



— CITY OF PORTLAND —
ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Charlie Hales, Mayor ■ Dean Marriott, Director

April 3, 2013

Senator Jackie Dingfelder, Chair
Senate Environment and Natural Resources Committee
900 Court St. NE
Salem, OR 97301

SUBJECT: HB 2396

Dear Chair Dingfelder, Vice-Chair Olsen and Members of the Committee:

The City of Portland, Bureau of Environmental Services (BES) protects public health, water quality and the environment in Portland by providing sewage and stormwater collection and treatment, protecting surface and ground water quality, and working for healthy watersheds.

We support the intent of HB 2396, that moving or removing large woody debris in waters of the State requires a permit. We respectfully suggest, however, that the bill be changed to protect newly placed or fallen woody debris that has not yet captured sediment, and to place some reasonable limits on the exemptions in the bill.

The City of Portland Bureau of Environmental Services engages in watershed and stream restoration activities in order to improve water quality, restore watershed health, and address state and federal fish and wildlife regulations and policies. The Bureau places large woody debris in streams and waterways, at a cost of approximately \$800 - \$1000 per piece, to restore stream channel morphology and enhance fish and wildlife habitat. For example, in the Lower Columbia Slough, BES has a project to place over 640 pieces of wood to create large wood structures on City owned property. At Willamette Park, a highly developed and active city owned waterfront park, the BES and Portland Parks are developing a restoration project that would integrate up to 175 pieces over ½ mile of riverfront that does not interfere with the boat launch or public access, use and enjoyment of the river. Both of these projects will benefit the 16 threatened salmon and steelhead populations that use the Willamette and Columbia Rivers in Portland. In addition, many private projects such as bridge construction and port development require large wood projects as environmental mitigation.

We are very concerned about the extremely broad language being proposed in Section 5 of HB 2396. Section 5(1) and (2) would create an entirely new way to undo habitat restoration investments and mitigation obligations under the lightest of tests. As written, anyone could easily claim that large woody debris is a hazard or impediment to passage or any form of transportation and have the ability to remove it without a permit. Such actions would compromise stream integrity and restoration efforts, which are essential to the recovery of a number of threatened and endangered species. We believe that the exemptions should be changed to preserve the ability to relocate genuine impediments to navigation while requiring

the State's approval before carefully-placed habitat enhancements and mitigation projects are compromised.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Marriott". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail that extends to the right.

Dean Marriott