



# CITY OF PORTLAND ENVIRONMENTAL SERVICES



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

March 5, 2013

Representative Witt, Chair  
Representative Esquivel, Vice-Chair  
Representative McKeown, Vice-Chair  
Members of the House Agriculture and Natural Resources Committee

SUBJECT: HB 2396

Dear Chairs Witt, Vice-Chairs Esquivel and McKeown and Members of the Committee:

The City of Portland, Bureau of Environmental Services 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. The work to support this mission includes projects to restore river and stream habitat to benefit the recovery of native species, including salmon.

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. We support the intent of HB 2396, that moving or removing large woody debris in waters of the State requires a permit. We are, however, requesting a change to the definition so that newly placed debris clearly requires a permit.

We are very concerned about the extremely broad language being proposed in SECTION 4 of HB 2396. SECTION 4(1) (a) and (b) would create an entirely new way to undo habitat restoration investments under the lightest of tests. As written, anyone could claim that large woody debris is a hazard or impediment to passage and have the ability to move 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 recommend the following changes be made to HB 2396:

Change SECTIONS 1 and 2 to: Definition of "Large woody debris" means any downed wood that **could** capture gravel, provide stream stability, or provide fish habitat.

Remove SECTION 4(1)(a). This should be covered by the emergency authorizations available under Oregon's Removal Fill Program as covered in Section 3(4).

Change SECTION 4(1)(b) to: **Prevents vessel navigation or interferes with a linear facility, as defined in ORS 196.825.**

Thank you for the opportunity to input on this bill. If you have any questions, please contact Dan Eisenbeis (503-823-3012 [dan.eisenbeis@portlandoregon.gov](mailto:dan.eisenbeis@portlandoregon.gov)).

Sincerely,

A handwritten signature in black ink that reads "Dean Marriott". The signature is written in a cursive style with a large, looping initial "D" and a long, sweeping tail.

Dean Marriott