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

Thank you for your willingness to accept public testimony regarding House Bill 3382. We encourage the Committee to reject this bill. The draft bill would impose significant and potentially unintended negative impacts on communities near deep-draft ports, and the proposed -4 amendment does not resolve these concerns. Removing land use protections for our estuaries is the wrong approach to invigorating coastal economies that rely on healthy fish runs, shellfish, aquaculture, and clean water to survive and thrive.

We are concerned that local governments, communities, and businesses that rely on a healthy Columbia River Estuary were not adequately consulted in the development of this sweeping proposal. Local governments coordinate planning and study of the Columbia River Estuary, recognizing its vast importance to fisheries, aquaculture, and the health of communities where the Port of Astoria operates. As written in the original bill and proposed amendments, HB 3382 is a major change to planning in the Columbia River Estuary. We urge the committee to reject the bill until its full implications and the challenges of its implementation are better understood by the governments and communities impacted. Very few people near the Port of Astoria are aware of the potential ramifications of this bill and the potential for large areas to be rezoned, developed, and degraded in their ability to sustain aquatic life and fisheries.

The Columbia River Estuary is considered a “linchpin” for salmon restoration and recovery, and HB 3382 will undermine the protection of resources that sustain salmon runs and other fisheries. The bill’s vague language requiring mitigation and “no net loss” does not adequately address the reasons why specific areas throughout the Columbia River Estuary have been designated for protection of natural resources. Granting ports and other developers carte blanche to rezone areas vital to protecting estuarine resources and allowing them to develop deep-draft navigation projects will undermine the cohesiveness of local government planning and protection of the estuaries as a whole. Oregon’s land use rules have a key role to play in fostering a network of estuary protection measures.

For example, the canceled Oregon LNG project would have disrupted and potentially displaced local fishing activities in the City of Warrenton. As part of its local land use review, Warrenton hired a hearings officer who recommended denial of the project in 2016 because of its conflict with fishing and crabbing. In this case, the community identified significant concerns that may not have been adequately addressed by any other agency. Removing the opportunity for

community members to engage in these issues at the local level will have unintended consequences. The bill should not allow one set of interests to disrupt and displace others without considering the full consequences.

Additionally, the proposed language in the -4 amendment does not adequately protect against new major fossil fuel projects using deep draft navigational improvements promoted under this bill. HB 3382 allows industries in a traded sector to apply for approvals and be eligible for exceptions to all land use rules protecting estuaries, “except for an industry importing or exporting fossil fuels.” On the surface, this seems like it would protect against unwanted fossil fuel proposals. However, under HB 3382-4, ports may obtain exceptions to estuarine protection rules and construct deep-draft navigational projects in protected areas, and fossil fuel developers may use these port projects, even if they cannot directly obtain the same exception themselves. This is a loophole large enough for an LNG tanker.

For these reasons related to the Columbia River Estuary and other reasons identified by community members in Coos Bay, we urge the committee to reject HB 3382. The bill sets a dangerous and destructive precedent that could harm the resources that sustain communities in the Columbia River Estuary, Coos Bay, and Newport.

Sincerely,

Dan Serres

Conservation Director, Columbia Riverkeeper