

**REQUEST TO REOPEN, REDO AND  
DELAY OR CANCEL  
THE CABIN BUTTE VEGETATION  
MANAGEMENT PROJECT,  
AN ACTION REQUIRED BY SECTION 18,  
FOREST SERVICE HANDBOOK (FSH)  
1900.15, NATIONAL ENVIRONMENTAL  
POLICY HANDBOOK**

**Submitted By And On Behalf Of  
Persons Experiencing Homelessness  
In The Cabin Butte Project Area**

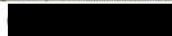
**March 25, 2025**

**Respond To:**

**Eric Garrity  
On behalf of Bend Equity Project  
[eric.garrity87@gmail.com](mailto:eric.garrity87@gmail.com)**



**Charles W. Hemingway  
On behalf of Home More Network  
[hemingwaych@bendnet.com](mailto:hemingwaych@bendnet.com)**



[Written responses should be addressed to either of the above at  
680 NW Bond Street, Bend, OR 97703]

## TABLE OF CONTENTS for REQUEST TO REOPEN

Section	Page
<b>INTRODUCTION</b>	1
<b>II. ISSUES REQUIRING CORRECTIVE ACTION</b>	2
A. Forest Service Failure to Implement the Mitigation Plan It Announced in December 2022 Is Creating a Public Health Crisis	2
B. Failure to Acknowledge the Impact on the Human Environment As an Issue	5
C. Failure to Identify Adverse Impact of Displacement of the Homeless & On the Community	5
D. Failure to Do the Required Collection of Information	8
E. Action by Forest Service Appears to Be In Contravention of Spirit & Intent of State Law	9
F. Characterization by the Forest Service That the Closure Is Temporary Is Erroneous	9
G. Failure to Mention the Significant Number of Homeless in the Final EA and FONSI	10
H. Inadequate Notice to Affected Parties	10
I. Failure to Follow the CEQ's NEPA Regulation and the Forest Service's Own Regulations in the EA Process	11
J. Refusal to Acknowledge the Presence of Homeless Persons in the Project Area Throughout the EA Process	11
<b>III. THE FOREST SERVICE'S REGULATORY REQUIREMENT TO REOPEN, RECONSIDER AND REDO THE FINAL EA AND FONSI</b>	13
Summary	13
Action Requested	14
<b>ATTACHMENT A – EXTRACT FROM FINAL EA, PAGE 223</b>	
<b>ATTACHMENT B – REGULATORY ANALYSIS MEMORANDUM FOR RECORD</b>	
<b>ATTACHMENT C – NEWS ARTICLES OVER YEARS ABOUT AREA AND CHINA HAT HOMELESS</b>	
<b>ATTACHMENT D – SERVICE PROVIDER STATEMENTS</b>	
<b>ATTACHMENT E – EXTRACTED INFORMATION FROM DISABILITY DISCRIMINATION COMPLAINTS FILED BY UNHOUSED PERSONS LIVING IN THE CABIN BUTTE PROJECT AREA – INDIVIDUAL COMPLAINTS WERE SUBMITTED TO THE US DEPARTMENT OF AGRICULTURE OFFICE OF CIVIL RIGHTS</b>	

**REQUEST TO REOPEN, REDO AND DELAY OR CANCEL THE CABIN BUTTE  
VEGETATION MANAGEMENT PROJECT, AN ACTION REQUIRED BY SECTION  
18, FOREST SERVICE HANDBOOK (FSH) 1900.15, NATIONAL ENVIRONMENTAL  
POLICY HANDBOOK**

**DATE:** 3-25-2025

**TO:** Holly Jewkes, Forest Supervisor, Deschutes National Forest

This is a Request to Reopen, Revise and Redo the Finding of No Significant Impact (FONSI) and Environmental Assessment (EA) and, consequently, to delay and/or cancel the Cabin Butte Vegetation Management Project until a legally sufficient EA and FONSI are prepared which addresses critical issues of impact on the human environment that the original EA and FONSI failed to address.

This Request is on behalf of the more than 100 persons experiencing homelessness currently living on the land, most of whom report disabilities, who will be involuntarily displaced effective May 1, 2025 with no place to go unless the Cabin Butte project is delayed or cancelled.

**I. INTRODUCTION**

1. On January 31, 2023, District Ranger Kevin Larkin, Bend Fort Rock Ranger District, signed a Final Decision Notice and Finding of No Significant Impact (FONSI) to close 34,600 acres of the Deschutes National Forest in what is called the Cabin Butte Vegetation Management Project.
2. On January 16, 2025 a press release from the Bend Fort Rock Ranger District announced that the project would begin May 1, 2025, closing a forest area south of Bend known as China Hat. This is an area of national forest on which it is estimated that more than 100 unhoused persons (some estimate the number at close to 200) currently reside, of whom it is estimated that perhaps 60% or higher have medical vulnerabilities and/or disabilities.
3. The significant number of individuals who will be displaced, coupled with the substantial number of those with medical vulnerabilities and/or disabilities, invoke significant social and environmental justice issues and civil rights impacts which should have been, but which were not, identified as an issue in the preparation of the Draft Environmental Assessment (EA) and the Final Environmental Assessment upon which the January 31, 2023 FONSI is based.<sup>1</sup>

---

<sup>1</sup> What is unclear from the EA and FONSI and what needs to be made clear here is that these individuals, these campers, are not short-term campers who can pick up and go. Most have been living for years in the China Hat location of the Cabin Butte project area with the overt knowledge and tacit permission of the Forest Service. Most



4. At ATTACHMENT E are an extract from 80 Disability Discrimination Complaints<sup>2</sup> by current residents in the Cabin Butte project area that have been submitted today to the Office of Civil Rights, U.S. Department of Agriculture (USDA). In order to comply with USDA complaint processing requirements, due process requires at a minimum that the Cabin Butte project be delayed until these Complaints have been processed.<sup>3</sup>

5. Important, significant economic and social issues affecting local residences, neighborhoods, the city of Bend, Deschutes County, ODOT, law enforcement, fire, emergency, medical and other social and other services related to the adverse impact of displacing more than 100 unhoused individuals as of May 1, 2025 were not addressed in the Final EA and FONSI.

6. Based on the information provided below, and due to these unresolved and unaddressed issues, the language of Section 18, Forest Service National Environmental Policy Handbook, requires that the Final Decision Notice and Finding of No Significant Impact be reopened, revised and the project delayed or canceled until such time as the Forest Service has addressed these issues and coordinated with the city, county and state on a displacement plan and a plan to ameliorate the adverse impacts of the displacement on neighborhoods, law enforcement, fire, emergency, medical and other services.

## II. ISSUES REQUIRING CORRECTIVE ACTION

### A. Forest Service Failure to Implement The Mitigation Plan It Announced In November 2022 Is Creating A Public Health Crisis.

1. Throughout the Draft EA and Final EA process the Forest Service failed to acknowledge as an issue the presence of more than 100 homeless persons in China Hat, referring to it as “dispersed camping.”

---

of these unhoused are in operative and non-operative vehicles where they have lived for years. Many work but live in China Hat because they cannot find an affordable place in Bend. These vehicles are homes that they will be losing. Given the overt knowledge and tacit permission of the Forest Service in allowing this set of circumstances to exist for years and years, the Forest Service should be equitably estopped from saying it will unilaterally displace all these persons and that this is all right because they have been there beyond the 2-week limit.

<sup>2</sup> To protect the privacy of those who filed the Discrimination Complaints and because they also fear retaliation from Forest Service law enforcement if their names are known, ATTACHMENT E provides initials only of these 80 individuals. Also noted are the disabilities each claims and whether or not the individual is listed in the Homeless Management Information System (HMIS).

<sup>3</sup> USDA guidance on filing a Program Discrimination Complaint states that if the complaint is accepted for processing, an investigation ensues, which will necessarily take time to complete, given the number and complexity of the disability discrimination claims involved. The guidance further states that if the complaint is not accepted, if the complaint involves a claim of disability discrimination, there is a right of appeal within 90 days to the USDA Assistant Secretary for Human Rights. This will involve further time. So there are two justifications for delay: (1) The time it will take to process the disability discrimination complaints, but (2) the real underlying necessity for delay – the inadequacy of the Final EA and FONSI for failure to address the impact of the proposed action on the human environment, and which requires the reopening and redoing of both.



2. When questions asked by the public in review of the Draft EA eventually forced the Forest Service to acknowledge the large numbers of “persons experiencing homelessness” it resulted in the Forest Service adding a single paragraph at Page 223 of a 399 page document.

3. Acknowledging finally that there were a large number of homeless persons living in the Cabin Butte project area, the Forest Service, at Page 223 of the Final EA, outlined a mitigation plan (ATTACHMENT A). The plan contained several components, such as engaging service organizations, churches, community groups, etc. to help the large number of homeless relocate. The process described at Page 223 called for the mitigation steps described at Page 223 to occur during “implementation”.

4. But as the so-called “implementation” date approaches, based on current actions the Forest Service appears to have never intended this mitigation effort. To date, no service providers have been contacted about a unified effort that would start at “implementation”. The statement at Page 223 appears to be meaningless and to have been added simply so local Forest Service managers could publish the Final EA.

5. In actuality, campers are currently being actively harassed by Forest Service law enforcement officers by being stopped arbitrarily on China Hat Road, issued expensive tickets for driving on manmade roads or other traffic offenses and issued tickets about the condition of their camps when campers are trying to clean up their areas so they can relocate. Campers report that Forest Service law enforcement officers have driven into their camps and berated them to get out now.<sup>4</sup>

6. The date of the Final EA is November 2022. **Yet to date, there has been no action by the Forest Service whatsoever in putting that mitigation plan into effect.** More than two years – 28 months – has elapsed since the Forest Service announced this mitigation plan in November 2022.

7. Now, with the closure of the project area looming in less than 40 days, by its inaction since November 2022, the Forest Service has set the stage for a potential public health disaster.

a. This involves the involuntary displacement *with no authorized place to go*<sup>5</sup> of more than 100 homeless persons, the great percentage of whom have medical conditions and disabilities.

---

<sup>4</sup> The current harassment is occurring at a time when several of the homeless campers are actively trying to relocate, but get stopped and harassed on their way into our out of their camps when they are trying to remove belongings to comply with the pending closure. This imposes added trauma onto the already traumatized residents, fearful of the upcoming loss of their homes and with no place to go. It also takes money away from them just at the time they need it in order to cover the costs of relocating. Service providers currently are being told that as of May 1, 2025 a locked gate will be installed on Forest Road 18 and any persons who bypass the gate will be arrested. It is apparent that no mitigation after implementation will take place (See Statements of Service Providers, ATTACHMENT D).

<sup>5</sup> At a community-wide homeless forum on February 25<sup>th</sup> staff from congregate and outdoor shelter programs in Bend were on a panel. In response to a question presented to all those on the panel, down the line each said they were maxed out with no space available.

b. It also means that this population will be displaced en masse into the surrounding neighborhoods and towns with the consequent adverse impact on public services such as law enforcement, fire and safety, strain on medical services, etc.

c. Simply put, the Forest Service has violated its own regulations about what should have been taken into account in the planning, dating back to November 2022:

(1) The Forest Service was supposed to take into account social impacts on local governments such as “**Overburdened public services, police, fire, libraries, hospitals, jails, juvenile homes, social services, parks, playgrounds, swimming pools, increased traffic...abandoned cars, etc.**”<sup>6</sup> (Forest Service Handbook 1909.17 – Economic and Social Analysis Handbook, Chapter 30 – Social Analysis, Page 39)

(2) Additionally, the Forest Service was also required to take into account the impact its actions might have on “affected persons”, recognizing that its actions might produce: “**Greater incidence of anxiety, mental illness, alcoholism and other drug abuse, suicide.**”<sup>7</sup> (Forest Service Handbook 1909.17 – Economic and Social Analysis Handbook, Chapter 30 – Social Analysis, Page 38)

8. Had the Forest Service set up a working group of local governments, service agencies and organizations starting in November 2022 to plan an orderly relocation response, this potential looming crisis could have been mitigated and likely avoided.

9. The inaction by the Forest Service justifies a reopening and reassessment of the Cabin Butte project and delaying or cancelling the Cabin Butte project until the mitigation plan the Forest Service promised in the Final EA of November 2022 is accomplished and the potential public health crisis can be averted.

---

<sup>6</sup> The economic impact the displacement en masse of more than 100 homeless is likely to have on already overburdened public services is illustrated by a KTVZ Channel 21 news item at Page 41 of ATTACHMENT C, News Articles. The item notes that ODOT spent \$440,000 in 2024 clearing camps from ODOT properties along the highways in Bend. Displacement of that many people from China Hat will increase the number of displaced homeless seeking shelter on ODOT land, placing this financial burden on ODOT, on the city of Bend for the increased costs it will incur and on Deschutes County for increased costs the county will incur.

<sup>7</sup> This is from a study published in the Journal of the American Medical Association: “At least 500 000 people in the US experience homelessness nightly. More than 30% of people experiencing homelessness also have a substance use disorder. Involuntary displacement is a common practice in responding to unsheltered people experiencing homelessness. Understanding the health implications of displacement (eg, “sweeps,” “clearings,” “cleanups”) is important, especially as they relate to key substance use disorder outcomes. Involuntary displacement is estimated to worsen overdose and hospitalizations, decrease initiations of medications for opioid use disorder, and contributed to deaths among people experiencing homelessness who inject drugs” *Population-Level Health Effects of Involuntary Displacement of People Experiencing Unsheltered Homelessness Who Inject Drugs in US Cities*, (JAMA 2023 Apr 10;329(17):1478–1486.)



## **B. Failure to Acknowledge the Impact on the Human Environment As An Issue.**

1. The attached Memorandum for Record (ATTACHMENT B) contains more than 70 references to terms like *“quality of the human environment, “relationship of people with the environment”, “planning and decision making that affects the human environment”, “the way people live”, “impact on society as a whole”, “geographic area that includes the people most affected”, “human contexts of proposed actions” “civil rights and environmental justice,”* and more.
2. Most of these terms are taken directly from the Forest Service’s own regulations. These are factors that the Deschutes National Forest was supposed to take into account in identifying issues to be addressed in the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) – but did not.
3. The Deschutes National Forest identified only one issue. That issue dealt solely with the impact of mule deer migration on the geographical area of the project, ignoring the requirement to consider effects and impacts within and without the project area and particularly on the human environment.
4. The failure to consider impacts on the human environment, etc. renders the FONSI and EA defective.

## **C. The Forest Service’s failure to act in identifying the displacement of more than 100 homeless campers and the consequent adverse impact on surrounding communities and the burden on public services as a significant issue affecting the human environment within and without the project area violated NEPA, USDA and Forest Service law and regulation.**

1. The Forest Service has been on long term notice that the presence of homeless campers in China Hat and their displacement as a result of the Cabin Butte project was a significant issue.
2. The number of homeless campers in the Cabin Butte project area grew exponentially after a Forest Service survey identifying 19 campsites was done in 2020. Yet the Forest Service, while expressing alarm, did nothing to update its information since 2020.
3. Forest Service regulations require managers to stay abreast of new information and changed circumstances and if a project has not yet been implemented, to update the EA as necessary.<sup>8</sup>

---

<sup>8</sup> The regulations establish that managers are required to know about what is going on in their locality in order to determine social conditions that may impact a proposed project by reading newspaper articles, television, talking to people, etc. (Para. 34.12, FSH 1909.17, Chapter 30 – Economic and Social Analysis Handbook), to wit: (1) Newspapers, radio, TV reports, personal observations from Forest Service staff patrolling the project area, talking to public officials and local citizens, etc. all highlighted the situation of homeless people living in the project area as a major, significant issue; (2) The Deschutes National Forest Manager herself tried to step in to halt a major



4. At Page 202 of the Final EA, the Forest Service found that in a 2010 survey in a 900 acre portion of the project area (likely the area known as “China Hat”) there were only four dispersed campsites but that a 2020 survey noted the number had increased to 19 dispersed campsites, quadrupling over that 10 year span.

5. Following 2020 there were strong indicators of the exponential growth of the number of homeless who were moving to China Hat. Forest Service managers were aware of this and it should have triggered this as an issue for the EA if NEPA and Forest Service regulations had been followed. There were numerous newspaper, TV and media items. A compilation of these news items over the years documenting these issues is at ATTACHMENT C.

a. For example, aggressive actions by the City of Bend beginning in 2021 (and continuing to today) to close homeless encampments within the city limits and on city-owned land in county pushed many homeless individuals onto Forest Service land at China Hat.

b. Homeless service providers estimate that currently there are well over 100 homeless individuals clustered in up to 90 dispersed campsites, and perhaps more, throughout the China Hat area.

6. Proof that Deschutes National Forest managers should have highlighted this as an issue to be addressed in the EA is from the following:

a. The scoping process started in October 2019 and the Draft EA was submitted for public comment on May 5, 2022. (FONSI, p. 15). Following consideration of public comment the Final EA came out in November 2022 and the FONSI was issued on January 31, 2023.

b. During the scoping process and before the Final EA was issued there were heavily publicized actions that alerted Forest Service managers that the Final EA contained incomplete information.

(1) In June 2021 the City of Bend cleared a homeless encampment of an estimated 40 to 50 homeless persons living on Emerson Avenue in Bend. (Source Newspaper August 3, 2021). Service providers know that some of these displaced people went to China Hat where they would not be hassled any more, while others stayed in the city. This led to further city action.

(2) In May 2022 the city cleared another homeless encampment of an estimated 20-30 homeless persons from an area along NE Second St. in Bend (Bend Bulletin, May 15, 2022). Service providers know that some of those displaced went to China Hat where they would not be hassled any more, while others stayed in the city.

---

displacement of the homeless in Bend that she surmised would have a major adverse impact and effect in the China Hat locale within the project area.

(3) After the issuance of the Final EA and FONSI the city announced clearing of another large homeless encampment of an estimated 80 to 100 homeless persons from Hunnell Road in Bend in July 2023.

(a) This action prompted the involvement of Deschutes National Forest Supervisor Holly Jewkes, alarmed, in her words, about “the potential movement of well over 100 individuals to other locations, including the Deschutes National Forest.”

