



## KALMIOPSIS AUDUBON SOCIETY

P.O. Box 1265 • Port Orford OR • 97465

To: Oregon Legislature Joint Committee on Transportation  
From: Ann Vileisis, President, Kalmiopsis Audubon Society  
Date: March 13, 2023

Re: Please vote no on HB 3382—to ensure ports follow sensible state laws and to keep Oregon’s Coastal Management Program and federal consistency review authority intact

Honorable Oregon Joint Committee on Transportation members:

I am writing on behalf of the Kalmiopsis Audubon Society. Our group has more than 400 members in Curry County who are concerned about birds, fish, and wildlife and coastal ecosystems that they need as habitat. We also support Oregon’s land use laws with its 19 goals as the basis for maintaining a balance between development and conservation.

For this reason, we urge you to please vote no on HB 3382, which would give some of Oregon’s ports a waiver from all state and local land use laws, including statewide planning goals specifically intended to conserve estuary and coastal values. This bill would be deleterious for our state’s estuaries and would also set a terrible precedent of exempting one industry from well-established, publicly-vetted law.

We are also extremely concerned that HB 3382 could undermine and negate Oregon’s compliance with the federal Coastal Zone Management Act (CZMA). According to federal law (84 FR 38131), any amendments to our Coastal Management Program (which in Oregon is basically our land use laws that apply to coasts and estuaries) need to be approved by the National Oceanic and Atmospheric Administration (NOAA). Without official approval, we will be out of compliance, and we risk that NOAA could suspend all our part of our state’s Coastal Management Program.

If Oregon’s Coastal Management Program is suspended, we could lose our state’s authority to review federal projects that may impact our coastal areas and estuaries, known as “federal consistency review.” Without this critically important authority for review, Oregon (and Oregonians) would have no voice in federal projects that could impact our coastal ecosystems and communities.

Also, if our state fails to comply with the federal CZMA, we could also risk the loss of funding for Oregon’s Coastal Management Program, which provides crucial expertise to address a full range

of issues of critical importance to our state's coastal resources. The bill could also jeopardize on-going efforts to update Oregon's estuary management plans, with direct impacts to fragile estuarine ecosystems so important for wildlife, migratory birds, as well as Oregon's economically important fisheries.

In our region, this bill would primarily affect Coos Bay, a deep draft port and one of the state's largest estuaries that has already been heavily impacted by industry and port use, with roughly 90 percent of wetlands filled. And so, it's important to conserve as much as possible of its remaining tidal flats and eel grass bed habitats. These habitat types provide for essential nursery grounds for fish and shellfish, including Dungeness crabs, and stopover habitat for migratory waterfowl and shorebirds. The Bay also provides critical habitat for two federally protected fish species, including Coho Salmon and Green Sturgeon, that depend on protected waters for rearing—as well as for commercially valuable chinook and steelhead runs and the oyster industry. With no requirement to comply with state land use laws, these habitats, coastal values, and the industries that depend on them could be impacted.

It's thought by some that this broad bill is intended to serve a particular container-ship facility proposal that would require enormous amounts of bedrock excavation in Coos Bay to accommodate extremely large ships. The economic viability of this proposal is highly questionable—given that several other large West Coast ports already have far better infrastructure to accommodate containers and tie-in to well-established transportation and market networks. It's simply not fair to change long-standing, publicly vetted rules that have benefited many people and industries—private land owners, commercial fishermen, sport fishermen, oyster farmers, recreationists—that have used the state's estuaries for fifty years to serve what appears to be the interests of one speculative enterprise. And this bill seems to ignore tribal interests in estuarine values, too.

Ports are certainly key hubs for our coastal communities, but they should not get a waiver from sensible, well-vetted rules adopted by state and local governments to protect a whole range of fundamentally important values, such as clear water and air, and conservation of estuarine habitats that provide nursery grounds for fish and shellfish that are the basis for our economically valuable fisheries and food webs that support the birds and wildlife that all Oregonians cherish.

Please vote no on HB 332—to ensure ports keep following state land use laws and to keep Oregon's federal consistency review authority intact. Thank you for considering our view and for your public service.

Sincerely,



Ann Vileisis, President, Kalmiopsis Audubon Society