



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

December 9, 2024

Oregon Water Resources Commission
725 Summer Street NE, Ste A
Salem, OR 97301

Re: Comments, Agenda Item C, Integrated Water Resources Strategy 2024 Update

Dear Chair Quaempts and Members of the Commission,

Thank you for the opportunity to provide comments on Agenda Item C (IWRs Update). WaterWatch has commented at every public comment opportunity the state has made available. We provided verbal comments at the June 2023, September 2023 and March 2024 Commission meetings¹, provided written comments at the November 2023 meeting, participated in the survey, attended one public meeting, organized a convening of conservation groups for input, provided extensive comments to the 2024 draft strategy and encouraged others to do the same through organizational outreach and education. In addition to comments provided at those junctures, we offer the following comments for consideration for the December 12th meeting.

Reworking of the IWRs: As WaterWatch has stated previously, while we appreciate the addition of additional actions proposed by agencies that would bolster water management and instream protections, we continue to have significant concerns with the internal decision to completely revamp the 2012/2017 IWRs framework. Our concerns were outlined in past testimony before the Commission and also in our comments on the 2024 Draft IWRs, so we won't belabor them in full here.

That said, we did want to reiterate that the 2012 IWRs (which provides the scaffolding for the 2017 IWRs) was the result of years of work by many experts who were seeped in larger policy and legislative discussions around water in Oregon. Participants in discussions, meetings and/or PAG convenings included state agency directors and staff, three Oregon Water Resource Commission commissioners, two governor's office natural resource staff, tribes, federal agencies, consultants, academics, and representatives of conservation, agricultural, municipal and the public groups. Long story short, the brain trust convened to develop the 2012 IWRs scaffolding was both deliberate and impressive.

In addition to the work of those actively involved in the 2012 IWRs development, public engagement around the 2012 IWRs was copious, inclusive, and transparent. See previous testimony on this point. Of note, OWRD staff thoroughly considered and incorporated feedback, with the result being that the 2012 IWRs was widely supported by stakeholders.

The governing statute calls first for the development of a strategy, and then for periodic updates. Having been part of the team that negotiated the bill in 2009, I can say with certainty that the intent was

¹ September 2023 and March 2024 outlines of draft verbal testimony, as well as November 2023 written comments to the Commission are attached for convenience's sake in light of the addition of a new Water Resource Commissioner.

that the updates would be just that—updates---not a total reworking. It was recognized then that wholly revamping the IWRS every 5 years was neither necessary or useful, which is why the word “update” was purposefully used. After bill passage, the stated expended significant time and resources to develop the original 2012 draft, with the intention that that document would provide the underlying governing structure for the future, and that any “updates” would simply improve upon the core document as issues, data or opportunities evolved. As represented to the Commission both in 2012 and 2017, the 2012 IWRS was intended to serve as the base scaffolding for the next 50 years.

Since the IWRS was first published in 2012, the IWRS has become widely used by many to advocate for funding, data collection/analysis, water management and other recommended actions. Importantly, the IWRS has been an invaluable tool in advocacy efforts to support agency budgets. Lending to the usefulness of the 2012 framework (carried over into 2017) is the fact that there is general buy in to its structure and directives. Because of the widespread support of the IWRS, agencies, legislators and others are able to use it as a guiding document without inviting conflict.

This is not to say that improvements are not needed as part of the “update”. That is in fact the intent of the statutory directive for updates. In June 2023, the OWRD IWRS team reported to the Commission that the scope of the update would be focused on enhancing equity and climate change measures. Commissioners were largely supportive of this, including a direct ask that IWRS staff incorporate into the narrative a history of the inequities brought about by the prior appropriation doctrine and that there be a “substantial” focus on climate change in the next iteration. In addition to the topics offered by the IWRS team (equity and climate change), Commissioners were asked what improvements they wanted to see. Feedback from several commissioners included adding provisions that would highlight that water kept instream is of inherent value and that the IWRS needed a clear mechanism for agencies to collectively say “no” to more extractive water use. As one commissioner stated, the IWRS needs to start with the premise that “when you are in a hole, you need to stop digging”. This request of the IWRS team to incorporate a theme of protecting what is left was reiterated at the September 2023 commission meeting. Commissioners also asked for a stand-alone section on groundwater. These would have been valuable “updates” in our mind as they reflected themes that have gained attention in recent years. Unfortunately, Commission requests were not incorporated into the 2024 Draft.

