To: The Joint Committee on Transportation

HB3382 "Authorizes certain ports to construct, maintain and improve deep draft navigation channel improvements without demonstrating compliance with state or local land use law. "

I vehemently oppose this bill which subverts land-use practices of our state for a select set of entities, namely ports. I live next to one listed in the bill, Coos Bay. I can only comment on this port's performance, though from data[1] for the whole of the west coast, most other ports' track records in balancing development and resources sustainability have been poor at best. The Port of Coos Bay's development schemes have been marginal. Some have been met with strong local opposition and resulted in wasted time and funds (to the port and Oregon tax-payers) on entrepreneurial efforts that didn't pass muster of the Coos Bay Estuary Management Plan or state and federal laws.
Briefly, here are points that come to mind when considering HB3382:

- Statewide Planning Goal 1 will be ignored. Goal 1 Citizen Involvement is the foundation of Oregon's land use goals. This bill essentially says that this is no longer applicable to these ports.
- Statewide Planning Goal 16 will be ignored. Goal 16 Estuarine Resources. This port continues to reduce the elements of estuarine resources with an unbalanced push to develop (see below Estuarine Resources).
- Other local entities on the estuary such as the cities of Coos Bay and North Bend will have to abide by land use laws for any facilities on their waterfronts while the port does not.
- Federal review of Oregon's Coastal Management Program will have consequences if "certain ports" are exempt from land use laws.
- Project driven, not Oregon's priority. This bill seems timely for the port who is seeking another facility on the bay, a container terminal. This involves a dredging scheme that surpasses in scale that which the failed Jordan Cove project sought for their LNG terminal. This is clearly an end-run tactic and has no local input.
- The Port of Coos Bay has been engaged in the revision of the Coos Bay Estuary Management Plan (CBEMP) recently and now seems to be willing to support a bill that would negate the CBEMP. The port's mission: "Promoting sustainable development that enhances the economy of southwest Oregon and the State," does not fit with the character of this bill.

Estuarine Resources

- Fish habitat – rearing sites and nurseries
- Sediment trapping/nutrient storage
- Filtering capacity
- Flood protection
- Migrating wildlife feeding stops
- Carbon sequestration (blue carbon)
- Cultural/tribal attributes

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[1] Brophy, et al, Insights into estuary habitat loss in the western United States using a new method for mapping maximum extent of tidal wetlands

- Recreation
- Transportation/shipping

The history of the Coos Estuary has been a story of extraction of resources and bayside development including extensive diking and filling of wetlands. It wasn't until the early 1970s when the Clean Water Act came into play did these activities change. The values of all but transportation and shipping were overlooked before this time. Even with "no net loss" of wetlands the laws in place slowed but did not reverse much of the damage to the list of estuarine values. And in the last few decades, much has been learned about how we can affect positive outcomes to all of the elements of estuarine ecological services, especially carbon sequestration[2] in a time when it is so needed. The restoration of tidal marshes, where practicable, can enhance all of the above values, as well as the last one, transportation/shipping. A recent study[3] on Coos Bay's sediment dynamics suggests that dredging could be reduced if historic wetlands were restored.

Never have I seen such an anti-Oregon proposal as this. Our land use planning goals set forth what this state has used for over 50 years to guide reasonable development and conservation of our public resources. This proposed bill is antithesis to the Oregon Way.

Please oppose this bill,

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[2] Temmink e al, Recovering wetland biogeomorphic feedbacks to restore the world's biotic carbon hotspots.

[3] Sutherland et al, Improved Understanding of Sediment Dynamics for the Coos Estuary - NERRS/NSC(NERRS Science Collaborative)