

May 16, 2023

To: Oregon Legislative Joint Committee on Transportation
From: Robert Bailey
Subject: TESTIMONY on HB 3382

Chairs Fredrick and McLain and Committee members:

My name is Robert Bailey. I am a resident of Albany but grew up in North Bend within sight of Coos Bay. I worked for nearly 40 years on estuaries beginning as a planner in Coos County. I staffed the very first Coos Bay Estuary Plan, helped get South Slough designated as the nation's first National Estuarine Research Reserve, and, much later, managed the Oregon Coastal Management Program in the Department of Land Conservation and Development where I worked with local governments, state and federal agencies and others to allow development, including dredging, in Oregon's estuaries.

I urge the committee to take no action on HB 3382 for two basic reasons:

One, it is not needed. In all my years of working with the rules under Goal 16, I never once saw a problem or wrinkle with Goal 16 and its administrative rules that needed to be fixed by the legislature. The goal and its rules are complex for a reason and that is to make sure that development proceeds only when estuarine resources can be protected and conserved. By the time Goals 16 and 17 were adopted, Oregon had already lost nearly 90% of its original estuarine habitat. So the goal is very protective of what remains.

Over the past 45 years, many mundane as well as controversial dredging and filling projects have been approved under the existing requirements of Goal 16, such as extending the runway at the North Bend airport into Coos Bay, building a new terminal for the NOAA fleet in Yaquina Bay, and deepening the Columbia River channel from Astoria to Portland. None required legislative intervention. In addition, Goal 16 has never prevented routine maintenance dredging. The limiting factor has been the Corps of Engineers budget and schedule and "in-water work windows" imposed by the National Marine Fisheries Service, not the State of Oregon, to protect salmon or other species.

Two, while I appreciate that the bill's proponents have narrowed its focus, the dash 3 amendments raise more questions than they answer. In the three days the amendments have been available to the public, there simply has been insufficient time to discuss and address these questions and ambiguities. I think the public deserves better and I am greatly concerned that the language as written will lead to mischief and unintended consequences that will be to the detriment of our estuarine resources.

I understand that some wish swift action on this bill. But Oregon's estuaries are too important, too scarce, too fragile, and already under assault from a changing climate to further jeopardize them through hasty and ill-conceived legislation that I believe is not needed in the first place.

I urge the Committee to take no action to move this bill.

Sincerely,

Robert Bailey
Albany, Oregon 97322