Public Comment Draft: As to the public draft released to the public for review, WaterWatch offered both a high level narrative capturing some general themes, but also, importantly, a detailed mark-up of the document itself that captured the bulk of concerns, most of them substantive concerns that go beyond the restructuring. Please see comments for details (end of Attachment 1).

Agency response to comments did not include a response to WaterWatch’s comments on the document itself. As such we would urge Commissioners look to that document directly for WaterWatch’s input rather than relying on the agency synopsis/response document.

OWRD response to comments: As to response to public comments, it is our observation that many responses simply justify the IWRS staff positions and/or show a lack of understanding of the comments made. We will not go into details here as I think our observations are apparent in Attachment 1. We would urge further consideration of comments in the drafting of Draft 2.

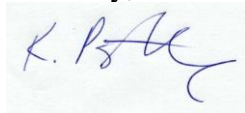
Framework Version 1.5: While we appreciate that Draft 1.5 makes some changes to Draft 1 to address some of the concerns raised by WaterWatch and others, the new framework still advances a wholly new scaffolding for the IWRS, which continues to be of concern for the many substantive reasons outlined in our comments. In addition to the many substantive concerns, we also, frankly, believe the 2012/2017 framework paints a much clearer picture of what is needed to both understand and meet instream and out-of-stream needs². It is a document that has been used extensively in legislative discussions for the past decade and has served as the backbone for building agency budgets and programs. To revamp this long tested document will require another level of education of legislators and other decision makers, which seems unnecessary given the success it has brought to state initiatives and budgets.

Agency Director Prioritization: As to the Agency Director prioritization exercise directed by Governor Kotek, we think this is a welcome addition that will be a useful tool. We have offered some suggestions to the document released for public review, captured in Appendix 3. While we have not seen a final draft, suffice it to say, we are pleased to see that Agency Director priorities are somewhat in line with themes offered by Commissioners and others that were not captured in the IWRS public draft, including, most importantly, a theme of “prevent things from getting worse”.

Conclusion: While we appreciate that a lot of work has gone into the 2024 update, we still believe it misses the mark. We urge further consideration of comments before finalizing Draft 2.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Priestley', is written over a light blue rectangular background.

Kimberley Priestley
Sr. Policy Analyst

² We have attached both the 2017 framework and the proposed Draft 1.5 framework for ease comparison.

Oregon's 2017 Integrated Water Resources Strategy

A framework for improving our understanding of Oregon's water resources and meeting our instream and out-of-stream needs, including water quantity, water quality, and ecosystem needs



(1) Understand Water Resources Today

Further Understand Limited Water Supplies & Systems
(groundwater, surface water, and their interaction)

Improve Water Quality &
Quantity Information

Further Understand Our
Water Management Institutions

Understanding Water Resources / Supplies / Institutions

- 1.A Conduct additional groundwater investigations
- 1.B Improve water resource data collection & monitoring
- 1.C Coordinate inter-agency data collection, processing, and use in decision-making

OBJECTIVES

CRITICAL
ISSUES

RECOMMENDED
ACTIONS

(3) Understand the Coming Pressures That Affect Our Needs and Supplies

Economic Development

Water & Energy

Climate Change

Extreme Events

Population Growth

Water & Land Use

Water-Related Infrastructure

Education & Outreach

Water & Energy

- 4.A Analyze the effects on water from energy development projects & policies
- 4.B Take advantage of existing infrastructure to develop non-traditional hydroelectric power
- 4.C Promote strategies that increase/integrate energy & water savings

Climate Change

- 5.A Support continued basin-scale climate change research efforts
- 5.B Assist with climate change adaptation & resiliency strategies

Extreme Events

- 5.5A Plan and prepare for drought resiliency
- 5.5B Plan and prepare for flood events
- 5.5C Plan and prepare for a Cascadia subduction earthquake event

Economic Development & Population Growth

(See Actions 2A and 3A)

Water & Land Use

- 6.A Improve integration of water information into land use planning (and vice versa)
- 6.B Improve state agency coordination
- 6.C Encourage low-impact development practices and green infrastructure

Water-Related Infrastructure

- 7.A Develop and upgrade water and wastewater infrastructure
- 7.B Encourage regional (sub-basin) approaches to water and wastewater systems
- 7.C Ensure public safety/dam safety

