



March 29, 2023

Representative Ken Helm, Chair  
Representative Annessa Hartman, Vice-Chair  
Representative Mark Owens, Vice-Chair  
House Committee on Agriculture, Land Use, Natural Resources, and Water

**Re: NFS Opposes HB 2765**

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

Native Fish Society<sup>1</sup> submits these comments in relation to HB 2764 regarding granting South Suburban Sanitary District (SSSD) exclusive use of reclaimed water.

We are concerned that this proposal represents a dangerous precedent that would undermine existing water law, tie the hands of fisheries managers, and result in potential impacts to the environment and fish populations.

This bill will allow SSSD to bypass the existing process as established in statute for obtaining authorization of additional uses of reclaimed water. A key aspect of this process is ensuring that the utilization of reclaimed water will not result in significant impacts to fish or wildlife. The assumption that this bill will improve water availability for wildlife refuges in the Klamath basin is flawed and there are no mechanisms in the bill that would guarantee this outcome. Rather, the bill merely allows SSSD to bypass the existing process that would fully vet the impacts of such an arrangement on the ecosystem.

Of significant concern is the unprecedented language which prohibits this water from being utilized to meet state or federal fishery requirements. This type of exemption has never been provided to another water right in the state and undermines the ability of fishery managers to utilize important management tools to conserve and recover fish populations. With four dams slated for imminent removal in the Klamath Basin, ensuring that fisheries managers can implement reintroduction and recovery efforts for anadromous (ocean-going) salmonids is more vital than ever.

Native Fish Society urges the committee to oppose HB 2764 and this unprecedented carve-out from existing water law and fisheries management.

Sincerely,

Jennifer Fairbrother  
Conservation Director

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<sup>1</sup> The Native Fish Society is a registered 501(c)(3) nonprofit with a mission to restore abundant wild fish, free-flowing rivers, and thriving local communities across Oregon and the Pacific Northwest.