

Submitter: Fran Recht  
On Behalf Of:  
Committee: Joint Committee On Transportation  
Measure: HB3382

My name is Fran Recht. I oppose this legislation, including the new -4 amendment.

When Oregon's land use laws were put in place in the 1970s, the "deal" was that Oregon wouldn't need to have a state environmental quality act (like Washington and California do), because if we implement the land use regulations, we will adequately be protecting people and the environment of the state.

Obviously, if we throw land use rules out the window as this bill does by allowing an exception, we have abrogated that "deal".

You can't "fix" a bill that by its very nature is a work around to Oregon's land use laws and the Goal to protect Oregon's estuaries, at the behest of special interests. The proponents of this bill obviously think they can't "win" by playing by the same laws everyone else has done since the inception of these land use rules, so they pressure legislators to fix the system for them for a proposed need that is speculative in Coos Bay and unknown for the other deep draft estuaries. What a terrible precedent.

The mitigation provisions are of little use, when the whole intent is NOT to avoid or minimize...the first and foremost obligations for developers in the mitigation hierarchy that are designed to protect our wetland and estuarine resources. The bill as proposed allows the destruction of natural and conservation lands of the estuary and then says "mitigate" for damage. Dredging a deeper, wider, longer channel will affect tidal flow by allowing more salt water intrusion further up the estuary and this will be exacerbated further with sea level rise. This will harm, for a long time, or perhaps permanently, the essential fish habitat that supports many juvenile fish and shellfish and wildlife in the marshes and swamps and eelgrass of the estuary. Indeed, as sea level rises, the amount of potential tidal wetland habitat becomes limited because the shorelines of our estuaries are steep and will limit the ability of the wetlands to "migrate" upslope or inland.

How and when will these impacts be "mitigated" when most of Oregon's tidal wetlands have already been destroyed. The Coos estuary has lost over 70% of its tidal wetland habitats; the Yaquina about 70%, and the Columbia has lost over 80% near its mouth to 60% upstream (Brophy et.al 2019:

<https://doi.org/10.1371/journal.pone.0218558> )

Since it takes a long time for "restored" habitats to function as natural ones do (e.g. in the Salmon River estuary, 10 years after restoration, insects that feeds salmon and steelhead were still depressed as compared to that in the reference marsh); and some never are successful at all (e.g. the eelgrass restoration project that the Port of

Newport did). Will the mitigation occur BEFORE the project destroys habitat, or will there be a net loss because functions and values are hard to replace? Certainly, the mitigation ration can't be 1:1 to "compensate".

Aside from habitat loss, what about the increased dangers to people that live up the estuary? How will the deeper channel affect the intrusion and impacts of tsunami waves? Who bears the burden for the lives and homes of people who will be affected upstream of where the tsunami inundation zone now is? Will the proponents bear the liability? Who will make them?

Please vote no HB 3882. No amendments can save a bad idea.  
Thank you.