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RE: HB 2173

- HB 2173 appears to be a bill in search of a problem, premised on a misconception that wetlands restoration somehow threatens Oregon agriculture. Unfortunately, HB 2173 itself threatens to undermine a voluntary, collaborative effort that benefits landowners, local communities and wildlife, all without regulation.
- Today, non-profits, agencies and private landowners are working on a voluntary basis to improve the health of Oregon's wetlands, with the goal of improving water quality, flood management and avoid listings of fish & wildlife.
- As a key player in this effort, Oregon's land trust community is committed to the long-term health and sustainability of agriculture in Oregon, with many of our projects specifically designed to help keep farm, ranch and timberland in production.
- Since 1995, my organization, the Deschutes Land Trust has acquired from voluntary sellers or donors: 6 Preserves, 8 Conservation Easements and assisted the Crooked River National Grasslands in acquiring an inholding that had been subdivided for development, totally 8,200 acres within Central Oregon.
- Though each of these properties was zoned either EFU or Forestry, none of these properties came out of "production" by virtue of our acquisition.
- For example, a year after acquiring our 1,240 acre Metolius Preserve, we harvested over 1mbf of timber through commercial thinning; the 3,045 acre Hopkins-Young Conservation Easement has also continued to see active timber harvest; our 1,123 acre Rimrock Ranch Conserv. Eas. kept a ranch family on the land by purchasing the development rights and restricted grazing to the least sensitive portions of the ranch; our Coffer Ranch Conserv. Eas. helped keep another rancher operating by purchasing the development rights and limited grazing rights on 550 acres of a 3,000 acre ranch, our Ranch at the Canyons easement barred further subdivision, but continues to allow grazing.
- At the same time, my Land Trust and our partners have worked with private landowners and our community to restore wetlands, improve water quantity and quality to the point that Whychus Creek is now the state's first creek to meet minimum stream flow, enabling the historic reintroduction of steelhead. In recognition of this collaborative success story, federal agencies awarded special protection for our landowners should they accidentally harm a listed steelhead – all without taking agricultural land out of production.

- HB 2173 threatens to undermine our success story by adding unnecessary cost, confusion and bureaucracy for private landowners wanting to improve wetlands and streams crossing their properties.
- As a landowner, tell me what it means to “create, restore or enhance wetlands”? Do I really need a conditional use permit to control weeds, to plant in a wet area or allow water to pool on my property?
- By creating new liability for private landowners who voluntarily acting in the public interest, HB 2173 will discourage voluntary landowners participation and force more regulation on all landowners. Should private landowners really be liable for the actions of professional hydrologist, biologists and engineers working for public agencies, simply because the landowner allowed them on his or her property?
- In short, HB 2173 is confusing, costly and burdensome for private landowners and will undermine the remarkable, voluntary efforts of hundreds of Oregon landowners working to improve Oregon’s rivers, streams, lakes and bays.