



TUALATIN RIVERKEEPERS®

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February 3, 2010

Subject: SB 1020

Senator Rick Metsger, Chair
Senate Business & Transportation Committee
Oregon State Capitol, Salem OR

Dear Metsger and Committee Members,

Tualatin Riverkeepers has grave concerns with LC 85 and we urge you to oppose its passage or amend it to require **onsite** wetland assessment and delineation prior to issuance of a wetland fill permit.

Deleting the definition of the “applicant”: [(a) “Applicant” means a landowner or person authorized by a landowner to conduct a removal or fill activity.] will allow permits to be issued for which due diligence has not been performed.

Development projects on wetlands require the wetland delineation and assessment in order to avoid impacts and to effectively mitigate for unavoidable impacts. This analysis requires that a certified wetland scientist has access to the impacted wetland to perform the delineation and assessment. Without the cooperation of the landowner this is impossible.

We have seen major linear utility projects with multiple wetland and stream crossings successfully completed in the Tualatin basin under existing rules. Because of the environmental analysis associated with the permitting process. Examples of major projects where current rules have improved the project include, Clean Water Services’ Dawson Creek Sewer Line and Northwest Natural Gas’ Dairy Creek line. Environmental impacts were drastically reduced because of the careful wetland delineations and impact analyses performed under existing Department of State Lands wetland protection rules.

Existing rules allow linear utility projects through wetlands with the scrutiny necessary to protect the important ecological functions wetlands. SB 1020 sidesteps this necessary scrutiny. We urge you to oppose SB 1020 unless it requires onsite wetland assessment and delineation by a certified wetland scientist prior to issuance of a fill permit.

Sincerely,

Brian Wegener
Watershed Watch Coordinator