



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 3100

Testimony of WaterWatch of Oregon

by Kimberley Priestley

House Committee on Agriculture, Land Use, Natural Resources and Water

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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 3100 as drafted

What HB 3100 does: This bill changes the governing statute that provides the framework for the Integrated Water Resources Strategy (IWRS) in a number of ways. It changes the time period between updates from 5 to 10 years, it signals that implementation of all measures must be done in "partnership", it sets forth an implementation structure that leans heavily towards task forces, workgroups, advisory groups, and other time consuming overlays, it directs biennial reporting to the legislature, and sets up an ongoing unnamed advisory committee to the Oregon Water Resources Commission and Department that will operate in perpetuity (with members changing out every two years) to govern implementation of the IWRS and influence agency workplans.

Overall assessment: The statute governing the Integrated Water Resources Strategy is a solid law that is not in need of fixing. The only change needed at this juncture of time is an extension of the time between updates from 5 to 10 years (found in Section 1(9)). Other sections of this bill will serve to stall implementation of the Integrated Water Resources Strategy and appear geared at undermining agency autonomy to implement agency specific directives.

The Integrated Water Resources Strategy: The Integrated Water Resources Strategy is the state's blueprint for meeting Oregon's instream and out-of-stream needs. The law that governs this was adopted in 2009. The first iteration of the Integrated Water Resources Strategy was released in 2012. A broad based Policy Advisory Committee provided input into the strategy, as well as a multi-agency technical committee. The state held workgroups across the state to solicit input, and provided multiple opportunities for public comment throughout the IWRS development. The governing statute calls for updating every 5 years. The IWRS was updated in 2017, again, with multiple opportunities for public involvement. The IWRS is one of the most heavily vetted state water documents WaterWatch has seen in our nearly 40 years of work.

The Integrated Water Resources Strategy has long garnered support from the Legislature. Most recently, it was this document that served as the underpinning of the many investments in water that emerged from the 2021 session. At no time since the IWRS framework passed into law in 2009, have we heard any legislator indicate that the Integrated Water Resources Strategy framework was broken. Long story short, HB 3100 does not align with the long-standing history of legislative, agency and executive branch support of the strategy framework.

The Integrated Water Resources Strategy Framework: The Integrated Water Resources Strategy statute calls on the state to improve understanding of, and also meet, Oregon's instream and out of stream needs. The IWRS sets forth a number of recommended actions that span a wide range of water initiatives aimed at achieving this. Some directives are specific to agencies (groundwater studies, stream gauges, dam safety, instream flow studies, climate change projections, more watermasters, etc.), some are geared at collaborative efforts (place based planning, technical support to communities, etc.) and others are recommendations that can be utilized by a wide swath of stakeholders (built and natural infrastructure, water conservation and efficiency, water reuse, streamflow restoration, etc.). The IWRS is not a one size fits all document, but rather sets for a wide and diverse suite of recommended actions meant to move the state forward on understanding and meeting Oregon's instream and out-of-stream needs.

HB 3100 will stall implementation and undermine agency autonomy to follow agency specific directives.

Section 1(6)(g): Section 1(6)(g) adds a new section on implementation that leans heavily on task forces, work groups, advisory committees and other time consuming processes. It also sets up a framework that implies all initiatives must be done in partnership with public, private and civic partners. As noted previously, the IWRS has a wide swath of directives, some aimed at collaborative efforts, some that can be utilized by any stakeholder, and others that are specific to agencies. The proposed language in Section 1(6)(g) could be interpreted as requiring agency directives---such as hiring new water masters, conducting climate change research, testing water quality, ensuring dam safety---be done in "partnership" through advisory committees, task forces or other citizen body oversight.

Agencies---including the Oregon Water Resources Department, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, and Oregon Department of Agriculture---have statutory responsibilities to manage the state's resources for the benefit of the broader public (specific to their missions). The Integrated Water Resources Strategy upholds the important role, and autonomy, of agencies with regards to agency specific directives. Section 1(6)(g), on the other hand, sets up a framework that could be used to undermine agency specific directives by tying implementation to additional process and workgroups. It also elevates the power of unnamed workgroups or advisory committees over agency actions/priorities to positions best reserved for Agency Commissions or Boards.

Section 2: This section would set up an unnamed Advisory Committee to influence IWRS implementation and agency work plans. This advisory committee would live on in perpetuity. Advisory Committee members would serve two year stints. This section is fraught with problems and will only add yet another level of stalling to IWRS implementation. Like Section 1(6)(g) this section could serve to undermine agency specific directives by giving an unnamed citizen body (that has no statutory requirement to protect the broader public interest) influence over IWRS implementation priorities and agency workplans. That the members serve two year stints could also result in a continual whiplashing of priorities, which would also serve to stall progress.

Conclusion: The statutory framework for the Integrated Water Resources Strategy is solid, it does not need fixing. The only change needed is an extension between updates, so that initiatives have time to take hold. If the legislature wants to speed up or otherwise improve implementation of the IWRS, what is really needed is continued funding to natural resource agencies to do the work under this plan.

We would urge the Committee to reject Section 1(6)(g) and Section 2. Section 1(9) is really all that is needed.

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