



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

March 14, 2023

To: Co-Chair Gorsek, Co-Chair McLain, Co-Vice-Chair Boquist, Co-Vice-Chair Davis and Members of the Joint Committee on Transportation

RE: Opposition to HB 3382 – Relating to ports

The City of Portland strongly opposes HB 3382, which would pre-empt state and local regulations as they apply to our rivers and floodplains.

This bill not only applies to improvements to the federal navigation channel, but cedes state and local jurisdiction to the ports for any type of development on adjacent lands. This legislation could be used to pre-empt the Department of State Lands; Statewide Planning Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), and 17 (Coastal Shorelands); and local development regulations.

The City of Portland is particularly concerned about pre-empting our floodplain regulations, which could make Portland ineligible for the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP), which offers federally backed flood insurance to homeowners and businesses in the floodplain. HB 3382 potentially violates a recent FEMA Biological Opinion in which the National Marine Fisheries Service concluded Oregon's floodplain development standards under the NFIP conflict with the Environmental Species Act. Over 200 communities in Oregon must further restrict development in the floodplain to continue to qualify for the NFIP. HB 3382 would pre-empt those regulations in a way that could have profound impacts not only to Port owned lands but to all development along our rivers and estuaries.

Thank you for your consideration.

Sincerely,

Donnie Oliveira
Director



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