



# WaterWatch of Oregon

## Protecting Natural Flows In Oregon Rivers

### HB 3163

#### Testimony of WaterWatch of Oregon

by Kimberley Priestley

House Committee on Agriculture, Land Use, Natural Resources and Water  
March 2, 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.

**What HB 3163 does:** HB 3163 would create a Place Based Planning Fund. Currently, there exists time limited authority to grant monies to place based planning groups, but no dedicated grant fund exists.

**Place Based Planning:** Oregon's Integrated Water Resources Plan (IWRP) is the state's blueprint for meeting instream and out-of-stream needs. The IWRP was first adopted in 2012, with an update in 2017. Place based planning is one measure of many that is found in the IWRP. WaterWatch was on the original Policy Advisory Group (PAG) that developed the framework for the IWRP, including the parameters for Place Based Planning.

Place based planning allows for planning at the basin or subbasin scale specific to the unique landscapes, ecosystems, geology, hydrology and water issues of a particular place. The word "place" was purposeful and was meant to be inclusive of all interested in any particular river basin/sub-basin. This word was chosen by the PAG over words such as "local" to ensure inclusiveness, that the public interest in water was protected and that the state's management of the resource was not undermined. Place based plans fall under the umbrella of the IWRP and must address both instream and out-of-stream needs. The plans are also required to adhere to state laws and policies.

WaterWatch has participated in two of the four pilot place based planning efforts (Harney and John Day) as well as many regional discussions over the years (Deschutes, Willamette, Rogue, Umatilla, Klamath, etc). Having inclusive basin scale conversations that include a balance of instream and out-of-stream stakeholders to try to come up with strategies to meet instream and out-of-stream needs specific to the unique characteristics of a select river basin is of value, however, again, this is just one component of the IWRP's much larger strategy to address Oregon's instream and out-of-stream needs.

**HB 5006 Regional Water Management Workgroup:** In 2021 the Legislature funded a facilitated workgroup to discuss regional planning. WaterWatch was a member of the Regional Water Planning Workgroup that met over the past year. While the workgroup did not have time to delve into all issues raised in the OWRD's Assessment of the Place Based Pilot program, a Final Report was generated with over 20 recommendations to better guide place based planning going forward. The Report also contained definitions relevant to place based planning to help guide future efforts, including definitions of convenor (is impartial as to outcome and

perceived as neutral, among other things) and community (broadly the definition captures that a community is inclusive of all who are interested in a place, regardless of whether they live in that place or not)<sup>1</sup>.

**Funding for data and agency capacity:** Of the 22 recommendations, the two that gained the most support of workgroup members were recommendations to increase funding for data and agency capacity to collect, analyze and distribute the data as well as participate fully in planning (see Regional Workgroup Report, Recommendations A and B). We note this here because while agencies could get funding under the PBP grant structure, it is not certain. This is something that needs attention in our view.

**Needed Amendments to HB 3163:** The current draft of HB 3163 was drafted before the Final Report of the HB 5006 Regional Planning Workgroup. Some sections align with the Workgroup Report, some do not. WaterWatch, Trout Unlimited, The Nature Conservancy and Wild Salmon center have submitted joint recommended amendments that would align the bill with the workgroup report. Specifically, we offered amendments to bring HB 3163 in line with Recommendations F, G, P and U among others.

**Amendments that should be rejected:** Testimony submitted on OLIS and/or concepts submitted to Reps Helm and Owens suggests amendments that were either rejected by the workgroup or are new concepts that try to change the way water is managed in the state, which is a much bigger topic than this bill's intent. We would ask the legislature to reject these amendments, specifically, please reject concepts that would dictate that:

(1) Place based planning cannot commence unless counties agree: This was a proposal that was brought to the Regional Planning Workgroup and rejected. A wide range of stakeholders noted problems with this idea, which basically would grant veto power to counties over planning. For details of this discussion please see Workgroup Meeting #7 September 6, 2022, at page 4, [https://apps.wrd.state.or.us/apps/misc/wrd\\_notice\\_view/?notice\\_id=70](https://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=70).

(2) All state agencies must prioritize, elevate and help implement PBP as the path to meeting instream and out of stream water needs in a particular place. Essentially, this proposed amendment would cede agency authority and missions to Place Based Plans. Having served on the PAG that developed the PBP structure, we can say with confidence that this was never the intent of PBP. Agencies have missions and statutory duties that exist to protect the broader public interest and the resource, and it is critical that agency autonomy to pursue their broad statutory mandates be maintained. A bill specific to shaping a grant structure is not the appropriate place to try to fundamentally change how water is managed in this state .

At this juncture in discussions, we urge the Committee to direct amendments to those that would simply align HB 3163 with the Regional Planning Workgroup's Final Report.

**Conclusion:** If the state wants to move forward with Place Based Planning a grant program would be helpful, however the bill should be amended to align with the Regional Planning Workgroup Final Report.

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<sup>1</sup> Link to Regional Water Planning Workgroup Report:

[https://www.oregon.gov/owrd/Documents/HB%205006%20Work%20Group\\_FINAL%20REPORT.docx%20\(2\)%20\(2\).pdf](https://www.oregon.gov/owrd/Documents/HB%205006%20Work%20Group_FINAL%20REPORT.docx%20(2)%20(2).pdf)