

House Bill 3100

Sponsored by COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES, AND WATER (at the request of Representative Ken Helm)

1 **A BILL FOR AN ACT**

2 Relating to the integrated state water resources strategy; creating new provisions; and amending
3 ORS 536.220.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 536.220 is amended to read:

6 536.220. (1) The Legislative Assembly recognizes and declares that:

7 (a) The maintenance of the present level of the economic and general welfare of the people of
8 this state and the future growth and development of this state for the increased economic and gen-
9 eral welfare of the people thereof are in large part dependent upon a proper utilization and control
10 of the water resources of this state, and such use and control is therefore a matter of greatest
11 concern and highest priority.

12 (b) A proper utilization and control of the water resources of this state can be achieved only
13 through a coordinated, integrated state water resources policy, through plans and programs for the
14 development of such water resources and through other activities designed to encourage, promote
15 and secure the maximum beneficial use and control of such water resources, all carried out by a
16 single state agency.

17 (c) The economic and general welfare of the people of this state have been seriously impaired
18 and are in danger of further impairment by the exercise of some single-purpose power or influence
19 over the water resources of this state or portions thereof by each of a large number of public au-
20 thorities, and by an equally large number of legislative declarations by statute of single-purpose
21 policies with regard to such water resources, resulting in friction and duplication of activity among
22 such public authorities, in confusion as to what is primary and what is secondary beneficial use or
23 control of such water resources and in a consequent failure to utilize and control such water re-
24 sources for multiple purposes for the maximum beneficial use and control possible and necessary.

25 (2) The Legislative Assembly, therefore, finds that:

26 (a) It is in the interest of the public welfare that a coordinated, integrated state water resources
27 policy be formulated and means provided for its enforcement, that plans and programs for the de-
28 velopment and enlargement of the water resources of this state be devised and promoted and that
29 other activities designed to encourage, promote and secure the maximum beneficial use and control
30 of such water resources and the development of additional water supplies be carried out by a single

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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1 state agency that, in carrying out its functions, shall give proper and adequate consideration to the
 2 multiple aspects of the beneficial use and control of such water resources with an impartiality of
 3 interest except that designed to best protect and promote the public welfare generally.

4 (b) The state water resources policy shall be consistent with the goal set forth in ORS 468B.155.

5 (3)(a) The Water Resources Department shall develop an integrated state water resources
 6 strategy to implement the state water resources policy specified in subsection (2) of this section.
 7 The department shall design the strategy to meet Oregon's in-stream and out-of-stream water needs.

8 [(b)] (4) The Water Resources Department shall work in close cooperation with the Department
 9 of Environmental Quality, **the State Department of Agriculture, the Oregon Watershed Enhancement**
Board, and the State Department of Fish
 10 and Wildlife to develop the integrated state water resources strategy, in consultation with other
 11 state, local and federal agencies, with other states, with Indian tribes, with stakeholders and with
 12 the public.

13 [(c)] (5) The Water Resources Department, in close cooperation with the Department of Envi-
 14 ronmental Quality, **the State Department of Agriculture** and the State Department of Fish and
 15 Wildlife, shall develop data on an ongoing basis to forecast Oregon's in-stream and out-of-stream
 16 water needs, including but not limited to in-stream, [*underground*] **ground** water, human consump-
 17 tion, **irrigated agriculture** and water supply needs, for the purpose of developing and updating the
~~18 integrated state water resources strategy and informing recommended actions at multiple~~
~~19 scales.~~

20 [(d)] (6) The integrated state water resources [strategy] shall describe [the following]:

21 [(A)] (a) Oregon's in-stream and out-of-stream water needs, including but not limited to
 22 ecosystem services, water quality and water supply needs.

23 [(b)] **Critical water issues at the state level and within water basins across the state.**

24 [(B)] (c) Objectives of the strategy.

25 [(C)] (d) Actions that are designed to achieve the objectives of the strategy.

26 [(D)] (e) Plans **and actions** [*related*] **concerning water-related natural hazards and** [to] the
 26 challenges presented by climate change.

27 (L) Recommendations [of the Water Resources Department] regarding the continuous moni-
 28 toring of climate change effects on Oregon's water supply and regarding water user actions that are
 29 necessary to address climate change.

30 [(E)] (f) Provisions to ensure communication **with the public and opportunities for public engagement,**
 31 **(g) Provisions to promote** and partnerships with tribes, local governments, and
 32 key stakeholders to implement recommended actions.

33 (g) **How the integrated state water resources strategy will be implemented** at ~~the state,~~
 34 ~~regional, water basin and local~~ multiple scales, ~~in partnership with public, private and civic partners~~
 35 ~~in a balanced and integrated manner, including through:~~

36 ~~(A) The development and implementation of place-based integrated water resources~~
 37 ~~strategies.~~

38 ~~(B) The formation of task groups, work groups or advisory groups to advance specific~~
 39 ~~recommended actions.~~

40 ~~(C) Declarations of cooperation between diverse water stakeholders that describe the~~
 41 ~~stakeholders' individual and collective commitment to advance specific recommended actions~~
 42 ~~in a balanced and integrated manner.~~

43 (h) **How to support implementation of priority actions recommended in other relevant**
 44 **state-developed or state-recognized plans or strategies, including but not limited to place-**
 45 **based integrated water resources strategies.**

46 [(F)] (i) Specific functions and roles to be played by state agencies, including but not limited to
 47 **the Department of Environmental Quality, the State Department of Fish and Wildlife, the**
 48 **State Department of Agriculture, the State Forestry Department, the Department of Human Ser-**

1 vices, the Oregon Business Development Department, the Department of Land Conservation and
 2 Development, the Oregon Watershed Enhancement Board, the State Parks and Recreation Depart-
 3 ment, **the Oregon Health Authority**, the Department of State Lands and other relevant state
 4 agencies, along with provisions for inter-agency coordination.