(b) In a July 11, 2023 letter to the Bend City Manager and to the Deschutes County Administrator, (published by Central Oregon Daily), Ms. Jewkes called this a “troubling development”, particularly given recent actions by ODOT to clear homeless encampments from ODOT land and what she understood was to be another effort to clear a large homeless camp in an area north of the city known as Juniper Ridge.

(4) Service providers familiar with those displaced on Hunnell Road report that as many as half of those displaced from Hunnell Road did move to China Hat, while another large number moved north of the city to Juniper Ridge.

c The “troubling development”, as Ms Jewkes characterized it, involving the issue of exponential growth in the numbers of homeless living at China Hat caused city, county, state and federal officials to take note in June 2024. Representatives of five federal agencies and representatives of Oregon’s congressional delegation came together more than 30 local officials and homeless service providers to address this significant China Hat issue. (Bend Bulletin June 21, 2024).

d. As a result of the exponential growth in the number homeless living in the China Hat area of the Cabin Butte project, when the Cabin Butte project was formally announced in January 2025, a February 4, 2025 Bend Bulletin article described the matter as “*an issue simmering under the purview of local and federal officials for years.*”

7. The information above proves that Forest Service officials were on notice that the exponential growth in the number of homeless in China Hat was a controversial issue that should have been identified and addressed during the EA process.

8. This is why Reopening and Redoing the EA and FONSI and delaying or cancelling the project is required: Documented in the attached MFR, page after page of citations highlighted in ***boldface italic*** in the federal NEPA regulation, the USDA NEPA regulation, the Forest Service NEPA regulation and Forest Service NEPA manuals and handbooks establish that Deschutes National Forest Service officials were required to focus on the entirety of the human environment within and without the project area and to not limit their identification of issues solely to the environmental impact within a project area

9. Instead, Deschutes National Forest managers ignored these statutory and regulatory requirements and focused on a single issue – impact on mule deer winter migration patterns within the project area, to the exclusion of the major issue of homelessness within the project area that was an issue simmering under the purview of local and federal officials for years.



10. FSH 1909.15, the Forest Service NEPA handbook at Para. 18 tells decisionmakers to “(b)e alert for new information and changed circumstances that might affect decisions for actions awaiting implementation and to determine if the new information or changed circumstances require that the prior decision needs to be corrected, supplemented or revised. It bears repeating:

a. During the two year course of preparation of the Draft EA, Deschutes National Forest officials were alerted in 2020 that homeless campers in the project area had dramatically increased since the 2010 survey.

b. Documented during this period were two large encampment removals in Bend resulting in an increased number of the homeless moving to the China Hat locale within the project area.

c. A third large encampment removal in 2023 drew the attention of the Deschutes National Forest Manager, alarmed by likelihood that into the already exploding number of homeless campers in the project area, potentially another 100 could be moving to the China Hat locale within the project area.

11. Within the meaning of FSH 1909.15, this was new information and changed circumstances that should have resulted in the Deschutes National Forest taking action to address the significant issue of the displacement of more than 100 homeless persons from China Hat and the resultant adverse impact of their displacement on surrounding communities, local governments and services such as fire, safety, law enforcement, social services, medical, etc. affected decisions for the action waiting implementation in Cabin Butte.

12. Yet, despite having full knowledge that the homelessness situation in China Hat was a serious, significant issue, Forest Service managers failed to act,

#### **D. Failure to Do the Required Collection of Information.**

1. The further indication that the Forest Service failed to do its job is found at page 205.

2. In a paragraph discussing dispersed camping, the Forest Service makes the following statement: “The magnitude, intensity and scale of these types of potential effects (dispersed camping) *cannot be determined with available information.*”(emphasis added).

3. *Yet this is exactly the job the Forest Service is required to do in conducting an EA!* The Forest Service is required by its own regulations to collect information about the magnitude, intensity and scale of these types of potential effects, especially where more than 100 homeless individuals will be displaced into a situation where they have no place to go and with the potential that already overburdened public services will be forced to absorb those displaced, with all the consequent ramifications.



**E. Action by the Forest Service to displace the more than 100 homeless campers appears to be in contravention of the spirit and intent of state law.**

1. 16 U.S.Code 551a specifies that the Secretary of Agriculture, in relation to the use and occupancy of national forests, is authorized to cooperate with state and political subdivisions on the application of laws and regulations.

2. As part of the environmental assessment process, (FSH 1909.15 Forest Service NEPA Handbook), the Deschutes National Forest was required to answer this question: Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

a. The Forest Service FONSI Response was this: “All applicable laws and regulations were considered in the planning of this project, such as Clean Air Act, Clean Water Act, National Forests Management Act and the Endangered Species Act (Chapter 3).”

b. The Forest Service considered only federal laws.

3. However, Oregon law (ORS 195.530) requires that steps taken to address displacement of unhoused people sleeping on public property must be “objectively reasonable as to time place and manner”.

a. The EA was issued in November 2022 and the FONSI in January 2023. At the time the EA and the FONSI were issued ORS 195.530 was a state law that should have been taken into account.

b. At this juncture, it is not “objectively reasonable” for the Forest Service to unilaterally displace more than 100+ unhoused persons from this land as of May 1, 2025 in apparent violation of state law when they have no place to go.

**F. Characterization by the Forest Service that the closure of the Cabin Butte project area is temporary for only about a year is disproven in the Final EA.**

1. A January 16, 2025 press release by the Deschutes National Forest announcing the closure of the Cabin Butte project area stated: ‘The Deschutes National Forest will temporarily close the Cabin Butte Vegetation Management Project area south of Bend beginning May 1 to ensure public safety and support critical forest restoration efforts. The 34,600 area closure will last at least one year.’”

2. But buried within the Final EA are statements that in most cases it will be longer than a year:

a. Page 30: “Temporary unit closures after prescribed burning could be ***closed to vehicle use off of open Forest Service system roads for approximately 2-3 years after implementing prescribed burning...***to allow for native plant recovery by reducing the risk of invasive weed spread and soil compaction by vehicles and dispersed camping.”(emphasis added).

b. Page 75: “The full scope of treatment (thinning, pile burning, mastication, prescribed fire and maintenance of post treatment conditions) is implemented instantaneously. **In reality, it may take multiple years once treatment is initiated before final entry is complete.**”

c. Page 175: “Both action alternatives propose approximately 11.2 miles of system road closures and approximately 17.3 miles of system road decommissioning”. This means all users will be permanently barred from about 28.5 miles of road in the project area to which they formerly will have had access.

### **G. Failure to Mention the Significant Number of Homeless In the Final EA and FONSI.**

1. The sole issue identified in the Final EA and FONSI was the likely negative impact on the winter migration of mule deer in the Cabin Butte Vegetation Management Project area.
2. Nowhere in the 319 page Draft EA was there a mention of “homeless” or “unhoused” in reference to people living on the land. The Draft EA makes oblique reference at only a few places in the document to individuals engaged in what the Draft EA euphemistically terms “dispersed camping” by those who have stayed past the two week limit. But there is no discussion whatsoever that these “dispersed” campers are homeless or unhoused or about whom there have been significant issues raised publicly by local city and county leaders and by state and national officials for many long years preceding the announcement of the Cabin Butte project.
3. This same pattern is carried forward in the Final EA. In what appears to be an afterthought to address questions raised by commenters on the Draft EA, a single paragraph has been added to the Final EA that makes reference to the homelessness issue. It is not until page 223 – in a solitary paragraph in the Final EA -- that there is mention that this project may “temporarily displace...people experiencing homelessness...”<sup>9</sup>

### **H. Inadequate Notice to Affected Parties.**

1. When the Draft EA was issued, “interested parties”, identified by the Deschutes National Forest, were given 30 days to comment on the Draft EA. The Final EA documents those to whom the Draft EA was provided with an opportunity for comments. No notice was provided to local homeless service providers nor was notice provided to the population most directly affected – the unhoused and homeless --- living on the land.
2. It was not until the January 16, 2025 Press Release was issued and concerns were expressed by local homeless service providers and the homeless living on the land that it became known that a Final EA and a FONSI existed.

---

<sup>9</sup> “Temporarily” is a misnomer. What is temporary for a housed person is significantly more adverse for an unhoused person and the Final EA/FONSI both fail to take this account. It can be a life and death matter for the unhoused and the adverse impact on this population deserves to be addressed. Additionally, as noted above, the Forest Service claim that the closure is only of a 1 year duration, is, in fact, not apparently correct. Miles of road will be permanently closed, keeping those who would engage in dispersed camping permanently from those areas. Also, there is discussion in the Final EA that some locations will likely be kept closed for several additional years to allow vegetation regrowth.



3. It was learned at that time that not only was there the significant issue of the displacement of the more than 100 unhoused from the land, but also, because the displaced have no place to go, there would be the substantial adverse impact on the city of Bend by dispersed individuals from China Hat moving onto city streets or city land at Juniper Ridge, the adverse impact on Deschutes County of these dispersed individuals moving onto county land, the adverse impact on local Oregon Department of Transportation (ODOT) of these dispersed individuals moving onto ODOT highway rights of way, and the adverse impacts on city, county and state law enforcement, emergency services, fire departments, medical and behavioral health, etc.

4. These economic, social and environmental justice impacts have still not been identified as an issue.

#### **I. Failure to Follow the Council on Environmental Quality's NEPA Regulation and the Forest Service's Own Regulations in the EA Process.**

1. It is the further premise of the undersigned that the Deschutes National Forest has failed to follow the federal NEPA regulations and has failed to follow its own regulations in the EA and FONSI process and this constitutes a fatal flaw requiring reopening and corrective action.

2. This is based on a full analysis of the Cabin Butte FONSI, the Cabin Butte Final EA, the National Environmental Policy Act (NEPA) regulations in effect when the Draft and Final EA's were prepared, Department of Agricultural environmental regulations and regulations of the National Forest Service Manuals and Handbooks.<sup>10</sup>

3. A complete analysis of the Final EA and FONSI, and the NEPA and Forest Service regulations the Deschutes National Forest has failed to follow is in the Memorandum for Record (ATTACHMENT B) attached to this document.

#### **J. Refusal to Acknowledge the Presence of Homeless Persons in the Project Area in the Final EA.**

1. There is only one oblique reference in the FONSI to those living on the land in the project area. This occurs in one phrase of one sentence. Describing uses within the project area at Page 12, the FONSI states "...*(U)se includes long-term extended-stay dispersed camping (which*

---

<sup>10</sup> Of note is a single significant example – the failure to conduct a full and complete Civil Rights (and Social) Analysis. FSH 1709.11 – Civil Rights Handbook, at para. 31.1 addresses actions requiring an impact analysis. The Forest Service regulation requires that the responsible Forest Service officer shall prepare a civil rights impact statement for any major policy that has significant civil rights impact, defining a "major action" as whether it would affect "10 or more persons inside or outside the Forest Service." The displacement of more than 100 unhoused persons, a strong percentage of whom have medical vulnerabilities and associated disabilities make this a "major action." Yet the Forest Service's discussion in the Final EA of civil rights and environmental justice considerations takes up a scant 7 lines in a 399 page document. Further, it mischaracterizes the relationship between the alternatives and the civil rights impact, so that in the view of the Forest Service, the issue of the interference of mule deer migration in the selection of Alternative 2 has no civil rights or environmental justice impact.



occurs year round), hiking and biking on system and non-system roads and trails, target shooting (mainly at Coyote and Cabin Buttes) and horseback riding on trails and closed roads.” That’s it.

2. The Final EA is also silent about the large number of unhoused individual living within the project area. There is mention on Page 202 that in a 2020 survey 19 campsites were found within a 900 acre tract that apparently is what is known as China Hat. But this data which is seriously out of date given the exponential growth in the number of homeless campers in the project area, a growth that sparked alarm by the Deschutes National Forest Manager herself.

a. It is not until Page 200 of the Final EA (Section 3.12 on Recreation) that there is a paragraph discussing those living on the land.

b. Before page 200 there are about 11 mentions in the text of “dispersed camping”. What the Forest Service fails to say is that these are the long term homeless campers. The references to “dispersed camping” in the 199 pages prior to Page 200 are all one line or less in length. And these references about “dispersed camping”, are not for the purposes of identifying those doing the dispersed camping as homeless and discussing that as an issue. Instead, “dispersed camping” is mentioned only in the context of closing roads, prescribed burning, wildlife, etc and the discussion of dispersed campers is peripheral to those topics.

2. In fact, the Final EA at p. 207 downplays the impact: “The proposed activities could affect dispersed camping locations which are within the proposed stands. Dispersed camping opportunities at the scale of the project area at the forest level would be nominally affected.”<sup>11</sup>

a. This is a disingenuous statement.

b. What the Forest Service is saying here is that contrasting the scale of the project (34,600 acres) with the number of dispersed campers (which the Forest Service evidently thinks is very small), when you compare number of acres with the number of campers, there is little impact. This puts the focus on the land, ignoring the significant impact it will have on the campers.

3. Yet even when the Forest Service does start talking in more detail about the unhoused people living on the land (Pages 200 to 205) it still refers to it as “dispersed camping.” The Forest Service still can’t get away at this point from using the term “dispersed camping”, and instead call it what is really – homeless campers living on the land in very large numbers.

4. The Forest Service’s failure to use the term “homeless” to characterize these people ignores what the Forest Service is mandated to do in FSH 1909.17, the Economic and Social Analysis Handbook. FSH Handbook 1909.17, Section 31 requires the responsible official to ***“know the categories of people the activity is likely to affect and to identify groups, communities and categories of people the action might affect*** (emphasis added).

---

<sup>11</sup> Cambridge Dictionary definition of nominal = “very small”.

5. It was feedback from commenters on the Draft EA that finally forced the Forest Service to acknowledge that there “persons experiencing homelessness” living within the project area in large numbers and that this was an issue.

### **III. THE FOREST SERVICE REGULATORY REQUIREMENT TO REOPEN, RECONSIDER AND REDO THE FINAL EA AND THE FONSI**

1. Forest Service Handbook (FSH) 1900.15, National Environmental Policy Handbook, at Section 18, provides guidance where new information and changed circumstances warrant a new decision from Forest Service officials who conducted an EA.

2. It is the premise of the undersigned that the failure to identify and address the significant issue of the displacement of more than 100 unhoused persons and the unaddressed adverse impact on communities and government operations identified above constitute new information and changed circumstances that warrant a relook and a redo of the EA and the FONSI.

3. Specifically, Para. 18.4 addresses reconsideration of decisions based on Environmental Assessment(s) (EAs) and Finding(s) of No Significant Impact (FONSI). Para. 18.4 states that the responsible official is to refer the matter to the Interdisciplinary Team (IDT) and if the IDT determines that new information or changed circumstances exist, **the EA will be supplemented or revised.**

4. Para. 18.4 also directs that the original decision is to be reconsidered, and based on the new EA and FONSI, a new decision notice or document is to be issued.

#### **Summary**

1. The presence of the overly large number of homeless campers in China Hat within the project area was well known for years before the issuance of the EA and FONSI.

2. The presence of the large numbers of homeless campers was and is a controversial matter that attracted the attention of community, state and federal officials, the Oregon congressional delegation and even the alarm of the Deschutes National Forest Manager herself.

3. Forest Service managers knew this was a significant issue not only due to the displacement of more than 100 homeless campers but also the adverse impact the en masse displacement will have on surrounding communities, political jurisdictions and local services such as law enforcement, fire and safety, medical, social services and local neighborhoods.

4. The Forest Service failed to identify and address the homeless situation as a significant issue, focusing only on the environmental impact on the land, flora and fauna within the project area.



5. With the imminent displacement in less than 40 days of more than 100 homeless persons, a very high percentage of whom have medical conditions and disabilities, the failure at this point of the Forest Service to act, after having announced a mitigation plan 28 months is especially egregious.

5. These matters require that the FONSI and EA be reopened and the following corrective action taken:

### **Action Requested**<sup>12</sup>

1. Reopen the EA and FONSI to add the homelessness displacement issue and the concurrent significant issue of the adverse impact on surrounding communities and services.
2. Delay or cancel the Cabin Butte project until the following has been done:
  - a. Convene a working group of city, county, law enforcement, fire and safety, medical and behavioral health professionals, homeless service providers and interested community members.
  - b. Partnering with this working group, develop a comprehensive plan to address where these displaced unhoused persons will be able to go so that the impact of their displacement on

---

### <sup>12</sup> **Alternate Proposal:**


1. The action requested above is to delay or cancel the Cabin Butte project with the unhoused remaining in place until a comprehensive mitigation plan is in place and is implemented.
2. An alternative is to take advantage of the Eastern part of Zone 2, the Skeleton and Horse Butte fire scars as an area onto which the unhoused campers can be temporarily relocated while work is undertaken in Zones 1 and 2.
  - (a) EA Page 8 states that the eastern portion of the project area (Zone 2, the Skeleton fire and Horse Butte fire) killed most of the overstory and consumed much of the brush. So EA Page 83 advises that a minimalist approach only is needed for Zone 2 because it is a sage steppe area.
  - (b) EA Page 40 notes that the Skeleton Fire scar is a xeric shrubland on which, because of the Skelton fire, natural regeneration of Ponderosa Pine has been slow to nonexistent and much of the area does not now meet the definition of forest land. The EA states that the area is not forested and isn't expected to be forested in 30 years. EA Page 70 states that the Skeleton fire scar is a desert fringe zone consisting primarily sparse bunch grass and rabbit brush.
  - (c) Sundance subdivision is north of the Skeleton Fire area and that 1996 fire destroyed 19 homes (EA Page 8) But given the condition of the land (desert fringe and xeric steppe), as noted only minimal treatment is needed to ensure fire safety and the EA notes (Page 71) that the majority of homeowners in Sundance now have properties that would withstand a wildfire event.
3. In this approach, since the work required in the Eastern part of Zone 2 is minimal and can be accomplished quickly, that work should be undertaken first, with those residing in Zones 1 and 3 left in place. Upon completion of the Zone 2 work, the unhoused campers residing in Zones 1 and 3 can be relocated to Zones 1 and 3 on a programed, scheduled, orderly basis. When that is complete, work can start in Zones 1 and 3.
4. Accordingly, using the Eastern part of Zone 2 as an area to relocate campers while work is undertaken on Zones 1 and 3 is an attractive alternative that avoids the complete displacement of all the campers.

