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MEASURE: HB 2173  
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House Land Use  
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**House Land Use Committee  
February 28, 2013**

**House Bill 2173 (wetland restoration on EFU lands)**

*Statement of Sara O'Brien, Director of Conservation Planning, Defenders of Wildlife*

Defenders of Wildlife has been working with the Legislature since the late 1990s to improve conservation incentives for private land owners. Much remains to be done, but Oregon has done a lot to promote voluntary, cooperative efforts to improve watershed health and habitats for native fish and wildlife. These efforts improve the quality of life for all Oregonians by providing clean drinking water to cities and towns, protecting communities from floods and wildfire, and providing habitat for fish and wildlife.

House Bill 2173 would reverse the state's policy direction, imposing a burdensome new layer of government regulation on private land owners who want to restore or enhance wetlands and creating powerful new disincentives for voluntary conservation. It could also threaten a critical source of income to farmers and ranchers that supplement their farm income with payments for conservation. Why would we want to do that?

To stem the loss of farmland? Last week's Capitol Press reported that "Oregon gained 200,000 acres in farm and ranch land, an increase of 1.2 percent" in 2012, according to USDA's National Agricultural Statistics Service.

Because of a few high profile local controversies over wetland projects in places like the Coquille Valley? If you delve into that one a little more deeply, you'll find farmers and ranchers on both sides of the issue, including some who believe quite strongly that the project in question is critical to the survival of their operations.

The reality is that these issues are far more nuanced than HB 2173 would suggest. Farm lands are under a lot of pressure for conversion to non-farm uses in some areas, but only rarely are they converted back to wetlands. Most of Oregon's wetlands were filled or drained a long time

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ago. In a very good year, we might regain a few thousand acres, thanks to some committed private landowners and funding from conservation organizations and government programs.

In the meantime, we continue to lose the wetlands that clean the pollutants from our waters, absorb our floods, and sustain much of our fish and wildlife.

Regulatory programs may reduce the rate of loss but can't and won't bring back the wetlands Oregon has already lost. Voluntary conservation efforts and incentives for private land owners can help.

HB 2173 will bring many of these efforts to a halt as landowners are scared off by burdensome new permit requirements, a politicized approval process, and the threat of liability-related lawsuits.

The bill also raises a number of other issues:

Will the conditional use permit requirement apply to the rancher in southeast Oregon upgrading the irrigation system that floods his hay meadows, enhancing seasonal wetlands used by thousands of waterfowl every spring?

What about a landowner on the coast replacing an ageing tidegate with a new one that provides more tidal flushing and improved fish passage?

Is a landowner who fails to replace a leaky tidegate, or plugged drain, or failing dike, engaging in wetland restoration or enhancement, and therefore subject to the conditional use permit requirement?

Do we really want to put county government in the position of regulating an agricultural producer's choice of crops – corn vs. native plants vs. grass seed?

Those are just some of the questions that come to mind in reading HB 2173.

We hope you will join us in opposing this misguided and poorly constructed legislation.