



April 17, 2023

Representative Ken Helm, Chair
Representative Annessa Hartman, Vice-Chair
Representative Mark Owens, Vice-Chair
House Committee on Agriculture, Land Use, Natural Resources, and Water

Re: Trout Unlimited Support for Drought Relief and Water Security Package

Dear Chair Helm, Vice-Chairs Hartman and Owens, and Members of the Committee,

Trout Unlimited (“TU”) is a non-profit dedicated to conserving cold-water fish (such as trout, salmon, and steelhead) and their habitats. TU has more than 350,000 members and supporters nationwide, including many members in Oregon.

HB 3124 is the Bipartisan Drought Relief and Water Security Package (BiDRAWS) (“Drought Package”).¹ Trout Unlimited believes the Drought Package would deliver significant value for our state’s fish and rivers, and we appreciate the bill’s bipartisan proponents—and their staff—for putting together this bold proposal.

TU is a member of the Oregon Water Partnership, which recently submitted shared input on certain components of the Drought Package.² We maintain those positions and are writing separately to provide further input on TU’s individual priorities.

Trout Unlimited provides the following support and input for certain components of the Drought Package:

- **#1-14: “Increasing OWRD Field Staff Capacity”**
 - This funding item provides field capacity to OWRD for responding to water management needs, equitably allocating water resources, and providing services to rural communities, especially in high workload basins such as the Klamath Basin and Malheur Lakes Basin. Increasing OWRD’s field capacity is consistent with Recommendation G of the 2016 Drought Task Force report.³

¹ See Bipartisan Drought Relief and Water Security Package (BiDRAWS) spreadsheet, from 3/16/23 meeting materials of the House Committee on Agriculture, Land Use, Natural Resources, and Water, available at: <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/CommitteeMeetingDocument/265282>

² Oregon Water Partnership letter available at: <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/PublicTestimonyDocument/80091>

³ See Report of the Task Force on Drought Emergency Response, House Bill 4113 (2016), at page 21 (available at: https://www.oregon.gov/owrd/WRDReports/DO_Drought_Emergency_Response_Task_Force_Report_11_1_2016.pdf).

- **#1-17: “Supporting Watershed Restoration Efforts”**
 - This funding item provides staff capacity to (1) DEQ’s water quality team for the purpose of watershed restoration plan development (i.e., TMDLs), and (2) ODA’s Agricultural Water Quality Management Program team. Both of these programs are central to restoring water quality in Oregon, and TU believes increasing the staff capacity at both programs would benefit native trout, salmon, and steelhead.
- **#2-4: “Increasing Water Use Measurement and Reporting”**
 - This is a policy item (with no fiscal impact) that would improve the state’s data collection on how much water is consumptively used by water right holders, by granting OWRD statutory authority to request reporting of water usage measurements.
- **#2-6: “Statewide Streamflow and Stream Temperature Monitoring,” “Instream Flow Studies,” and “Coldwater Refugia Project”**
 - These three funding requests for ODFW are critical for bolstering the agency’s forward-looking drought resilience efforts. This component of the Drought Package would build upon ODFW initiatives funded by the 2022 legislative session to: (1) deploy real-time stream flow and temperature gages, (2) conduct instream flow studies to determine ecological needs in various waterbodies, and (3) ground-truth modelled coldwater refugia areas of high importance to fish.⁴
 - Trout Unlimited supports funding ODFW POP 107 in its entirety (i.e., a POP that has been divided into various line items in the drought package).
- **#5-1: “Fish Passage Barrier Removal” and “Fish Passage Program Capacity”**
 - Fish passage barriers are a significant issue for Oregon’s migratory trout salmon and steelhead. There are tremendous amounts of federal funding available for fish passage work, and carving out some state funds and additional staff capacity for that work can help Oregon pull down its fair share of available federal funding.
 - This component of the Drought Package would build upon the 2022 legislative session’s investment in fish passage (i.e., \$8 million for ODFW to allocate towards on-ground spending before the end of the 2021-2023 biennium). Remarkably, that \$8 million has already been fully spent and allocated to projects, and *significant* demand continues for this funding to achieve more work on the ground.
- **#5-2: “Watershed Drought Resiliency” and “Watershed Restoration Post-Wildfire”**
 - The funding, carryover, and limitation authority in this component is key to implementing work directed by the 2021 drought relief programs. Entities including Trout Unlimited are hard at work putting projects together that restore

⁴ The 2022 legislative session’s budget bill, HB 5202, included a \$25 million drought resilience package for efforts at ODFW (e.g., fish passage grant funds, Oregon Conservation & Recreation Fund appropriation, real-time streamflow and temperature gages) and OWEB (e.g., voluntary water acquisition grant funds) to improve conditions for fish in Oregon’s rivers and streams. Many of the TU priorities in this letter would build upon those 2022 investments.

watersheds post-fire and improve ecological drought resilience in hard-hit parts of the state, such as the Klamath basin. This component of the Drought Package should ensure that those projects can come to fruition. For example, TU is working on several of the referenced “off-channel livestock watering” projects (i.e., restoring riparian areas by providing livestock watering options away from streams), but the high demand for well drillers is making it very difficult to finish these projects before the end of the current biennium (i.e., 6/30/23).

