

To: Oregon Legislative Joint Committee on Transportation

From: Jane Bacchieri

Date: March 13, 2023

Re: Testimony on HB 3382

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

Chairs Gorseck and McLain:

I am writing to express my strong opposition to HB 3382 which would pre-empt state and local regulations of our estuaries, rivers, and floodplains. I have worked on natural resources issues in Oregon for almost 30 years, including positions with the Oregon Coastal Management Program, the Governor’s Natural Resources Office, and with the City of Portland Bureau of Environmental Services. This bill will effectively reverse over 50 years of land use and environmental protections that have ensured that Oregonians have clean water, productive river and estuarine systems, and functioning floodplains which provide environmental and economic benefits for present and future generations.

The statutes and regulations this bill would exempt ports from were adopted to assure the coordinated and rational development and management of estuaries, shorelines, and adjacent lands while assuring that other critical functions and values of the lands and waters are also responsibly managed. This bill will reopen the door to the type of unchecked, irresponsible development that was recognized as unsustainable over 50 years ago.

This bill would eliminate Oregon’s enforceable policies that are the basis of the Coastal Zone Management Act. These policies are designed to promote responsible development. Without these policies there is no mechanism for the public to weigh in on any development in estuaries in or adjacent to the federal navigation channel. Furthermore, this legislation not only applies to improvements to federal navigation channels, but also cedes state and local jurisdiction to ports for any type of development on adjacent lands. It could be used to pre-empt local development regulations, Department of State Lands authorities, as well as Statewide Planning Goals 1 (Citizen Involvement), 15 (Willamette River Greenway), 16 (Estuarine Resources), and 17 (Coastal Shorelands).

This bill has larger consequences for Oregon too. This legislation could pre-empt the local government’s ability to enforce floodplain regulations, which could make cities like Portland ineligible for the federal FEMA National Flood Insurance Program (NFIP) which offers federally backed flood insurance to homeowners and businesses in the floodplain. Additionally, the U.S. Department of Commerce periodically reviews Oregon’s implementation of the Coastal Zone

Management Act (CZMA). The elimination of the enforceable policies in this bill will certainly result in a finding on non-compliance with the consequence that Oregon will lose the Federal consistency that is vested in states that comply with the CZMA.

At its essence, this bill is anti-Oregon. It puts at risk the policies and protections that have provided a rational approach to development, environmental protections that benefit people and wildlife, sustainable working lands and waters, and place of unparalleled beauty for Oregonians to enjoy.

I urge you to oppose this bill.

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