

**To: Senate Committee on Environment and Natural Resources**  
**From: The Nature Conservancy in Oregon (TNC)**  
**Re: SB 1517 and TNC Kilchis Estuary Preserve**  
**Date: February 11, 2016**

The Nature Conservancy respectfully submits this testimony on SB 1517 to address questions the Environment and Natural Resources Committee may have regarding The Nature Conservancy work in Tillamook County referenced in testimony the committee heard during the February 3, 2016 hearing on SB 1517.

The issues addressed in SB 1517 have been conflated or referenced in connection with The Nature Conservancy and wetland restoration projects we are leading, specifically our tidal wetland restoration project along the Kilchis River in Tillamook County. We are concerned some statements made before this Committee in reference to the project are mischaracterizations or not based in fact. In an effort to provide a common base of information, we offer the following project history.

In 2010, the Conservancy purchased the 66-acre property previously owned by the Dooher family. The property had not been actively farmed for at least four years and attempts to sell it for several years had been unsuccessful. The property, now called the Kilchis Estuary Preserve, was purchased utilizing a grant from the Oregon Watershed Enhancement Board (OWEB). The OWEB grant process provided several opportunities for public comment including a meeting held in Tillamook County specifically designed to solicit local input on the Kilchis project.

Due to the use of public dollars and the Conservancy's status as a 501(c)3 charitable organization, the Nature Conservancy followed federal regulations to purchase the property and paid Fair Market Value as established by an independent property appraiser. In the case of the Dooher property, this purchase price included an assessment of the land value as well as its agricultural business value.

Restoration of the site has been funded through several grant programs as well as in lieu mitigation funds administered by the Department of State Lands. The grants and in lieu mitigation funds are contingent on restoring the property to native tidal wetlands. Loss of tidal wetland habitats in Tillamook Basin has been estimated at 85-91% (Ewald 2012, Scranton 2004). Tidal wetlands have been identified as a critical limiting factor for salmon in the Tillamook Basin. Similarly, restoration of tidal wetlands have been noted in numerous state, coastal and Tillamook-specific reports as a significant need to attain wildlife and salmon recovery goals as well as water temperature, quality, and total daily maximum load goals.

In 2012, the Conservancy hired certified engineers to design the project and paid for studies – including a hydrology study voluntarily undertaken by TNC – to understand potential impacts of the restoration work to the Kilchis Estuary Preserve and neighboring lands. The engineering plans were completed in 2014 and were part of the documentation submitted during the permitting process.

The Conservancy also obtained appropriate permits from the following agencies in order to conduct the restoration project:

- National Oceanic and Atmospheric Administration, National Marine Fisheries for compliance with ESA for listed species;
- Army Corps of Engineers and Oregon Department of State Lands (DSL) for wetland removal/fill;
- State Historic Preservation Office for cultural resources;
- Oregon Department of Environmental Quality for stormwater discharge;
- Tillamook County for development actions.

Opportunities for public comment were available for certain permits. The Conservancy also had additional oversight from OWEB and DSL pertaining to the conservation easement over the property, long-term management plans, performance standards, and monitoring guidelines. Additionally, the Conservancy held tours of the property to discuss the restoration plans with neighbors, elected officials, government agencies, fishermen, contractors, and representatives of the agriculture industry.

The Tillamook County development permit issued by the county's planning department was appealed allowing further scrutiny of the project and additional public input. The permit appeal advanced through the Tillamook County Planning Commission, the Tillamook County Commission, and the Oregon Land Use Board of Appeals. The permit was affirmed.

With completed engineering plans and the necessary permits, restoration of the Kilchis Estuary Preserve commenced in the summer of 2015. Restoration construction consisted of the creation of tidal channels, restoring Stasek Slough connectivity, lowering of dikes, embedding large wood structures, and filling of ditches. The construction phase was completed in September 2015.

As planned, the next phase of restoration involves replanting the site with native wetland vegetation. Re-vegetation to restore the tidal marsh habitat will begin in February 2016. Planting will occur over three seasons for the entire Preserve and include placing over 50,000 trees and shrubs as well as over 100,000 willows. All plants will be maintained and monitored for a number of years after their initial planting. To conduct this planting work, the Conservancy held a public bidding process to select professional contractors.

In closing, as we look to the future of the Kilchis Estuary Preserve, it is the Conservancy's goal to be a good neighbor. We value our relationships within the community and welcome an ongoing dialogue about best ways to work together.