

May 16, 2023

To: Oregon Joint Transportation Committee members
Re: HB 3382

Honorable Co-Chairs Frederick and McLain and Members of the Committee:

I am writing to urge you to please reject HB 3382. This bill would sidestep and exempt dredging from Oregon's long standing land use laws and put the important conservation values at risk. In addition, I am especially concerned the exemption bill will have much larger ramifications coast wide, and I don't see that the revised dash-3 bill language fixes this potentially substantial problem.

Having laws to balance use of estuaries and protection of their important values to fisheries, habitat, water quality, and recreation are a key part of our state's compliance with the Coastal Zone Management Act (CZMA).

If we fail to comply with specific requirements of the CZMA, Oregon could lose federal funding that provides for the Oregon Coastal Management Program. It is estimated that this program has received over \$76 million from the federal government since 1979 to manage coastal resources, including help and support for state and local governments in a wide variety of ways. If our state is determined to be non-compliant owing to this dredging exemption for ports, this essential funding will be gone and local and state governments will need to find different funding to support programs.

Also extremely important, if Oregon is determined to be non-compliant with CZMA, our state could lose the benefit of the "federal consistency review" –a policy that ensures that Oregon has a voice when it comes to federal projects in our Territorial Sea, coastal zone, and off our coast. This is crucial now because we have the federal government's Bureau of Ocean Energy Management (BOEM) poised to lease large areas off Oregon's south coast for development of Floating Offshore Wind Energy, with very little opportunity for any local input. If we lose the federal consistency review requirement, Oregon's coastal communities and fishers will have no voice.

Just one reason that I am concerned that the Dash-3 amendments will not comply with the CZMA is that the proposed mitigation requirements will very likely not be practically feasible. For example, in Coos Bay (the estuary I am most familiar with), the hydrodynamics associated with significantly deepening a channel will significantly increase sediment scour with the result of eroding tide flats and eelgrass beds now used as nursery habitat for Dungeness crabs and a lot of other life. Wetland habitats in the Coos Bay estuary have already been significantly reduced so there will be little opportunity to find locations for mitigation to provide commensurate values of the remaining tidally influenced nursery habitat.

As an author on a book about wetlands (*Discovering the Unknown Landscape, the history of America's wetlands*), I can tell you that our nation has a long history of short-sighted undervaluing and destroying estuarine resources—in ways that come back to “bite” us later—with degradation of water quality, losses of nursery habitat that supply economically valuable fisheries, and loss of the very lands that protect against sea level rise and that help protect water quality as “free services” of nature. At this point, we should know better!

This bill appears to be a carve-around our state's established land use laws for some particular projects. In general, it's not good policy to change tried and true state laws—that ensure public input, transparency, and balance—for particular projects, especially when so much is at risk for the benefit of the rest of the coast.

For these reasons, I strongly urge the Joint Committee on Transportation to reject HB 3382 and to instead keep the focus on balancing responsible development and conservation of our cherished coastal areas.

Thank you for your public service and for considering my view as a coastal resident and local elected official.

Ann Vileisis,
City Councilor, Port Orford, OR
Author of *Discovering the Unknown Landscape: A History of America's Wetlands*