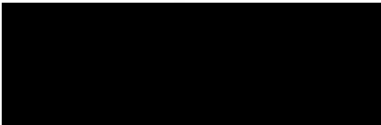


them and on the surrounding communities, governments and social services entities, etc. is minimized.

c. Reissue the EA and FONSI, incorporating this comprehensive plan and implementing it before the project proceeds again.

Respectfully submitted.

  
CHARLES W. HEMINGWAY,  
On behalf of Home More Network

  
ERIC GARRITY  
On behalf of Bend Equity Project

# **ATTACHMENT A**

**Extract from Final EA, Page 223**





United States

Department of  
Agriculture

Forest Service

November 2022



# Cabin Butte Vegetation Management Project Final Environmental Assessment

Bend-Fort Rock Ranger District  
Deschutes National Forest  
Deschutes County, Oregon

Legal Location: Township 18 South, Range 12 East, Sections 26-29, 32-36;  
Township 18 South, Range 13 East, Sections 31; Township 19 South, Range 11  
East Sections 1, 2, 11, 12. Township 19 South, Range 12 East Sections 1-16, 21-  
27, Township 19 South, Range 13 East Sections 4-9, 15-19, 30 Willamette  
Meridian

For more information:  
Alicia Bergschneider  
Environmental Coordinator  
Bend-Fort Rock Ranger District  
[Alicia.Bergschneider@usda.gov](mailto:Alicia.Bergschneider@usda.gov)  
(541) 383-4012

affect civil rights. All contracts that may be awarded as a result of implementation would meet equal employment opportunity requirements.

Data regarding minorities or people with disabilities employed in the region in the timber, mining, road construction, forestry services, and recreation sectors is unavailable. Some firms contracted by the Forest Service for reforestation work have traditionally hired Hispanic workers that comprise a minority workforce in the area. Asian and Pacific Islanders use of the area include commercial mushroom harvesting and camping associated with this activity. Some timber sale contracts on the forest are reserved for award to minority businesses under the USDA Office of Small and Disadvantaged Business Utilization and the Small Business Administration.

Under alternatives 2 and 3, the treatments may temporarily displace some of the current population of forest user groups, including people experiencing homelessness who may camp in these areas. All campers have the potential to be affected by the reduction in available dispersed camping areas on the Deschutes National Forest. However, this proposal has the potential to disproportionately affect people experiencing homelessness who camp on National Forest System lands because they have fewer resources available to allow them to choose another location. During implementation there would be actions and outreach strategies to reduce impacts to affected populations, displaced homeless population, and other forest user groups while minimizing impacts to the physical environment and natural resources on the Deschutes National Forest and improving public recreation experiences, including: engaging local social service agencies regarding affected families and children residing in the affected areas, and engaging local Sheriff's offices, and other law enforcement agencies, community partner groups, and church organizations regarding collaborative and equitable actions to address resource damage and public health and safety concerns in the affected areas, while connecting people experiencing homelessness to essential services.

Under No Action, all current uses of the National Forest System lands would continue, including recreation, harvesting of non-timber forest products, special-use permits, subsistence uses, and spiritual/aesthetic uses. Effects to minority populations, disabled persons, and low-income groups would not be disproportionate with other users of the National Forest System lands. No jobs would be created that might provide opportunities to minorities.

All action alternatives would provide a variety of opportunities for potential contracts at various levels. Alternatives would have no impact on the contracting process or the USDA Small Business Administration program for reserving contracts for minority groups for tree planting, precommercial thinning, and road restoration. Employment and income would be available to all groups of people, subject to existing laws and regulations for set-asides, contract size, competition factors, skills and equipment, etc.

Set-asides for Small Business Administration Contracting opportunities would not be affected. Employment by firms that have hired Hispanic workers or other minority groups, or low-income workers associated with reforestation or other potential contracting needs would not differ from those employed in the sectors as a whole. In the short-term (3-5 years), reforestation needs would potentially benefit this group.



# **ATTACHMENT B**

**REGULATORY ANALYSIS MEMORANDUM FOR RECORD**

## ATTACHMENT B

### TABLE OF CONTENTS for REGULATORY ANALYSIS MEMORANDUM FOR RECORD

Section	Page
A. Introduction	1
B. Statutory and Regulatory Framework	1
C. Implication of This Regulatory Roadmap on the Adequacy of the Cabin Butte EA And FONSI	2
40 CFR Part 1500 and Impact on the Human Environment	3
USDA NEPA Regulation (7 CFR Part 1b)	4
US Forest Service NEPA and Related Regulations	4
36 CFR Part 220 – U.S. Forest Service NEPA Compliance	4
Forest Service Handbook (FSH) 1909.15 – National Environmental Policy Act Handbook	5
Forest Service Manual (FSM) 1970 – Economic and Social Evaluation and Its Requirements to Address the Human Condition	9
Forest Service Handbook (FSH) 1909.17 – Economic & Social Analysis Handbook	10
Forest Service Handbook (FSH) 1709.11 – Civil Rights Handbook	13
Impact of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations & Low Income Populations	14
Summary	14



DATE: 3-25-2025

## MEMORANDUM FOR RECORD

**SUBJECT: Analysis of Environmental Laws and Regulations the Deschutes National Forest Is Required to Follow When Identifying Issues**

### A. Introduction

This Memorandum for Record (MFR) provides a detailed analysis in support of the Request to Reopen regarding the Cabin Butte Vegetation Project's Final Decision Notice and the Finding of No Significant Impact (FONSI).

To fully and understand the issues involved it is necessary to also understand the statutory and regulatory background on which the Cabin Butte Environmental Assessment (EA) underlying the FONSI is based.

While the Forest Supervisor and her staff may be familiar with the intricacies of NEPA and Forest Service regulations implementing NEPA, this MFR is also intended for a wider audience who may not have that familiarity, thus necessitating a step-by-step approach, as outlined below.

The critical matter that necessitates reopening the EA and FONSI and delaying or cancelling the project is the failure in the EA and FONSI to acknowledge the significance of the impact of the Cabin Butte project on the human environment, as required by NEPA and U.S. Forest Service regulations. To highlight the requirement of impact on the human environment which the EA and FONSI failed to address, specific phrases and/or words will be highlighted for emphasis.

### B. Statutory and Regulatory Roadmap

1. Congress passed the National Environmental Policy Act (NEPA) in December 1969, recognizing that federal government actions may cause significant environmental effects. As such, the stated Congressional NEPA policy is that agency actions impacting the environment should be carried out "in a manner calculated to **foster and promote the general welfare...** and **fulfill the social, economic, and other requirements** of present and future generations of Americans" (NEPA Section 101, codified at 42 U.S. Code 4321).(emphasis highlighted).
2. Congress placed implementation of NEPA under the authority of the Council of Environmental Quality (CEQ). Its Citizen's Guide to NEPA specifies that agencies consider "**the reasonably foreseeable environmental and related social and economic effects of their proposed actions.**" (CEQ Publication, *Citizen's Guide to NEPA*, p.4).
3. Accordingly, as NEPA is not strictly limited to sole consideration of impacts on land, water, plants, animals, etc., the broader implications of agency actions impacting the environment on people and society must be taken into account.

National Forest failed to consider in defining the issue(s) involved in the Cabin Butte EA and FONSI.

Deschutes National Forest officials failed to identify the impact on the human environment that will arise from the displacement of more than 100 unhoused persons living in the project area and the follow-on significant effect this will have on the surrounding communities, on city, county and state already-overburdened resources.

#### ***40 CFR Part 1500 and Impact on the Human Environment***

1. Therefore, starting at the top, the NEPA regulatory guidance (40 CFR Part 1500), on which the Cabin Butte project EA is based, illustrates the importance of societal factors beyond the mere impact of an action on the physical environment. 40 CFR Part 1500.2 highlights this approach in three points.

a. Agencies must use the NEPA process to identify and assess reasonable alternatives to proposed actions that will avoid or minimize adverse impact ***on the quality of the human environment;*** (emphasis added)

b. Agencies are to avoid or minimize any possible adverse effects of their actions ***on the quality of the human environment;*** (emphasis added) and

c. Agencies are to facilitate public involvement in decisions which affect ***the quality of the human environment.*** (emphasis added)

2. Agencies are to consider both direct and indirect effects, pointing out that “effects” and “impacts” are synonymous. 40 CFR Part 1500.8(b) states that effects include not only ecological effects, but ***“economic, social and health”*** effects as well. (emphasis added). “Social” and “health” go together, so that “health” relates to the population within and without human environment of the project area, not the species within the project area.

3. The term ***“human environment”***, therefore, directs agencies to define that term comprehensively, taking into account ***“the natural and physical environment and the relationship of people with that environment.”*** (emphasis added) (40 CFR Part 1508.14) Agencies are directed in the preparation of the environmental documents, when social as well as natural and physical environmental effects are interrelated, to discuss all these effects..

4. The NEPA regulation states that “effects” and “impacts” must be significant, not minimal or minor. Here again, the NEPA requirements are illustrative when it comes to impact on the human environment.

a. 40 CFR Part 1508.27(a) directs agencies to consider significance in the context of ***“society as a whole (human, national), the affected region, the affected interests and the locality.”***(emphasis added).

b. The Cabin Butte project is a site-specific action. Accordingly, 40 CFR Part 1508.27(a) directs that significance also be analyzed in terms of the effects in the locale, not the



c. Of note is that 36 CFR Part 220(c)(7) spells out the regulatory requirement to reopen an EA and a FONSI when new information or changed conditions warrant and which provide for administrative review or appeal opportunities, as is being done in the Request to Reopen, to which this MFR is attached.

**Comment:** The premise of the Request to Reopen is that the Forest Service failed to follow the NEPA requirements and failed to follow its own regulations in not addressing the significant issue of the displacement of more than 100 unhoused from the project area and the consequent adverse impact this will have on surrounding communities and overburdened community and social services – a failure to consider the relationship of people with the environment within and without the project area.

### **Forest Service Handbook (FSH) 1909.15 – National Environmental Policy Act (NEPA) Handbook**

1. FSH 1900.15, the Forest Service NEPA Handbook, amplifies on guidance from the Forest Service NEPA regulation published in the Code of Federal Regulations (36 CFR Part 220). In its preamble the Handbook stresses that under NEPA the Forest Service conducts environmental analyses *to assess the physical, biological, social and economic effects of a proposed action to come up with reasonable alternatives.* (emphasis added).
2. The Handbook quotes the NEPA statute (42 U.S. Code 4332(2)(A)) and specifies that for proposed actions “*an integrated application of natural and social sciences* is required in *any planning and decision making that affects the human environment.* (emphasis added).
3. The Handbook states that in conducting project planning the Forest Service officials responsible for planning a project have the responsibility to solicit cooperation from local agencies with special expertise on environmental issues (like effects on the human environment) that should be addressed in the environmental analysis. (FSH 19 09.15, Para. 11.31b).

**Comment:** In the case at hand, this would have been the Deschutes County Behavioral Health Homeless Outreach Services Team (HOST), which was not solicited for information about the more than 100 homeless persons living in the project area, more than half of whom have some form of medical vulnerability or disability. The HOST team’s behavioral health professionals interact almost daily with the homeless population living in the project area and could have provided a wealth of information about the displacement issue that the Forest Service has failed to address.

4. Amplifying on this requirement for cooperation and coordination, the Handbook (FSH 1909.15, Para. 11.51) requires that in project planning Forest Service officials must identify and evaluate preliminary issues in discussions with “*interested and affected persons, community leaders, organizations* (and) state and local governments.” Further, Para. 11.52 requires Forest Service officials to *identify potentially affected and interested persons and the nature of their concerns.*”

a. Para. 15 directs the responsible official to consider “*unquantifiable environmental amenities and values*”. Para. 15 states that changes in the *human environment* that include *social* aspects, such as “*the way people live*” must be considered. (emphasis added).

**Comment:** An unquantifiable value that the Forest Service failed to consider in the EA and FONSI is the value and dignity of the lives of the most vulnerable among us – the population of more than 100 persons who live on the land in the project area. Their displacement with no place to go, particularly for the most medically vulnerable who comprise a significant number of the more than 100 persons will likely result in the exacerbation of existing medical conditions and perhaps even death. At Page 40 of Attachment A, the collection of media items documenting the long history homeless people living on the land in China Hat, is an item describing one female resident, already despondent over her homeless existence, who took her own life. For those similarly situated, already dealing with the stress and trauma of their lives, with the added trauma and fear of being displaced, there is the likelihood that more suicides may result.

b. The failure of the Forest Service to take into account the human environment where these people live and will be displaced to, ignores the “*social aspects*” that the Forest Service is supposed to take into account. It disregards consideration of “*the way people live*” that was supposed to be taken into account too.

7. FSH Handbook 1909.15, Para. 15 carries forward from the national NEPA regulation (40 CFR Part 1508.27) ten questions that Forest Service supervisors are required to address in a FONSI when evaluating the *significance* and *intensity* of a proposed action.

a. The Cabin Butte FONSI (pp. 16-19) addresses these 10 questions but in doing so fails to address the significance and intensity of the adverse impacts on the more than 100 unhoused persons who will be displaced and the significance and intensity on the surrounding communities and services<sup>3</sup>.

b. Para. 15 acknowledges that the Forest Service is required to evaluate the significance of an action in the context of *society as a whole (human, national)*, the *affected region*, the *affected interests* and *the locality* and that if an action is site specific (as is the Cabin Butte project) that significance depends on the impact on the locale. (emphasis added).

c. Para. 15 also acknowledges that the Forest Service is required to address the *severity of the impact on society as a whole (human)*, *affected region*, *affected interests* and *the locality*. (emphasis added). It is in this context that the Forest Service was supposed to address the 10 questions from NEPA and FSH 1909.15, but failed to do so in the context of the severity of the impact on the human population living in the project area, the affected region, affected interests and the locality.

---

<sup>3</sup> While the expectation in 40 CFR Part 1500 is that these questions are to be answered broadly, the Forest Service tailored their responses to these 10 questions to the specifics of the internal Cabin Butte project and not to the broader issues of impact and effect on the human environment.



As noted above, FSH Handbook 1909.15, Para. 15 requires that where social and economic impacts are important to a reasoned decision, the responsible official is to directed to follow Forest Service Manual (FSM) 1970 – Economic and Social Evaluation, and Forest Service Handbook (FSH) 1909.17 – Economic and Social Analysis Handbook.

First, a review of the requirements in FSM 1970.

### **Forest Service Manual (FSM) 1970 – Economic and Social Evaluation and Its Requirements to Address the Human Condition**

1, Forest Service Manual 1970, Section 1970.2 establishes the management guidance responsible officials are to follow: Undertaking *comprehensive, integrated and concurrent consideration of social, economic and ecological environments, and their interconnections*. (emphasis added).

**Comment:** In limiting the EA and FONSI to only factors related to the Cabin Butte project area, the Forest Service failed to undertake a comprehensive, integrated and concurrent consideration of adverse social impacts and their interconnection with the Cabin Butte project.

2. In fact, Para. 1970.45 directs line officers and decision makers in their decision documents to *consider social effects in the context of total effects* for alternatives considered and to *identify social conditions so that decision makers understand the human context of proposed actions* and decisions *and recognize the relationship between Forest Service decisions and components of the human context*. (emphasis added)

3. Social Analysis Section 1973 advises managers that social analysis is instrumental to Forest Service planning and plan implementation.. The guidance states that social impact assessments identify *desired social conditions* and the *effects of Forest Service management activities on social systems within and/or adjacent to the project area*.(emphasis added).

**Comment:** Note the language “adjacent to the project area”, a factor the EA and FONSI did not take into account regarding the displacement of more than 100 unhoused persons and the impact of that on the adjacent areas.

4. Para. 1973.2 advises managers that information on social impact like social organization, *attitudes, beliefs and values, lifestyle and civil rights and environmental justice* would be appropriate for consideration.(emphasis added).

5. Managers are also advised that technical guidance and advice for economic and social evaluations are maintained in Forest Service Handbook (FSH) 1909.17, which is next.

**Comment:** Rangers in the field frequently interact with the unhoused community in the project area and are directly immersed into the community living there. Yet their observations about the adverse impact on these unhoused people, available to frontline managers, went unaddressed and ignored in identification of issues and in preparation of the EA and the FONSI. There have been years of newspaper articles and TV reports as well that have allowed managers to determine social conditions.

5. Forest managers are required to ***consider all affected people*** and the guidance stresses that managers are to ***consider the social effects on each potentially affected group and not just on the most vocal interest group*** (emphasis added) (Para. 34.41) (emphasis added).

**Comment:** Managers failed to consider all affected people such as the unhoused. Managers failed to consider the social effects on each potentially affected group. In fact, from information contained in the EA about those who were contacted and invited to comment it appears preference was given to the most vocal interest group (neighbors in Woodside Ranch and Sundance) while the interest group of the unhoused were totally ignored in seeking comments or input.

6. Para. 35.5 requires that managers estimate the impact of ***sociocultural effects***. Para 35.5 notes that Forest Service actions and activities can have noneconomic origin that cannot meaningfully be reduced to monetary terms, but that these are equally as important and that while sociocultural impacts are sometimes inconsistent with socio-economic effects, managers must understand both before making a decision. Managers are advised to determine whether a proposed action complements, ***aggravates*** or has little effect on conditions in the area of influence.(emphasis added)

7. Para. 35.5 includes Exhibit 01 which identifies how rapid and extended changes may affect community institutions, such as (emphasis added):

a. ***“Greater incidence of anxiety, mental illness, alcoholism and other drug abuse and suicide;*** (emphasis added)

**Comment:** This item speaks for itself. The unhoused population living in the project area are long term victims of trauma and already have enhanced anxiety and mental illness, most particularly PTSD, based on their living conditions. Some living there have resorted to alcohol and other drug abuse to cope with the trauma and uncertainty they experience daily. A February 2025 article in the Bend Bulletin documents the case of a woman living in the project area who committed suicide to resolve her difficulties. A Social and Economic Overview (SEO) by the responsible official should have addressed these circumstances.

b. ***“Overburdened public services, police, fire, libraries, hospital, jails, juvenile homes, social services, parks, playgrounds, swimming pools.*** (emphasis added)

**Comment:** This Memorandum for Record identifies dual issues that the EA and the FONSI failed to address: The adverse impact on the 100+ unhoused persons who are to be displaced coupled with the adverse impact this en masse displacement is going to place on public services, police, fire, St. Charles Hospital, Mosaic Community Medical and other medical providers, jails, social services, parks, etc.



