

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON WATER POLICY

March 21, 1991Hearing Room D 1:30 p.m.Tapes 34 - 35

MEMBERS PRESENT:Rep. Chuck Norris, Chair Rep. Bill Dwyer, Vice-Chair Rep. Bill Markham Rep. Walt Schroeder Rep. Larry Sowa

STAFF PRESENT: Beth Patrino, Committee Administrator Pat Zwick, Committee Assistant

WITNESSES:Bev Hayes, Water Resources Department Amin Wahab, Water Resources Department Louise Bilheimer, Oregon Rivers Council Greg Wolf, Land Conservation and Development, Department Jim Myron, Oregon Trout Audrey Simmons, Water Watch Richard Koesan Larry Troisi, Oregon Farm Bureau Dave Nelson, Oregon Water Resources Congress John Youngquist, Douglas County

MEASURES CONSIDERED:HB 3373 - Declares shortage of water resources is matter of statewide concern and priority should be given to development of storage facilities in addressing the problem of insuring future water supply. - Public Hearing

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TAPE 34, SIDE A

010 CHAIR NORRIS: Calls the meeting to order at 1:35 p.m.

012 BETH PATRINO, COMMITTEE ADMINISTRATOR: Reviews provision of HB 3373 which has no fiscal impact.

015 CHAIR NORRIS: As chief sponsor of HB 3373, gives background for introduction of the bill which has a practical/physical and a philosophical/political point of view.

We can perhaps hold back some water during times of plenty for use in times of shortage.

A properly executed storage plan has something in it for all water interests.

All interests could be served in times of shortage through the philosophy of HB 3373.

Has conferred with Land Conservation and Development Department to make sure that if HB 337 3 goes anywhere we have considered not only water issues, but also land use issues.

070 REP. SOWA: People interested in water have shared your feelings regarding water.

How will the storage projects be funded?

080 CHAIR NORRIS: Does not know, but until we have a broad policy and consensus we will not do it at all.

090 REP. MARKHAM: Would be able to have more small dams if we had less bureaucracy and less stringent permit requirements.

098 CHAIR NORRIS: Hopes that we can roll back some of the distrust and animosity with a clear policy.

100 REP. SCHROEDER: Are there any policies in current Oregon law that encourage and provide incentives for water storage?

105 CHAIR NORRIS: We passed a bill in 1989 about storage reserved for economic development. Believes the Department is about to undertake a one or two year plan on their storage policy.

Maybe this will be a boost along the way.

Would like to underline the respectability of the storage dam and give it a role.

115 ACTING CHAIR DWYER: Have we assessed where these projects can be placed without an Environmental Impact Statement?

120 REP. NORRIS: That would be an excellent place to start.

125 REP. SCHROEDER: Federal money is available for this sort of thing.

If we establish the policy, that can be pursued.

130 REP. NORRIS: If we can start doing this without undue bureaucratic complication, based upon a clear policy, I am optimistic that we will see some progress soon.

135 REP. SOWA: Did Northwest Power Planning Council, in the development of their fish and wildlife program a few years ago, include any impoundment storages as part of their rehabilitation of the fish runs.

140 REP. NORRIS: Unable to answer.

146 REP. SCHROEDER: What size and type projects are you talking about?

150 REP. NORRIS: Minimum and medium size projects off the main stems to avoid the concern about fish migrations. Thinks the exploration is worthwhile.

157 ACTING CHAIR DWYER: Would it benefit the committee to have staff write to the Bureau of Reclamation, Pacific Planning Power Council,

Corps of Engineers, and other agencies involved with water to ask them what has been done about suitable sites for these kinds of projects?

165 NORRIS: Endorses that idea. Enthused about correlating work already done.

170 ACTING CHAIR DWYER: The Bureau of Reclamation has done site assessments on just about every existing canyon in Eastern Oregon. Would be a good place to start.

176 REP. SCHROEDER: Coos County has a committee that is looking at this subject, looking for sites, and looking at developing a water program for Coos County.

183 ACTING CHAIR DWYER: Suggests asking counties what kinds of identifications and plans they have done.

188 REP. MARKHAM: Douglas County has done good things about saving some of their timber money and can tell what they did with the money to create some large water impoundments which have been successful.

