

Testimony

Mayor Biff Traber, City of Corvallis

Before the House Committee on Agriculture and Land Use

State Capitol, 900 Court St. NE Salem Oregon, Hearing Room D

Tuesday, 3/19, 3PM

Chair Clem, Vice Chair McLain, and members of the Committee, I am Biff Traber, Mayor of the City of Corvallis and Board Chair of the Oregon Cascades West Council of Governments and I am here to testify on behalf of the Council of Governments on H.B. 2436 which concerns the requirement of the State of Oregon to begin the process of determining our ability to assume Federal wetland permitting processes.

The Oregon Cascades West Council of Governments is a voluntary association of the counties, cities, towns, tribes, and ports of Linn, Benton and Lincoln Counties. Our 25 members, working together, identify regional needs, prioritize strategies and build frameworks to make our region and its jurisdictions stronger, our economy sustainable and our environment secure.

One such issue is before you today.

Oregon has a parallel system of wetland mitigation permitting to that of the Federal Government which has statutory and regulatory authority over bodies of water, species and other

wetland related issues. The parallel process that Oregon conducts is no more or less stringent than Federal law.

The cost and time of wetland delineation and permitting can be onerous when dealing with multiple federal and state agencies. As much of our Valley is wet and delineated as wetlands we are at a disadvantage when trying to develop new housing, economic opportunity or industry. For example, in Corvallis we have a 50-acre property zoned for medium to high-density residential development of which only 20 acres are developable without mitigation.

There is a Federal rule which allows states or tribes to assume Federal authority over parts of the permitting process – specifically 404 permits.

Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands.

Activities in waters of the U.S regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the U.S.

The Clean Water Act provides states and tribes the option of assuming administration of the section 404 permit program in certain waters within state or tribal jurisdiction.

The process for Assumption begins with the House and Senate directing state Agencies to prepare for accepting federal authority. The Governor and Federal government will also have to concur. H.B. 2436 is crucial to move the process forward to completion.

Our regions cities, towns, and counties are supportive of 404 Assumption and have adopted it as part of our Council of Governments legislative agenda. Linn, Benton, and Lincoln counties struggle not only with the cost of permitting related to development but also the uncertainty in timing or permitting review and lack of buildable lands as identified under state law.

We have identified the State “Assumption” of 404 Permits as one tool we can use to reduce the cost of development. If we had certainty that our State agencies could work expeditiously to address permitting and development and not be stifled by often unresponsive Federal agencies to our permitting requests we could cut the cost and time of development substantially.

Buildable lands inventories, urban growth boundaries, annexation, and wetlands permitting are complex components of managing growth in Oregon. H.B. 2436 will move forward one important piece of making our growth processes more efficient and help address issues like affordable housing, manufacturing, and the

need to grow Oregon's economy in a sustainable, environmentally sound and strong way.

I and my regions' elected officials are also clear about the need to protect our environment and the precious resources that make Oregon livable and beautiful.

Neither H.B. 2436 nor 404 Assumption lessen environmental protection. They do however make environmental and development decisions more transparent, predictable, and manageable.

Thank you for your consideration. I or my staff will be happy to answer questions.