



OREGON SHORES CONSERVATION COALITION

March 8, 2021

House Energy and Environment Committee
State Capitol
900 Court Street NE, Room 453
Salem, OR 97301

Submitted via Oregonlegislature.gov:
<https://olis.oregonlegislature.gov/liz/2021R1/Testimony/HEE?meetingDate=2021-03-08-13-00>

**Re: HB 2488, Relating to addressing climate justice through land use planning.
Testimony of the Oregon Shores Conservation Coalition**

Dear Chair Marsh and Members of the House Committee on Energy and the Environment:

On behalf of the Oregon Shores Conservation Coalition and its members (collectively “Oregon Shores”), thank you for the opportunity to provide testimony on HB 2488. Oregon Shores is a non-profit organization dedicated to protecting the Oregon coast’s natural communities, ecosystems, and landscapes while preserving the public’s access to these priceless natural treasures in an ecologically sustainable manner. Our mission includes assisting people to participate in land use, policy, and regulatory decision-making processes with the potential to impact coastal communities, including land use, water quality, and shoreline management issues. We have been involved with and defenders of the Oregon coastal region for half a century. The climate crisis is already affecting every aspect of the coastal environment, and thus impacts every aspect of our organizational work and programs. HB 2488, addressing climate justice, is an important first step toward addressing critical weaknesses in our land use planning system.

Oregon Shores strongly believes that our state needs to act now to confront climate change, and move forward with long-needed reforms to our statewide planning goals. Oregon must prioritize climate resilience (i.e., community climate adaptation and mitigation) in all aspects of land use planning, and work diligently to address the inequitable impacts of climate change to vulnerable communities. We specifically support creating a new climate goal (“Goal 20”) as well as updating existing goals to meaningfully address climate change, and fully

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including the voices of Black, Indigenous, other people of color, and other historically underrepresented communities when developing policy. If Oregon is to effectively confront the challenges presented by the climate crisis and the historical racism that manifests itself in our time as environmental injustice, then we need a 21st Century planning system based on the best available management practices and race equity principles. For that reason, we urge you to support HB 2488, and ensure that our land use system includes an evidence-based and holistic approach to addressing climate change mitigation and adaptation, equity, hazard risk reduction, and environmental justice.

Oregon's land use planning system is nearly 50 years old, and has long been a model for responsible and deliberate land use planning. However, it fails to explicitly consider climate change. Local governments have been and are currently making critical decisions regarding comprehensive plans, urban growth boundaries, and urban and rural reserves without sufficient consideration (if any) of either the projected climate impacts of land use decisions within their jurisdiction or whether these decisions will help achieve Oregon's greenhouse gas emission ("GHG") reduction goals. State agencies have been and are currently making critical decisions regarding permitting in the same fashion. This is of extreme concern on the Oregon coast, where despite existing coastal goals (Goals 16-19), communities face increasing threat presented by resource extraction schemes (such as Jordan Cove) and maladaptive, oceanfront land use proposals. The new Goal 20, addressing climate justice, would ensure that climate, equity and environmental justice are addressed in land use planning decisions. All goals should be accompanied by explicit and mandatory implementing requirements (rather than mere guidelines) to ensure accountable and effective agency and local government decision-making. Goals 16 through 19 must be amended and accompanied by explicit implementing requirements that mandate full consideration of the cumulative impacts of climate change (including sea level rise, erosion, ocean acidification, etc.). Goals 1 and 2 must be amended to remove systemic barriers to participation and modernize the land use planning process.

Further, the climate crisis did not emerge out of a vacuum: it is both in part a product of and a stress multiplier for historic racial, social, and socioeconomic inequities. As noted by Oregon's 2020 Draft Climate Change Adaptation Framework ("CCAF"), "the effects of climate change will not be felt or borne equally by all people, communities, or sectors of the economy."¹ As further stated in Oregon's 2020 Draft Climate Equity Blueprint ("CEB"), this is in part the result of the racism and racial disparities that characterize Oregon's and America's history, as well as due to broad economic inequities and of the exploitation of coastal resources by external entities that dispossessed coastal communities.² We strongly support the effort—long overdue—to anchor Oregon's climate response in resilience and equity principles, and thus reduce inequities as they are expressed and experienced locally. Oregon's Native American governments and tribal communities, Black, Latinx, and other people of color, as well as low income and under-resourced rural and coastal communities, have told us time and again that our

¹ Draft CCAF Nov. 2020, 5. An updated 2021 version of the CCAF incorporating the Dec. 2021 CEB is available at: https://www.oregon.gov/lcd/CL/Documents/2021_Climate_Change_Adaptation_Framework_with_Blueprint.pdf. Our hope is that the Committee will recommend that interim climate justice standards will be based on LCDC's most up-to-date version of the CCAF and CEB, rather than the draft version from Nov. 15, 2020.