199 REP. SCHROEDER: Feels that without a clear policy, sites will not be sought.

200 CHAIR NORRIS: Knows that different water interests have made some serious efforts in many cases to find areas of agreement. This is one more handle for people who have the best of intentions to develop something worthwhile.

210 BEVERLY HAYES, WATER RESOURCES DEPARTMENT: HB 3373 is consistent with the Commission direction. The Commission has supported water storage where it has been economically and environmentally feasible. The Commission feels that storage has benefits in some areas for streamflow enhancement, but has costs. Feels that adding the words, on line 14, before "water", "economically and environmentally feasible water storage facilities."

Concurs with Representative Norris' comments about lack of federal dollars for large storage facilities.

Submits Water Resources Commission Agenda Item H, March 8, 1991 meeting (EXHIBIT A)

254 CHAIR NORRIS: Hoping that HB 3373 will lend some emphasis to the storage policy development that Water Resources is doing.

260 AMIN WAHAB, WATER RESOURCES DEPARTMENT: Reviews agenda of storage policy development committee.

277 REP. DWYER: When was 536.300 adopted?

289 HAYES: It was first passed in 1955 and last amended in 1985. I suspect it was amended to change the reference to refer to the Water Resources Commission.

293 REP. DWYER: Reads 536.300. Have you identified the sites included in the citation?

300 HAYES: Has adopted basin programs for nearly every basin in the state. In the early 1960s the Department comprehensively looked at

reservoir sites and received federal funding to do that. Several sites were identified and considered feasible at the time. Environmental factors must be considered today that were not required in the 1960s.

314 REP. DWYER: Wants Water Resources Department information as well as information from other sources to identify when a site is a site, and how many sites are available.

333 HAYES: We would have to look at the site and do financial and environmental assessments.

350 CHAIR NORRIS: Wants information briefing on possible acceptable sites to see where the storage might be topographically, hydrologically, and geographically feasible, regardless of the economic and environmental issues.

Could rely on dated information for preliminary study of physical characteristics.

375 WAHAB: Reviews process outlined for consideration of developing storage policy summarizing (EXHIBIT A).

TAPE 35, SIDE A

005 REP. SCHROEDER: Would you say that water storage is contained in one of the six topics listed in paragraph 3, page one of your exhibit?

007 HAYES: No.

009 CHAIR NORRIS: Wants to work in concert with, and be of assistance to, Water Resources with HB 3373.

012 DAVE NELSON, OREGON WATER RESOURCES CONGRESS: Introduces John Youngquist.

Gives endorsement for HB 3373 as a step in the right direction toward a comprehensive water plan for the state of Oregon.

040 JOHN YUNQUIST, DOUGLAS COUNTY: Strongly endorses HB 3733.

Tells what Douglas County has been doing to develop a water storage management plan.

Contrary to Water Resources Department testimony, I would not like to see economics as a criteria because we don't know whose economics, and under the federal program, you can not store water very far into the future.

Coordination of any program at the local level is vital.

120 REP. SCHROEDER: We also have to look at conservation, riparian protection, and other related issues.

120 REP. DWYER: These things become more evident when crises develop.

130 LOUISE BILHEIMER, OREGON RIVERS COUNCIL: The Council has a mission to restore, protect, and enhance the free flowing nature of rivers in Oregon, but we are not opposed to any sort of storage in the state.

Concerned that the bill will set as a high priority, the development of

storage facilities in the state. We believe that the high priority needs to be focused on watershed restoration and enhancement and needs to be done on a local, watershed by watershed basis, with all interested local groups involved in the planning.

Believes it is possible to have storage that is environmentally benign and economically feasible and would support that type of storage.

Concerned about having statewide storage facility policy without some parenthetical that says that they need to be environmentally sound and economically feasible.

Because of those concerns, we are opposed to HB 3373 as printed.

Our proposed bill, SB 1183, does not specifically address storage, but addresses the evaluation of all state watersheds and the creation of local watershed councils to develop local watershed improvement plans.

175 REP. MARKHAM: Do you believe Water Resources Department has enough administrative rule or law to prevent any non-environmentally sound water storage to happen?

