



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 3142 Testimony of WaterWatch of Oregon by Kimberley Priestley

House Committee on Agriculture, Land Use, Natural Resources and Water February 14, 2023

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 waters. 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 3142 as drafted

What this bill does: This bill would provide \$9,000,000 in general funds to the Department of Administrative Services to provide specified grants to the Soil and Water Conservation Districts (SWCD) in Crook, Jefferson, Klamath, Deschutes, Lake, Wheeler and Harney Counties for juniper removal. \$720,000 of this money could be used for administrative costs, the rest would be disbursed to the named SWCDs to remove juniper in areas where removal will provide greatest benefit to ecological health and water resources, as determined by the grant recipient.

WaterWatch opposes HB 3142: WaterWatch has concerns with this bill for a number of reasons, including but not limited to:

- OWEB already provides grants for juniper removal. See <https://www.oregon.gov/oweb/data-reporting/EM/Pages/Juniper-Mgmt-EM.aspx>. As an example, the Trout Creek juniper removal project received OWEB funding. HB 3142 would provide an end run around OWEB's accountability measures that are in place to ensure the greatest conservation benefit for the use of public funds.
- HB 3142 grants general funds to SWCD's in select counties without ensuring projects will result in benefits. HB 3142 simply states that the juniper removal be in areas that provide the greatest benefit to ecological health and water resources, as determined by the grantees themselves. There is no application process, scientific or technical review, standards of approval, natural resource agency oversight or any other required accountability measures to ensure the projects will in fact provide benefits to ecological health and water resources specifically.
- HB 3142 does not address any of the cautionary measures recommended in a Report¹ prepared for OWEB to guide juniper removal projects, including but not limited to:
 - Do not proceed with the project application or project design without assurance that posttreatment management of livestock or similar use or disturbance will be carried out in a manner that promotes soil, hydrologic and plant community recovery objectives (for example, livestock exclusion)
 - Do not attempt to predict changes in surface water yield (seep, spring, and stream flow) that may result from the treatment. Soil conditions and surface and bedrock geology vary too much to

allow reliable forecasts of treatment effects. The project should be able to stand alone on the sustainable recovery and/or maintenance of basic ecological functions.

- Retain old-growth juniper trees. Old-growth trees provide habitats for tree- and cavity nesting birds, and they are prized for their aesthetic and historic value.
- Juniper management is not juniper eradication. The number of trees left standing on site should be a function of: 1) the number of old-growth trees occurring on site; and 2) treatment objectives of site function (e.g. hydrology, soil stability, nutrient cycling, and energy flow), biological diversity, wildlife requirements, and landowner needs.
- HB 3142 puts the grant program in the Department of Administrative Services (DAS), and tasks them with reporting to the Legislature. DAS is not a natural resource agency. It is not charged with protecting water, land, fish and wildlife or habitat. To place this program within this agency does not make sense.

Conclusion: WaterWatch urges opposition of HB 3142 as drafted. At a time when the Oregon Water Resources Department is facing cuts in programs and science/data that are critical to protection and management of our state's water resources (e.g. groundwater studies, water masters, stream gages, observation wells), spending nearly \$10,000,000 of general funds on juniper removal projects that are not required to demonstrate any quantifiable benefit to streamflows or aquifers (which is a noted purpose of the bill) does not seem the best use of public funds. For those juniper removal projects that can provide demonstrated benefits, project proponents can (and do) receive grants through existing programs at OWEB, which have accountability and oversight measures that HB 3142 does not.

Contacts: Kimberley Priestley, WaterWatch of Oregon, kjp@waterwatch.org, Jack Dempsey, jack@dempseypublicaffairs.com, 503-358-2864

ⁱ Western Juniper Management: A Field Guide, <https://digital.osl.state.or.us/islandora/object/osl:16451/datastream/OBJ/view>