## Forest Service Handbook (FSH) 1709.11 – Civil Rights Handbook

Managers are also directed in Forest Service Handbook (FSH) 1909.17 – Economic and Social Analysis Handbook when conducting a Social Analysis to consider the effects of actions on civil rights and minority groups. (FSH 1909.17, Para. 33.26).

This brings into play expectations involving civil rights when the Forest Service is conducting Environmental Assessments (EAs). FSH 1709.11, Chapter 30, discusses preparation of a Civil Rights Impact Analysis. The Handbook also states that it is intended for use by Forest Service managers and states expressly that **“line officers and staff must be aware of the civil rights contexts of Forest Service actions and the variety of effects that could result from those actions.”** (emphasis added).

**Comment:** The EA devotes seven lines in a 399-page document to civil rights. The information provided below indicates that a more thorough Civil Rights Impact Analysis, if one was done at all, was required given that it is estimated that at least one-half, if not more, of the 100+ unhoused individuals who are being displaced have medical vulnerabilities and conditions that qualify as disabilities under the Americans with Disabilities Act. Had the Forest Service conducted a detailed Social Analysis as required, the impact on those who are disabled living in the project area would have been a topic to be addressed.

1. FSH 1709.11, Chapter 30, Para. 30.5 identifies the area of influence that must be considered in a Civil Rights Impact Analysis as a delineated geographic area that includes the population most affected by a present or proposed action of a Forest Service unit.
2. Chapter 30, Para. 30.6 notes that all Forest Service actions have some form of impact, positive or negative. **Managers are directed to analyze actions and take into account the “ripple effect” of even seemingly small actions that may set the stage for upheaval” in any actions the Forest Service is taking, so that “(i)n the interest of service to the public, analyze Forest Service actions for their civil rights impacts.”**(emphasis added).
3. Of note is that Para. 31.1, Actions Requiring Impact Analysis, states that **a Civil Rights Impact Analysis should be prepared** by the responsible official **for “major policy actions”**. Para. 31.1 states that “major action” includes **a proposed action that would affect 10 or more persons or entities either inside or outside the Forest Service.** (emphasis added).
4. As in the Social Analysis previously discussed, the Civil Rights Handbook requires managers to collect data to do the Civil Rights Impact Analysis. As in the Social Analysis Handbook, FSH 1709.11, Para. 33.2 considers that written material and direct observations from talking with people, should be considered.

**Comment:** Rangers interacting with the unhoused community, talking to them in their rounds, should be acutely aware of the number of those living in the project area with medical vulnerabilities and disabilities. This information should have been included in a Civil Rights Impact Analysis.

# **ATTACHMENT C**

**NEWS ARTICLES OVER THE YEARS ABOUT AREA AND CHINA HAT HOMELESS**



## ATTACHMENT C

### TABLE OF CONTENTS

For

### NEWS ARTICLES OVER YEARS ABOUT AREA & CHINA HAT HOMELESS

<b>Item</b>	<b>Page</b>
2021 Source Weekly Article About City of Bend Clearing Emerson Avenue Homeless Encampment	1
2022 Bend Bulletin Article About City of Bend Clearing Second Street Encampment	5
2022 KTVZ Channel 21 Item on Clearing Campers of China Hat Road	8
2022 Bend Bulletin Article on Clearing Campers off China Hat Road	11
2023 Bend Bulletin Article on City of Bend Clearing Hunnell Road Homeless Encampment	16
2023 Source Weekly Article About Looming Hunnell and Juniper Ridge Camp Removals	19
2023 Central Oregon Daily Item About Letter By Deschutes National Forest Supervisor Expressing Alarm and Requesting Delay Over Hunnell Road Closure	22
2024 Bend Bulletin Article About Federal Officials Form 5 Agencies Taking Notice of Forest Service China Hat Homelessness Issue	26
2024 KBND Radio Item About China Hat Homeless Response Meeting with Federal Officials	31
2025 Bend Bulletin Article About Looming Adverse Impact of May 2025 China Hat Closure	32
2025 Bend Bulletin China Hat Opinion Piece (Suicide at China Hat)	40
2025 KTVZ Channel 21 Item – ODOT Crews Spent \$440,000 Cleaning Up Bend Right Of Way Homeless Camps Last Year	41

SUPPORT LOCAL AND VOCAL JOURNALISM! BECOME A SOURCE MEMBER TO HELP GET NEWS AND CULTURE TO CENTRAL OREGON.

BECOME A SUPPORTER

LOGIN    [SUBSCRIBE TO THE SOURCE WEEKLY NEWSLETTERS](#)

 **SOURCE** WEEKLY 

NEWS » LOCAL NEWS AUGUST 03, 2021

# Emerson's Cleared. Now What?

The City's after-action report from the closing of a camp on Emerson Avenue could guide future closures on City-owned right of ways

BY [JACK HARVEL](#)

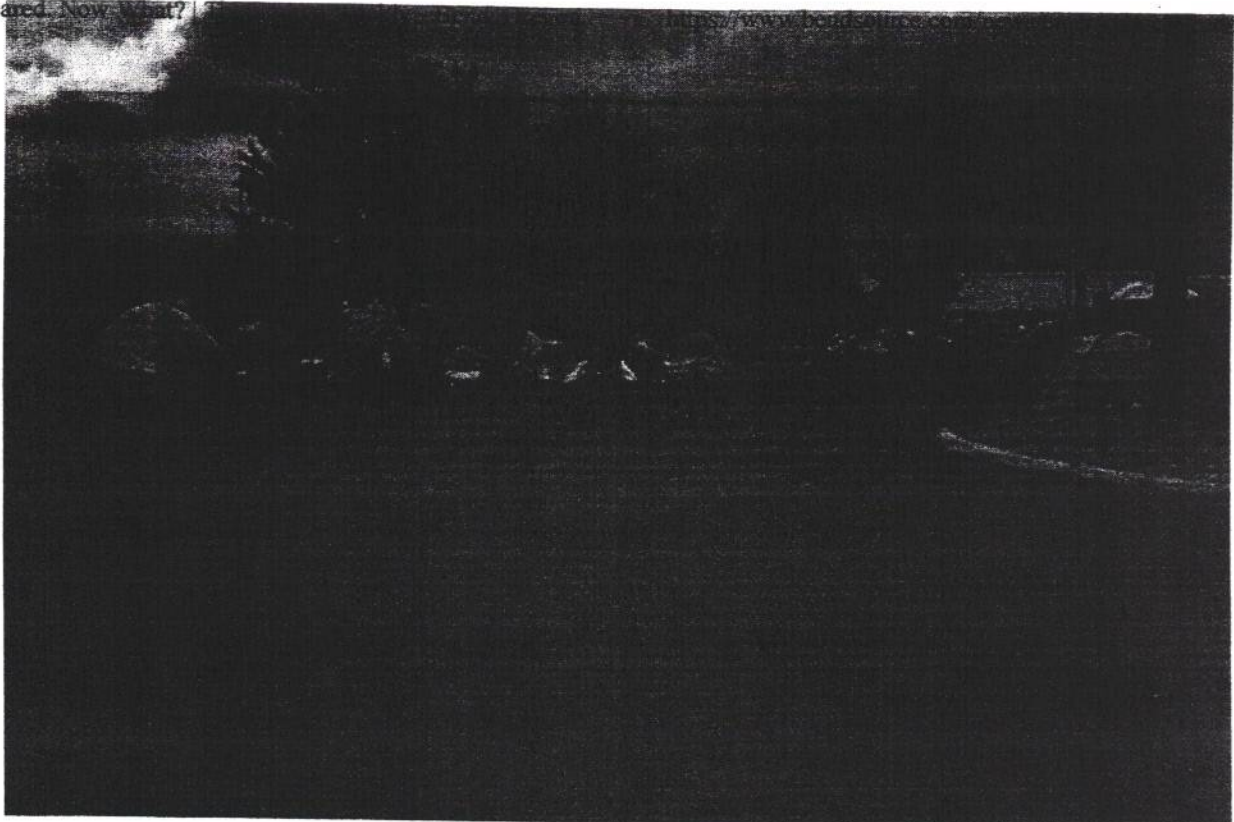
**O**n June 23 the Bend Police Department, in coordination with social services agencies, closed and cleared Emerson Avenue, where 40 to 50 unhoused people were living on City right of ways, using a City policy uniquely tailored for Emerson that could guide how unhoused encampments are swept in the future. At the Bend City Council meeting approving the [policy on June 2](#), Councilor Anthony Broadman called it a “dress rehearsal” for problems in the community, as the number of unhoused people continues to increase yearly.

At the City's first [council](#) meeting since Emerson was cleared, service providers gave an after-action report to the Council, noting what City officials think went well and what could be improved. City leaders believes they're on the right track in regard to cooperation with service providers who were able to communicate set timelines for the closure, make provisions and referrals for campers, assist in sorting, packing and relocating belongings in the camp and set up a station at the nearby Shepherd's House shelter for any additional help.

“I think one of the things we really learned was the importance of clear consistent messaging, and that we were committed to a date so there wasn't a lot of shifting of dates so that we could bring that information to folks that were living on Emerson,” said Stacey Witte, executive director of REACH, during the after-action report-out. “That was so vitally important especially because we couldn't offer them another place to actually move their homes.”







*Jack Harvel*

Camps line both sides of Emerson Avenue in Bend. On Wednesday, June 2, Bend City Council adopted policies that set criteria for the camp's removal.

In its written report the City claimed that police officers on-site were calm and professional in their conduct, which Witte echoed in her comments. Others were critical of the police's actions that day, namely Deschutes County District Attorney John Hummel, who declined to prosecute any of the five people Bend PD sought charges against during the closure. Hummel wrote a letter to Bend Police Chief Mike Krantz criticizing the police's use of force in detaining camp resident Darren Hiatt for attempting to use a port-a-pottie.

"Yes, your officers were authorized to arrest him for trespassing, and when he refused their orders to stop and continued to advance toward the port-a-pottie, they were authorized to tackle him to take him into custody," Hummel wrote. "They also had the choice to allow him to use the port-a-pottie. Unfortunately, they chose the latter."

Hummel also criticized the police for what he saw as deliberate targeting of the Central Oregon Peacekeepers, an activist organization that provided aid for those living on Emerson and who have frequently criticized Bend PD.

Related



**Can't Camp Here.**

Bend City Council adopts a policy for the removal of houseless camps on public right of ways. With shelters at capacity, where will they go?

“In previous conversations with you, I’ve shared my impression that your department evinces disdain towards people associated with the Peacekeepers,” Hummel wrote. “After reviewing the 62-page report of the Emerson road incident, I now consider your department to be obsessed with them.”

Krantz disagreed with Hummel’s assessment of the situation and defended officers’ actions in an email to OPB.

**“Ideally we won’t have any closures until we have more choices for where people can go because that’s really the number one issue” - Donna Burklo**

tweet this ✕

The City’s after-action report also detailed what City staff believe could be improved: Having lawful, permanent spaces for unhoused people, designating clear defined roles between service providers and mutual aid groups, providing improved storage systems, having funding for critical resources and service providers, allowing service providers more time than the two-weeks minimally mandated in the Emerson closure order and including a weather impact review when making decisions on closures.

“Ideally we won’t have any closures until we have more choices for where people can go because that’s really the number one issue,” said Donna Burklo, program director at Bend Family Kitchen, at the Council meeting. “Many did use the shelter, that has been noted that the shelter numbers have gone up but not everybody is going to want to take that option.”

Service providers said since the closure of Emerson, many of the street’s residents had moved to other areas.

Related



**Two Dead at Hunnell Campsite:**

Two people died, presumably from the extreme heat, in the area popular for



"I think that most of our numbers are more anecdotal, I know that we had a fair amount of people go over to Hunnel Road," Witte said. "They have dispersed among the city, over towards railroad, canal areas and DOT [Department of Transportation] land, I do have a handful of folks that left Emerson and went down towards DRW [Deschutes River Woods] area, so they have dispersed and many have moved two, three and four times since the closure of Emerson because every time they get settled somewhere they can't stay there."

An Emerson evictee, Joseph Davis, was one of two deaths that occurred on Hunnel Road on June 27 along with Alonzo "Lonnie" Boardman during an unprecedented heat wave. Their deaths were suspected to be caused by the extreme heat, but the Oregon state medical examiner later reported they died of non-heat-related causes.

The administrative order that allowed the camp's removal was targeted specifically to Emerson, and any future removals on City rights of way will have to be discussed and approved by the Council. The order also only applies to the City, and doesn't affect other entities that can carry out camp closures.

"I think there's a lot of confusion in the community, this is on City right of way, that policy only applies to right of way there are many private property owners or other public agencies that adhere to other policies," Bend City Manager Eric King said. "I just don't want the impression that camp removals will never occur in Bend because we don't control all that property."

*Editor's Note: An earlier version of this story incorrectly stated that five people were arrested on Emerson during its closure. Only one person was arrested at the scene. Bend PD sought charges against five people, all of which were declined by the District Attorney. We regret the error.*

Related



### **Beating The Heat:**

Cooling centers in Bend, Redmond and Madras provide a place for unhoused people to escape the blistering heat

---

## ABOUT THE AUTHOR

4

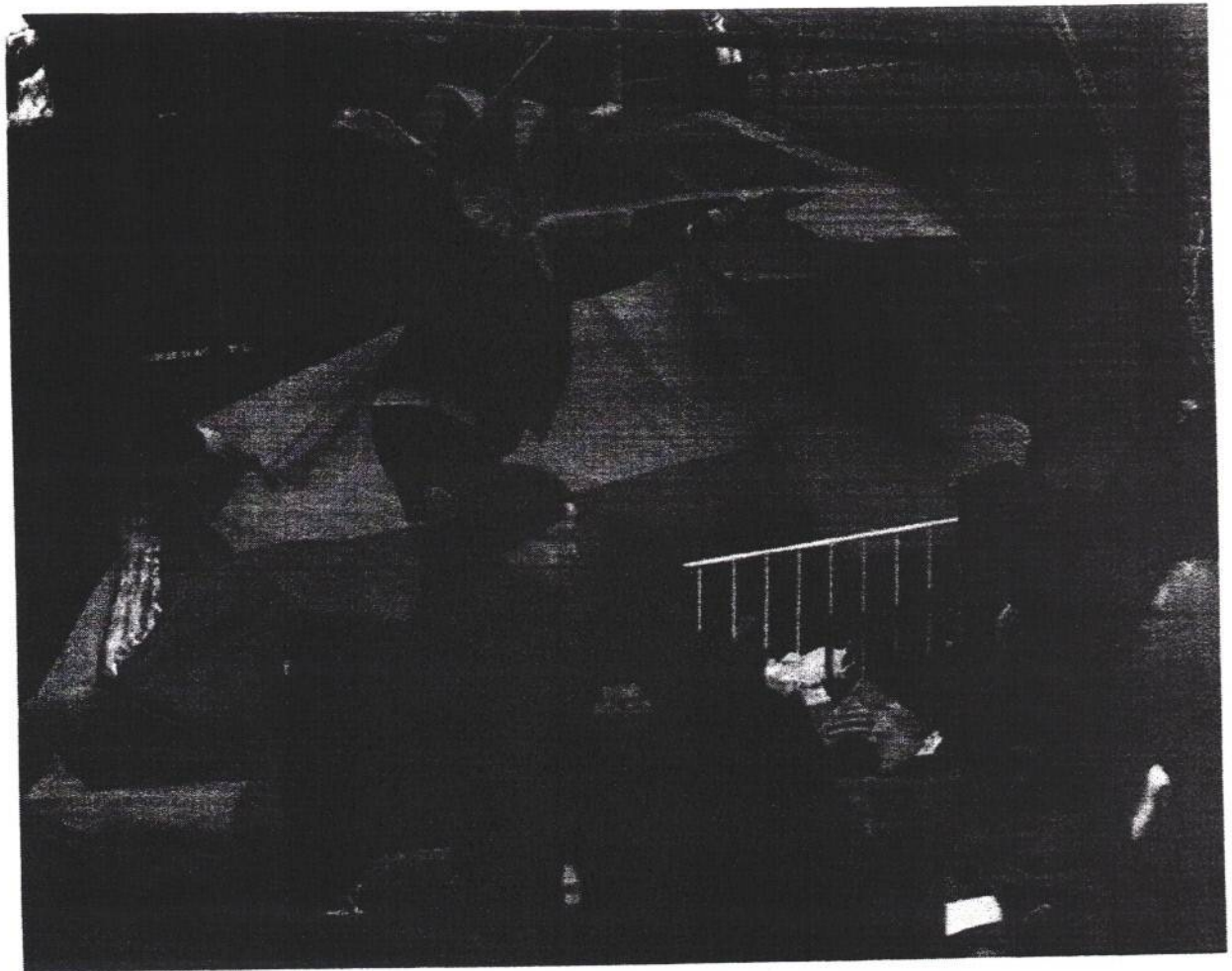
https://www.bendbulletin.com/localstate/city-of-bend-clears-homeless-camps-off-second-street/article\_9754677e-a3dd-11ec-9589-57e5890e6488.html

FEATURED

# City of Bend clears homeless camps off Second Street

By BRENNNA VISSER The Bulletin  
Mar 15, 2022

1 of 3



Workers for city contractors Central Oregon Biosolutions cut apart a tent as they dismantle a homeless camp on N Street in Bend on Monday.  
Dean Guernsey/The Bulletin

In a U-Haul truck parked along Bend's Second Street behind the Campfire Hotel on Monday, Silver Oppenlander sat waiting to move her entire life again.

