



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 2988

Testimony of WaterWatch of Oregon

by Kimberley Priestley

House Committee on Agriculture, Land Use, Natural Resources and Water
February 12, 2025

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 has concerns with HB 2988 unless the bill is amended to encourage improvements in the ASR and AR program in a way that protects public health, ground water quality and ecosystems

What this bill does: This bill directs the Department of Environmental Quality, the Oregon Health Authority, the Oregon Water Resources Department and other interested agencies/parties to identify and reduce “barriers” (including internal guidance, rules and laws) to aquifer recharge (AR) and aquifer storage and recovery (ASR), as well as directing the development of technical assistance to support expansion of ASR and AR projects. The bill does not contain any language referencing protection of public health, groundwater quality and ecosystems.

Concerns with the bill and suggestions for addressing concerns: WaterWatch does not oppose state agency efforts to improve AR or ASR programs, or provide technical assistance for these projects, if done in a way that is protective of public health, groundwater quality and ecosystems.

That said, the existing language is framed in a way that jeopardizes these goals. Specifically, we have concerns about both existing directives related to “removing barriers” and missing language related to ensuring the protection of public health, ground water quality and ecosystems.

Removing barriers: As a general matter, language directing identification and removal of “barriers” is often interpreted as directing rollbacks of environmental sideboards. While this is likely not the intent of the bill, as written it could be interpreted that way. To ensure the state’s ASR and AR programs move forward in a way that protect public health and the environment, we would suggest that the language be reframed so that the bill directs “improvements” of current ASR and AR processes rather than directing the “removal of barriers”. We think the goals of this bill can be achieved with this reframe, without inadvertently inviting attempts to undermine existing environmental or public health sideboards.

Protecting human health, ground water quality and ecosystems: The state’s policy on storage is that the state encourage “environmentally acceptable” storage. See ORS 536.238(2)(a). If the state is interested in investing time and resources into improving the ASR and AR programs, we would encourage amendments to ensure this basic edict is followed. To this end we would suggest three things:

- (1) That the bill language be amended in the appropriate sections to ensure recommendations to improve the program are presented in a way to “ensure protection of human health, ground water quality and ecosystems”. Specifically, we would ask that that language be added to Section 1(1), 2(b) and 2(f);
- (2) That the bill includes ODFW as an agency to be involved in the programmatic review; and
- (3) That the bill includes funding for ODFW to identify seasonally varying flows needed to ensure protection of fish and wildlife and their habitat for the AR or ASR projects that contemplate new withdrawals.

AR and ASR projects can provide useful tools for both recovery and storage if done in a way that will ensure the protection of public health, water quality and ecosystems. Our suggested edits attempt to ensure that the state’s path forward on AR/ASR ascribes to those goals.

Thank you for your consideration of our comments.

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