Education and Outreach

- 8.A Support Oregon's K-12 environmental literacy plan
- 8.B Provide education and training for Oregon's next generation of water experts
- 8.C Promote community education and training opportunities
- 8.D Identify ongoing water-related research needs

(2) Understand Instream and Out-of-Stream Needs

Further Define Out-of-Stream Needs / Demands
(i.e., diverted water)

Further Define Instream Needs / Demands
(i.e., left-in-place water)

Understanding Oregon's Out-of-Stream Needs/Demands

- 2.A Regularly update long-term water demand forecasts
- 2.B Improve water-use measurement & reporting
- 2.C Determine unadjudicated water right claims
- 2.D Authorize the update of water right records with contact information
- 2.E Regularly update Oregon's water-related permitting guide

Understanding Oregon's Instream Needs/Demands

- 3.A Determine flows needed (quality & quantity) to support instream needs
- 3.B Determine needs of groundwater dependent ecosystems

(4) Meet Oregon's Instream and Out-of-Stream Needs

Place-Based Efforts

Water Management & Development

Healthy Ecosystems

Public Health

Funding

Place-Based Efforts

- 9.A Continue to undertake place-based integrated, water resources planning
- 9.B Coordinate implementation of existing natural resource plans
- 9.C Partner with federal agencies, tribes, and neighboring states in long-term water resources management

Healthy Ecosystems

- 11.A Improve watershed health, resiliency, and capacity for natural storage
- 11.B Develop additional instream protections
- 11.C Prevent and eradicate invasive species
- 11.D Protect and restore instream habitat and habitat access for fish and wildlife
- 11.E Develop additional groundwater protections

Water Management & Development

- 10.A Improve water-use efficiency and water conservation
- 10.B Improve access to built storage
- 10.C Encourage additional water reuse projects
- 10.D Reach environmental outcomes with non-regulatory alternatives

Public Health

- 12.A Ensure the safety of Oregon's drinking water
- 12.B Reduce the use of and exposure to toxics and other pollutants
- 12.C Implement water quality pollution control plans

Funding

- 13.A Fund development and implementation of Oregon's IWRS
- 13.B Fund water resources management activities at state agencies
- 13.C Invest in local or regional water planning efforts
- 13.D Invest in feasibility studies for water resources projects
- 13.E Invest in implementation of water resources projects



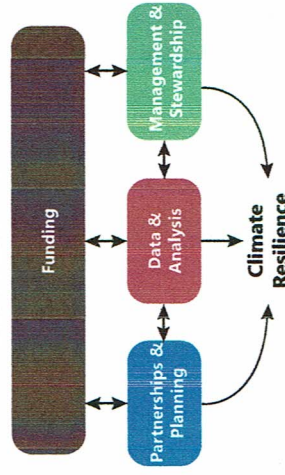
Oregon's 2024 Integrated Water Resources Strategy - Draft 1.5

A framework for improving our understanding of Oregon's water resources and meeting our instream and out-of-stream needs, including water quantity, water quality, and ecosystem needs

Partnerships & Planning	
(2) Understand the Coming Pressures that Affect Our Needs and Supplies	
Objectives	
Critical Issues	
Actions	
Funding (1) Fund Oregon's Secure Water Future Funding 1A [13A] - Fund Development and Implementation of Oregon's Integrated Water Resources Strategy 1B [13B] - Fund Water Resources Management Activities at State Agencies 1C [13C-13E] - Invest in Planning, Feasibility Studies, and Water Resource Project Implementation Note: 2017 IWRS numbering shown in [brackets]	
Climate Change Resiliency actions are included throughout the Strategy Education & Outreach 2A [8C] - Promote Community Education and Outreach 2B [8A] - Support Implementation of K-12 Environmental Literacy Plan 2C [8B] - Provide Career Training for the Next Generation of Water Professionals 2D [8D] - Identify Water Research Needs & Partnerships Coordination & Collaboration 3A [9C] - Partner with Tribes, Federal Agencies, and Neighboring States in Long-Term Water Resources Management 3B [6B] - Improve State Interagency Coordination 3C [new] - Lead Meaningful Community Engagement Water Planning 4A [9A] - Support Integrated Place-Based Planning and Other Water Planning Efforts 4B [9B] - Coordinate Implementation of Natural Resource Plans Land Use Planning 5A [6A] - Improve Integration of Water Information and Land Use Planning 5B [6C] - Encourage Low Impact Development Practices and Green Infrastructure Natural Hazard Mitigation Planning 6A [5.5A] - Plan and Prepare for Drought & Wildfire Resiliency 6B [5.5B] - Plan and Prepare for Flood Events 6C [5.5C] - Plan and Prepare for a Cascadia Earthquake & Tsunami Event Economic Development & Population Change See Actions 8D & 9B	

