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Testimony on HB 4155: Authorizing regional implementation of traditionally maintained channels program

House Committee on Agriculture and Land Use

Submitted by: Jena Carter, Oregon Coast and Marine Director, The Nature Conservancy

Thank you for the opportunity to provide testimony on HB 4155, a bill authorizing regional implementation of traditionally maintained channels program,

The Nature Conservancy (TNC) is a science-based and non-partisan conservation organization. Our mission is to protect the lands and waters on which all life depends. TNC was incorporated in Oregon in 1961, and today has over 80,000 supporters statewide with members in every county in Oregon. Our staff, based in communities across the state, work collaboratively with tribes, government agencies, elected officials, private landowners, businesses, and natural resource stakeholders to develop solutions to the major challenges facing people and nature.

TNC recognizes the challenges facing Oregon's agricultural families and is committed to finding solutions that allow for robust agriculture while also ensuring nature can thrive. One area that has been a long-standing challenge is the maintenance of agricultural channels. While this has been a difficult topic, one thing that both sides of the discussion could agree upon was that the existing system was cumbersome, ineffective, and needs additional science. As a result, an effort commenced in summer of 2018 to identify some solutions.

A product of that effort was HB 2437, which was enacted last year and presents a new path forward for the maintenance of certain channels. Under this new system, the Department of State Lands, the Oregon Department of Fish and Wildlife, and the Oregon Department of Agriculture will work together to increase landowner education and compliance, provide a streamlined pathway for landowners to be able to clean qualifying channels, provide conditions that must be applied when conducting that work, and allow for adaptive management to evolve the program as we learn more. HB 2437 also provides for a study by Oregon State University to look at the potential impacts of these activities on fish and wildlife and provide

the results to the agencies and Legislature. The hope is that this new program will provide a workable maintenance process while protecting the ecology and life history functions of fish and wildlife.

We are here today to discuss HB 4155, a bill that provides for flexibility in how the new channel maintenance is implemented. HB 4155 permits the Department of State Lands or State Department of Agriculture to adopt rules on a region-by-region basis within the next five years. Our understanding is that this bill does not modify the duties, functions or power of the individual agencies. So, for example, all fill and removal authorities, including changes to volume limits and adaptive management, will remain in the jurisdiction of the Department of State Lands.

Providing regional flexibility in implementation is something that The Nature Conservancy has advocated for throughout the creation of this channel maintenance program, and this bill aligns with our expectations for how the program will operate. We also recognize that it takes time to stand-up a new program including hiring staff, drafting rules, and rolling it out to the landowners and stakeholders, and are supportive of the more measured timeline.

In closing, I want to thank the members of this committee and Representative McLain for her patience, leadership and willingness to work with The Nature Conservancy to find workable solutions.

Thank you for the opportunity to provide comments.

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