



April 7, 2019

Representative Brian Clem
Representative Susan McLain
Representative David Brock Smith
Oregon State Legislature
Salem, OR 97301

Via Electronic Mail

HB 2436 Opposition

The Wetlands Conservancy opposes HB 2436. While The Wetlands Conservancy understands the state desire for a less confusing and arduous wetland regulatory process, we feel that partial state assumption of the authority to administer permits for the discharge of dredge or fill materials under section 404 of the Federal Water Pollution Control Act could result in more confusion and less certainty in the protection of the critical benefits provided by wetlands. Wetlands are vital to the health of our environment and economic well-being in so many ways. They absorb, filter and recirculate our water. In addition, they provide critical fish and wildlife habitat to so many of the iconic species we identify with Oregon. In the face of destructive floods, they serve as natural buffers helping to protect our communities. With the heightened awareness around limited water resources, their role in cleaning and recharging our water supply has become even more essential.

The current Federal regulatory process requires mandatory Section 7 consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries when an agency action might affect a listed species. The purpose of the consultation is to ensure that the proposed action will not jeopardize a species, either by direct impact or by adversely impacting its critical habitat. As written in the Clean Water Act, the duty to consult only applies to Federal actions, and does not carry over to the state. With assumption, the State will only be required to provide some protections for endangered species, but no requirement to seek the input of federal fish and wild agencies. With current federal and state natural resource agency staff capacity in decline, we are concerned how Oregon will be able to provide equivalent protection without having the actual strength of ESA backing it.

Any actions to simplify or lessen wetland regulations need to weigh and consider the benefits lost when taking wetlands out of the landscape. The current system which requires other federal agency and tribal review and input provide critical assurance in implementation of the intent of the Clean Water Act.

With state agency natural resource and regulatory staff capacity and budgets in decline, this seems to be the wrong time for Oregon to be considering assumption of the federal program.

Thank you for this opportunity to provide comment.

Handwritten signature of Esther Lev in blue ink.

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