Data & Analysis	
(4) Understand Instream & Out-of-Stream Needs	
Objectives	
Critical Issues	
Actions	
Water Resource / Supply Information 7A [1B] - Improve Water Resource Data Collection and Monitoring 7B [1A] - Conduct Additional Groundwater Basin Studies 7C [1C] - Enhance Interagency Data Coordination 7D [5A] - Support Basin-Scale Climate Change Research Instream & Ecosystem Water Needs 8A [3A] - Determine Instream Flow Needs (Quality and Quantity) 8B [3B] - Determine Needs of Groundwater-Dependent Ecosystems 8C [4A] - Analyze the Effects on Water from Energy Development Projects and Policies 8D [new] - Develop Instream & Ecosystem Water Demand Forecasts Out of Stream Water Needs 9A [2B] - Improve Water-Use Measurement and Reporting 9B [2A] - Regularly Update Out-of-Stream Water Demand Forecasts	

The Strategy includes actions that help Oregon achieve climate resilience



Management & Stewardship	
(5) Meet Oregon's Instream and Out-of-Stream Needs	
Objectives	
Critical Issues	
Actions	
Healthy Ecosystems 10A [11A] - Improve Watershed Health, Resiliency, and Capacity for Natural Storage 10B [11D] - Protect and Restore Instream Habitat and Fish Passage/Screening 10C [11B] - Develop Additional Instream Protections 10D [11C] - Prevent and Eradicate Invasive Species 10E [11E] - Develop Additional Groundwater Protections Clean Water 11A [12A] - Ensure the Safety of Oregon's Drinking Water 11B [12B] - Reduce the Use of and Exposure to Toxics and Other Pollutants 11C [12C] - Implement Water Quality Pollution Controls Water Use & Management 12A [2C] - Determine Unadjudicated Water Right Claims 12B [10A] - Improve Water-Use Efficiency and Water Conservation 12C [10C] - Encourage Water Reuse Projects 12D [10B] - Improve Access to Storage 12E [10D] - Reach Environmental Outcomes with Non-Regulatory Alternatives 12F [10F] - Provide an Adequate Field Presence 12G [10G] - Strengthen Water Quantity and Water Quality Permitting Programs Water Infrastructure 13A [7A] - Maintain, Upgrade, Decommission Water and Wastewater Infrastructure 13B [7B] - Encourage Regional (Sub-Basin) Water and Wastewater Systems 13C [7C] - Support Dam and Levee Safety Water & Energy 14A [4B] - Develop Non-Traditional Hydroelectric Power 14B [4C] - Promote Strategies that Increase/Integrate Energy and Water Savings	



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

November 15, 2023

Oregon Water Resources Commission
725 Summer Street NE, Ste A
Salem, OR 97301

Re: Comments, Integrated Water Resources Strategy Agenda Item G

Chair Quaempts and Members of the Commission,

Thank you for this opportunity to comment on Agenda Item G. As we testified to at the September Commission meeting, WaterWatch is very concerned about the OWRD's recent pivot from an update of the 2017 IWRS to fill gaps and add additional direction to a wholesale reorganization of the IWRS. As noted at the September meeting, WaterWatch has both procedural and substantive concerns with this approach. After reviewing the November staff report, those concerns remain so we will reiterate three of the main ones here, as well as suggest a path forward.

First, as far as process, we do not believe the recent proposed restructuring aligns with the public outreach and engagement surrounding the 2023 update. Communications with the public and stakeholders over the past year made it appear that there would be a narrow set of additions to the strategy, similar to what we saw in 2017. At no time was an organizational restructuring queried or discussed. In our view, to now suggest a wholesale reorganization this late in the process does not align with the thoughtful public involvement we have seen with past iterations.

