



HB 4101-1
Testimony of John DeVoe
WaterWatch of Oregon
Submitted to the House Energy, Environment and Water Committee
February 14, 2012

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 to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. 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.

What the proposed amendments to HB 4101-1 do: Directs the WRD to aggressively pursue new water supplies from storage, conservation and reuse, including a minimum of 100,000 acre feet of new water available for agricultural appropriations in the Columbia River Basin by 2018. Directs WRD to increase water available for summer withdrawals in the Columbia River Basin by 100,000 acre feet above 2011 levels. Directs other agencies to cooperate with this aggressive plan. Directs WRD to consider new mitigation options, ostensibly to get around the current state and federal "bucket for bucket" mitigation policy for the Columbia River.

WaterWatch opposes HB 4101-1.

1. HB 4101-1 is not needed for winter storage, conservation or reuse to take place.

Under current law winter storage, reuse and conservation is allowed in the Columbia River Basin. Moreover, there is still water available in the Columbia River basin for appropriation for storage during the winter months. There is no need for this bill for these purposes.

2. HB 4101-1 allows summer time water withdrawals in the Columbia River Basin contrary to existing state law and policy. While the preamble language speaks to increasing the storage of winter flows, the rest of the bill makes clear that this bill is about allocating new summer time water from the Columbia. Section 2 directing the state to aggressively pursue the development of new water supplies does not limit the new appropriation of new water to "winter" storage. Section 2 also directs the state to consider new mitigation options for surface water diversions. Given that mitigation generally only applies to summer time withdrawals, this provision makes clear the bill is not limited to only to winter water. This bill undermines existing fishery protections that apply to the Columbia River Basin.

3. HB 4101-1 directs the development of more water than 100,000 AF. By using a baseline of 2011 water appropriations, which was an extremely wet year, this bill would force Oregon to develop supplies sufficient to overcome changes in climate and weather and account for any year in the future where there was less water available than 2011. This amount would be well in excess of 100,000 acre feet in a dry year.

4. HB 4101-1 undermines the State's current development of an Integrated Water Resources Strategy. In 2009 the Legislature directed the Water Resources Department, in coordination with the Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality and Oregon Department of Agriculture to develop an Integrated Water Resources Strategy to meet instream and out-of-stream uses now and into the future. The state has spent significant time and resources on the development of this plan, a draft of which is currently out for public comment. The development of the plan has relied upon the input from state agencies, Tribes, federal agencies, agricultural interests, municipalities, industries, conservation groups and others. That plan includes directives regarding storage, conservation and reuse among other actions. This bill undermines the Plan by directing the state to aggressively pursue select provisions over others, in conflict with the more balanced approach contemplated by the Plan.

5. HB 4101-1 prioritizes water development in one area of the state over adequate management water statewide. Core functions of the WRD are going unfunded. This bill prioritizes one activity of the agency at a time the Legislature is unable to find monies to fund core operations of the agency.

6. HB 4101-1 would undermine individual authorities of Oregon Department of Fish and Wildlife and Department of Environmental Quality. This bill directs the WRD to aggressively develop new statewide water supplies "with the cooperation of other state agencies." This language could be used to tie the hands of agencies such as the Oregon Department of Fish and Wildlife or Department of Environmental Quality, both of which independently review proposals for new water withdrawals, storage projects, conservation projects and reuse projects. This bill would take away the ability of these agencies to oppose such projects if they were environmentally harmful.

7. HB 4101-1 attempts to undermine long-standing state and federal requirements regarding mitigation. The proposed amendments direct the WRD, with the cooperation of other state agencies, to consider new mitigation options for new surface water diversions. This is a directive to the state to consider summer time withdrawals that do not comply with the state's sensitive stock rules or the federal governments "bucket for bucket" mitigation requirement for summer time withdrawals for the Columbia.

8. HB 4101-1 ignores efforts to restore up to 25,000 lost family-wage jobs that are dependent upon the restoration of the Columbia River salmon fishery. HB 4101-1 lauds the economic contribution of agricultural production in Oregon. At the same time, it ignores the economic contribution of a healthy Columbia River fishery to the state of Oregon.

Efforts to restore Columbia River salmon represent efforts to restore a significant portion of Oregon's economic vitality. The native fish of the Columbia River, and also the industries that depend on them, have suffered severe declines in recent decades. The Columbia River was once the largest salmon producing river system in the world. Prior to the dams, the Columbia produced in-river returns of between 10 and 16 million adults annually. Today, the Columbia produces less than 2.5 million adult fish, of which more than 90% are hatchery production. Wild chinook in the river are down to less than 2% of their historic numbers. Snake River Sockeye, Snake River fall Chinook, Snake River spring/summer Chinook and now Upper Columbia steelhead are so near extinction that they are now listed under the Endangered Species Act. Wild coho runs, once numbering an estimated 1.2 million, are now officially extinct throughout most of the basin.

According to a published study by the Institute for Fisheries Resources, hydropower, habitat and dam mismanagement in the Columbia Basin has cost the region's fishery economy as much as 25,000 family-wage jobs, and \$500 million/year for each and every year these declines are allowed to continue. (*Source PCFFA website*). HB 4101-1 ignores jobs and economic effects and will undermine efforts to recover imperiled salmon and restore up to 25,000 already lost jobs.

9. HB 4101-1 threatens existing jobs, food production, and other economic benefits tied to remaining commercial and recreational fishing in the Columbia River Basin.

As noted, the -1 amendment ignores the value of a healthy fishery to Oregon. In addition to ignoring ongoing recovery efforts, the bill fails to protect the longstanding and significant economic contribution that the existing commercial and recreational fishing industries currently provide to the Oregon economy. Recreational fishing is one of Oregon's fastest growing industries in the 21st century. Columbia River salmon and steelhead are critical to both of these industries.

Based on preliminary information of adult survival rates for early 2000s brood stock, the Columbia River Basin anadromous salmonid production will contribute about \$142 million total personal income annually to communities on the West Coast. In the Pacific Northwest, a full time equivalent job receives about \$30,000 annually. The \$109 million generated in the Pacific Northwest states of Washington, Oregon, and Idaho of personal income supports about current 3,633 jobs. This economic impact can be especially significant in our region's many smaller coastal and rural communities with multi-generational fishing traditions. (*Source NPCC - January 2005 document IEAB 2005-1*). HB 4101 puts these current jobs at risk.

Conclusion: WaterWatch urges the Committee to reject HB 4101 and HB 4101-1. This bill, in both its original and amended form, undermine a significant component of Oregon's economy and is contrary to the longstanding efforts, and monies spent, on trying to restore our State's economically and culturally important fishery.

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