikers will fragment existing habitat and displace wildlife in new areas, reducing the diversity and number of wildlife species there. As the West Hills Wildlife Corridor study concluded in 1990: “The process of fragmentation (of natural habitat) is, for all practical purposes, irreversible.” *One City's Wilderness*, p. 56.

As I pointed out in my October letter to the Portland City Council: Mountain biking exposes hikers and riders to the danger of spinal and other injuries. The design, construction and maintenance of mountain bike trails exposes the City and its employees to expensive liability for personal injuries.

Forest Park can be saved for future generations if you recommend against and the city does not allow mountain biking down the steep, soft dirt slopes of Forest Park. Thank you.

Paul Majkut is a 1975 graduate of the University of Washington School of Law. He retired in 2014 as Deputy General Counsel for the Bonneville Power Administration after nearly 30 yrs at BPA. He was a staff attorney with the Fish and Game Division of the Washington State Attorney General's Office from 1977 to 1984. He has broad experience in the area of environmental law. He provides pro bono legal advice to the Coalition of Oregon Land Trusts for its members.

My name is Patrick Mullaley. Your packet has testimonials from park enthusiasts, with a variety of personal experiences encountering Forest Park cyclists.

Personally, I have witnessed a youth soccer team, training on the Wildwood Trail north of the archery range, scramble to step aside as bicyclists rode by.

I myself encountered 2 bicyclists in rapid descent on switchbacks on the Tunnel/Cumberland trails above NW Cornell and had to take evasive action.

And I have witnessed bicyclists on the Wildwood Trail between Lower MacCleay Trail and Holman Lane.

For both bicyclist and hiker, in a confined trail setting, neither can always predict which way the other will turn. We are talking about elements of surprise, reaction times, escape routes, peripheral vision, the physical width of bike and body on the trail, anticipation, and respect.

All this is exacerbated by an enforcement crisis in the Park. The ill-conceived plans to entertain off road cycling and subsequent lack of enforcement, lack of a clear understanding and support of the laws that exist, including the 1995 Forest Park Natural Resources Management Plan, point to a seeming abdication of responsibility by the Parks Department and City of Portland and this has allowed our current conflict to arise and grow.

## **Make Forest Park Safe Again Petition**

**Delivered to City Council December 2, 2016 and June 19th, 2017**

**Submitted as testimony to the Off-Road Cycling committee, Michelle Kunec-North, Tom Armstrong and Portland Parks and Recreation Director Abbate**

**These are excerpted comments from the petition reporting injuries, near misses, intimidation and illegal biking on pedestrian only trails**

### **•Hit by cyclists**

KAREN DAVID Portland, OR 2016-08-06

I have been run over by cyclists on these trails.

BRANDY SAFFELL Portland, OR 2016-07-26

I think we should keep the trails that are off-limits to cyclists as such. As a trail runner in forest park, I have been injured in the past by collisions and near- collisions with cyclists on the narrower trails. I have also seen other people nearly run off the trails, and dogs spooked by cyclists. I recommend keeping the trails as they are, as a citizen of Portland and regular user of Forest Park.

IAN SMETHURST Portland, OR 2016-07-27

My young son one was almost run over on Holman Lane! Do not want any more bikes on walking trails! Having done 3 Cycle Oregons I know the Wildwood is not a good idea given the number of people walking! Thanks for your consideration!

BILL CUNINGHAM Beaverton, OR 2016-08-15

I was once forced off a trail, injuring a knee that required a trip to the ortho. I have also had dozens of near misses. Bikes should not be allowed on trails currently designated pedestrian only.

MAXINE DEXTER Portland, OR 2016-07-27

My family of four as well as our pets use this park system on foot almost daily. We rely on the serenity and ability to observe animals and vegetation in their natural habitats. This is our refuge. Bikes have already destroyed parts of the park where they go off-trail and have run directly into my husband and I as well as our dog when walking at night. Bikes



MARYANN AMANN Portland, OR 2016-08-21

I hike regularly in Forest Park and do not want to be run over by bikes on the hiking trails. I have been in close calls with bikers over the years and there is no reason for them to use designated hiking trails. Bikes cause too much erosion - let them continue to ride Leif Ericsson. Let us hike in peace and maintain the ability to be in silent meditation in the Forest.

ALICIA EMEL Portland, OR 2016-08-14

I have been almost hit several times by bicycles while hiking. There is no way that bicycles can safely share hiking trails with hikers. Please keep Forest Park safe and continue to limit biking in the park!

CINDY PRICE Portland, OR 2016-07-25

I hike and run these trails for the last 20 years. Cycling tracks are all over Wildwood. I came a millimeter away from having a cyclist crash into me. I had to jump off the trail to avoid serious injury. When it happens next, how would you like me to title my lawsuit against the city?

ANN-MARIE CORDOVA Portland OR 2016-09-15

I grew up in Portland and have spent a lot of time in Forest Park, with friends, my kids and even alone. I feel that the cyclists have made the park unsafe. I have almost been hit by out of control cyclists.

PATRICK MULLALEY Portland, OR 2016-07-29

I have been sideswiped by bicycles on several trails in Forest Park. Not Safe!!