As a reminder, the original 2012 IWRS was developed after roughly three years of robust and inclusive outreach and engagement. This included work of the Commission to develop issue papers to guide discussions, OWRD research and analysis of the various types of state plans/strategies from which to model the structure from, a broad based Policy Advisory Committee (PAG) which met over a 24 month period, an agency project team, and agency advisory group, a federal liaison group, and others. There were nearly a dozen open houses across the state that had robust attendance, as well as a multitude of opportunities for written public comment on numerous drafts of the strategy. The final product was a solid product that was heavily vetted with the public over a three year period. The 2017 edition, by design, retained the original goals, objectives and guiding principles from the 2012 version, with the intent to update information, fill important gaps, and strengthen ideas by shoring up adding new recommended actions, where needed.

It was our understanding from early discussions with OWRD, as well as OWRD communications out to the public, that filling gaps and adding new recommended ideas where needed would be the course forward for 2023 as well. As late as June 2023, the OWRD reported to the Commission that the scope of the update would be to apply climate change predictions more holistically, apply an equity lens to the

framework, and incorporate findings of the 100 Year Water Vision¹. Yet, in September the OWRD came to the Commission with a wholly new organizational structure. The November staff report carries this forward, with little to no focus applying climate change predictions more holistically or applying an equity lens² to the framework which was, as late as June, supposed to be the scope of recommended changes that we understood would go out for public comment.

Both the September and November staff reports imply that the reorganization is in response to the input heard during the outreach and engagement efforts. WaterWatch has been tracking all engagement efforts, and until September heard nothing about possible restructuring. The Survey did not have any questions related to strategy organization, the regional convenings did not ask about IWRS restructuring, the “script” delivered to guide self-convenings did not reference or allude to this, the “interviews” noted in the September staff report were strictly on the subject of where regional outreach meetings should be held, and previous communications to the Commission meetings (prior to September) did not raise any thoughts of restructuring.

Additionally, both the September and the November staff reports note that they have incorporated Commission comments. Having attended both the June and September meetings and also streamed them a second time, our observation is that key Commission comments and/or direction are not being incorporated. For example, at the June meeting a fair amount of time was spent discussing adding a section that would focus on “preserving what is left”. Similarly, there was a fair amount of discussion about the inherent value of water remaining in the system as a guiding principle. Additionally, more emphasis on agency integration was mentioned by a number of commissioners, as well as ensuring the IWRS fed into workplans for agency implementation. Commissioners were asked specifically about equity, and a robust conversation ensued with valuable points made (inequities of the prior appropriation doctrine being included in the overview, need to bolster the public health aspect (groundwater quality as an example), etc.).

In a nutshell, we do not believe there has been adequate engagement on the idea of a wholesale restructuring of the IWRS. If the OWRD wants to restructure a document that emerged from years of intense work (plus the 2017 updates) we would suggest a broad based Policy Advisory Committee be

¹ It is unclear where and how the OWRD is using the 100 Year Water Vision. The directives of the IWRS are bound by statute, the 100 Year Water Vision was Governor Brown’s initiative rather than being driven by statute. While we agree a lot of public input went into the vision, the public needs a clear understanding of the OWRD’s suggested pathway here, including how OWRD is going to ensure equal weight to both instream and out-of-stream needs (which both the 100 Year Vision and the current IWRS adhere to). The 100 Year Water Vision was never intended to supplant the IWRS, nor does statute allow for that. Much more discussion is needed here.

² While there are some suggested actions related to equity, they are not very rigorous. At the June meeting OWRD staff referenced incorporating ideas from a memo developed by Stacey Dalgaard, IWRS Equity and Environmental Policy Advisor on the subject. This memo is very thorough with some great ideas, we would suggest the state incorporate many of those recommendations.

convened, as well as designing an outreach strategy that elicits substantive public engagement³ as to both organization and issues.

Second, we do not believe the new structure fully aligns with statutory mandates. The law directing the IWRS passed in 2009. The nut of the law was that the state needed to both understand instream and out of stream needs, and to develop objectives and strategies to meet both instream and out of stream needs. The existing structure found in the 2012 and 2017 versions is very clearly geared at meeting these directives, and again, was developed over a three year period and was heavily vetted with agencies, the governor's office, tribes, stakeholders and the public. The new structure, on the otherhand, has four "buckets" of strategies, which do carry over past action items, but in restructuring in this way loses the directives of the statute—to both understand and meet instream and out-of-stream needs. The statutory structure was very purposeful and was meant to ensure equal attention to both instream and out of stream needs; we would ask the state to include this structure---including these important words---in the organization going forward.