Chat [Privacy - Terms](#)

5 3/2/2025, 12:17 P



Oppenlander, who has lived in Central Oregon for the past 30 years, was one of several homeless campers who were cleared from the section of Second Street between Greenwood and Franklin avenues. It is the fourth time she has had to move and start over since becoming homeless three years ago.

“It’s exhausting,” Oppenlander said, with tears welling up in her eyes.

Monday marked the beginning of a multiday effort to clear roughly 35 camps that line Second Street. The area has generated a number of complaints from neighboring businesses and housed residents, and was deemed unsafe by City Manager Eric King through the city’s right-of-way policy. The policy allows the city to clear out camps in public rights of way if they are evaluated to be a public health and safety issue.

In a report released by Bend Police Chief Mike Krantz, 258 calls for service were recorded for the area from Nov. 9 to Feb. 9, which is a high amount compared with similarly sized areas of town.

“There have been multiple reports by business owners and employees in this direct area of aggressive threats and altercations between homeless individuals in the campsites and in the area making threats to customers and employees,” the report states.

Notices were posted on March 3 and again Thursday, according to Anne Aurand, the city’s communications director.

About half of the camps were removed early Monday morning, Aurand said, with roads closing at 5:30 a.m.

When asked why the city chose to start so early, Aurand said it was expected to be a long day full of work. It is unclear at this point how much this effort will cost, according to David Abbas, the city’s transportation and mobility director.

This is the second time the city has used its right-of-way policy to clear camps out of the right of way, with the last sweep happening at Emerson Avenue a

few blocks south in June.

It's not clear where people will go. There is some capacity at the overnight Second Street shelter for people to go, Aurand said. The shelter reported 18 vacancies on Saturday night.

But so far, service providers have reported people moving into other parts of Central Oregon. Chuck Hemingway, with the nonprofit Central Oregon Villages, said he had personally helped move some people to Hunnell Road in north Bend, to locations near Revere Avenue — which have been cleared by the Oregon Department of Transportation multiple times — or off China Hat Road to the south.

“I feel bad for the folks being displaced,” Hemingway said while loading the personal belongings of a camper along Second Street into his truck. “I wish there was some kind of arrangement of where they could go.”

Evan Hendrix, the coordinator for Project S.H.A.R.E through Shepherd's House Ministries, said the experience of helping people move again is traumatic.

“It's no doubt we're incurring secondary trauma,” Hendrix said while helping campers pack up their belongings. “They're not things to deal with. They are people. I consider a lot of them friends. I'm helping a lot of my friends move, and they have to take a shot in the dark on where they are going to go.”

Oppenlander said she and another friend had plans to move to another part of town. She has gotten used to being creative in finding a place to live after losing her housing three years ago, when the man she lived with and took care of died.

“Life just sucks sometimes,” she said before driving away.

Reporter: 541-633-2160,

bvisser@bendbulletin.com

Chat

7





LIVESTRE

AD

**Government-politics**

FOLLOW

22 Followers

# Campers in woods off China Hat Road south of Bend get notice to vacate; temporary campfire ban imposed

**By Barney Lerten**

FOLLOW

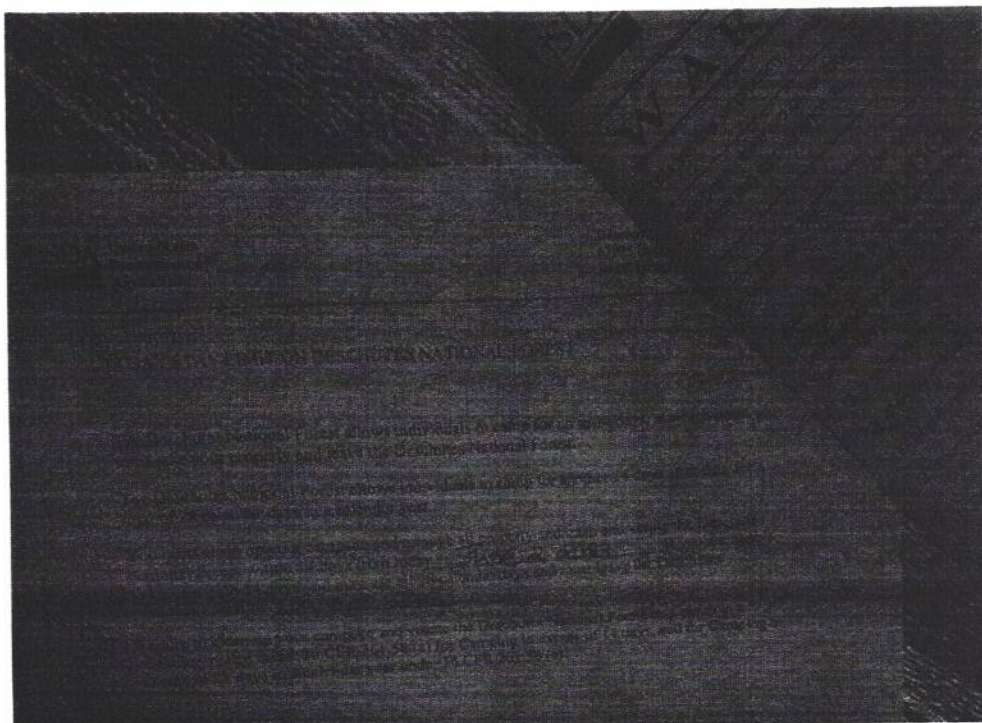
Published June 16, 2022 9:10 pm

8

BEND, Ore. (KTVZ) – Faced with a rising tide of calls for action about campers off China Hat Road from southern Bend residents and the Deschutes County Sheriff’s Office, the Deschutes National Forest conducted an “emphasis patrol” in early June, imposing a new temporary campfire ban and issuing notices to vacate their often long-time locations.

While the campfire ban was new, the 14-day notices to move on – actually 28 days total in a calendar year – have been issued frequently over the years, to little practical impact, Public Affairs Officer Jean Nelson-Dean said Thursday.

“We don’t have the authority to trespass people from public lands,” Nelson-Dean said. “We write a citation,” with a \$100 fine, for federal court. But “magistrates have said, ‘We have bigger fish to fry,’” she said – and “even when we get people to move out, other people will move in.”



Nelson-Dean noted that recent homeless campsite removals by the city of Bend and ODOT have prompted more homeless to take up residence in the woods off China Hat Road –

9



"What we're trying to do is reduce the number of people out there," Nelson-Dean said, with some possibly facing trespassing action if there for a long time.

### Trending Articles



Your questions about Trump 2.0 — inflation, ignoring co...

40 comments



C.O. demonstrators gather at Redmond City Hall, other l...

46 comments



Ori wo hit



Some Bend city councilors expressed dismay that the Forest Service was taking such action amid heightened efforts to coordinate and come up with solutions, with no plan in place for where the campers will go next.

Nelson-Dean said the Forest Service is hopeful the new coordinated efforts to deal with homeless issues by Deschutes County and its cities will help address the issues and look at "how we can all work together."

But in the meantime, challenges remain, she said, and pushing people out of one area just adds to issues for neighboring jurisdictions.

"We have four law enforcement officers for 1.8 million acres," Nelson-Dean noted. "We have removed hundreds and hundreds of vehicles out there."

[https://www.bendbulletin.com/localstate/u-s-forest-service-attempts-to-move-homeless-campers-off-china-hat-road/article\\_ea26b11e-f739-11ec-844b-a39b8d66de1c.html](https://www.bendbulletin.com/localstate/u-s-forest-service-attempts-to-move-homeless-campers-off-china-hat-road/article_ea26b11e-f739-11ec-844b-a39b8d66de1c.html)

FEATURED

## U.S. Forest Service attempts to move homeless campers off China Hat Road

By BRENNNA VISSER The Bulletin  
Jun 28, 2022



A trail near China Hat Road southeast of Bend.

Bulletin file photo

Chat







Out in the woods off China Hat Road south of Bend, more than 100 people are facing a deadline.

In the first days of June, the U.S. Forest Service issued citations to 110 homeless campers in the area. The notice tells homeless residents they need to leave by the end of the month for overstaying the Forest Service's 14-day camping rule.

A campfire ban has also been instituted in the area as wildfire season approaches, according to Jean Nelson-Dean, a spokesperson for the Forest Service.

The decision to issue the citations came after long term, consistent complaints from nearby homeowners, largely related to wildfire danger.

The citation comes with a \$100 fine if people don't move by the end of the month. But practically, the citations are largely unenforceable, Nelson-Dean said.

The Forest Service, unlike a city, has no power to independently remove people from public land without going through a federal magistrate.

Getting people to pay these \$100 fines has historically not been a priority for these courts, Nelson-Dean said, which means they likely won't be enforced.

With the deadline to leave fast approaching, it is unclear what kind of effect the citations will have. So far, some campers have chosen to leave, though the Forest Service could not provide an exact number. No one so far has paid the fine, Nelson-Dean said.

The enforcement action has drawn criticism from some Bend city councilors, and begged the question of at least one county commissioner: Why?

"Why would the Forest Service go to the effort to post removal citations?"

Camping

warnings and then say they don't have enough resources to enforce," Commissioner Patti Adair wrote to Forest Service officials on June 21, according to records obtained by The Bulletin.

Nelson-Dean said patrols and enforcing its 14-day camping rule is not unusual, and happens every week. What made this month different was deploying six U.S. Forest Service law enforcement personnel instead of one or two to issue a large batch of notices at once.

"This patrol was a little bit different because we wanted them to know about the campfire ban going into effect," Nelson-Dean said.

According to records obtained by The Bulletin, several residents who live near the forestland have written to the Deschutes County Commission in the past few months about their concerns with those camping. While a number of concerns are mentioned, the most prominent is fear of fire danger.

"If fire occurs during our arid drought-stricken summer months, it would most likely be disastrous for all concerned," Pamela Thomas, a Bend resident, wrote to Adair in April.

The Deschutes County Sheriff's Office also has had to respond to more calls about fires in the area, Nelson-Dean said.

Records show out of all the commissioners Adair in particular advocating for change out near China Hat Road, including asking the Forest Service about the reality of an overnight camping ban or installing gates to the area.

"I have been receiving an email an hour the past two days. Our citizens are furious and frightened," Adair wrote to Forest Service officials. "The China Hat situation is clearly OUT of CONTROL. Something must be done now. The 5th year of a drought is not a safe time to ignore the rules of camping in our forests."

In an interview with The Bulletin, Adair said that she didn't know the Forest Service's plan to issue citations until they started happening, and that her

Chat

13



opinion of the citations fell in between fully supporting them and condemning them.

She said she is concerned about fire danger from camps, but also noted the county is attempting to set up a place for safe, legal parking near Redmond on 8 acres of county property. If enough legal housing options can be developed, Adair said barring camping from the China Hat Road area could be a good idea.

“I’m trying to work on both sides,” Adair said.

In the past, when fire bans are issued, camping residents off China Hat Road have generally followed the restrictions, Nelson-Dean said.

When asked why the Forest Service would issue camping notices when historically campers in the area have followed fire bans, thus mitigating fire risk, Nelson-Dean said it was a matter of addressing public perception.

“There is still very much a perceived perception by the public that the homeless cause a lot of wildfires,” she said. “Some of what we are doing is responding to the public’s concerns about what they perceive.”

Nelson-Dean said the Forest Service has tried to communicate with nearby homeowners about historical compliance with the fire ban, but residents have not found the answer “satisfactory.”

In a Bend City Council meeting earlier this month, Councilor Anthony Broadman said he was disappointed in the Forest Service’s effort to move people off the land with no alternative place to go.

Ultimately, Nelson-Dean said the Forest Service understands moving people is not a long-term solution, and that it will take the community coming together to develop more affordable housing options.

Nelson-Dean, in response to the criticism, said it feels like the city of Bend is getting away with pointing fingers at others without being asked about their

Chat

14

own homeless sweeps that have occurred on Second Street and Emerson Avenue in the last two years.

The Forest Service has heard at least a portion of those camping near China Hat Road came after sweeps that happened within city limits, she said.

“Where were those city councilors when the city of Bend was doing those same actions?” she said.

Broadman said the issue of homelessness is regionwide, and illustrates the importance of the city and county’s effort to launch a joint homeless office.

“I am not surprised that the federal government is passing the buck. This is what governments in this region have been doing,” Broadman told The Bulletin. “It is why we absolutely need the collaborative office.”

*Reporter: 541-633-2160,*

*bvisser@bendbulletin.com*

Chat

15



https://www.bendbulletin.com/homeless/bend-to-clear-homeless-encampments-on-hunnell-road-in-july/article\_a8937db8-1056-11ee-bec8-3742962ae077.html

FEATURED

# Bend to clear homeless encampments on Hunnell Road in July

By ANNA KAMINSKI The Bulletin  
Jun 21, 2023



Vehicles drive along Hunnell Road on the north side of Bend in November 2021.

Bulletin file



The city of Bend will remove homeless encampments from Hunnell, Clausen and Loco roads on the northern edge of the city in July, after a months-l delay and criticism from the American Civil Liberties Union of Oregon.

Chat

Privacy - Terms

16

3/7/2025, 7:14 A

“It has been determined that circumstances in this area have created public health and safety issues for people camping there and nearby residents, businesses and traveling public,” City Manager Eric King said in a statement.

Newly available shelter beds, increasing calls for emergency response near Hunnell Road and a desire to fully implement the city’s camping code have led the city to remove homeless people from Hunnell Road on July 17.

That’s about seven months after the city declared Hunnell Road unsafe. That declaration initially led to a March 16 plan to remove people who live in tents, makeshift shelters, RVs and cars.

The area has experienced 1,527 calls for service from the Bend Police Department from July 1, 2022, through June 20, 2023, King said. Those calls have been putting a strain on the department, King said. The homeless camps in the Hunnell Road area have become a hotbed of debate over the city’s response to the homelessness crisis in Bend.

The plan to remove homeless people from the area was delayed after public criticism, a failed attempt to open a managed homeless camp with Deschutes County and a letter of warning from the ACLU of Oregon, a local lawyer and a local service provider.

The letter took particular issue with the city’s camping code, which went into effect on March 1. It regulates when, where and how people can shelter or camp on public property within the city. Hunnell Road has been the only exception in enforcing the camping code, King said. Only the matter of how people can camp has been enforced on Hunnell Road.

“Camping outside when there is insufficient shelter is inseparable from the experience of being homeless; Bend cannot punish or fine its way out of this reality,” the Feb. 28 letter said.

---

[More Coverage: Homelessness on Hunnell Road](#)

Chat





## Coffee, sweets and compassion on Hunnell Road offers respite before upcoming sweep

In 2020, the Bend City Council aimed to have at least 500 available shelter beds by July 2023. To date, 241 have been created bringing the total to 484 beds. According to the yearly point-in-time count by the Homeless Leadership Coalition, an estimated 1,012 people are experiencing homelessness in Bend on any given night.

The July 17 sweep will be the first comprehensive removal of people experiencing homelessness on Hunnell Road and surrounding streets. It comes at a time when Deschutes County has filed code violations on its own land and city-owned land on the northeast outskirts of Bend. That will result in the removal of roughly 200 homeless people in coming months.

541-633-2160

akaminski@bendbulletin.com

[Learn more about your privacy options](#)

18

Chat

WEEKLY MEMBER TODAY.

LOGIN [f](#) [X](#) [@](#) [SUBSCRIBE TO THE SOURCE WEEKLY NEWSLETTERS](#)

☰ **SOURCE** WEEKLY 🔍

NEWS » LOCAL NEWS

JUNE 28, 2023

# Hunnell And Juniper Ridge Camp Removals Looming

Two of the largest homeless encampments in and around Bend are scheduled for closure

BY [JACK HARVEL](#)

[f](#) [X](#) [p](#) [♥](#) [✉](#) [📄](#)

The Bend City Council and the Deschutes County Board of Commissioners have both announced plans and timelines to clear large homeless encampments. The City of Bend said it'll clear the encampments on Hunnell Road on July 17. City Manager Eric King said the decision to clear the camp stemmed from health and safety concerns identified in a public health assessment last fall, and the 1,527 calls for service in the area over the last year, which is double the calls to the area in 2017.

The City previously said it would remove campsites in March to make way for construction vehicles used by an Oregon Department of Transportation project in the area, but changed course after ODOT said it could access the construction site without using the road. The City then attempted to partner with the county to create a managed camp. The City said it wouldn't clear Hunnell until that managed camp came to be, but that partnership didn't last. On March 8 Deschutes County Commissioners decided not to proceed with a managed camp.







*Jack Harvel*

Protesters gather outside of Bend's City Hall, demanding the City change course on its decision to sweep Hunnell and Clauson roads.

The City is re-engaging plans to clear Hunnell, saying it strains emergency service providers, is an unsafe impediment on the roadway and that it needs to uniformly enforce the camping codes it implemented in March. King also noted more shelter beds are available, saying there are now nearly 500 shelter beds available in Bend.

"The City's taken the difficult task of implementing a camping code while also increasing shelter capacity. We need to keep applying the code across Bend and are not currently funded to be the primary actor or catalyst for more shelter capacity beyond the goals we've established," King said in a prepared statement to the City Council. "City streets are not suitable for long-term or indefinite shelter for large groups of people and the City must act."

On the same day the City decided to clear Hunnell, Deschutes County Commissioners voted 2-0 to remove code-defying structures and vehicles in the northern part of Juniper Ridge. County staff estimate there are between 150 to 200 campsites in the area, and said there are numerous code infractions relating to unsafe dumping of waste and fire hazards. The county's five-step process starts with cleanup of waste and mitigating future impact by providing water and sanitation facilities. Next it will conduct community outreach and attempt to connect people with social services before removing abandoned property, then removing individuals who don't move.

Commissioner Phil Chang abstained from the vote, saying he's not against uniformly enforcing county codes, but wanted to move forward with other agenda items about the county's safe parking to mitigate the impacts of moving people. He also clashed with other commissioners on the concept of camp closures, arguing it only moves the problem rather than solve it. The county estimates it'll spend about \$200,000 on removing the campsites but said certain

facets of the plan and the cost could change as they move forward. Health Service Director Janice Garceau, whose department would be one party in the outreach process, said it may be difficult for her team to meet the needs of the closures.

