



To: House Committee on Agriculture, Land Use, Natural Resources, and Water
From: Rachel O'Connor, Environmental Defense Fund
Re: Neutral with Concerns on HB 4049; Demonstrated Interest in Voluntary Agreements

February 05, 2026

Co-Chair Helm, Co-Chair Owens, Vice-Chair McDonald, and Members of the Committee,

Thank you for the opportunity to provide comments on HB 4049. Environmental Defense Fund (EDF) is a nonprofit that works alongside communities and partners across the West to advance holistic water management through policy, science, data, and practical on-the-ground solutions. **EDF is neutral on HB 4049 and has concerns about bill language but is supportive of the concept of voluntary agreements.**

Voluntary agreements under ORS 537.745 offer a potentially valuable tool for collaborative groundwater management, but they are also inherently complex. As Oregon has not yet implemented a voluntary agreement, there remain significant questions about appropriate scope, terms, monitoring approaches, and enforcement pathways.

Work has been underway for several years to evaluate voluntary agreements. In support of and in collaboration with the Harney Basin Community-Based Water Planning Collaborative, EDF published a [legal analysis](#) of voluntary agreements in 2022. I respectfully request that the Committee consider the report's key considerations for developing, implementing, and monitoring voluntary agreements. EDF looks forward to continuing to engage in this effort.

Given the lack of precedent and the important implications voluntary agreements may carry for groundwater users, communities, groundwater-dependent ecosystems, and long-term resource sustainability, it is imperative that any proposal to make significant changes to the 1955 statute has adequate time for consideration. Thoughtful deliberation will help ensure that any modified framework, if ultimately adopted, is legally sound and capable of meeting groundwater management goals.

EDF supports voluntary agreements where they include clear and enforceable sideboards and are demonstrably capable of meeting or exceeding performance otherwise required under regulatory controls. With careful design grounded in data and science, voluntary approaches can complement regulatory frameworks and support durable, locally tailored solutions.

Sincerely,

A handwritten signature in black ink that reads "Rachel O'Connor". The signature is fluid and cursive, with the first name "Rachel" and last name "O'Connor" clearly distinguishable.

Rachel O'Connor
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Environmental Defense Fund
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