



May 16, 2023

Oregon State Legislature
Joint Committee on Transportation
Oregon State Capitol
Salem, Oregon

Re: HB 3382, -4 Amendments, authorizing coastal deep-draft ports to construct, dredge and maintain navigation channels and build docking-berthing facilities via exception to the land use laws.

Via email

Dear Chair Gorsek, Chair McLain and Members of the Committee,

Oregon Coast Alliance (ORCA) is a coastal land use and conservation Oregon nonprofit corporation, whose mission is protection of coastal natural resources, and working with residents and visitors to enhance community livability.

HB 3382, which would allow deep-draft coastal ports certain activities, has been controversial from the beginning. In its initial draft, which would have allowed all five deep-draft ports to construct berthing facilities and dredge federal navigation channels without obeying the land use laws, the bill would have seriously jeopardized the NOAA funding and approval of Oregon's coastal management program.

The current proposal, with the -4 amendments, is in some degree better: it applies only to the three coastal deep-draft estuaries, and places the desired dredging of federal navigation channels, and construction of docking/berthing facilities, back under the aegis of the land use laws. Specifically, it allows a local government to grant an exception for redesignation or rezoning of estuary conservation or natural units.

However, the bill is unacceptable for several reasons, and ORCA urges the Committee to reject it in any form. Here is a list of some of the most serious problems:

1. The bill has an unacceptably large list of entities that can apply for this exception, ranging from a port to an industry in the traded sector to an operator of cruise ships. This gives a wide range of industrial/commercial users a tremendous advantage

over projects in other landscapes, which are not granted such free rights to an exception.

2. The bill makes the opportunity to undertake an exception depend on a project being “carried out in a manner that includes mitigation,” which is an unenforceable standard arising from an imprecise science with a shaky track record of success in reaching its goals.
3. The bill does now, as the original also did, grant an unfair advantage to the applicants, who would have a free pass to seek an exception from the relevant local government that other projects might not have.
4. The bill, in its amended form as in the original, is based on opening the doors for a large proposed container facility in Coos Bay. It is extremely bad policy to carve out opportunities for particular industries and/or projects to benefit, thus undermining the universality of the land use laws.

As a result of these concerns, ORCA urges the Transportation Committee to reject HB 3382, with or without the proposed -3 or -4 amendments. If a project needs an exception to the estuarine goals, the applicants must get an exception under the land use requirements, just like any other applicant would. There must be no carving out of opportunities for specific applicants, to give them a leg up in the process. Any project will rise or fall based on how it fits into the land use laws, not on how cleverly it can escape them. Estuaries, in particular, are much too important ecologically, and to local coastal economies, to be placed in peril by such roulette for the sake of self-seeking applicants.

Please place this letter in the record for this matter.

Sincerely,

/s/ Cameron La Follette

Cameron La Follette

