



April 14, 2013

Dear Senator Beyer and Members of the Senate Business and Transportation Committee,

I am writing to you on behalf of the Audubon Society of Portland regarding SB 246 and our proposed amendments to this bill. Audubon is requesting two modifications to the bill:

1. We are requesting that environmental mitigation be removed from the list of development expenses allowed under SB 246 (Section 3(6)(d))
2. We are requesting that SB 246 be clarified to explicitly exclude "Superfund" (CERCLA) related clean-up activities from the brownfield clean-up activities eligible for funding (Section 3(6)(f))

While we recognize the State's interest in promoting development of industrial lands, we do not believe that it is appropriate to ask the taxpayer to cover the costs of environmental mitigation required under federal, state and local regulations that results from industrial development activities. We would support a narrowly written exception for non-Superfund related brownfield clean-up actions which have proven to be uniquely difficult impediments to converting land to productive use, a situation which negatively impacts not only our economy but also the surrounding community. However, we do not see a valid reason to extend taxpayer subsidies beyond this narrow arena to more general environmental mitigation.

In fact, asking the taxpayer to subsidize environmental mitigation is problematic for several reasons.

- It reverses a longstanding precedent that the developer/property owner cover mitigation costs--it is critical for the health of our communities and environment that we strengthen rather than weaken our commitment to internalizing the costs of impacts to the environment into the cost of doing business and double down on the "polluter pays" principle;
- It undermines the incentive that mitigation requirements create for a developer to avoid and minimize impacts to the environment--many of our foundational environmental laws as based upon an "avoid, minimize, mitigate" regime. However the incentive to avoid or minimize impacts to the environment is undermined if in fact the developer can shift the costs of impact to the taxpayer;
- It places the state in a dual role of both regulating environmental impacts and paying to mitigate for environmental impacts creating a clear conflict of interest;

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- This legislation comes at a time when natural resource programs are facing significant cuts---to the degree that the state has funding available for natural resources; those funds should be used on proactive programs---not to cover the costs of mitigating for industrial developers.

We respectfully request that the Senate Business and Transportation Committee adopt these amendments which would allow SB 246 to promote economic development without undermining longstanding environmental principles and saddling taxpayers with expenses that appropriately should be the responsibility of industrial developers.

Thank you for your consideration of these amendments.



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