

**Testimony to the Senate Committee on Natural Resources and Wildfire
LUBGWMA informational panel**

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Chair Golden, Vice-Chair Nash and members of the committee, for the record, my name is Karen Lewotsky. I am the Water Program Director and Rural Partnerships Lead for Oregon Environmental Council. OEC is a nonprofit, nonpartisan, membership-based organization.

I have worked on water policy and management, and sustainable agriculture for nearly 30 years. My academic background includes a law degree and a PhD in Geography, both from the University of Oregon. My graduate work and dissertation focused on water issues - water law, water policy, water management and hydrology. I bring all that to bear on my work with OEC.

For over 55 years, OEC has advanced equitable, innovative and collaborative solutions to Oregon's environmental challenges. OEC focuses on state-level policy work in the legislature, as well as sitting on agency commissions, programmatic advisory committees, and rule-making advisory committees. We work in coalition and collaboration across the political, geographic and economic spectrums. Our partners and collaborators include environmental justice organizations, environmental and conservation organizations, public health and safety organizations, local and regional governments, and industry associations. Where appropriate and welcome, we work with Tribal sovereigns and their representatives.

Given all that, you might ask how and why OEC has been involved in a very local way in the Lower Umatilla Groundwater Management Area.

OEC has been working in the LUBGWMA with local area partners and agency staff since 2016. We were invited to lend our policy and substantive expertise to local efforts, and in turn, we hoped to learn what needs to be done to improve the state's programs for managing and protecting groundwater quality and ensuring access to safe drinking water.

Between 2018-2020 we worked with the Northeast Oregon Water Association (NOWA) to get agency and legislative support for the creation of an interagency task to coordinate state-led efforts in the LUBGWMA. We have lobbied in support of funding requests for agency and local work in the area to improve groundwater quality. In collaboration with OSU, NOWA and others, we succeeded in getting funding for a post-doc to help review and prioritize best available science for identifying the region's aquifers and their connectivity. I joined the LUBGWMA local area committee in 2020, and OEC has been active on that committee ever since.

All of that is to say that OEC has extensive experience with the LUBGWMA's last decade, although that experience is not as deep or intimate as that of local organizations and individuals, some of whom have been active in this effort from the very beginning, over 30 years ago.

I am not going to delve into a detailed chronology of past efforts in the LUBGWMA; there are others here who can and will do that. Rather, I would like to share with you what I believe are key takeaways from my work in the area.

First and perhaps foremost would have to be the sporadic and underfunded nature of agency involvement and commitment to this work. Within a decade of the LUBGWMA declaration, DEQ's groundwater unit was essentially dismantled, and its funding shifted to other programs. There were numerous changes in agency leadership, and with no institutional memory in place, the LUBGWMA and the GWMA program in general seemed forgotten. The local committee continued to meet and even produced not one, but two area plans. Those plans were approved by the agency, but the local committee received little or no support or guidance in implementing those plans. OEC's takeaway on this issue is that the state's groundwater quality protection program needs to identify specific coordinated agency roles and actions to achieve groundwater quality goals, and to hold agencies accountable for achieving those goals in partnership with local stakeholders. Of course, the agencies need dedicated, secure funding to do the years-long work required to achieve those goals, and providing that funding must be a priority for both the executive and the legislative branches of our government.

Second, relationships are essential to the success of this work. When agency staff do not have time, bandwidth or skills for building trust and confidence as part of their work in a local area, that work will fail. Likewise, local stakeholders must be willing to come together as a community to achieve the common goal of preventing groundwater pollution and ensuring safe drinking water. Demonizing one group or individual is not helpful; rather, all possible sources of the pollutant in question need to be willing to acknowledge and work to eliminate their contribution to the problem, voluntarily or under a regulatory framework. "I don't trust the agency" cannot be an excuse for not meeting water quality goals.

Third, groundwater quality issues are extremely local – not just in terms of political or agency identified boundaries, but in terms of physical processes. Agency oversight, permitting and programs as well as individual land management decisions must take into account specifics of local soil, water, climate, and geohydrologic conditions. Best available science, updated as new information becomes available, is essential to establishing a successful path forward – and the specifics of that path may be different for each area based on that science.

Finally, legislators, agency staff and governors come and go, but their actions leave lasting impressions on local stakeholders and initiatives. Institutional memory is often shorter than the memory of people affected by that institution, and that is certainly the case in the LUBGWMA. Agencies must acknowledge past missteps, and find a path forward based on trust and transparency; local stakeholders must be willing to accept that acknowledgement and look to the future.

That all sounds pretty dire, and like we'll never get things right in the LUBGWMA, but I don't believe that's true. Over the past few years I have seen the agencies begin to address all of the challenges I mentioned. We have an interagency task force in place, and there is more collaboration and communication between agencies than ever before. The agencies have developed a nitrate reduction plan and are in the process of beginning implementation of that plan. Local stakeholders are reinvigorated by this and are involved in state-level rulemakings, legislation and consultations as well as local government efforts to improve groundwater quality and ensure safe drinking water. Cleaning up groundwater is a decades long task, but we can stop adding to the problem by working together on reducing and eliminating nitrate pollution in the LUBGWMA.

My hope is that as a state we can learn from the LUBGWMA experience. I want to see the challenges addressed in revised programs, such as proposed in SB 1154, ensure that no other area of Oregon has the same experience that this area has. I want to see the agencies, local governments, local organizations, and land managers provided sufficient resources to effect positive change on the ground.

OEC will continue to work to that end, partnering locally, and working all fronts at the state level to bring thoughtful, science-based and properly funded policies to bear on the challenge of protecting and improving Oregon's groundwater quality.

Thank you for your time and your consideration of our comments.