- **#5-3: “Water Acquisitions Grant Funds and Position Continuity (OWEB)” and “Asset and Acquisition Stewardship (OWEB)”**
 - This component continues and builds upon the 2022 legislative session’s investment in instream flow restoration by providing a modest increase in related staff capacity at OWEB. Relatedly, providing stewardship capacity at OWEB protects the state’s investment in land and water acquisitions (e.g., conservation easements on private property) by ensuring those interests are providing the intended benefits.
- **#5-4: “Process-Based Restoration, Natural Storage, and Watershed Benefits”**
 - This component of the Drought Package builds upon the 2022 legislative session’s investment in on-ground drought resilience habitat work by providing additional funds to the Oregon Conservation and Recreation Fund (OCRF) at ODFW. The funds in this portion of the Drought Package would be available as grant funds to implement aquatic habitat restoration projects across the state. Federal infrastructure funding may be available for some of this same work, which would multiply the state’s investment in protecting and improving stream habitats for fish and wildlife.
- **** #5-6: “Fish Screens and Restoration in Newly Available Habitat” and “Klamath Salmon Restoration Monitoring”**
 - TU supports providing funding for irrigation fish screening infrastructure in the Klamath Basin. Four dams will be removed on the Klamath River in the 2023-2025 biennium, opening up more than 400 miles of habitat to trout, salmon, steelhead, and lamprey. We recommend that the Drought Package sponsors consider directing the fish screening funds to ODFW’s Screen Shops because that existing state program has a proven ability to efficiently deliver high-quality fish screening devices to landowners and restoration practitioners.⁵
 - **** TU emphatically supports providing funding for the Klamath fish reintroduction biologists at ODFW; we recommend providing funds for both ODFW POPs 109 and 119 in this component of the Drought Package.**⁶ POP

⁵ See ODFW, Fish Screening and Passage Program Contacts and Regional Screen Shops homepage, available at: <https://dfw.state.or.us/fish/screening/contacts.asp> .

⁶ See Haley Ohms, Trout Unlimited, *Planning for Salmon and Steelhead to Return as the Klamath Dams Come Down*, March 9, 2023 (summarizing the State of Oregon’s Klamath fish reintroduction plan, which calls for a significant amount of on-ground biological monitoring and coordination between Oregon, Tribes, USFWS, and the state of California) (available at <https://www.tu.org/magazine/conservation/barriers/dam-removal/planning-for-salmon-and-steelhead-to-return-as-the-klamath-dams-come-down/>); Lee Juillerat, Klamath Herald and News, *Tracking spring Chinook: Acoustic receivers installed in fingerlings*, April 11, 2023 (describing the ongoing work of

119 in ODFW's agency request budget would have provided \$302,936 for the existing, limited duration Klamath Fisheries Reintroduction Coordinator position at ODFW, and converted that position to a permanent position. POP 109 would have provided \$833,643 for 3 new FTE positions to join that Klamath team.⁷ Neither is in the Governor's budget. If the Legislature does not fund these POPs, ODFW will largely be going into the dam removal and restoration phase without fisheries biologists focused on the fish reintroduction effort.

- **#5-8: “Studying Springs in the Deschutes Basin”**
 - The Deschutes basin includes some of the most beloved rivers (and economically productive recreational fisheries) in the state of Oregon. In recent years, some of the surface water springs—including those in the Metolius River watershed—have declined in productivity.⁸ TU supports this component of the Drought Package because, according to OWRD's agency request budget, the funding would allow OWRD to (1) determine high-value ecological springs, (2) understand the sources and fluxes of water in those springs, and (3) understand the magnitude and causes of those changes in the springs and their sources.
- **#6-1:** TU appreciates the reference to the Allocation of Conserved Water Program, but we recommend *requiring* recipients of these funds to legally protect some water instream as part of the related surface water irrigation modernization. Specifically, TU recommends requiring that the “Irrigation Modernization” project implementation funding only be available to surface water right holder applicants that use OWRD's Allocation of Conserved Water Program to legally protect a portion of the conserved water instream, thereby *ensuring* public benefit for these significant (\$70 million) public funds.

Thank you for this opportunity to provide comments, and please let me know if you have questions.

Sincerely,

James Fraser
Oregon Policy Advisor
Trout Unlimited
james.fraser@tu.org

Klamath Fisheries Reintroduction Coordinator described in ODFW POP 119) (available at https://www.heraldandnews.com/news/tracking-spring-chinook-acoustic-receivers-installed-in-fingerlings/article_8bc90bfc-d8b2-11ed-8655-43065a1430df.html).

⁷ The Drought Package spreadsheet has an error on the ODFW POP number referenced in component #5-6. The 3 fisheries biologists described in this component regard ODFW POP 109, not 119 as stated in the spreadsheet.

⁸ See Michael Kohn, *Drought taking toll on head of the Metolius River*, Bend Bulletin, August 7, 2021 (available at: https://www.bendbulletin.com/localstate/environment/drought-taking-toll-on-head-of-the-metolius-river/article_317be884-f56c-11eb-9381-830d4e701ee9.html).