



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 2251
Testimony of WaterWatch of Oregon
By Kimberley Priestley
Submitted to the House Water Committee
March 30, 2021

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers and aquifers to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes, wetlands, groundwater dependent ecosystems and streams. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

WaterWatch opposes HB 2251 as drafted

HB 2251 grants a yet undetermined amount of funding to the Oregon Water Resources Department for the purposes of regional and local planning, identifying local/regional water needs, prioritizing among local/regional water needs, and implementing local/regional water use strategies and plans.

While WaterWatch appreciates that every basin in Oregon is unique and each watershed holds individual management challenges, we do not support HB 2251 as drafted. Existing law and rule allows for regional planning, and importantly, includes important sideboards not found in HB 2251. If it is funding that is being sought, we propose that a funding request be tailored to existing programs.

Our concerns with HB 2251 are as follows. First, the bill as written has no standards, definitions and/or sideboards to ensure protection of the public's waters. The bill does not ensure that both instream and out-of-stream needs be addressed in these plans, that plans be data driven, that planning efforts are broad based and be open to all interested stakeholders or that the public interest in water be protected. It is unclear if the planning would be convened by the Oregon Water Resources Department, or if the Department would distribute funds to others for planning. Region is undefined. The bill calls for "prioritization" of water use without setting forth standards and/or adherence to state goals/policies on water use. The bill does not acknowledge the need for ecological protection/restoration but appears focused on water "use". The bill calls on OWRD to implement local/regional water use strategies, without specifying that the plans to be implemented are those developed under this bill (or developed under OWRD authorities/directives).

Second, it should also be noted that existing statutes already allow for regional planning, otherwise called basin planning. Every river basin in Oregon, except the Klamath River Basin, has a basin plan set in rule. These basin plans were developed in consultation with stakeholders, went through public notice and hearing processes and, importantly, are data driven. These plans set forth policies, limitations, and programs specific to each basin (for instance, the Deschutes Goundwater Mitigation Plan is part of the Deschutes River Basin Plan). The notion that the state operates under a "one size fits all" management approach is not accurate. Each river basin in this state is unique, and the OWRD does in fact manage on a regional basis. Basin plans are set in rule so can be updated. If the Legislature want to fund the agency to do these updates that is one thing, but that is not what HB 2251 does.

Third, in addition to existing basin plans, the Integrated Water Resources Strategy set up a process for four pilot “place based plans”. Importantly, this process has a number of statutory guidelines, as well as agency level guidance directives to govern the process and content. HB 2251 does not incorporate any of the sideboards and/or directives of those planning efforts, the most important being that they are required to address both instream and out-of-stream needs. The placed based planning efforts that are currently underway are in the Malheur/Harney, Lower John Day, Mid-Coast and Upper Grande Ronde basins. These plans are at various stages of development. In advance of extending the program, the Oregon Water Resources Department will be doing an assessment of these plans and/the process to shape future planning under this umbrella; the final assessment is due out in November 2021. If the Committee is interested in funding additional place based planning efforts, we would urge the Committee to wait until the program assessment is made public so informed discussions can be held. As drafted, we have concerns that HB 2251 could, ultimately, provide an end run around the process and policies underlying Place Based Planning.

WaterWatch has been very involved in a number of regional water planning discussions over the past thirty five years, from early basin planning efforts to regional discussions in the Umatilla, Deschutes, Rogue, Harney, John Day and other basins. We are supportive of ongoing regional conversations on water planning, and expect to continue to engage in these discussions going forward. However, we cannot lose sight of the fact that water is a public resource. Public funding for regional discussions should focus on data gathering to inform discussions, multi-agency staff to convene and populate regional discussions and adequate facilitation to ensure broad and transparent public involvement. Also, importantly, any public funding should include sideboards to ensure that regional discussions address both instream and out-of-stream needs and otherwise protect the public’s interest in water. HB 2251 does not provide these directives or sideboards, thus we would urge the committee to oppose as currently drafted.

Thank you for consideration of our comments.

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