House Bill 3100

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Establishes certain requirements concerning integrated state water resources strategy.
Establishes Integrated State Water Resources Strategy Advisory Committee to advise Water Resources Commission and Water Resources Department on matters related to integrated state water resources strategy.

A BILL FOR AN ACT

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

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

SECTION 1. ORS 536.220 is amended to read:

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

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

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

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

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

(a) It is in the interest of the public welfare that a coordinated, integrated state water resources policy be formulated and means provided for its enforcement, that plans and programs for the development and enlargement of the water resources of this state be devised and promoted and that other activities designed to encourage, promote and secure the maximum beneficial use and control of such water resources and the development of additional water supplies be carried out by a single...
state agency that, in carrying out its functions, shall give proper and adequate consideration to the
multiple aspects of the beneficial use and control of such water resources with an impartiality of
interest except that designed to best protect and promote the public welfare generally.

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

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

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

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

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

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

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

[(C)] (c) Objectives of the strategy.

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

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

[(F)] (f) Provisions to ensure communication with the public and partnership with tribes and
key stakeholders to implement recommended actions.

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

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

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

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

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

[(F)] (i) Specific functions and roles to be played by state agencies, including but not limited to
the Department of Environmental Quality, the State Department of Fish and Wildlife, the
State Department of Agriculture, the State Forestry Department, the Department of Human Ser-
vices, the Oregon Business Development Department, the Department of Land Conservation and Development, the Oregon Watershed Enhancement Board, the State Parks and Recreation Department, the Oregon Health Authority, the Department of State Lands and other relevant state agencies.

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

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

[(I)] (L) Recommendations [of the Water Resources Department] regarding the continuous monitoring of climate change effects on Oregon’s water supply and regarding water user actions that are necessary to address climate change.

[(e)(A)] (7) The Water Resources Commission shall give the Environmental Quality Commission, the State Department of Agriculture and the State Department of Fish and Wildlife notice of the integrated state water resources strategy prior to [adoption of] adopting or revising the strategy. The strategy, and any revisions to the strategy, shall take effect upon adoption by the Water Resources Commission.

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

[(B)] (9) The Water Resources Commission shall review and update the integrated state water resources strategy at least every [five] 10 years. [The Water Resources Commission shall give notice to the Environmental Quality Commission, the State Department of Agriculture and the State Department of Fish and Wildlife prior to adopting any revisions of the strategy. Revisions of the strategy shall take effect upon the Water Resources Commission’s adoption of the revised strategy by reference in rule.]

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

(a) Implementation of the integrated state water resources strategy.

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

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

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

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

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

SECTION 2. (1) The Integrated State Water Resources Strategy Advisory Committee is established as an advisory committee to the Water Resources Commission and the Water Resources Department for the purposes of advising on, and supporting implementation of and
updates to, the integrated state water resources strategy described in ORS 536.220 and assisting with the following as they relate to the integrated state water resources strategy:

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

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

(c) Supporting implementation of priority recommended actions.

(d) Promoting greater public participation.

(e) Coordinating communication and outreach activities.

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

(g) Identifying opportunities for innovation.

(h) Promoting interagency coordination.

(i) Tracking implementation of the integrated state water resources strategy and identifying issues that would benefit from additional attention in future updates to the integrated state water resources strategy.

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

(2) The commission shall determine the number of members of the committee and appoint members of the committee who represent a balance of in-stream and out-of-stream interests and a balance of state-level and local-level organizations, including but not limited to tribes, conservation groups, groups representing irrigation interests, groups representing municipal interests, environmental justice organizations, local governments and state agencies.

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

(4) The commission shall establish requirements concerning the operation of the committee.

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