



To: House Committee on Agriculture, Land Use, Natural Resources, and Water
From: Rachel O'Connor, Environmental Defense Fund
Re: Environmental Defense Fund's support for HB 3130

February 07, 2023

Chair Helm, Vice-Chair Hartman, Vice-Chair Owens, and Members of the Committee,

Environmental Defense Fund (EDF) supports HB 3130, which is a first step to providing the Oregon Water Resources Department with the capacity and resources necessary to engage on voluntary agreements for locally driven groundwater management.

EDF is a non-profit that utilizes policy, management, science, and data to help build balanced, climate resilient water systems that ensure long-term water security for communities and the environment.

The Harney Basin Community-Based Water Planning Collaborative has been working to gather information, identify strategies, and determine in-stream and out-of-stream water needs to help develop solutions to help meet the area's water needs now and into the future. Voluntary agreements are one tool the Collaborative is exploring to implement the strategies identified by the Collaborative for groundwater management. Though the voluntary agreements statute has existed for decades, the use of voluntary agreements in this context remains untested.

In 2022, EDF published an analysis of Oregon's voluntary agreement statute in support of and in collaboration with the Collaborative. Some of the findings from that analysis are below.

O.R.S. § 537.745 authorizes the Water Resources Commission to "encourage, promote and recognize voluntary agreements among ground water users from the same ground water reservoir." The statute creates an opportunity for groundwater users to implement locally defined measures to manage groundwater use, so long as those measures are consistent with the intent, purposes, and requirements of Oregon's Groundwater Act.

There are many important considerations for the development and implementation of an effective voluntary agreement—including but not limited to governance, parties, management actions, hydrogeology, legal constraints, monitoring—however, the statute provides minimal guidance for the process and substantive requirements for voluntary agreements. Currently, Oregon Water Resources Department lacks both the policy and scientific capacity necessary to support the development of a voluntary agreement, evaluate voluntary agreement proposals, and ensure proper implementation.

While much of the discussion related to voluntary agreements has typically centered around regulatory requirements because a voluntary agreement must meet the minimum floor of reversing groundwater decline, a voluntary agreement can also create a powerful vehicle for marshalling state and federal resources to address water data shortcomings, economic impacts on agricultural irrigators, ecosystem health, or other community needs.

Several of state's groundwater basins are overallocated and climate change is likely to further exacerbate the issue. Oregonians deserve every possible tool in the toolbox to enable the sustainable management of groundwater resources for their community today and in generations to come. Voluntary agreements present an opportunity to bundle water management strategies informed by water data with a variety of locally developed approaches to implement reduced groundwater pumping in ways that can maintain agricultural incomes, protect or restore ecosystems, and sustain rural communities.

Thank you for the opportunity to provide testimony.

Sincerely,

A handwritten signature in black ink that reads "Rachel O'Connor". The signature is written in a cursive, flowing style.

Rachel O'Connor
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Environmental Defense Fund
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