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February 4, 2021

Testimony on HB 2032: 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 2032, 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.

In 2019, HB 2437 was enacted and presents a new path forward for the maintenance of certain channels. Under this new system, the Oregon 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. The bill also included 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.

I am here today to discuss HB 2032, a bill that provides for flexibility in how the new channel maintenance is implemented. HB 2032 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 the new maintenance program, and this bill aligns with our expectations for how the program will operate.

I also recognize that it takes time to stand-up a new program. Over the last year, agency staff have been hired to assist with implementation, a Rules Advisory Committee assisted ODA in developing rules for the program, OSU has developed a study design for their research, and outreach materials to landowners are being developed. Throughout this process, The Nature Conservancy has and will continue to advocate that this new program is implemented in a collaborative manner with the other agencies and that the impacts to native wetlands, fish and wildlife are understood, minimized and adaptively managed.

In closing, I want to thank Representative McLain for her patience and willingness to partner with The Nature Conservancy to find workable solutions.

Thank you for the opportunity to provide comments.

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