



February 3, 2016

Senator Chris Edwards, Chair
Senate Committee on Environment & Natural Resources
Oregon State Legislature

Opposition to SB 1517

Land trusts, soil and water conservation districts, and watershed councils work with willing landowners to accomplish voluntary conservation and restoration across Oregon. The Coalition of Oregon Land Trusts (COLT), Oregon Association of Conservation Districts (OACD), and Network of Oregon Watershed Councils (NOWC) **together represent 160 conservation organizations** that work together to conserve Oregon's natural heritage. Our three organizations oppose SB 1517, which would limit liability protections for landowners who voluntarily participate in habitat or watershed improvement projects. If passed, we believe SB 1517 will impair private, voluntary conservation, harming landowners and communities.

Undermining Voluntary, Non-regulatory Conservation

Land trusts, districts, and councils work with private landowners to arrange restoration projects, conservation easements, and acquisitions that maintain working farms and ranches, protect water quality and wildlife habitat, and preserve open lands in Oregon. We rely on relationships with landowners to accomplish restoration. SB 1517 would limit liability protections for landowners who voluntarily participate in habitat or watershed improvement projects. These liability protections are an important tool for working with landowners to accomplish restoration on private land. These protections are designed to encourage operators, timber owners, and landowners to voluntarily improve fish and wildlife habitat, and thus relieve regulatory pressure.

The loss of liability protections would significantly impact our members' ability to build the relationships necessary to achieve important restoration objectives that address statewide resource needs. By removing these protections, landowners are far less likely to engage in voluntary conservation projects in cooperation with the Oregon Watershed Enhancement Board and the Department of Fish and Wildlife.

Wetlands restoration and county review

The land use review outlined in SB 1517 essentially creates a new type of use on EFU that is a mix of type 1 and type 2, potentially creating confusion and uncertainty about the level of discretion afforded counties in review of the use. The bill also creates a third criteria not included in a standard review of type 2 uses that is subjective, vague and difficult to interpret. We feel that the

processes offered in SB1517 will add more complexity, confusion and cost rather than promoting collaborative approaches to supporting conservation in a way that supports Oregon's rich agricultural economy.

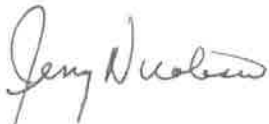
Addressing the Problem

We actively support voluntary, collaborative community based conservation, and want to support efforts that keep conservation from having negative community impacts.

We'd like to learn more about the specific problems so that we can help solve any issues that might exist with neighboring landowners. Without the voluntary fixes that land trusts, districts and councils offer, we will see more regulatory stringency, which none of us want.

It seems unnecessary to erect barriers in the way of landowners, as well as land trusts, districts, and councils, who are working to provide public benefits through their stewardship efforts. Many of the issues underlying SB 1517 are best addressed at the local level, not with a statewide legislative mandate. We would rather see improved communication and collaboration between landowners to build the relationships needed for conservation and restoration projects that have broad statewide impact. COLT, OACD, and NOWC support a broad-based conversation and are eager to partner in a collaborative process to address the underlying issues in SB 1517.

We appreciate your time and consideration,



Jerry Nicolescu, Executive Director, Oregon Association of Conservation Districts



Kelley Beamer, Executive Director, Coalition of Oregon Land Trusts



Alex Sifford, Interim Executive Director, Network of Oregon Watershed Councils

Members of the Senate Environment and Natural Resources Committee

February 3, 2016

Re: SB 1517

Healthy thriving agricultural production and healthy thriving wetlands are essential to human health, environmental health and social well-being. Ensuring the vitality of both is critical to Oregon's future.

Wetlands are essential to human health and the health of our environment. They clean and recharge our water supply, provide critical fish and wildlife habitat, and protect our communities from floods. They also offer the most biologically rich and productive lands in our state.

Agricultural production is essential to Oregon's economy, social structure and the health and prosperity of Oregonians and an ever-increasing percentage of the world's citizens.

Our land use system should reflect the equal value of wetlands and agricultural production. Therefore, we oppose any change in land use statute that alters the current status of wetlands.

However, we recognize that there are times when conflicts arise between the two uses, and our regulatory system for siting and permitting wetlands within agricultural lands may not be meeting the needs of all stakeholders and communities.

We feel that the processes offered in SB 1517 will add more complexity, confusion and cost rather than promoting collaborative approaches to supporting conservation of Oregon's wetlands and agricultural economy.

This bill raises more questions than it solves. Rather than altering the status of wetlands in land use law and creating an additional layer of process, we should examine the existing processes within the Department of State Lands and determine whether changes can be made to address the concerns raised by the proponents of SB 1517.

Alternatively, if the 2016 session does not provide adequate time to review and craft a proposal to amend the DSL process, we respectfully ask that the Legislature request and fund an Oregon Solutions / Consensus process to convene the appropriate parties and produce a proposal for the 2017 session.

Thank you for your consideration and for your attention to this critical issue.

Clean Water Services

The Wetlands Conservancy

Oregon Chapter of the American Planning Association

Oregon Habitat Joint Venture

Metro

Coalition of Oregon Land Trusts

Network of Oregon Watershed Councils

League of Women Voters of Oregon

City of Eugene Parks and Open Space

Washington County

Oregon Recreation and Park Association

Oregon Council Trout Unlimited

Tualatin Riverkeepers

Willamette Partnership

The Nature Conservancy

Wild Salmon Center

Central Coast Land Conservancy

Oregon Association of Conservation Districts