"They will certainly be willing to participate with other service providers in doing assessments if they have capacity, but there are a number of camping closures occurring right now that are affecting well over 200 people in our community, so their bandwidth as a team of nine covering the whole county is what it is," Janice Garceau, health service director of Deschutes County, told the commissioners.

Garceau interrupted a heated exchange between Chang and the other county commissioners, pleading everyone to center the stories of the people who will be impacted the most. That'll be easier than usual, because Hunnell resident Nicholas Schindler organized a protest at a meeting of the Bend City Council. Schindler moved to Central Oregon about two years ago after crisscrossing the country doing what he calls street ministry, which includes both sermons and services for homeless people.

Schindler, several service providers and Hunnell Road residents at the City Council meeting said Hunnell is different today than it was in the past. They said they expelled the drug dealers in the community and are more diligent on keeping a clean space.

"The best possible scenario is that the city pumps the brakes, gives some grace, makes mandatory that service providers, that are getting paid, to do what we volunteers are doing while not getting paid and to do what they say they've committed to do," Schindler said.

The protest attracted about 20 people from Hunnell and Clauson roads, local service providers and activists. Schindler opened the meeting by preaching, playing audio of the Constitution and allowing people to share their stories on the microphone. One speaker, Michelle Hester, said she's one of 14 residents there who will lose their property because they can't move their vehicles. With impending sweeps on Juniper Ridge just west of Hunnell, she doesn't know what happens next.

"As far as I know, we still have nowhere to go. All the resources they gave us to call, I called every one of them and they can't help us. There's nothing they can do for us," Hester said.



<https://centraloregondaily.com/bend-homeless-hunnell-road-forest-service-letter/>

# Forest Service asked Bend to 'reconsider' Hunnell Road closure

Aug 4, 2023



One week before the closure of Hunnell Road to the homeless who were living there, the Deschutes National Forest supervisor expressed concerns to Bend and Deschutes County leaders to reconsider. She also expressed concerns about a draft plan to sweep Juniper Ridge.

In a letter dated July 11, Deschutes National Forest Supervisor Holly Jewkes shared her thoughts with Bend City Manager Eric King and Deschutes County Administrator Nick Lelack.

Jewkes cited "the potential movement of well over one hundred individuals to other locations including the Deschutes National Forest." She also cited fire risk and resource damage as major concerns and asked for a combined effort to create more options.

"This is a troubling development, as we anticipate many of the displaced individuals moving to other locations on the Deschutes National Forest, such as China Hat," Jewkes wrote.

**>>> Have you checked out Central Oregon Daily News on YouTube? Click here to subscribe and share our videos.**

**RELATED: Final Hunnell Road clean-up**

**RELATED: Deschutes County commissioners unanimously agree to camping code changes**

She also cited increases in long-term campers onto Forest land after they were removed from Oregon Department of Transportation property along Highway 97 and from 2nd Street in Bend.

22

King responded the same day, saying in a letter that the city was willing to talk further, but still planned to move forward with the Hunnell Road closure. King wrote that the City was cautious about trying to not remove camps until there were enough shelter beds available.

"However, we do know that many of the folks living along Hunnell will not take advantage of these additional beds brought into the system and that camping will continue to occur," King wrote.

He noted that the City enacted a time, place and manner camping code in March. He said that camping in the city is not totally banned as long as the restrictions in the code are followed.

There is no word yet on a date for when the county may sweep Juniper Ridge.

Despite efforts in court by people living on Hunnell Road to delay the sweep, the road was closed as planned on July 18. Some of those with disabilities were given an extra week.

The City said it plans to clean the road, repaint it and then eventually reopen it under the camping code restrictions.

The City told Central Oregon Daily News Thursday the Coordinated Houseless Response Office is planning for a roundtable in a few weeks that will include the Forest Service.

**Read the letter from Jewkes below, followed by Eric King's response.**

[pdf-embedder url="https://centraloregondaily.com/wp-content/uploads/2023/08/Letter-from-DNF.pdf" title="Letter from DNF about Hunnell Road closure"]

Hi Holly,

Thank you for your letter. I completely understand the hardship that we all face as public agencies in trying to make decisions on issues related to homelessness that balance all interests, including those agencies managing public lands, ensuring community health and safety, and increasing shelter and housing capacity that create



more permanent solutions.

In Bend, we have been cautious not to remove large camps unless there has been additional shelter beds added to our capacity. Council set a goal of having 500 shelter beds in this biennium (July 1, 2021 through June 30, 2023). We've nearly met that goal of 482 beds. You can see our dashboard of capacity here (scroll to the bottom of the page).

More recently, the City was successful in obtaining both County and State OEM (Governor's funding) to open up the Rainbow Hotel on Franklin to add 60 beds and we have also funded our first outdoor shelter in partnership with Central Oregon Villages, which will have 20 units available (several just opened a few weeks ago) by the end of this summer. In total, 80 beds have been added to the system in the past few months- more than the number of folks living near Hunnell.

It was this additional capacity which is currently open and operating, along with a citywide application of our camping code that went into effect in March and the public health and safety issues that were continuing to escalate that we felt that it was now the right time to remove camps along Hunnell.

However, we do know that many of the folks living along Hunnell will not take advantage of these additional beds brought into the system and that camping will continue to occur. The City's camping code does allow for camping under time, place and manner restrictions- it is not a complete ban, so as long as folks comply with those restrictions, there will be options in Bend available.

There is also the question of allowing sanctioned camping in certain areas. Our general philosophy at the City is that sanctioned camping should come with onsite services, oversight and case management. So far, we have not been able to fund a non-profit provider or government entity to provide this service. We have offered up land at Juniper Ridge and on S. Hwy 97 as potential locations- but that is only part of the equation. As mentioned, we do have an outdoor shelter with pallet structures now opened at 27<sup>th</sup> and Bear Creek, which may reduce some of the barriers for folks that are camping and don't want shelter.

Coordination is definitely key amongst all the partners in the region. We are in the

24

3/2/2025, 12:20

process of re-positioning the Coordinated Houseless Response Office (CHRO) and are looking for more opportunities to engage the Forest Service and other partners in addressing this issue at a regional scale. We'll have more to share about the Strategic Plan and updated Governance models in the coming weeks.

I'm happy to talk further about any of these actions, codes, strategies, and possible partnership. As each City and County in Central Oregon adopts camping codes, we do need to coordinate their respective impacts. Consistency is definitely the goal and I agree your request for continued engagement. Please let me know if you'd be willing to meet with Nick and myself to talk in more detail and strategize solutions. If so, please let me know who to work with in your office to get something scheduled soon.

Take care,

Eric

25



https://www.bendbulletin.com/homeless/federal-officials-take-notice-of-homelessness-near-china-hat-road/article\_c9735ff2-2f23-11ef-93d2-efbebad45b0b.html

FEATURED

# Federal officials take notice of homelessness near China Hat Road

By ANNA KAMINSKI The Bulletin  
Jun 21, 2024



A homeless encampment off of China Hat Road in Bend, seen here in February.  
Dean Guernsey/Bulletin file

- 
- 
- 
- 
- 
- 
- 

Homelessness on U.S. Forest Service land south of Bend grabbed the attention of five federal agencies and Central Oregon’s congressional delegation, which met with local leaders Thursday to discuss what can be done.

It also marked the launch of a new initiative to move people currently living unsheltered in the area into housing and prevent future bouts of

Chat  
26

Privacy - Terms

homelessness. Though, what exactly that will look like — and what solutions could take shape — is unclear.

More than 30 officials, service providers and representatives talked about what solutions could exist for dealing with widespread homelessness on national forestland near China Hat Road at the meeting.

One attendee, Linda Long, was once homeless in the China Hat area, and she recommended a focus on creating a sense of ownership for people living there. Any effective solutions must acknowledge peoples' talents, skills and individualism.

"I'm here to talk about the lesser known, the lesser understood," Long said at the meeting. "I can tell you from personal experience how invisible you are when you are homeless."

## **A balance of perspectives**

The Deschutes County's Coordinated Houseless Response Office, which is a legislatively-created countywide effort to address homelessness, hosted the nearly two-hour meeting.

It is also leading the initiative to solve homelessness near China Hat Road by convening federal, state and local agencies.

Service providers at the meeting, like J.W. Terry, executive director of Central Oregon Veterans Outreach, asked attendees to put bias aside and defer the stereotypes that wildfire, crime and drug use are the hallmarks of homelessness near China Hat Road.

However, to the people that live in nearby neighborhoods, that's all they see.

"In the last five years or so, there has been a significant change out there," said Sandy Baxter, a former Bend Police chief who lives in the nearby neighborhood of Woodside Ranch.

She spoke of manhunts, gunshots and exploding propane tanks, which she



said she has now grown accustomed to.

The meeting was an important first step toward effective solutions, said Capt. Michael Shults, commander of the Deschutes County jail, in an email after Thursday's meeting.

When it comes to public safety, "a balanced approach to addressing homelessness and tent encampments involves compassionate enforcement, and individual accountability," he said.

## Challenges near China Hat Road

Challenges near China Hat Road have existed for many years, Holly Jewkes, Deschutes National Forest supervisor, said at the meeting. But roughly five years ago, after the onset of the COVID-19 pandemic, "it grew to something that has a scale, scope and intensity that we're all feeling, and there's a lot of emotion behind that as well," she said.

Homelessness has increased in Central Oregon for at least the past decade, but sharp increases have occurred since 2020, according to local Point-in-Time counts.

Officials from the U.S. Department of Agriculture, the U.S. Department of Housing and Urban Development, the Forest Service, the U.S. Department of Veterans Affairs and the U.S. Interagency Council on Homelessness attended to listen and offer their input on resources that could be redirected to focus on people living on forestland near China Hat Road.

It isn't just an issue in Bend or Central Oregon. Homelessness and housing instability have increased across the country — so much so that for every 10 people who obtain housing, 12 people lose their homes, said Katy Miller, a regional adviser with the U.S. Interagency Council on Homelessness, who visited Bend on Thursday for the meeting.

## Political frustrations

Central Oregon's congressional delegation was present at Thursday's meeting.

Chat

28

It included staff from the offices of Democratic U.S. Sens. Ron Wyden and Jeff Merkley and Republican U.S. Reps. Lori Chavez-DeRemer and Cliff Bentz.

Wyden said in an emailed statement, “The ‘Oregon Way’ is all about people coming together in their communities to work on solutions to the challenges they face every day.”

He added that he is interested in hearing future ideas that both “help vulnerable people and protect our federal forests.”

Nick Strader, Bentz’s chief of staff, pushed leaders, particularly forest officials, on Bentz’s behalf on how they’re able to make progress on homelessness near China Hat Road when they can’t quantify the problem.

“We’ve been frustrated because we’ve been unable to get any data whatsoever,” Strader said at the meeting.

Some estimates put the total number of people experiencing homelessness in the China Hat area anywhere between 200 to 400 people but rough, unnavigable terrain make an accurate count difficult.

“I empathize with everybody’s frustration,” Jewkes, with the national forest, said after meeting. “I think how we come together as leaders in a unified, collaborative way is really the path forward with something that’s this challenging. Because it’s not just China Hat. It’s other locations on all different jurisdictions.”

## What’s next?

As a result of Thursday’s meeting, relationships were built and possible resources were identified, but tangible solutions weren’t expressly deployed. Next is another conversation after some behind-the-scenes work, Mayor Pro Tem Megan Perkins, who is also the vice chair of the county houseless office, said after the meeting.

A lot of ground was covered in a short period of time, Terry, of Central Oregon Veterans Outreach, said after the meeting.

Chat

29



The outreach organization is focused mostly on ensuring people living unsheltered survive while giving them a voice in conversations like Thursday's.

It's easy to point to certain solutions, Terry said. He referenced one that came up during the meeting from Deschutes County Commissioner Patti Adair, who said Bend has a number of vacant apartments.

"To find a vacancy isn't hard," Terry said.

But finding one that's affordable?

"That's a whole different ballgame," he said.

541-633-2160


[akaminski@bendbulletin.com](mailto:akaminski@bendbulletin.com)

30

Chat

**LISTEN  
LIVE**

**LOCAL NEWS**

Read All 



**China Hat Road  
Homeless Response  
Meeting Thursday**

Posted About Eight Months Ago by Mike Thomas

BEND, OR -- A roundtable meeting Thursday held by the Coordinated Homeless

Response Office brings together the U.S Forest Service, and the United States Intergovernmental Council on Homelessness, along with representatives from Deschutes County, and the cities of Bend, La Pine, Redmond, Sisters, and the Central Oregon Intergovernmental Council.

Bend city councilor Megan Perkins, the CHRO board's vice chair, says the discussion's focus is on people living in the national forest, particularly in the China Hat area, "Knowing that in two hours, we are not going to solve China Hat, we are not going to fix China Hat, but at least we can have some ideas for future directions and an agreement that we will keep talking."

Perkins says it is a complex situation with multiple jurisdictions involved as the area is on national forest land in Deschutes County, "We are all taking responsibility here and trying to produce some form of a release valve for our Forest Service friends that are working out of China Hat."

Perkins hopes to take action right away, "We do a really huge surge of influx of service provision there to really take the people that we can get into either a shelter or some form of house environment. And then that leaves us more resources to work with the people that have been there for years."

She tells KBND News those living and working around China Hat Road will provide input, "We have some State and some local individuals that are also going to be at this table. Really important: we also have people that are doing service provider work out in China Hat to talk about the problem. We're also going to hear from an individual that lived at China Hat for a few years. She can talk to us about what she sees going on there."

Perkins admits many want to continue camping there, "But we have a lot of people in China Hat that are children, that are veterans, that are working every day, that really would like to find a more stable environment."

The roundtable meeting starts at 10 Thursday.  
 The public can watch via live stream on this [link](#).

**ON AIR NOW**



**Mark Levin**  
 3:00pm - 6:00pm  
 Mark Levin  
[My Profile](#)

**LOCAL WEATHER**

**Bend, OR**  
**43°**  
 3:52 pm PST  
 Mostly cloudy



**FLASHALERT**

**Bend/Central-Eastern Oregon  
Emergency Info for Mon. Feb. 17  
- 3:52 pm**  
 Breaking news from local organizations.  
 Info provided by FlashAlert Newswire  
 No information reported.

**KBND ON FACEBOOK**



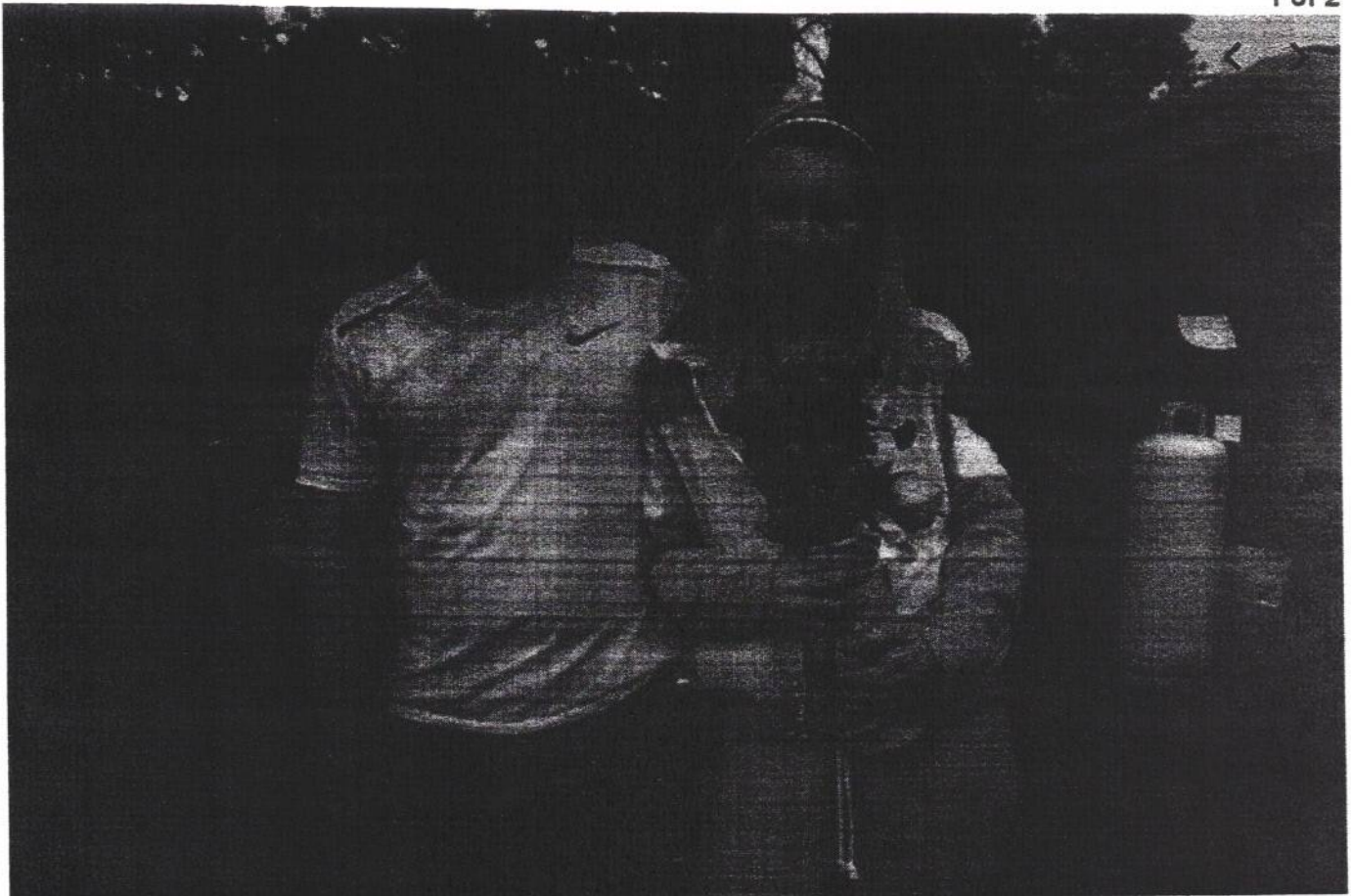
https://www.bendbulletin.com/localstate/looming-homeless-camp-closures-near-china-hat-present-uncertainties/article\_3dc8412e-e26b-11ef-8841-87655375047c.html

FEATURED

# Looming homeless camp closures near China Hat present uncertainties

By CLAYTON FRANKE The Bulletin  
Feb 4, 2025

1 of 2



Ryan and Sophie Magee contemplate their future at their camp off of China Hat Road in Bend. A forest managemene is expected to displace dozens of people who live in encampments near China Hat Road southeast of Bend.  
Dean Guernsey/The Bulletin



Chat

Privacy - Terms

32

3/2/2025, 3:55 PM

Law enforcement officers with the U.S. Forest Service rolled through China Hat Road in the Deschutes National Forest southeast of Bend this week, visiting RVs, trailers and cars, letting people know of the agency's plans to close the area in a little more than three months.