BRUCE SWANSON Baltimore, MD 2016-08-04

I'm signing because I had a run in with a cyclist in both Forest Park and Marquam.

ETHEL KRUM Portland, OR 2016-10-20

I hike the trails with family and friends and get run down by bikers. The way they tear up the environment and scare wildlife.

TOM WILSON Portland, OR 2016-10-20

I have almost been run over by bicycles zooming downhill. Give walkers a break. I have also seen the ruts which channel water downhill.

users and the condition of the trail which currently has ruts and muddy areas from foot traffic. Even if bikes were restricted to the fire lanes, riders will not restrict themselves to them. If I see bikes now -- where they are not permitted -- I can only imagine that the current problem will be magnified exponentially, taking away the peace and calm beauty for the many in favor of the few.

MIKE LINDBERG Portland, OR 2017-04-02

Almost been run over by bikes

PETER LYTE Portland, OR 2017-04-15

Well, I already run into bicyclists on trails every month. They don't seem to recognize the No Cycles Allowed signs currently in place. I doubt very much many will follow any regulations that are established. Also I've experienced a couple of near misses on Leif Erickson Rd. I believe the safety, not to mention the ecology, of Forest Park will be significantly damaged by allowing bikes to access trails.

Not only are hikers in jeopardy, I'd include the bikers themselves. From our house we can see Aspen and Wildwood trails. More than several times we've watched bicyclists at night, after 9 PM, going down the trails using helmet or bicycle lights for illumination. While I admire the bravado it takes to do such a stunt, I feel they are putting wildlife, any hikers they might encounter and themselves in serious jeopardy. Authorizing bike use will only increase the number of "brave" souls who'll attempt this "sport".

•**Have seen bikes**

SHARON MURPHY Portland, OR 2016-08-11

I once enjoyed the park and now it doesn't feel safe to walk with my dog. We don't like the high speed cyclists.

BILL CUNNINGHAM Beaverton, OR 2016-08-15

I walk those trails regularly and have already encountered bikes even when they are not supposed to be there. Without diligent enforcement (and stern consequences) this creates a very dangerous situation already. What will open permission create?

MARGOT THOMPSON Portland, OR 2016-07-26

City officials are trying to subvert the law by allowing uses that are clearly destructive to the environment of Forest Park. I am an avid cyclist but feel the trails are now unsafe for pedestrians because cyclists are not obeying current laws and or showing considerate behavior toward pedestrians and hikers of all ages using the trails in the park. Metro owns land further out on skyline and that is an area with clear-cuts and places perfect for the development of single track cycling. Please consider near-in but entirely different places. Thank you!

P. SYDNEY HERBERT Portland, OR 2016-07-25

I love Forest Park and I don't appreciate being run over. The scofflaws are taking over the Park. We need enforcement!

NORMAN SHAFFNER Portland, OR 2016-07-26

I've witnessed the destructive unruly behavior of these mountain bike delinquents.

ROBERT DAYTON Portland, OR 2016-07-27

I live next to the Park. Use is at a very high rate. Single track biking does not fit. Runners and hikers have to watch out for bikers now. They need to find an appropriate place elsewhere.

JANE BUCK Tualatin, OR 2016-07-27

Dangerous to walkers. Having to always step aside for cycling.

BILL MADILL Portland, OR 2016-07-27

We walk the trails in Forest Park frequently and dealing with bicycles on them is bad enough now. Worrying about being run into does not make for a good hike.

THOMAS CRITES Portland, OR 2016-07-27

I run these trails and know how unsafe it is to have bikers on them.

NATHAN GRANT Portland, OR 2016-07-27

I'm originally from Minneapolis where the pedestrian and bike paths around the lakes were traditionally shared... until a pedestrian was killed by a cyclist. The city immediately developed separate paths. Adding cyclists to the narrow hiking trails in Forest Park with their countless blind

STEPHANIE LAMONICA Portland, OR 2016-08-04

bikers who are riding on the wrong paths make it unsafe for everyone -- for our children, for our pets, for elderly, for people just out enjoying the quiet. why should we have to put up with that? they have fire trails, and, they can go to powell butte. they also have lief ericson. enough is enough.

MADISON KENNEY Portland, OR 2016-08-14

I have hiked and run on the trails in Forest Park since I was very young. I have encountered bikes during this time, and have always found them to be presenting a serious safety concern. When I am running on a trail, I don't want to have to worry about being hit by a bike, I just want to enjoy the wonderful nature all around me.

MICHAEL KRUTSCH Portland, OR 2016-08-16

Protect wildlife and keep the park from cycle routes. Cycling only makes camping easier. Also as a hiker, having bikes zooming by is not peaceful.

I use the park and its trail system and I believe it would be dangerous to walkers (I've met a cyclist on a blind curve) and I believe it would be detrimental to the park

GEOFF CARR Portland, OR 2017-02-22

As a hiker nothing is quite as scary as in ones quite reverie being broken by a biker coming full speed at you or on your tail.

KATHERINE LYTE Portland, OR 2017-05-07

Forest park is in my backyard and I have observed many violations of the no bike signs why destroy a good quiet place for families