

Testimony on Senate Bill 1517
Dan Moeller, Conservation Program Director
Senate Environment and Natural Resources Committee
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My name is Dan Moeller, and I direct the conservation program in Metro's Parks and Nature department. Thank you for the opportunity to testify today and to explain why Metro opposes SB 1517.

Metro is the regional government of the Portland metropolitan area. The voters of the region, in approving the Metro Charter, declared Metro's most important service to be "planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations." Both the Metro Charter and Oregon statutes give Metro authority over "issues of metropolitan concern," including challenges that cross city and county lines.

In 1995 and again in 2006, Metro-area voters approved bond measures to acquire land to protect important natural areas from the impacts of growth, and specifically to protect and improve water quality and fish and wildlife habitat. To date, Metro has acquired 14,000 acres – all from willing sellers at market value. In 2013 the region's voters approved a tax levy, which among other things specifically funded restoration on the land they asked us to acquire.

Our region has seen a significant loss of wetlands. Wetlands store, clean, and cool water. Wetlands also prevent soil erosion, control flooding, and provide important habitat for fish and wildlife, all issues of concern in our region and throughout the state. These functions are difficult and expensive to replace with engineered solutions. Restoring wetlands is an important element of Metro's conservation program and the strategic restoration of wetlands is widely recognized as a necessary and cost-effective approach to protecting water quality and recovering salmon.

We also know there is a strong connection between clean water and economic development. For example, many businesses in our region depend on clean water that comes out of the Tualatin River for high tech manufacturing, beer production and other activities that play a vital role in the regional economy. Clean water in the Tualatin River starts with healthy watersheds upstream, including healthy wetlands.

Metro staff actively works with the agricultural community in areas where we own land zoned for agriculture. More than three quarters of the agricultural land Metro owns is still actively farmed.

When we acquire agricultural land as a part of a larger natural area purchase, the Metro Council has directed staff to find ways to continue agricultural production on the property and also to work with the agricultural community when we develop restoration and access plans for the site. We believe our efforts to listen to and address the ideas and concerns of the agricultural community have demonstrated our commitment to ensuring that our acquisitions do not undermine the agricultural economy in our region.

SB 1517 would create a significant barrier to our efforts to carry out the will of the voters and continue to contribute to a healthy, sustainable and economically viable region. Specifically:

- The bill proposes restrictions on wetland restoration, as well as associated water quality and habitat improvements, in order to avoid impacts that to our knowledge have occurred only in unusual instances.
- The bill regulates wetlands enhancements more restrictively than any other use permitted on resource land. For example, it would become more difficult to restore a wetland than to build a winery, a church or even a destination resort like Sun River.
- The bill requires every wetland restoration project to undergo a locally driven land use process that lacks objective standards, which will make it difficult or impossible to predict which projects meet local standards. This leaves Metro and similar programs vulnerable to the whims of individuals or jurisdictions who oppose Metro or conservation efforts for a variety of unrelated reasons.
- The bill would create an unnecessary, costly and time-consuming process that would slow the achievement of the environmental benefits that our program is designed to achieve, while contributing nothing of value to the agricultural economy.

A separate, but equally serious source of concern with the bill is the provision allowing removal of 100 cubic yards of material from *any waters of the state without permit*.

- 100 cubic yards is approximately equal to 12 dump truck loads of material. This seems to greatly exceed what is reasonably needed to clear established drainage ditches to maintain farm operations.
- Creating barriers to the restoration of wetland habitat that provides broad benefits to the public, while simultaneously exempting from any permit process activities with potentially harmful impacts to water quality, fish, wildlife, and habitat designated for endangered species is of great concern to Metro.

Lastly, the consequences of the bill's provisions increasing landowner liability for voluntary habitat improvement projects are unclear to us. It is important to encourage voluntary action by private citizens, government agencies and non-profit organizations to restore wetland habitat by continuing to exempt any landowners that are not grossly negligent with their actions.

For these reasons, Metro urges you to oppose SB 1517. Thank you for your consideration.

Some facts about Metro's Natural Areas Program:

Since 1995, Metro has protected more than 14,000 acres of land, all purchased from willing sellers at market value. Our total portfolio of natural areas stands at approximately 17,000 acres.

- Metro's ownership in EFU zoned lands totals 3795 acres.
- 2967 acres are wetlands. Of this total, 595 acres are zoned EFU; this represents 3% of our total acreage.
- 1231 acres are currently leased for agriculture.
- 4286 acres have hydric soils (potential wetlands). Of this total, 1,881 acres are zoned EFU.
- 5360 acres are in floodplains.
- 830 acres are developed with roads, buildings, etc. that are already covered by conditional use permitting.
- 14,739 acres are trees, shrubs, grass, sand bars or open water.