

My name is Michael Graybill. I live in Coos Bay and have been a professional estuarine scientist based in Coos Bay for my entire career. I write to ask you to halt further legislative action on HB3382. The bill is aimed at changing Oregon's land use policies in order to accommodate a high-risk development proposal by an out of state corporation based in the Midwest with no regard for public participation in land use decision making and no familiarity with the value of Oregon's estuaries. For this reason and those described below I ask that you halt further consideration of HB 3382.

As recently as 2019 the port of Coos Bay and a Canadian pipeline company seeking to build an LNG terminal at Coos Bay spent tens of millions of dollars on studies aimed at deepening the navigation channel from -37' to -45' and widening it from 300' to 450'. Expanding the channel to these dimensions would have effectively doubled the cross-sectional area of 8 miles of the channel by blasting and excavating 18 million cubic yards of rock and sediment from Oregon's largest estuary.

Think of a comparable example and how you might respond to it. Would you support doubling the size of the channel of a river in the district you represent by blasting 8 miles of the bottom and dredging 18 million cubic yards of sand and rock simply because a former member of the legislature told you it might bring a few jobs to the area you represent? That is the proposition before you as you consider acting on HB3382.

Even though a 45' deep channel is unlikely to be large enough to convert the Coos estuary into a viable container port, consider the consequences of doing so as an example to illuminate the impacts linked to HB 3382:

#1 Sediment dynamics are a fundamental physical process in all estuaries. The dredging that is the subject of HB3382 will permanently change how and where sediments move into, around in, and out of the estuary.

#2 The mixing of fresh water from the rivers and salt water from the Ocean is a fundamental process in all estuaries. The dredging linked to HB3382 will permanently change how and where ocean water and river water moves into, around in, and out of the estuary.

#3 The dredging linked to HB 3382 will not only change how and where the plants and animals that use this estuary live, it will also determine *if* they continue to live in this estuary.

As an estuarine scientist I can assure you that although HB 3382 includes a statement requiring mitigation and no net loss of wetland function, there are no known means to mitigate the changes to the fundamental physical, chemical, and biological processes listed above that are linked to the dredging that will be enabled by passage of HB 3382. The mitigation provision of HB 3382 is a red herring because it will be impossible to establish mitigation actions to compensate for the nature of the changes to the estuary linked to HB 3382.

Some of the only remaining undisturbed habitat left in the Coos estuary is the submerged bottom adjacent to the navigation channel. This is the very habitat that will be permanently altered by the dredging that is the target of HB3382. Should an exemption under HB3382 be granted, the 13-million-year-old marine siltstone and mudstone bedrock at the bottom of the Coos Estuary along the margins of the federal navigation channel will be blasted and removed. We know the age of this rock because it is a deposit rich in fossils that date from a time in a place that is now called Oregon. This rock is part of Oregon's geological heritage. It is a site of special scientific interest.

The bedrock at the margins of the navigation channel is also a unique part of Oregon's biological heritage. HB 3382 creates a path to justify the permanent destruction of a distinctive and globally significant population of marine mollusks. For at least the last 10,000 years, this relatively soft rock has served as the habitat for a population of remarkable rock drilling clams known as "piddocks". The rock bottom at the margins of the federal navigation channel in Coos Bay supports some of the highest densities of piddocks on this planet. It is one of the few places on earth where this globally significant combination of features is found; relatively soft rock, exposed at the bottom of an estuary. This is the very habitat that will be impacted by the dredging linked to the passage of HB 3382.

The bottom of the Coos estuary functioned without large scale physical alteration for nearly 10,000 years prior to the arrival of Euro American settlers. As you consider your position on HB 3382, I ask you to consider that the organisms living on the bay bottom adjacent to the navigation channel have survived unaltered for 10,000 years. Is it good policy to pass legislation to support a poorly defined, highly uncertain container terminal concept that is being marketed as an opportunity to create a handful of construction jobs and apprenticeships for the few months it will take to carve yet another industrial development project into the side of this estuary? I think not and urge you to take no action on HB 3382.

Is it morally defensible to decide that 2023 is the right moment to throw one more of earth's species under the bus by passing HB 3382 simply because a couple of former elected officials who are hopeful investors and spokespersons for some obscure midwestern warehouse company asked you to do them a favor? HB3382 is not a fix for the problems of Coos Bay, it is a problem for Coos Bay.

International container shipping isn't Coos Bay's "prosperity solution", it is Coos Bay's prosperity problem. Passage of HB 3382 will not solve Coos Bay's "prosperity problem", it will only serve to divert funding and attention away from durable development solutions this community really needs.

Coos Bay has a political identity crisis. Generations of spokespeople from this community have made careers out of characterizing the South coast as a charity case. Passing HB 3382 to bring even more massive subsidies to make the Coos estuary into a deep draft international container port isn't a solution for Coos Bay, it is a problem for Coos Bay.

At the request of this port authority, generations of elected officials have worked to bring federal funds to this port. Most recently Congressman DeFazio spent his entire career pouring hundreds of millions of federal funds into the Port of Coos Bay with the port's promised goal of making this community thrive. Business Oregon and the state have also poured hundreds of millions into Coos Bay port investments championed by the port staff and commission. Now Congresswoman Val Hoyle is hard at work seeking to bring ever more funding to the port of Coos Bay.

If funding port projects *is* the way to bring vitality to this community, after hundreds of millions of dollars of subsidies directed to the port, shouldn't Coos Bay be thriving by now? Will it ever be possible to know how much more funding should be infused into this port before we begin to question if pouring ever more funding into it is justified? When might anyone expect all the funding the port has received to have fixed Coos Bay's prosperity "problem"?

Decades of grant after grant suggests that for the port of Coos Bay, the journey toward prosperity seems more important than the actual destination. How much money is enough money to invest in the port's

priority needs? What should be the measure of success of these massive investments? At present one tangible outcome of decades of cash infusions into port projects appears to be that the port has become a special taxing district with a demonstrated capacity to expend funds.

A classic definition of a boat is “a hole in the ocean the owner pours money into”. The Port of Coos Bay could similarly be characterized as a hole in the estuary that elected officials pour money into. If the port of Coos Bay was a person, it would be diagnosed as having the characteristics of an addict. It is a heavy user of public funding and burns through cash with abandon. It spends most of its resources trying and begging for the next injection of cash.

The Coos estuary and this community don't need the kind of special interest handout that HB 3382 is clearly intended to provide. For the health of the estuary and for the vitality of this community, I urge you to take no action on HB 3382.

Information about piddock clams

<https://www.shapeoflife.org/blog/finding-hole-truth-about-piddock-clams-monterey-bay>