45 (l) Provisions for coordination with federal agencies.

56 [(G)] (j) Public policy options and recommendations.

67 [(H)] (k) Relevant strategy factors, including but not limited to population growth and land use
 78 change.

8 ~~[(I)] (L) Recommendations [of the Water Resources Department] regarding the continuous moni-~~
 9 ~~toring of climate change effects on Oregon's water supply and regarding water user actions that are~~
 9 ~~necessary to address climate change.~~

10 (x) The process by which a biennial work plan will be developed and its implementation
coordinated.

1011 (x) The process by which a biennial report to the Legislature as described in Section X will be
developed.

1412 [(e)(A)] (7) The Water Resources Commission shall give the Environmental Quality Commission,
 1413 the Board of Agriculture, the Fish and Wildlife Commission, and the Oregon Watershed Enhancement
Board ~~State Department of Agriculture and the State Department of Fish and Wildlife~~ notice of the
 1414 integrated state water resources strategy prior to [adoption of] **adopting or revising** the strategy.
 1415 The strategy, **and any revisions to the strategy**, shall take effect upon adoption by the Water
 1516 Resources Commission.

16 ~~(8) To prioritize and implement actions recommended by the integrated state water re-~~
 17 ~~sources strategy, the Water Resources Department shall coordinate with implementing~~
 18 ~~partners, the Integrated State Water Resources Strategy Advisory Committee described in~~
 19 ~~section 2 of this 2023 Act, the Environmental Quality Commission, the State Department of~~
 20 ~~Agriculture and the State Department of Fish and Wildlife to develop a biennial work plan,~~
 21 ~~which must be informed by biennial listening sessions in regions across the state.~~

2217 [(B)] (9) The Water Resources Commission shall review and update the integrated state water
 2318 resources strategy **at least** every [five] ~~10-8~~ years. [*The Water Resources Commission shall give notice*
 2419 *to the Environmental Quality Commission, the State Department of Agriculture and the State Depart-*
 2520 *ment of Fish and Wildlife prior to adopting any revisions of the strategy. Revisions of the strategy*
 2621 *shall take effect upon the Water Resources Commission's adoption of the revised strategy by reference*
 2722 *in rule.*]

2823 (10) Biennially, the Water Resources Department shall report, in the manner described
 2924 in ORS 192.245, to a committee or interim committee of the Legislative Assembly related to
 3025 water or natural resources on:

3126 (a) Progress implementing recommended actions in implementation of the integrated state water
 resources strategy.

3227 (b) Whether the integrated state water resources strategy is addressing critical issues
 28 and achieving the objectives described in the integrated state water resources strategy.

3329 (x) Activities anticipated for the next biennium to advance the integrated water resources strategy.

3430 (c) Any policy changes needed to facilitate implementation of the integrated state water
 3531 resources strategy.

3632 (d) Any needed investments related to implementation or updating of the integrated state
 3733 water resources strategy.

3834 (e) Any other information that will aid the Legislative Assembly in providing oversight
 3935 of, and supporting implementation of and updates to, the integrated state water resources
 4036 strategy.

4137 [(4)] (11) This section does not limit the authority granted the Environmental Quality Commis-
 4238 sion or the Department of Environmental Quality under ORS chapter 468B.

43 ~~SECTION 2. (1) The Integrated State Water Resources Strategy Advisory Committee is~~
 44 ~~established as an advisory committee to the Water Resources Commission and the Water~~
 45 ~~Resources Department for the purposes of advising on, and supporting implementation of and~~

~~1 updates to, the integrated state water resources strategy described in ORS 536.220 and as-
2 sisting with the following as they relate to the integrated state water resources strategy:~~

~~3 (a) Ensuring that recommended actions are implemented in a balanced manner that
4 benefits in-stream and out-of-stream interests.~~

~~5 (b) Providing a venue to proactively and collaboratively identify and resolve issues that
6 emerge during implementation of the integrated state water resources strategy.~~

~~7 (c) Supporting implementation of priority recommended actions.~~

~~8 (d) Promoting greater public participation.~~

~~9 (e) Coordinating communication and outreach activities.~~

~~10 (f) Promoting integration and coordination between sectors, as well as complementary
11 efforts at the state, regional, water basin and local scales.~~

~~12 (g) Identifying opportunities for innovation.~~

~~13 (h) Promoting interagency coordination.~~

~~14 (i) Tracking implementation of the integrated state water resources strategy and identi-
15 fying issues that would benefit from additional attention in future updates to the integrated
16 state water resources strategy.~~

~~17 (j) Identifying priorities for consideration in the biennial work plan described in ORS
18 536.220 (8).~~

~~19 (2) The commission shall determine the number of members of the committee and ap-
20 point members of the committee who represent a balance of in-stream and out-of-stream
21 interests and a balance of state-level and local-level organizations, including but not limited
22 to tribes, conservation groups, groups representing irrigation interests, groups representing
23 municipal interests, environmental justice organizations, local governments and state agen-
24 cies.~~

~~25 (3) Members of the committee shall serve terms of two years and may serve up to two
26 consecutive terms.~~

~~27 (4) The commission shall establish requirements concerning the operation of the com-
28 mittee.~~

~~29 (5) The Water Resources Department shall provide staff support to the committee.~~

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