

WALDENSEE, LLC

April 4, 2019

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House Committee on Natural Resources
Oregon State Legislature
Oregon State Capitol
900 Court Street NE, Room 347
Salem OR 97301

Re: HB2085 regarding Oregon Dams

Dear Chair Witt, Vice Chair Gorsek, Vice Chair Sprenger and Members of the Committee:

My name is Genice Rabe and I am a member of Waldensee LLC. Waldensee LLC owns a dam in Oregon.

Waldensee's dam was constructed in the 1960's by engineers and with state oversight and inspection. Since its construction it has been inspected by the Oregon Water Resources Department (OWRD). It is now inspected annually. At inspections the OWRD has said the dam is in excellent structural condition and well maintained. The OWRD annually gives the dam the highest rating possible, satisfactory. The dam is rated a high hazard dam¹ due not to its construction or condition, but to the fairly recent building of two houses next to the outflow creek. In fact, an application for a new parcel on which to build a house that will be approximately one quarter mile below the dam was granted in February of this year.

Since learning of HB 2085 shortly before its first public hearing in the Natural Resources Committee on March 5, 2019, I have been in contact with Chair Witt and submitted amendments through his office to Legislative Counsel. I have also spent many hours discussing this bill with the State Engineer for the OWRD, Keith Mills, and the Senior Policy Analyst for OWRD, Raquel Rancier. Chair Witt has been generous with his time and encouragement to include a dam owner's perspective in the amendments and to facilitate discussions between the OWRD and a dam owner. His staff has also been helpful in setting up meetings and even attending meetings to facilitate resolution of this bill. Finally, I have talked personally to several members of this committee.

I thank Chair Witt, members of this committee, and staff to the committee and in the members' individual offices for hearing and considering a dam owner's perspective and encouraging cooperation to arrive at a better bill. I also thank Keith Mills and especially Racquel Rancier for their time and negotiations with me. Finally thanks to Legislative Counsel for its work and patience.

¹ A "high hazard rating" is not related to the condition and maintenance of the dam. It is determined by the likelihood of danger to persons should the dam breach.

My goal was to make HB 2085 a better bill, primarily by recognizing and respecting dam owners and their desire and work to have excellent dams. I have not seen the -4 Amendment that should be the culmination of our negotiations and discussions. I hope that the -4 Amendment includes particularly discussion with dam owners when problems arise and encouragement of cooperative resolution. By including dam owners in the process and respecting them, better resolutions supported by all parties are reached. And cooperative resolution serves everyone including the public.

I look forward to reading the -4 Amendment and hope to comment to the members of the committee.

Respectfully submitted,

Waldensee LLC

By _____
Genice Rabe
Member