The plan — a 34,000 acre vegetation management program to mitigate wildfire — will result in closure and removal of one of the region's largest homeless camps, the latest of several recent actions by local governments to address growing homelessness on public lands outside of Bend and Redmond.

The plan will, if all goes accordingly, address an issue simmering under the purview of local and federal officials for years.

Yet very few people living in the forest know where they will go next.

Nonprofit service providers and outreach groups have been doing regular outreach in the area for several years, providing survival resources like propane, food, clothes and water. Case managers help people connect to housing, shelter, and medical and other services. That work will continue over the next few months in preparation for the closure.

Read more

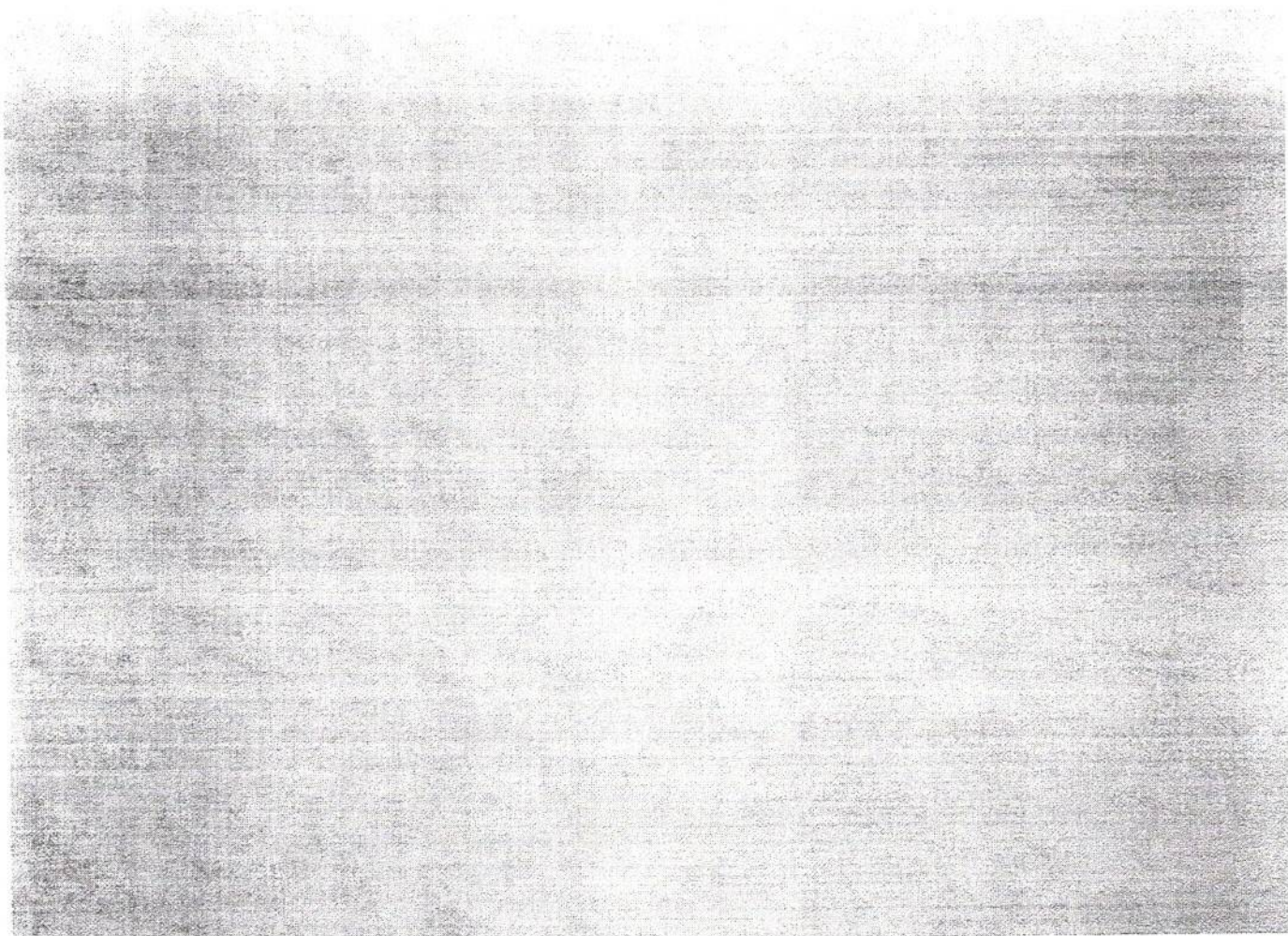
Forest treatment will close of trails, caves south of Bend for at least one year

The Forest Service — which plans to enforce the closure starting May 1 with charges that could result in up to \$5,000 fines and year in prison — is working with local governments and nonprofits to “best prepare people living in unauthorized encampments in the project area,” the agency said in a news release.

“This is not going to be a perfect process at all,” said Megan Perkins, a Bend City Councilor and board member with the Coordinated Houseless Response Chat



Office, an intergovernmental group that has facilitated conversations about camping on China Hat Road for months. “This is not going to be a clean process. We are going to have some people who are choosing to move to another forested area in Central Oregon. The best that we can hope for is that we can get as many people as possible into some form of stable housing situation.”



A group of camps off of China Hat Road southeast of Bend.

Dean Guernsey/The Bulletin

## A simmering problem

Outreach workers and volunteers estimate 100 to 200 people live scattered throughout the woods along several miles of China Hat Road, some just a few hundred yards from the asphalt and others much farther away, out of sight.

Some have lived in the RVs and camps off of China Hat Road ~~for~~ <sup>over</sup> weeks.



Others have lived there for months, a few years, and even longer — but numbers grew during and after the COVID-19 pandemic, along with general homelessness numbers across Central Oregon.

“A lot of people have lived out there for many many years,” Perkins said. “It’s going to be a really big effort. I’d be lying if I wasn’t saying I was a little bit concerned.”

On Forest Service land, dispersed camping outside of a developed campground is limited to 14 days at a time. According to Deschutes National Forest spokesperson Kaitlyn Webb, that limit has been enforced in the past, including issuing notices of violation, but a citation does not necessarily result in someone being removed.

According to previous reporting by The Bulletin, the Forest Service last attempted to remove campers in 2022 after getting pressure from nearby property owners, but the effort was ineffective.

Planning for the Cabin Butte Vegetation Management Project began in 2017, Webb said. Forest work in areas where people aren’t camping began in 2023.

Meanwhile, as homelessness grew, it grabbed the attention of federal officials across several agencies, resulting in a roundtable discussion with local leaders in June focused on solutions to the problem.

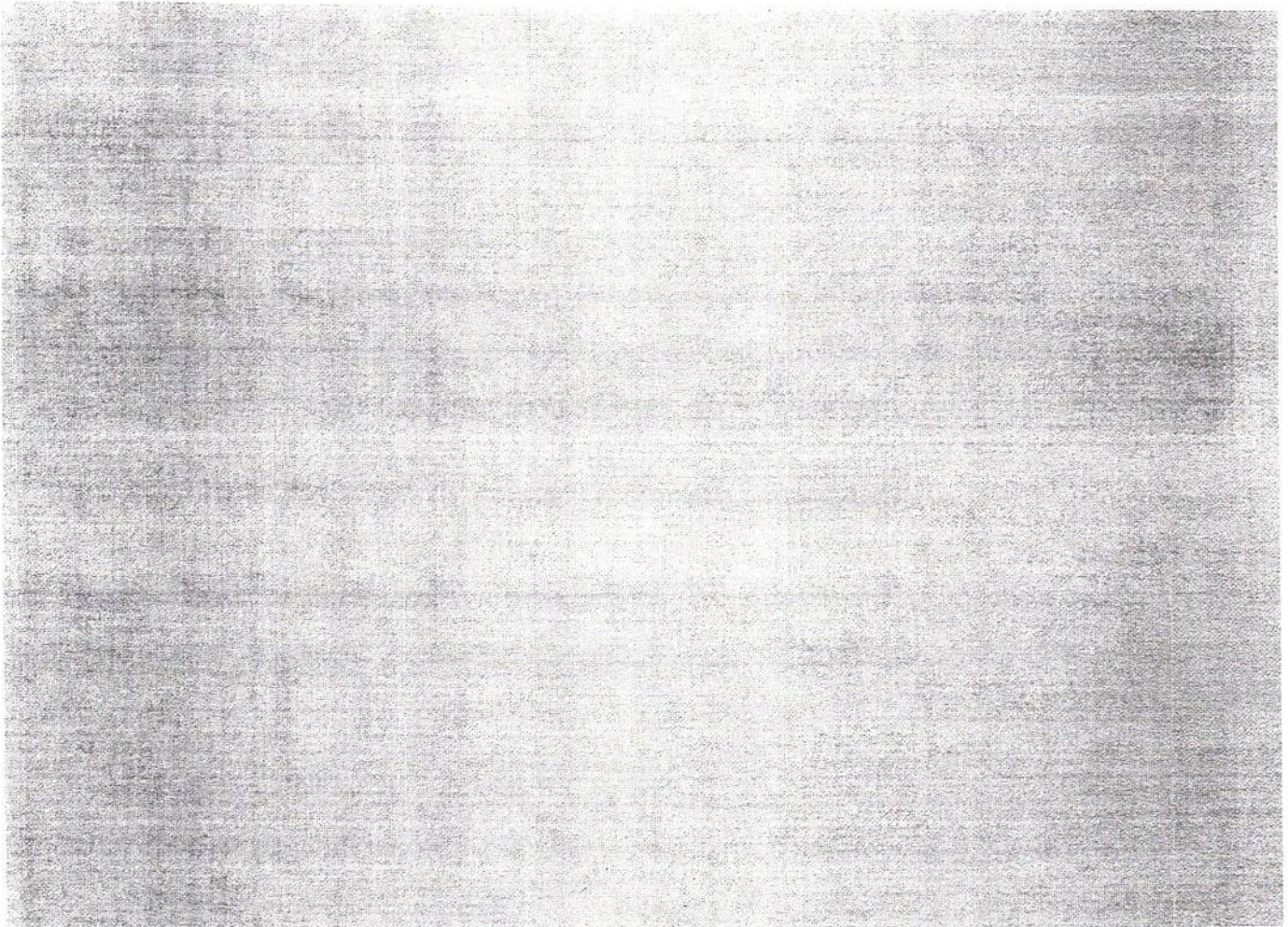
“The Deschutes National Forest has been collaborating with city and county partners to find community-driven solutions for the unhoused individuals in the China Hat area for several years, however we are not the lead for addressing homelessness and houselessness in our communities,” Webb said in an email. “We strive to be a good partner by coordinating with those that are.”

Officials with Bend and Deschutes County said the effort will be aided by a pot of funds dedicated to breaking down barriers for people to get housing. Service providers and case managers use the coordinated entry intake system to figure out who needs what resources and how to connect them at



However, the China Hat removal plan comes without direct grant funding to boost outreach work. As service providers and campers prepare for the closure at China Hat, a similar effort is underway north of Bend at Juniper Ridge, where the city and county aim to close hundreds of acres of public land and consolidate camping to a temporary “safe stay” area of 40 acres by May. The city and county awarded \$1.1 million in December among a handful of service providers to swell outreach in the next few months.

A similar round of grants did not accompany the China Hat closure plan.



A flyer announcing road closures in the China Hat Road area near Bend.

Dean Guernsey/The Bulletin

## Shelter capacity growing, but still a challenge

The landscape of shelter and low-income housing services in Bend is quickly growing, said Amy Fraley, the city’s shelter coordinator. The city has more



than 200 low-barrier shelter beds and about 500 total beds. Occupancy hovers between 80% to 90%.

Recently, a pair of permanent supportive housing projects added more than 100 units for chronically homeless people, some of whom transferred out of emergency shelter, Fraley said. The city is in the process of adding new safe parking sites and anticipates more projects to come online later this year.

[Read more](#)

Unhoused people may be on the move again, as Bend Central District develops

But finding a place for people displaced at China Hat still presents a huge challenge because many people live off of very minimal incomes, said Nicole Merritt, director of operations with Shepherd's House, a homeless outreach nonprofit and the county's largest shelter bed provider.

"The absence of supportive housing or capacity at shelters often means that when people are moved from one location, they simply end up in another encampment, moving from one crisis to the next," Merritt said in an email.

## Next move uncertain

Ryan and Sophie Magee, who moved into an RV off of China Hat Road a few months ago, said they don't know where they will go when the forest land closes. They became homeless, they said, after a bank foreclosed on their rental house of five years because the landlord failed to make mortgage payments. The RV they found for free on Facebook Marketplace was in disrepair and dirty when they got it, but the couple has been working to make it habitable.

Having a roof during the winter is still much better than a tent, they said.

Their 10-year-old son is living with relatives in Bend until the couple can get



back on their feet.

“It keeps getting harder and harder and harder,” said Ryan Magee, a tattoo artist.

Jared Davidson, who works a seasonal job as a landscaper, has lived in an RV at China Hat for three years, along with a handful of relatives and friends. He acknowledged the camp has become a mess, but that’s after years living without trash service. He has a working car, but his RVs are unreliable.

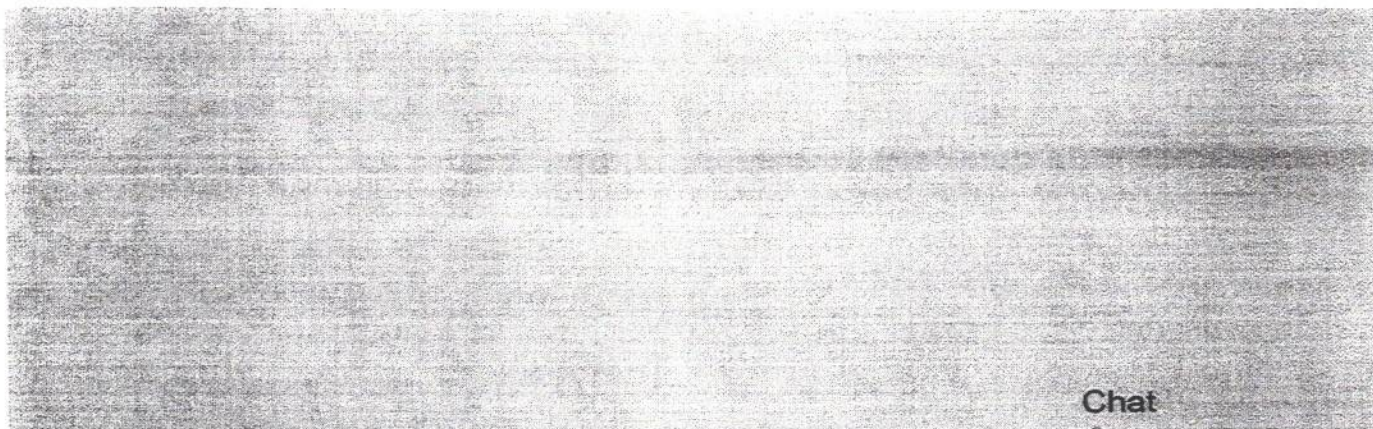
Read more

Safe places for homeless to park in short supply as Bend enforces vehicle camping rules

He said he anticipates a “giant influx of campers and tents in town” after the closure.

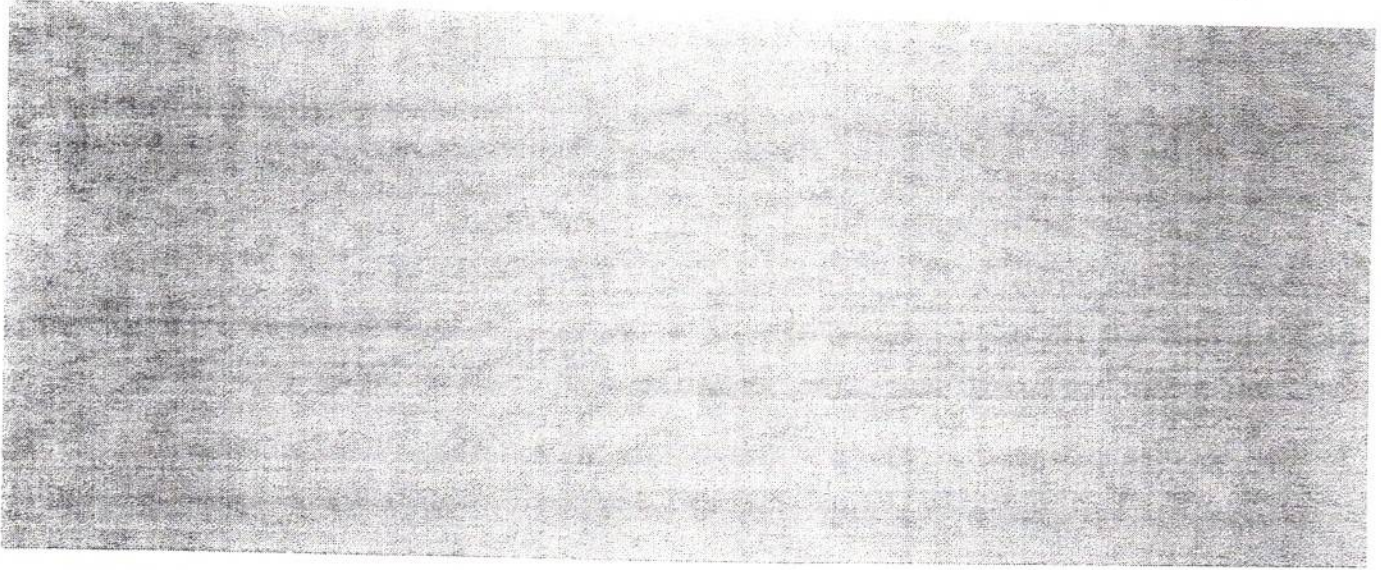
Rich Strachan, who has lived in an RV off of China Hat Road for a year with his dog, Elsa, said he isn’t too worried about where he’ll go next — probably to another forest area nearby. Strachan, who is disabled, said he has lived in and around Bend since the 90s, including in a trailer near the Bend Whitewater Park.

