

To: Oregon Legislative Joint Committee on Transportation

From: Jane Bacchieri

Date: May 15, 2023

Subject: Testimony on HB 3382-3

Chairs Frederick and McLain:

I am writing to express my strong opposition to HB 3382. I have spent my career in Oregon working on natural resources issues, including positions with the Oregon Coastal Management Program in the Department of Land Conservation and Development and as a Natural Resources Policy Advisor for Governor Ted Kulongoski. I have also lived and worked in Coos Bay and understand the challenges which exist in our coastal communities. This bill is not a solution.

This bill as currently amended (HB 3382-3) is deeply concerning for a number of reasons including:

- It is not clear what problem it is intended to solve. The requirements of Goals 16 do not preclude development, but do ensure that estuarine resources are protected and conserved recognizing their environmental, economic, and social values. Under Goal 16, dredging and filling projects for development and navigation purposes continue to be approved.
- The mitigation requirement is misleading and unfeasible. Including a mitigation stipulation implies that mitigating the effects of the dredging work covered under a proposed “exemption” is practicable or even possible. It is highly unlikely that it will be possible to rationally apply the five-step mitigation hierarchy in ORS 196.800 to the types of activities covered under the provisions of this bill.
- The rationale behind who is eligible to apply for an exemption is unclear. Who decided what uses are eligible for an exemption and which are not? The decision-making process here lacks transparency and such a list should be informed by substantial public input.
- The proponents of the bill are fast-tracking amendments thereby denying time for public review and providing insufficient time to address questions and ambiguities.

Oregon’s estuaries are critical to the livelihoods of coastal communities; they should not be sacrificed to the narrow interests of a select few through this misleading and imprudent legislation.

I urge you to take no further action to move this bill.

Jane Bacchieri
2216 NE 50th Ave
Portland, OR 97213