

June 16, 2023

RE: House Bill 3382-3

To: Chair Lieber, Vice-Chair Knopp, and members of the Senate Rules Committee

From : Dr. Jan Hodder, Coos Bay

Thank you for holding a public hearing on HB3382. I want to expand on my opposition testimony and provide some responses to the testimony presented by the Port of Coos Bay Director, John Burns and Mr. Brain Clem, the proponent of a container terminal for Coos Bay.

It was implied that this bill is needed to do regular maintenance dredging of the Coos Bay Navigation channel. That is incorrect. The Army Corps of Engineers does not need new permits to do this. In fact the ACE dredge is here in Coos Bay right now dredging the navigation channel.

Mr. Clem states that he worked to make sure this bill will require mitigation of any activity that the Port or a Tribe proposes. It is clear he has no understanding of estuarine processes work, and I would not expect him to have this, as estuaries, where rivers meet the sea, are a very complex places. It is easy to say, "we will mitigate everything". As a marine biologist I could provide you with multiple examples of how, when you dig up a mudflat, eelgrass bed, clam habitat, or fish and crab rearing areas to make a wider, deeper channel we have no known way to successfully replace those kind of habitats. Even more difficult to mitigate are the physical processes that will fundamentally change the salinity, sediment and nutrient regime in the bay. This affects a multitude of processes such as where oysters can be grown, where salmon smolts can transition to the ocean environment, to where sediments need to be dredged to maintain navigation. This part of the bill is disingenuous and it's intent cannot be fulfilled and thus it alone should be the reason to reject this bill.

Current land use law has criteria to address exceptions to Goal 16 making HB 3382 unnecessary. Even Mr. Clem pointed out that the Coos Bay Estuary Management Plan has a process by which development proposals can be permitted. That is the case. An exception to Goal 16 can be granted by the local government, when warranted, to rezone estuary natural or conservation zones. It also allows for a case-by-case review which has resulted in permitted projects in Coos Bay previously. This bill will allow the Port to apply for any proposal on behalf of a special interest, anywhere along the 15 mile long Federal Navigation Channel. Coos Bay could face numerous impacts from development interests seeking to deepen and develop channels, not just those of the proposed container terminal. The potential for cumulative impacts as a result of HB3382 is enormous. Eroding long-standing land use laws for the sake of special interests is a bad precedent.

Mr. Clem noted he will be participating in the current work being undertaken to revise the Coos Bay Estuary Management Plan. This is where the work to discuss how development projects should be accomplished in Coos Bay should take place. That is the "Oregon Way" – involvement of all citizens, views and information – to plan what is best for a community. HB3382 is the antithesis of this idea. I urge you not to send this bill to the floor.