“I live day by day,” he said.



Chat





Rich Strachan talks about where he and his dog, Elsa will go when camping is closed near China Hat Road in Bend in May.

Dean Guernsey/The Bulletin

But many people are “deeply concerned” about what is going to happen to them, and some service providers are expressing the same, said Chuck Hemingway, an outreach volunteer and advocate. For those with running vehicles, parking on the streets of Bend comes with added stress of complying with the city’s code for vehicle camping, which was recently updated to a 24-hour limit. China Hat had become one of the last places where people without homes were living relatively undisturbed.

“The concern is, well, gee, where do I go?” Hemingway said.

As a result of the China Hat closure, people will likely relocate to other public lands including the temporary safe stay area at Juniper Ridge, said Deputy County Administrator Erik Kropp. While the city and county are pouring in extra resources there, plans are to close the area in two years. The county is not regulating the comings and goings of the area, but it’s not intended to be a long-term solution for additional people, Kropp said.

Reporter: cfranke@bendbulletin.com, 541-617-7854

Clayton Franke  
Reporter

Chat

39



# DIORAMA'S & OPINIONS

## How you can help people without a home

35 VO GUEST COLUMN

BY LYND WIEMAN

I help deliver donated food, clothes, and propane to people living in the woods near China Hat Road. It can be wrenching, sometimes tragic, sometimes deeply satisfying. One recent week was framed by two events: Monday was with Faith; Friday was with Rachel.

Imagine the dreams a mother has when she chooses the name Faith for her newborn baby. She is not thinking about the baby girl, or the child, she is thinking about the woman she will become, about who she will be and the life she will have.

I didn't meet Faith until she was an adult. She was not living the life of her mother's dreams. She was living in a broken-down trailer in the woods, surrounded by dirt and trash. Every time I saw Faith she said she had been busy cleaning the place up. She had also been trying to find a way back into housing, into normal society. Most of her time was spent trying to stay warm and fed leaving little time for her long-term effort.

On Monday she gave up the struggle and took her own life. I was

glad and took her own life. Although she didn't live in a house, Faith did have a community. All her neighbors, living in their own broken-down trailers, mourned her death. It was tragic for all of us, but for the people in her community it was also frightening. They are facing the same struggles as Faith, trying to stay warm in the winter, to eat every day, all the while trying to find a path back to a normal lifestyle, and to live in a house. Her surrender was a blow, a reminder of the possibility that their struggles may be fruitless.

On Friday of the same week, I got to help Rachel move her van from China Hat Road to an apartment she had moved to. She had been living in the woods for a couple of years, and we visited her every couple of weeks, providing a little help with food, propane, and human contact. Two weeks before, Rachel had moved into an apartment, but her van was still on China Hat, filled with her belongings, food, household supplies, and

appliances. I could see the change in Rachel in just the two weeks of having housing. Her clothes and hair were clean and neat, but also, she was more relaxed. She looked younger. She was smiling. It is rare and wonderful to see someone make the move from living in the dirt, constantly worrying about getting into town for propane and food, always at risk of robbery or attack, moving to live in a clean apartment, warm and safe, close to groceries and services.

The Forest Service has announced they are going to clear everyone out of the National Forest along China Hat Road soon. There is no place for them to go. People living out there can't afford rent. There aren't enough subsidized apartments or shelter beds for all the people living in the forest. Making them move won't push them into the path Rachel was able to take; they would already be doing that if they could. Making them move with no place to go will only increase their struggle.

You can't solve homelessness yourself, but we can have a significant impact on it. We can help people like Rachel find permanent housing, health services, etc. Ask your church or local business if they can provide a couple of spaces. When they say yes, contact REACH (reach@centraloregon@gmail.com) or Mountain View Community Development (info@mvcdmnd.org) for Bend or Redmond.



A flyer surrounding road closures in the China Hat Road area near Bend. Photo Courtesy: The Bulletin

can't, life-changing impact on a few people's lives. One type of temporary housing is called safe parking, a church or a business provides a parking space or two in their parking lot for people to park their RV or trailer. All the arrangements are handled by a service organization, funding and screening clients, ensuring they keep their space clean and follow the rules.

case management to help them find permanent housing, health services, etc. Ask your church or local business if they can provide a couple of spaces. When they say yes, contact REACH (reach@centraloregon@gmail.com) or Mountain View Community Development (info@mvcdmnd.org) for Bend or Redmond.



# Back and forth: ODOT crews spent nearly half a million dollars on Bend right-of-way homeless camp cleanups last year

By Isabella Warren

March 7, 2025 4:23 pm

Published March 7, 2025 11:51 am



32

*(Update: Adding video, comments from ODOT)*

BEND, Ore. (KTVZ) -- It seems to be a back-and-forth game for ODOT crews and the homeless, one that costs \$440,000 a year.

KTVZ News has reported about ODOT right-of-way cleanups around the city for years. You'll see crews up and down Highway 97 in Bend, including Revere Avenue, Truman Avenue and Reed Market Road.

This week, crews were back at it, clearing a growing encampment on Revere. And just days later, KTVZ News cameras captured what appears to be a new encampment, right across the street.

We spoke with ODOT last summer about the situation.

"We always try to get to these areas and address them before they grow in size," said ODOT Region 4 Public Information Officer Kacey Davey. "The smaller these restoration events are, the less resources that we have to put to them."

According to the department, from July 2023 to July 2024, the cost for right-of-way camp work for the Bend crew was just under \$440,000.

ODOT says those camping in rights of way with no trespassing signs have 24 hours to move. ODOT and hazardous waste crews determine what items are trash or personal belongings, and the latter are held in a facility for 30 days, where they can be picked up.



"Camping in the right of ways, next to the state highway is really not a safe place for anyone to be, and so we're hoping that those folks can find a place that is safer," Davey said. "And we rely on our community service organizations to help people with resources and find places where they can be."

The Lighthouse Center in Bend says the first week of March has been busy, with an estimated 400 beds filled. But residents are not asked where they came from when they arrive.

# **ATTACHMENT D**

## **SERVICE PROVIDER STATEMENTS**



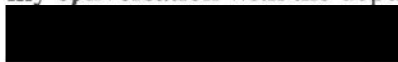
## SWORN STATEMENT

March 7, 2025

My name is Charles W. Hemingway. I am a homeless service provider volunteer who engages regularly with persons experiencing homelessness who live in the China Hat area of the Deschutes National Forest, which is located within the Cabin Butte Vegetation Management project area.

I swear and affirm upon oath and under penalty for perjury, the following”

1. On February 27, 2025, in the company of another homeless outreach person who volunteers with the Shepherd’s House SHARE van, we were visiting in the camp of a person experiencing homelessness in China Hat, providing services.
2. While we were in the camp a Deschutes County Sheriff’s vehicle came down the road and stopped. Inside was a uniformed deputy and a person in the passenger seat we understood to be a Forest Service employee. The deputy stopped and we engaged in conversation.
3. The deputy said they were going through camps in China Hat reminding people in campsites that effective May 1, 2025 the area would be closed and they would no longer be allowed inside.
4. I explained that I volunteered with a relatively new nonprofit called Home More Network and we were planning to assist those camping in China Hat with being able to get towed out and relocated before the May 1<sup>st</sup> date but that if that was not possible because of the sheer number of people, we were hoping there would be some flexibility on the part of the Forest Service and law enforcement to allow us to continue that effort after the closure date.
5. The deputy advised he understood that would not be possible. The deputy advised that at some point prior to May 1<sup>st</sup> a gate would be installed blocking off Forest Service Road 18 (China Hat Road) and on May 1, 2025 the gate would be locked. He advised that anyone entering the area after May 1<sup>st</sup> would be arrested.
6. I repeated that I hoped there would be some flexibility permitted and he restated that it was his understanding this was a hard and fast rule.
7. In discussing this matter with other service providers we discussed a provision on Page 223 of the Final EA in which the Forest Service states that it will work with service providers to help campers being displaced get relocated after the implementation date of May 1, 2025. Based on my conversation with the deputy, that appears unlikely.

  
\_\_\_\_\_  
CHARLES W. HEMINGWAY

## SWORN STATEMENT

March 20, 2025

My name is Foster Fell. I am a homeless service provider volunteer who engages regularly with persons experiencing homelessness who live in the China Hat area of the Deschutes National Forest, which is located within the Cabin Butte Vegetation Management project area.

I swear and affirm upon oath and under penalty for perjury, the following"

1. I am a volunteer service provider who has been made aware of a pattern of harassment by US Forest Service law enforcement officers directed against people who face removal from their campsites in the China Hat and Horse Butte areas of the Deschutes National Forest.

2. I believe this is an unwarranted abuse of power and serves only to frighten people who already live under harsh and uncertain conditions. Specific instances of harassment include selectively levying citations involving onerous fines, demanding that people leave immediately, dispensing erroneous information on the May 1 eviction, confronting lone individuals with as many as a "10-deep" phalanx of officers, the tasing of one individual who was arrested, but almost immediately released without being charged--as far as I have been able to learn.

3. Last Friday evening (March 14) while delivering a propane tank to a family, I noticed a law enforcement vehicle with flashing lights (!?) parked at one trailer. The officer watched me as I drove by and then proceeded to follow me, but did not stop me. The next day I learned that in this case the young man who had been apprehended at his trailer was merely driving home after getting off work. He was charged with driving on an unauthorized road and given a citation with a \$180 fine. I know this was a selective case of abuse of law enforcement authority because I was driving on the *same road* but was not stopped and cited.

4. I have no idea how much money this operation is costing tax payers. It is my understanding that officers were brought in from surrounding National Forests to carry out the harassment. I am a firm supporter of Federal employees, as I am a retired employee of the USDA in the Forest Service and Natural Resources Conservation Service. As such, I came to appreciate the service and dedication of colleagues--including law enforcement officers. To me it is a terrible turn of events when we unleash Federal workers in the service of frightening highly vulnerable people.



FOSTER FELL



# **ATTACHMENT E**

**EXTRACTED INFORMATION FROM DISABILITY DISCRIMINATION COMPLAINTS  
FILED BY UNHOUSED PERSONS LIVING IN THE CABIN BUTTE PROJECT AREA –  
INDIVIDUAL COMPLAINTS WERE SUBMITTED TO THE US DEPARTMENT OF  
AGRICULTURE OFFICE OF CIVIL RIGHTS**

**INFORMATION EXTRACTED FROM DISABILITY DISCRIMINATION COMPLAINTS FILED BY  
AFFECTED UNHOUSED INDIVIDUALS IN THE CABIN BUTTE PROJECT AREA**

1. Following is a list of individuals who have submitted Disability Complaint forms and also who claim Adverse Environmental Impact on their health.
2. The complete unredacted set of Disability Complaint forms from all these individuals have been sent to the Office of Civil Right, U.S. Department of Agriculture, Washington, DC, in accordance with USDA Discrimination Complaint processing procedures.
3. The undersigned, as Designated Representative, has retained a copy of the unredacted set of Disability Complaint forms and it is available for viewing subject to the expectation that the privacy of the individual will be protected and that there will be no retaliation against the individual.
4. Individuals are listed below by initials only for privacy purposes and because of fear of retaliation from Forest Service or other law enforcement if their full names were disclosed.
5. Many are in the Homeless Management Information System (HMIS), and if so will make it easier to connect for services. If not yet in the HMIS system, this will enable service providers to connect with them to get them entered into HMIS.

<b>Claimant Initials</b>	<b>In HMIS System?</b>	<b>Disability Claimed</b>
JTA	Yes	PTSD
AA	Yes	Migranes, PTSD, Depression, Anxiety
KB	Yes	BiPolar Disorder, Schizophrenia, PTSD Depression
KAB	Yes	Ulcerative colitis, Crohn's Disease
TJB	Yes	PTSD, Depression, Arthritis in Knees
DMB	No	PTSD, Back, hip & leg unable to move
SRB	Yes	Blind in right eye; schizophrenia, BiPolar Disorder, Depression
GJB	Yes	Degenerative bone disease; Broken C7 vertebra, Narcolepsy causing seizures and paralysis, Blindness
LB	Yes	PTSD, Depression
MRB	Yes	PTSD Social Anxiety, PTSD
TB	No	Depression, ADHD
SC	No	On SSI, Lupus; Kidney Disease
MLC	Yes	PTSD, Social Anxiety
WC	Yes	Complex PTSD



<b>Claimant Initials</b>	<b>In HMIS System?</b>	<b>Disability Claimed</b>
CLD	Yes	Complex PTSD
CMD	Yes	Specific learning disability; Major depressive disorder; Brain injury due to toxin or poison, PTSD, Anxiety
DD	No	PTSD
AKD	Yes	Schizophrenia, Multiple Personality Disorder, Anxiety PTSD, Back pain from car accident
KAE	No	Anxiety
KKE	No	Mental Issues
RMF	Yes	PTSD
JCF	Yes	Broken back; PTSD, Bi-Polar Disorder
PJG	Yes	Undergoing current treatment for cancer and chemotherapy; COPD & use inhalers; Complex PTSD from years of homelessness
SJG	Yes	Severe depression; Anxiety, PTSD
MRG	Yes	Bi-Polar Disorder; Broken back; Cancer – leukemia, PTSD, Depression
RAG	Yes	PTSD
LG	No	PTSD
TG	No	Heart disease; Polycystic kidney disease
SBG	Yes	C.O.P.D.
CG	Yes	Anxiety, Depression, PTSD, Degenerative disk disorder (L-5,S1 vertebra), Arthritis in both knees; Fluid on knees; Migranes, Vertigo, Pre-Diabetic
LMG	Yes	Diabetes, Fetal Alcohol Syndrome; Chronic mental distress, PTSD starting with abandonment & living since
AG	No	Leg and arm – can't use either; PTSD, Depression
CEG	Yes	BiPolar Disorder; Social Anxiety; Borderline and multiple personality disorder; physical disability due to back and knee problems
KG	Yes	Slipped disk in lumbar spine; PTSD, Bi-Polar Disorder, Anxiety
JTG	Yes	PTSD
WRH	Yes	Diagnosed mental health issues
WH	Yes	PTSD, Depression

<b>Claimant Initials</b>	<b>In HMIS System?</b>	<b>Disability Claimed</b>
JH	No	Get SSDI for mental health
DBJ	No	PTSD, COPD
JJ	Yes	Essential tremors; Depression; PTSD
MJ	Yes	Get SSDI for disabilities; Bad back; lost use of right hand; neck messed up; have Pacemaker; have arterosclerosis
MRJ	Yes	Heart condition; taken to St. Charles ER on March 11, 2025 for heart-related emergency
KK	Yes	PTSD, Depression
TML	No	PTSD
SKL	Yes	Have titanium femur; Depression, PTSD
CM	No	Arthritis throughout whole body
DM	Yes	Dissociative Disorder; ADHD; PTSD
FM	No	Lung Cancer
TM	Yes	Medical issues – can't get around; disabilities related to age
PM	No	No disabilities claimed but adverse environmental impacts on health
DN	Yes	On disability for 3 bad disks in neck & get \$960 monthly
DJN	Yes	Chron's Disease; Cervical back pain – 4 disks in back need to be fused
SDN	Yes	ADHD; Borderline Personality Disorder
JN	Yes	Spinalstenosis; Degenerative disk disease; Fibromyalgia; Arthritis; C.O.P.D., Myopathy; Depression; PTSD
NO	Yes	Degenerative disk disease; Migraines, Depression, Anxiety
SO	No	PTSD
RJO	Yes	Back pain; Knee problems; can't see
RP	Yes	PTSD, Anxiety, Depression
EDP	Yes	Complex PTSD
ZAP	Yes	Fractured back; Clinical Depression
SP	Yes	Debilitating arthritis in back; PTSD, Depression, Anxiety
AR	No	ADHD, PTSD, Social Anxiety



Claimant Initials	In HMIS System?	Disability Claimed
SR	Yes	Diabetes, Osteoporosis, Vertigo; Difficulty using left arm and right wrist from a car wreck; hard to bend over to sit down; Depression; PTSD
JR	No	Complications from color cancer; ADHD, PTSD
CAR	Yes	Fibromyalgia, Carpel tunnel; High blood pressure; Severe mood disorder
AVS	No	PTSD, Depression
RAS	No	ADHD
RLS	Yes	Scoliosis; Diabetes; Neuropathy; no toes; trouble using hands; Mental problems
KMS	No	PTSD
JAS	Yes	PTSD
JS	Yes	Multiple medical problems with both knees
MLS	No	Traumatic Brain Injury; Short-term memory loss
CT	Yes	Chronic kidney condition; Other medical issues; PTSD, Anxiety
JT	Yes	PTSD
JW	Yes	Heart condition – heart valve replacement
RW	Yes	Mental trauma; Stress trauma; Harassment trauma; Physical Trauma
WW	No	Bad back; No cartilage on left side – can't stand or walk long
RTW	Yes	Hernia – need operation
TY	Yes	Double amputee; PTSD
AZ	Yes	Respiratory issues, Bad asthmatic condition; Graves Disease, Mental Health Issues



CHARLES W. HEMINGWAY  
Designated Representative

DATE: 3-24-2025