

Oregon House of Representatives
Agriculture and Natural Resources Committee
Rep. Ken Helm, Chair

Comments on HB 3116 and the -2 amendments
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As a participant in a place-based watershed working group, I would not recommend adoption of HB 3116-2 as amended.

First, there are ongoing inconsistencies between legislative direction in recent bills, the recommendation of past legislative workgroups and what is described in HB 3116-2.

The -2 amendments also directs appropriations to four entities to support implementation of four place-based plans (PBP).

While supportive generally of basin assessment prototype development, addressing data inventory and gap-filling work as well as the development of climate informed water budgets, there remain fundamental concerns with other sections of the bill.

Foremost among them is the lack of acknowledgement of Oregon's water resources stewardship as a primary and fundamental task of public ownership of the state's water as delegated to the Water Resources Commission (WRC).

Every drop of water belongs to all of us - and there is a well-defined public interest in the conservation management and use that is overarching - regardless of the presence of specific, watershed-centric place-based planning group - which by design include local interests - but which also by design - or, by accident - often exclude meaningful public interest and involvement at the local watershed level.

Because of this baked-in result - it would be unwise to create a place-based water conservation planning and implementation process that provides excessive authority or an over-broad grant of discretion that diminishes the centralized authority of a state-wide Commission and Department.

Here are some examples:

HB 2010 (2023) was enacted, despite the objections of some legislative workgroup members, with a requirement that PBP shall be considered in Integrated Water Resources Strategy (IWRS) updates. This is questionable at best.

The WRC recently adopted rules for PBP that do not require a neutral facilitator, though that was recommended in the final HB 5006 Workgroup Report.

Here, HB 3116 directs General Fund appropriations to four PBP entities to support project implementation, also out-of-line with the HB 5006 Workgroup's recommendation that implementation funding be limited to coordination - not actual projects.

In general, HB 3116's directive to develop and implement a plan given provisions in HB 2010 (2023) and existing rules that contravene some of these recommendations.

Proposed Amendments to Section 1:

Simply direct the OWRD to move forward on the directives in the first two subsections relating to data inventories, data gaps, and setting climate-informed water budgets.

Proposed Amendments to Section 2:

The -2 amendments unnecessarily tie development of a basin assessment prototype to Stewardship & Supply Initiative (SSI - over 20 years old) an obsolete, well-out-of-date report over more relevant water planning documents such as the IWRS.

Proposed Amendments to Section 2: Since OWRD has already completed the scoping work for the basin assessments, I would urge amendments directing funding to state agencies for and data collection, analysis and compilation required for upcoming assessments, including the necessary IT making the data usable and accessible. OWRD must acquire adequate water data before conducting the basin assessments - otherwise the final assessments will hold little value for water planning and management purposes.

Proposed Amendments to Section 3:

Strike this amendment - OWRD has limited staffing to meet all its current statutory duties without adding unnecessary chores.

Proposed Amendments to Section 4:

Funding for subsections 1-2 can be supported, but not for subsection 3. Generally, funding seems insufficient to execute the directives of these sections as previous estimates to complete basin assessments exceeds \$7 million. Likewise, building climate-changed water budgets for the entire state will likely exceed all previous estimates.

As the old saw goes "money cannot buy happiness" but it should surely be able to buy more certainty in terms of knowing the status of Oregon's most precious resource before we allocate consumption of anymore of it.

Clarity on necessary funding would be helpful, but must ensure that full funding of OWRD's work directed by these two sections is included, including data collection/analysis, IT

modernization, and WRD staff development of basin assessment prototypes and climate-change reflective water budgets.

Inadequate funding supporting Legislative directives continue to leave OWRD in an untenable position to do such critical statewide work.

Lastly, Section 5 - regarding specific funding to support implementation of state recognized place-based integrated water resources plans, these are unwise proposed appropriations that are directly contrary to recent WRC and WRD rulemaking.

In March 2025, the Water Resources Commission adopted new rules to govern grants under the Place Based Planning Fund (directed by HB 2010 in 2023), which also include “Post Plan Coordination Grants” supporting implementation coordination of state approved Place Based Plans - rules resulting from months of work by WRD and a Rules Advisory Committee (RAC). During that effort, language to support implementation found in HB 3116 was rejected during the rulemaking process

Clearly HB 3116 seeks to bypass both the scope as well as the well-considered checks and balances found in the OAR 690-602 rules adopted by the WRC less than a week ago!

Now, based on the -2 amendments, HB 3116 directly appropriates funding support for implementation projects with no sideboards or connection to an implementation framework, implementation approach and/or process, little if any fiscal transparency or adherence to other water project funding program requirements (e.g. the OWRD Water Project Grant and Loan Fund), and other meaningful spending guardrails.

Essentially, HB 3116-2 provides a blank check to entities with no detail beyond a directive to support implementation. While the plans may be well-intentioned, this proposed funding grant is without well-known and commonplace modern-day constraints and accountability for public funding expenditures - the days of “go forth and do good work” are over.

The House AGNR Committee should amend HB 3116-2 so that appropriated funds end up in the Place Based Planning Fund, earmarking it for “Post Plan Coordination Grants” for these specific PBP groups as is allowed under the recently adopted WRC rules.

The House AGNR Committee is urged to develop amendments narrowing HB 3116-2 to focus on the development of a basin assessment prototype, climate-informed water budgets, data inventory and gap work, and data collection/analysis and IT modernization - all critical needs statewide and within the PBP ecosystem.

Appropriations should be adjusted to ensure full agency funding needed to do this work. Additionally, if the legislature wants to fund additional implementation coordination work of the PBP groups, funding should be distributed through the

rules adopted by the Oregon Water Resources Commission last week (Post Plan Coordination Grants).

Thank you for considering these comments.