

March 14, 2023

To: **Co-Chairs Sen. Gorsek and Rep. McLain and Members of the Joint Committee on Transportation**

Re: **HB 3382 – Exempting Certain Ports from Oregon’s Land Use and Water Laws, including Federal Consistency under the Coastal Zone Management Act – OPPOSE**

Thank you for providing this opportunity to comment on HB 3382. I am a marine scientist and longstanding resident of Coos Bay. I have lived in the Port district for nearly 50 years and am currently retired after serving for 28 years as Manager of the South Slough National Estuarine Research Reserve (SSNERR). The SSNERR is located in the South Slough inlet of the Coos Estuary and lies within the port of Coos Bay’s district boundaries. In my role as manager of the SSNERR, I have supported the advancement of the port of Coos Bay by serving as a founding and decades long member of the Port of Coos Bay’s Charleston Marina Advisory Committee and on the advisory committees of the Oregon’s Sea Grant and Coastal Oregon Marine Experiment Station programs as well as the Coos Watershed Association.

In addition to the comments provided below I also support the comments related to this bill submitted by the Oregon League of Women voters as well as the Comments provided by the Oregon Department of State Lands, The Oregon Department of Land Conservation and Development, and the Oregon Department of Fish and Wildlife. *I ask the committee not to move HB 3382 out of committee.*

HB 3382 may jeopardize ongoing federal support for the South Slough National Estuarine Research Reserve (SSNERR) and Oregon’s Coastal Zone Management Program and will erode Oregon’s ability to participate in the decision-making process of federal agencies.

Ever since Oregon’s voluntary participation in the provisions of the US Coastal Zone Management Act was acknowledged by the National Oceanic and Atmospheric Administration (NOAA) the “Federal Consistency” provisions of the CZMA has required federal agencies to comply with the provisions of Oregon’s federally recognized Coastal Zone Management program. By exempting ports from the provisions of Oregon’s federally acknowledged CZMA program, adoption of HB 3382 will require amendment of Oregon’s coastal management program potentially jeopardizing NOAA’s endorsement of the program and the federal consistency provisions associated with that endorsement. This outcome would seriously diminish Oregon’s ability to engage in the decision process of federal agencies.

The South Slough NERR is a state-federal partnership that was established in 1974 through an act of the Oregon Legislature with administrative support provided by the Oregon Department of State Lands https://oregon.public.law/statutes/ors_273.553 . The SSNERR is part of Oregon’s voluntary participation in the US Coastal Zone Management Act of 1972 (CZMA). Oregon was the first state in the nation to nominate a site for participation in this provision of the CZMA.

Today the SSNERR is part of a national system of research reserves that now comprises 30 sites throughout the US Coastal zone. It was established to improve the understanding and management of estuaries throughout Oregon and is the only site to have this state-federal partnership designation in Oregon. It has operated for 49 years in the Coos Estuary bringing over \$100 million of private, state, and federal funding in support of estuary-centered research, education, stewardship and public involvement

programs based in Charleston at the mouth of Coos Bay. The responsibility for the day-to-day operation of the SSNERR is vested in a 7 member Governor appointed management commission. A representative of the port of Coos Bay has held a position on the SSNERR management commission since the legislature established it in 1974.

In addition to being part of Oregon's participation in the National Estuarine Research Reserve program, the lands and waters encompassed by the South Slough NERR are identified as one of the management units of the Coos Bay Estuary Management Plan. (CBEMP). The CBEMP is part of Oregon's federally acknowledged coastal management program and was developed through an extensive public process to manage land use in the Coos Estuary on the shore of the estuary in a manner that, among other things, supports the statutory management policies of the SSNERR outlined in ORS 273.553 (2) which are to:

- (a)** Maintain the integrity of the South Slough National Estuarine Research Reserve;
- (b)** Protect the reserve from uses and activities, both within and beyond its boundaries, that may alter or affect the ecosystem and its natural dynamic processes; and
- (c)** Preserve the reserve for long-term scientific and educational uses.

Adoption of HB 3382 will exempt the Port of Coos Bay from the provisions of the CBEMP opening the door for the Port of Coos Bay to propose and undertake unregulated actions having potential to diminish the ability of the SSNERR management commission to carry out the policies articulated in the state law vested in the commission.

Thank you for providing me with this opportunity to comment. I ask again to not move HB 3382 out of committee.