

April 4, 2019

Testimony on HB 2437: Authorizing maintenance activities in dry, traditionally maintained channels

House Committee on Agriculture and Land Use

Submitted by: Jena Carter, Oregon Coast and Marine Director, The Nature Conservancy

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Thank you for the opportunity to provide testimony on HB 2437, a bill authorizing maintenance activities in dry, traditionally maintained channels to be conducted without removal or fill permit subject to certain condition.

The Nature Conservancy (TNC) is a science-based and non-partisan conservation organization. Our mission is to protect the lands and waters on which all life depends. TNC was incorporated in Oregon in 1961, and today we have over 70,000 supporters statewide with members in every county in Oregon. Our staff, based in communities across the state, work collaboratively with tribes, government agencies, elected officials, private landowners, businesses, and natural resource stakeholders to develop solutions to the major challenges facing people and nature.

We recognize the challenges facing Oregon's agricultural families and are committed to finding solutions that allow for robust agriculture while also ensuring nature can thrive. HB 2437, as originally drafted, presented a framework for addressing agricultural ditch maintenance and contained good concepts, but also had areas of concern.

Over the past few weeks, TNC has worked closely with others to discuss and explore potential solutions. I want to acknowledge the Work Group Co-Chairs Representative Susan McLain and Representative David Brock Smith for their patience and leadership during that process.

The "Dash 3" amendment makes some important changes to address TNC's testimony provided at the January 31 hearing. These changes include:

- The exclusion of essential indigenous anadromous salmonid habitat;
- Instituting a review period between when the notice is filed and when the maintenance activities occur to allow the state agencies an opportunity to review the notice;
- Clarifying how the notice is submitted and the review process;
- A stronger role for the Oregon Department of Fish and Wildlife in the review process and as a partner in implementing the program; and

- Adding conditions that must be deployed when conducting maintenance activities, such as using existing crossings, and providing the opportunity for agencies to apply additional conditions as needed to address the presence of endangered or threatened species, habitat quality or quantity, or to otherwise protect the functions of the channel.

Moving forward, it is essential that the Legislature appropriate General Funds to the state agencies to implement this program and that the studies outlined in Section 10 are funded. Without this investment of resources, it will be difficult to scientifically quantify the benefits and impacts of this new program. Moreover, this data will be critical to the adaptive management process and to informing whether additional program refinements are warranted for various geographies or habitat types.

Thank you for the opportunity to provide comments.

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