

Submitter: Josephine Hawthorne
On Behalf Of: Willamette Riverkeeper and myself
Committee: Joint Committee On Transportation
Measure: HB3382

My name is Josephine Hawthorne. I urge the Joint Committee on Transportation not to advance HB 3382. My statement follows but first I must emphasize that I am alarmed and appalled that the state of Oregon would capitulate to these five Ports and their industrial allies by ceding not only its authority but that of local governments to regulate industrial development in local communities and environmentally sensitive areas. In effect HB 3382 creates five independent jurisdictions unaccountable to state regulation of industrial development. Do you think that once this egregious giveaway of state authority is accomplished Oregon can get it back?

I am submitting this statement in opposition to House Bill 3382 exempting Ports in Portland, Astoria, Newport, Coos Bay, and Saint Helens from local and state land use laws when constructing, maintaining, or expanding facilities on land or in waterways in association with deep draft channel improvements. HB 3382 would allow Ports to bypass local and state laws meant to protect environmental health and community safety and to bypass basic public process and involvement mechanisms. Under HB 3382 the Ports would become independent fiefdoms unaccountable to statewide planning goals, administrative rules, comprehensive plans, or local zoning requirements so long as a port could demonstrate that the project is “served by the navigation channel.”

Ports are massive land owners that have tremendous impacts on our environmental health, community safety and livability, and our economy. This legislation would give these powerful Ports and their powerful industrial allies, some of the most influential and well-connected interests in the state, the ability to run roughshod, like unchecked bullies, over the industrial and environmental desires of local communities. HB 3382 provides no rationale or explanation for these exemptions – it simply gives Ports a free pass to develop without constraint or accountability.

The list of local and state regulations that could be waived under HB 3382 is staggering and includes only in part: local and state regulations requiring public involvement; environmental zoning to protect in-water, riparian and upland habitat; protections for floodplains and wetlands and Oregon’s coastal zone; zoning restrictions to protect adjacent communities; dredging and dredge disposal regulations; protections for the Willamette River Greenway; and regulations to protect the safety and livability of adjacent communities. Also, significantly, HB 3382 would exempt the five listed Ports from local and state land use regulations including statewide land use planning goals and related administrative rules, local comprehensive plans and local zoning regulations if a project, on land or in water, is

served by a deep water navigation channel.

Indeed, The Port of Portland, itself one of the five listed Ports in this legislation, says that it was not involved in drafting the legislation and is not supporting it.

HB 3382 would fundamentally undermine the ability of communities to protect their environment, community safety, climate goals, and livability goals and is an affront to basic public process and accountability. I urge the Joint Committee not to advance HB 3382.