² Draft CEB Oct. 2020, 2.

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current planning system simply does not serve them or allow for meaningful engagement. Consultation and inclusion in land use decision-making processes is often inadequate, inaccessible, and insufficient in scope. Pollution, environmental risks, and hazards are too often situated in the communities that can least afford it and are least equipped to cope. Too often, local permit decision appeals and the costs associated with such appeals (including obtaining peer review of geological hazards reports and other expert testimony) are insurmountable barriers to access, exposing coastal communities to substantial harm.

Oregon Shores therefore strongly supports the passage of HB 2488 as an important first step toward updating the land use system to address climate change, environmental justice and equity in a holistic and integrated manner, which is the only way to prevent climate responses from reinforcing existing inequities and thereby re-harming disproportionately impacted communities. Please consider the following relating to HB 2488:

- **Climate change is not mentioned or addressed in the statewide Goals.** The Goals and their implementing requirements were written and adopted nearly 50 years ago, and lack any explicit and intentional linkage to actions needed to address climate change and its inequitable impacts. Several goals, including Goals 7, 16, and 18, are not accompanied by effective administrative rules to guide decision-making. It is vital that the statewide planning program be modernized to mitigate greenhouse gas emissions, address and adapt to sea level rise, discourage maladaptive coastal land use proposals (e.g., fossil fuel infrastructure, hardened shoreline protection structures, and development in areas with known coastal hazards), provide meaningful opportunities for climate adaptation, protect and increase sequestration opportunities, and address climate change inequities.
- **There is a lack of meaningful, disaggregated³ data on how vulnerable communities are disproportionately impacted by the climate crisis.** Goal 2 (Land Use Planning) requires “an adequate factual basis” for “all decisions and action related to use of land.” Changing climate trends and patterns will result in a new normal as Oregon’s coastal communities engage in planning for long-term sustainability, economies, public services, protecting their population and natural resources, and prioritizing their investments. It is critical that factual data on how vulnerable communities are impacted by climate change is available, disaggregated, and used to inform decisions if environmental justice is to be addressed. Historic trends, past events, and institutional inequities do not offer sufficient data to make informed decisions as climate change continues.
- **Land use decisions made by local jurisdictions and state agencies (such as the Parks and Recreation Department and Department of State Lands) are**

³ Several studies show that disaggregating data by race is crucial to identifying and effectively addressing racial inequity. See Annie E. Casey Foundation, *Why Disaggregating Data by Race is Important for Racial Equity*, (Posted Aug. 2016, Updated Aug. 2020), <https://www.aecf.org/blog/taking-data-apart-why-a-data-driven-approach-matters-to-race-equity/>; See Rhonda Vonshay Sharpe, *Disaggregating data by race allows for more accurate research*, 3 *Nat. Hum. Behav.* 1240, (Dec. 2019), <https://www.nature.com/articles/s41562-019-0696-1>.

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based on the current Goals and lack criteria to avoid climate impacts. The Goals govern state and local decisions about the future use of land and critical resources. None of the 19 Goals, their implementing requirements, nor administrative rules are specific to climate change or environmental justice, nor have they been amended to address these existential crises. Adopting a new Goal 20 and updating existing goals would require all land use decisions to be consistent with climate justice criteria.

- **Goal 1 does not address systemic barriers faced by underrepresented communities or modern communication techniques.** Goal 1 provides for how and when community members can engage in comprehensive planning efforts and land use decision-making. It was adopted prior to the advent of the internet, social media, and virtual meetings. Hence, Goal 1 only mentions “television, radio, newspapers and meetings” as involvement tools. More importantly, Goal 1’s public engagement provisions do not address or acknowledge systemic barriers to participation and resulting inequitable outcomes. Addressing this is especially important as the impacts of climate change are more harmful to vulnerable populations, impacted communities, and those facing racial and other inequities.

HB 2488 will move Oregon toward climate and equity-responsive land use planning by Oregon’s local governments and state agencies. Oregon Shores also urges the members of the House Committee on Energy and the Environment to support the recommended budget of \$800,000 to both initiate and finish the adoption of a new Goal 20 for Equity and Climate in this biennium. In addition, in order to provide adequate technical assistance to underserved rural and coastal communities, smaller cities, and counties, a recommendation from the Committee for additional funding allocations would be appreciated.

For the above reasons, Oregon Shores supports HB 2488 as an important first step to addressing the challenges posed by climate change and environmental inequities within our land use planning system. We are grateful to Beyond Toxics and the National Association for the Advancement of Colored People Eugene/Springfield for their leadership and efforts on HB 2488. Thank you for considering our testimony and creating an equitable and climate-smart future for Oregon and its coast.

Sincerely,



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