

**Testimony before the Senate Environment and
Natural Resources Committee
Opposing SB 846
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Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative solutions to Oregon's environmental challenges for today and future generations.

Chair Dingfelder, Vice-Chair Olsen and members of the committee:

While the Oregon Environmental Council supports the Columbia River Umatilla Solutions Team agreement (CRUST), we oppose SB 846. CRUST participants worked diligently to develop an agreement that increases the use of Columbia River water for in-stream and out of stream uses without negatively impacting instream flows needed for fish species. We are concerned that SB 846 violates the letter and the spirit of the CRUST agreement, rather than moving it forward. While OEC is not one of the CRUST members signed on to the agreement, we participated in some of the subgroups that evaluated options, and we have been working to ensure that the Umatilla Basin's needs are addressed in SB 839, the statewide Water Supply Development Fund.

We have two primary concerns with SB 846 as originally drafted.

1. It lacks the balance between in-stream and out of stream water needs that is articulated in the CRUST agreement. This is manifested in several phrases in the bill.
 - a. It establishes a program called the "Umatilla Basin Water Storage Program." This creates a bias toward storage that neglects other types of solutions included in the CRUST agreement, such as improving water management through conservation, interstate agreements or facilitating pilot water transactions.
 - b. Lines 14 and 16 on page 1 state that the program shall "Maximize the potential for agricultural development and production" and "Consider in-stream flow needs for native fish species." There is an unbalanced emphasis on one type of water need, and in-stream flow needs are only "considered," not protected or restored.
 - c. The bias toward agricultural water uses continues on line 25 of page 2, directing the work group to develop amount targets for the use of water to develop and enhance agriculture. Again, there is only "due consideration" of environmental impacts, not a commitment to avoid negatively impacting stream flows, which is inconsistent with the CRUST.

2. SB 846 establishes a work group to study and develop recommendations for an office to implement the CRUST agreement. This idea of establishing a new office to meet the needs of the Umatilla Basin was considered by the CRUST members, but it was not agreed to in the final document. Instead, the agreement calls for the Governor's Natural Resources office to "convene a work group to detail the appropriate structure and elements of a statewide program of new water storage, conservation, utilization, and instream flow protection and augmentation." A work group of this nature is established in SB 839, the Statewide Water Supply Development Fund.

We do not believe it would be good policy to establish an entirely new office to focus on the water needs of four Oregon counties. Many parts of the state have water needs, such as the Deschutes, Klamath, and even the Willamette basins. It is not necessary to establish a new state office to address each basin's water needs. Establishing a new staff position at the Water Resources Department to implement the CRUST recommendations is adequate. That is already more individualized water supply staffing than other parts of the state will receive.

Leaders in the Umatilla Basin have made great strides in developing collaborative proposals to address the area's pressing and complex water needs. We will continue to support those efforts, such as the aquifer recharge project and other CRUST recommendations. The CRUST recommendations can be implemented without this bill. In addition, SB 839 clarifies how the aquifer recharge project can meet its obligations associated with the state funding provided under HB 3369, and it establishes a funding process and work group as envisioned in the CRUST agreement. In addition, the Governor's Balanced Budget includes a new staffperson at WRD to shepherd implementation of the CRUST agreement.

For those reasons, we believe SB 846 is unnecessary, and bringing this legislation forward creates unproductive divisiveness among the CRUST signatories. We encourage the committee to reject this bill and allow the CRUST to move forward as the signatories agreed. Statewide SB 839's provisions will help achieve that.