185 BILHEIMER: Hopes so.

190 CHAIR NORRIS: The laws of Oregon are strict enough that if any project is not environmentally and economically sound, it will not be built.

200 REP. DWYER: Hopes that any economic analysis includes the concept of the present worth, and future benefits to put it into perspective.

215 JIM MYRON, OREGON TROUT: Testifies on the impacts of dams and reservoirs, and giving recommendations of Oregon Trout, summarizing written testimony (EXHIBIT B).

260 REP. DWYER: We are trying to prepare for a period of time when the resource may not be available. That is a wise policy.

288 MYRON: Agrees and is glad that Water Resources is considering a statewide storage policy because it is one aspect of an overall state water management plan.

293 REP. MARKHAM: Are farming and logging your two main problems with rehabilitation of watersheds?

300 MYRON: Those are the activities that are adversely impacting the watersheds in many areas of the state. In the more developed part of the state, development is a factor. All land management activities impact watersheds.

310 REP. SCHROEDER: How do metering and rehabilitation rank?

312 MYRON: From Oregon Trout's perspective, the rehabilitation of our watersheds is the highest priority.

330 REP. SCHROEDER: Feels that storage projects should also be a high priority, and as part of the puzzle may help solve some of our problems.

319 MYRON: We could support what Ms. Hayes offered as an amendment.

320 REP. SCHROEDER: Should no resource be removed, or do we have adequate riparian protection with the Forest Practices Act?

330 MYRON: Would like to see stronger protection for riparian areas.

The Forest Practices Act does not address the feeder streams.

345 AUDREY SIMMONS, WATER WATCH: Supports environmentally sound storage. Should raise conservation to eliminate waste in existing storage and delivery systems and irrigation systems before looking at storage.

Storage considered should be for multipurpose storage.

390 CHAIR NORRIS: Does not intend HB 3373 to compete with other interests, but to work in concert with them.

400 SIMMONS: There is no provision in riparian enhancement to protect any of the increased flows that may accrue from riparian enhancement.

410 REP. DWYER: Comments on violation of riparian areas in the John Day Basin.

TAPE 34, SIDE B

REP. DWYER: Continues his comments about violation of riparian areas.

010 REP. SCHROEDER: Conservation in irrigation methods is increasing.

033 GREG WOLF, LAND CONSERVATION AND DEVELOPMENT DEPARTMENT: Water planning is a fundamental part of state land use planning. Agriculture should be supported by adequate water supply. The Commission is a promoter of agricultural land protection and sees this as a part of that mission.

Believes that the development of adequate water facilities is a long term proposition and that it will be enhanced to the extent that land use plans anticipate and include those kinds of storage opportunities. To the extent we can identify those sites in advance, we can assure that they are available for immediate development when the need for them becomes acute. Current law does not allow water storage facilities in the exclusive farm use (EFU) area.

Land Conservation and Development Commission has been working with the Speaker of the House and the Senate President in developing secondary lands bills. Both of the bills have water storage facilities listed as an allowable use in exclusive farm use zones.

Supports adoption of this policy and believes it would assist us in doing our work in terms of agricultural protection and coordination with Water Resources Department.

060 CHAIR NORRIS: Would the Department be a willing partner in the development of this if HB 373 3 becomes a statute?

065 WOLF: Yes, with a necessary legislative change to have this use identified in EFU districts.

072 RICHARD KOESAN, OREGON SHEEP GROWERS ASSOCIATION AND OREGON CATTLEMENS ASSOCIATION: Both organizations wish to go on record in

support of HB 337 3.

077 LARRY TROSI, FARM BUREAU: Supports HB 3373 which appears to be similar to a Farm Bureau policy.

090 CHAIR NORRIS: Recognizes there are environmental and economic concerns, but feels that HB 3733 is a small, but important step, to focus attention and overcome some disagreements and work together.

Wants next generation to see some physical benefits from the effort.

Adjourns meeting at 2:42 p.m.

Submitted by: Reviewed by:

Pat Zwick, Beth Patrino, Assistant Administrator

EXHIBIT LOG:

A - HB 3373 Testimony - Bev Hayes - 10 pages B - HB 3373
Testimony - Jim Myron - 3 pages