



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Suite 613, Portland, Oregon 97204 ■ Mingus Mapps, Commissioner ■ Michael Jordan, Director

March 30, 2021

Representative Brad Witt, Chair
House Agriculture and Natural Resources Committee
900 Court St. NE, HR D
Salem, OR 97301

Dear Chair Witt and Members of the Committee,

The City of Portland strongly opposes and urges you to vote no on HB 2246 which would prohibit the State from requiring enhancements of wetlands to correct violations of removal-fill laws. The City of Portland Bureau of Environmental Services (BES) manages Portland's wastewater and stormwater infrastructure to protect public health and the environment, leading the City in preserving and restoring the health of Portland's watersheds. BES works to protect the quantity and quality of surface water and groundwater within the City and to conduct activities that plan and promote healthy ecosystems in our watersheds.

Wetlands may be protected under treaty rights between the federal government and sovereign Tribal Nations, therefore said tribes should be consulted during the development of, and changes to, any wetland regulation, including the elimination of any requirements to replace or enhance impacted wetlands. Many of our state's wetlands are of importance to Native people in the region, they are culturally significant in many ways, such as holding first food plants such as wapato, camas, tule, and wokus. The City of Portland urges you to consult with the appropriate Tribes prior to making any change to the enforcement of wetlands regulations.

Wetlands provide natural water filtration, protecting groundwater and water draining to nearby streams and rivers from a variety of pollutants. Wetlands serve as critical habitat for sensitive species that are part of our region's larger food webs and serve as natural stormwater infrastructure by attenuating peak stormwater flows and reducing flood risks to surrounding homes, businesses, and roads. Wetlands and associated vegetation help cool surrounding areas and capture carbon. These functions are valuable in urban, rural and wilderness settings. Even when a wetland does not "look like" one in the traditional sense because of previous disturbance, they may continue to provide the essential functions noted above. The importance of protecting wetlands is even more critical as climate change impacts precipitation patterns, temperature and biological communities. Moreover, when these functions are lost and not replaced to an adequate, sustainable condition, as HB 2246 proposes, the costs multiply through property damage and increase the need for costly infrastructure projects to manage the stormwater and any displaced flood storage.

Because we do not have records of the number and acreage of wetlands pre-urbanization in Portland, we cannot accurately estimate loss in the city to date. However, scientists have estimated that 53% of historic wetlands were lost in the 48 contiguous states before 1980, with losses continuing since that time. The remaining wetland habitats in Portland provide the important

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functions described above, functions which would be difficult, and perhaps impossible, to replicate through built infrastructure. Developing on wetlands without adequate mitigation can exacerbate localized flooding and basement seepage long after a developer has sold a property, creating long term costs for the homeowner or renter. HB 2246 would remove an important tool that protects wetlands.

Since 2019, the City of Portland has participated in the Department of State Lands 404 Assumption Rule Advisory Committee. This is a state effort to combine federal wetland regulations under a single state entity. In order to do so, however, the state requirements must be equal or greater than the federal Clean Water Act Section 404 requirements. HB 2246 would weaken the state protections and would jeopardize the state's effort to assume federal 404 regulatory authority from the Environmental Protection Agency and Army Corps of Engineers. Rather than simplifying wetland regulations, these two bills will create greater disparity, risks and administrative processes for activities that occur in state wetlands.

We urge your opposition to HB 2246. If you have any questions regarding these comments, please contact Eric Noll at eric.noll@portlandoregon.gov or at 503-823-6726.

Sincerely,

Michael Jordan
Director