



HOUSE OF REPRESENTATIVES

March 28, 2019

Chair Clem, Representative McLain, and Representative Brock Smith:

Thank you for your close attention to HB 2437 and its impacts on channel maintenance and ecological integrity. I appreciate the time and effort that has been invested in working with stakeholders to find a path forward on the bill. However, I would like to highlight several components of the bill and associated amendments that I find particularly concerning.

First, allowing maintenance activities to result in removal of 3,000 cubic yards per linear mile of channel every five years could have significant impacts on intermittent streams and wetlands. To help alleviate concerns, I recommend that the 3,000 cubic yards be apportioned over the five years so that, in any given year, the maximum amount per linear mile would be capped at 600 cubic yards. In addition, given the magnitude of the proposed increase, such changes may be more suitable for a pilot program.

Second, the bill is not limited to maintaining ditches, and it would allow the removal of up to 3,000 cubic yards per linear mile from intermittent streams. Intermittent streams can provide valuable habitat for fish and wildlife during the periods they are flowing. Therefore, to ensure against harm to these important streams, intermittent streams should be removed from definition of "historically maintained channel."

Third, Section 4(6) would allow DSL to modify the 3,000-cubic-yard limit and the conditions that apply to maintenance. This section should be amended so that DSL can only modify the amount downwards, and only strengthen conditions, in consultation with ODFW.

Similarly, Section 7 would allow DSL to grant a general permit for removal of an unlimited amount of material when the historically maintained channel is flowing, including for intermittent and perennial streams. This unfettered discretion has the potential to undo other protections provided by this bill. Therefore, I recommend that the Section 7 language be removed from the bill.

Thank you for considering these comments.

Sincerely,

Representative Ken Helm

