



HB 2436

Testimony of Kimberley Priestley WaterWatch of Oregon

House Committee on Agriculture and Land Use April 8, 2019

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

WaterWatch opposes HB 2436-2

HB 2436 would direct the Department of State Lands to develop legislative recommendations to be introduced during the 2020 regular session for partial assumption by DSL to administer permits for the discharge of dredge or fill materials under section 404 of the Federal Water Pollution Control Act.

WaterWatch has concerns that allowing for partial assumption will undermine important federal consultations. Among other things, the federal nexus created by the 404 permit triggers a consultation requirement under the Endangered Species Act that cannot be replaced by state procedures. Similarly, formal consultations with Native American Tribes under Section 106 of the National Historic Preservation Act would not be required. These are important checks and balances that should not be dissolved for the sake of streamlining.

We are also concerned that this will undermine important state processes, for instance, DEQ Section 401 water quality certification would be lost, as Section 401 only applies to federal licenses or permits.

As to the need for this bill, we do not see it. If DSL wants to develop a legislative proposal for 2020 it does not need a 2019 bill to direct it to do so. The Legislature should not be asked to micromanage a state agency to this degree.

We would urge the Committee to vote no on HB 2436-2.

Thank you for your consideration.

Contact:

Kimberley Priestley, Water Watch of Oregon, kjp@waterwatch.org, 503-295-4039 x 3