



American Fisheries Society Oregon Chapter

OR Chapter AFS: PO Box 8062 Portland, OR 97207-8062 www.orafs.org

Date: February 3, 2016

To: The Honorable Chris Edwards, Senator
Committee Chair
Senate Committee on Environment and Natural Resources

RE: OREGON CHAPTER OF THE AMERICAN FISHERIES SOCIETY TESTIMONY CONCERNING AMENDED SENATE BILL 1517 RELATING TO WETLAND ENHANCEMENT IN FARM USE ZONES

Senator Edwards:

The Oregon Chapter of the American Fisheries Society (ORAFS) is comprised of over 500 fisheries and aquatics science professionals from federal, state, and tribal agencies, colleges and universities, diverse private employers, college students, and retirees. ORAFS was established in 1964 as a chapter of the American Fisheries Society. Our mission is to improve the conservation and sustainability of Oregon fishery resources and their aquatic ecosystems for long-term public benefit by advancing science, education and public discourse concerning fisheries and aquatic science and by promoting the development of fisheries professionals.

ORAFS is opposed to Sections 5 and 6 in amended SB 1517. First, in Section 5, the bill would give local government the ability to control land use decisions on private land as they pertain to wetland enhancement, creation, or restoration if the governing body determines there is significant change in agricultural practices. Effective restoration programs rely on cooperation of broad stakeholder groups including neighbors adjacent to the project property. Collaborative relationships among neighbors with a common goal of wetland restoration could be undone by local government with limited understanding of the project partnerships which often require considerable effort to develop. Project limits are typically set by adjacent property owners who are not interested in participating in the restoration program. Properly designed projects account for these boundaries and limit the environmental change to the boundary of cooperating landowners.

Section 6 of SB 1517 proposes to amend ORS 496.720 which gives protections to private landowners who engage in voluntary restoration projects. Private landowner participation in restoration programs is critical for restoring coastal wetlands degraded by historical land use practices. Under the Oregon Coast Coho Conservation Plan for the State of Oregon (2007), the type of habitat most limiting the federally-threatened Oregon Coast coho is high quality over-winter rearing habitat. Restoring high quality over-wintering habitat (e.g., low gradient streams with inundated floodplain wetland habitats) is a priority for organizations focused on recovering Oregon Coast coho. Removing private landowner protections will make it more difficult to recruit landowners to participate in such programs, increasing program costs and slowing recovery of Oregon Coast coho.

The proposed amendments to SB 1517 (SB 1517-2, 2/2/16) has several flaws. First, the amendment seeks to limit wetland restoration based on wetland changes at the county level since 1992. We suggest this rule review wetland acreage at the watershed level rather than the county level which is too gross of a review unit. Secondly, the amendment does not identify the entity responsible for the cost of completing annual wetland acreage assessments. Landowners neighboring potential wetland projects are currently contacted as part of the U.S. Army Corps of Engineers and Oregon Department of State Lands permitting processes and have the opportunity to provide input on wetland restoration projects.

ORAFS strongly supports wetland restoration programs that are collaboratively planned by local stakeholder groups that include neighboring landowners to the project location. County review of restoration projects is another layer of bureaucratic review that increases project uncertainty, costs, and time dedication. Removing the liability shield that protects private landowners who wish to engage in voluntary restoration will make it more difficult to attract program participants. Finally, DSL currently has a straight-forward permitting program in-place that provides a framework for removal-fill projects intended to maintain agricultural land use. ORAFS supports using the existing framework to facilitate landowner reporting of removal-fill activities especially in ESH.

Thank you for the opportunity to submit our opposition to SB 1517.

Respectfully,

A handwritten signature in blue ink that reads "Troy M. Brandt". The signature is written in a cursive style with a long horizontal flourish at the end.

Troy Brandt - President, ORAFS, 503-307-8367, president@orafs.org