



The League of Women Voters of Oregon, established in 1920, is a grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

September 20, 2023

To: [Deb Flagan, Chair](#), and [Members of the Land Availability Work Group](#)

Re: **Wetlands Recommendations A & B – OPPOSE with Comments**

The League of Women Voters of Oregon has studied water issues since the 1960s, adopting positions in 1965, 1977, 1985 and, after multi-year studies (Water in Oregon-Not a Drop to Waste [Part 1](#) and Issues and Perspectives [Part 2](#)), consolidated positions on water quality and quantity in 2011.

The League...believes that water is a resource that should be managed for the benefit of the public and as sustainable habitat for all life forms. The League supports Oregon state policies and statutes...the improvement of water quality. The League believes that the interdependence of land use planning and water planning must be recognized and required at all levels of government. The League opposes degradation of all of Oregon's surface and ground water.

Wetlands Recommendation A: As we understand it, this recommendation, **Part 1**, focuses on wetland mitigation banks. We do support an increase in wetland banks, but the goal of this recommendation is excessive as well as overly expensive. **It is also important to acknowledge that the land for new wetlands banks currently has another use—often as agricultural lands.** We recommend focusing on a few specific areas in Oregon where the banks can free up land for housing development while also protecting the lands from future flooding.

The League has worked to address this important issue. In 2019, we supported [HB 2438 A](#), which would have provided monies for Cascades West Council of Governments to work on a mitigation bank—in that case related to industrial lands, but could have been for housing as well. The bill was not funded and did not pass. Funding will continue to be a challenge.

We do not support **Recommendation A, Part 2**, that would expand the use of fees in lieu of protecting wetlands. The statement that replacing or enhancing FUNCTION is laudable, but that determination might take a great deal of research. Wetlands protect from flooding, improve water quality as well as providing habitat for fish and fowl. While we believe the In-Lieu-Fee and Payment-in-Lieu programs have a place in the overall program, it should be more of a last resort rather than an easy way to address wetlands challenges.

In 2023, the League supported the Dept. of State Lands (DSL) budget requests in [HB 5037](#), including **POP 104 to increase Other Funds expenditure limitation by \$957,147 and authorize the establishment of the following five positions (4.28 FTE) in the removal/fill program.** With the increased focus on housing and on new industrial lands, it will be important for the agency to help determine which wetlands need to be set aside and not counted as “developable” lands. We **supported POP 109 to carry forward EPA grant funding for the removal/fill program.**

We supported POP 106 *that provides one-time Other Funds expenditure limitation of \$4,011,699 and authorizes the establishment of one limited duration project management position (1.00 FTE) to complete the work on the new permitting and information system, known as the Oregon Water and Land Stewardship system.* It is expected to be completed by June of 2024. Their budget as passed included these Policy Option Packages.

We do NOT support Parts 3-6; however, we DO support Part 7 to remove wetlands from Buildable Lands Inventories since these lands should NOT be built upon. Excluding those lands means a presumption that they WILL NOT be built upon—developers can't have it both ways. The League has consistently argued this point. It will be necessary for local jurisdictions, along with DSL, to increase mapping of wetlands so the exclusions are as accurate as possible. This will take investment at the local and state level.

Wetlands Recommendation B: **We do NOT support any recommendation that would change the definition of Oregon's wetlands.** *Oregon recognizes the role of wetlands in water quality and in flood management among other values. **The waters of the state are an important public asset.** Management of activities in these waters must be done carefully and with full application of state and federal regulations.*

Remember the [Flooding of Vanport](#)? Or the perennial flooding of Johnson Creek in the Portland area? Or flooding in Pendleton or Tillamook? **No one, and certainly not our most vulnerable Oregonians, should have homes placed in areas that may flood.** We urge you to oppose or amend these recommendations to protect Oregon's wetlands while finding reasonable ways to assure Oregon can provide housing for ALL.

As with many of the recommendations from the Housing Production Advisory Council, the cost to implement these recommendations is significant. The League has, over many years, continued to support increased funding for many of the items now listed as recommendations, often with few voices from the development community. **We suggest that the full Council consider the cost of many of the recommendations and prioritize those that have the most broad-based support and will increase housing units, especially for Oregonians with 60% AMI or less, and that will not violate Oregon's statutes and rules.**

Thank you for the opportunity to discuss this legislation.



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