

WATER LEAGUE

*The mission of Water League is to engage
the public in the stewardship of water.*

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March 9, 2023

To: House Committee On Agriculture, Land Use, Natural Resources, and Water
Representative Ken Helm, Chair
Representatives Annessa Hartman and Mark Owens Vice-Chairs

RE: Water League opposes HB 3100 because the bill confounds Oregon's Integrated
Water Resources Strategy (IWRS).

Chair Helm, Vice-Chairs Hartman and Owens, and Committee Members,

Water League opposes HB 3100 because (with great irony) the bill causes the very
problems articulated in ORS 536.220 (1) (c), which states, in part:

*The economic and general welfare of the people of this state have been
seriously impaired and are in danger of further impairment by the exercise
of some single-purpose power or influence over the water resources of this
state or portions thereof by . . . an equally large number of legislative
declarations by statute of single-purpose policies...*

Oregon's Integrated Water Resources Strategy (IWRS) is a fully-functioning program.
If there ever was a reason to utter the adage *if it's not broke, don't fix it*, then HB 3100 is
it.

The following is a sampling of the ways HB 3100 is confounding:

Section 1 (6)(b) now says that the IWRS shall describe "*Critical water issues at the state
level and within water basins across the state.*" This provision shifts responsibility from
the OWRD scientists in the Groundwater Section and puts it into a non-rulemaking
committee. This changes who influence the designation of Critical Groundwater
Areas (CGWA) and other restricted water areas from the use of science and potentially
exposes it to politicization.

Section 1 (6)(g) assumes that "*public, private and civic partners*" will be involved
in the implementation of the IWRS; a job that requires years of experience and

professional qualifications. Then, this provision directly states under (B) that the IWRS will be implemented through “*The formation of task groups, work groups or advisory groups to advance specific recommended actions.*” Implementation by lay people, special interests coded as “stakeholders,” and others volunteering their time are OK to assist in the IWRS update, but they are not qualified to implement the IWRS.

(6)(l) strikes out the OWRD as the agency that will make recommendations “*regarding the continuous monitoring of climate change effects on Oregon’s water supply and regarding water user actions that are necessary to address climate change,*” and delegates the recommendations on monitoring to the IWRS. How can a strategy describe recommendations on monitoring better than the professional staff at the OWRD?

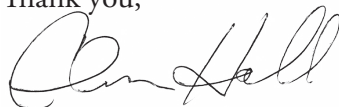
Section 1 (8) is reminiscent of the term “death by committee.” If there were ever a way to confound the implementation of the IWRS, it would be by this provision.

Section (2) (1) creates an advisory committee, which, in provisions (a) and (b), is given quasi-judicial tasks: “*Ensuring that recommended actions are implemented in a balanced manner that benefits in-stream and out-of-stream interests,*” and “*Providing a venue to proactively and collaboratively identify and resolve issues that emerge during implementation of the integrated state water resources strategy.*” The advisory committee should not be put in such a position because it invites injustice.

Section (2) (1) (f) includes “*Promoting integration and coordination between sectors, as well as complementary efforts at the state, regional, water basin and local scales.*” From a close reading of HB 3100, there is no way to understand the meaning of this provision, particularly the term “*sectors.*”

Section (2) (1) (i) says that the advisory committee will track the implementation of the IWRS, which is a significant undertaking that the advisory group could not know details of unless they were provided to them by professionally qualified staff. How such an advisory group could then credibly know better and feedback to the department staff more improved information, all for inclusion in the department’s biennial reports to the Legislative Assembly in Section (1) (10), is incomprehensible.

Thank you,



Christopher Hall
Executive Director