Third, the new structure elevates "planning" to a level of importance not seen in earlier versions, without any stakeholder vetting. As the Place Based Planning Assessment and the Regional Water Management Workgroup Report made clear, planning, such as place based planning, is not universally supported. While planning is certainly one solution, it does not rise to the level of having one of the four "buckets" dedicated to it. The 2012 and the 2017 versions include place based planning as one of a number of strategies to meet instream and out-of-stream needs. In our minds, that is the appropriate place for this, as one of a number of strategies---not as an umbrella topic under which other directives must fall. If the OWRD is going to have an entire bucket aimed at "planning"⁴ it should also add, for one, a bucket that is specifically aimed at "regulation", which is also a strategy to meet instream and out-of-stream needs.

Long story short, it is our view that a wholesale restructuring is not needed at this point in time, at least not without a significant amount of public engagement on substantive and organizational issues.

As noted at the September meeting, rather than restructuring the strategy as a whole, we offer the following suggestions:

1. Fill the gaps, for example inserting a section water equity as noted previously. Equity measures should include among others, measures directly aimed at tribes, underserved communities and

³ As noted in June, WaterWatch has some concerns with the public engagement approach to the 2023 update including and not limited to the nature of the survey questions and the locations of the public outreach meetings (e.g. locations did not include cities that were convenient for broad input the result being that the sum total of participation at these meetings were Seaside – 5, Ontario – 8, Hermiston – 5, John Day – 9, Corvallis – 9, Roseburg – 7 and Madras -20. After complaints about the locations, a virtual option was added to which 50 people showed up).

⁴ If planning is going to be retained, we would ask that updating OWRD basin plans, interagency planning, climate change/resiliency planning, regulatory planning and other state agency planning be included in this bucket.

ecosystems. On the last point, under definitions spanning the united nations to the 2023 secretary of state report, ecosystems are included in definitions of equity. The IWRS should follow suit.

2. Apply climate change predictions holistically as OWRD recommended in June.
3. Incorporate Commission input on including provisions for preserving what is left, both surface and groundwater. This is critical to Oregon's water future. The Commission spent a lot of time on this at the June meeting.
4. Untangle sections in the current strategy that are unnecessarily and/or oddly grouped, such as water management and development. Water management needs its own subsection under meeting Oregon's instream and out-of-stream needs.
5. Bolster state agency coordination directives. The IWRS, at its core, is supposed to lead the state in addressing water in an integrated fashion across state agencies. While some of this is occurring, there is an increasing call for more of this type of work.
6. And finally, set forth an implementation path for agency work. The IWRS is generally viewed as a solid framework, that does a relatively good job providing recommended actions related to meeting both instream and out-of-stream needs as directed by statute. Clear directions on implementation would be useful and something we have heard a variety of stakeholders advocate for.

In closing, again, WaterWatch has significant concerns with the new direction the 2023 update is taking. We think the suggested pivot by the state misses the mark. We would suggest that the state update IWRS in a similar vein as 2017. The IWRS is a solid document. It just needs updates, and pathways for agency coordination and implementation. And of course, funding.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Priestley", is placed over a light blue rectangular background.

Kimberley Priestley
Senior Policy Analyst
WaterWatch of Oregon

DRAFT VERBAL TESTIMONY, September 2023 IWRS UPDATE

We are here today to register concern about the OWRD's changed direction for the IWRS update.

Up until this point OWRD communications to the public indicated that the update would be centered on climate change, equity and also possibly integrating select directives of the 100 year water vision.

At the last commission meeting, while much of the discussion centered on climate change and equity, some additional suggestions were made by the Commission, including, importantly, provisions on protecting what is left from further appropriation.

Despite updates to the Commission and communications to the public over the past year about the direction of the IWRS update, the OWRD now appears to be changing course and recommending a wholesale reorganization of the IWRS.

WW has a number of concerns with this approach.

First, honestly, this appears to have come out of left field. Communications with the public and stakeholders made it appear that there would be a very narrow set of additions to the strategy. To now suggest a wholesale reorganization this late in the process does not align with the thoughtful public involvement we have seen with past iterations.

As a reminder, the original 2012 IWRS was developed after roughly 3 years of outreach and engagement. This included work of a Policy Advisory Committee made over a 24 month period, an agency project teams, and agency advisory group, a federal liasson group and others. There were open houses across the state, as well as a multitude of opportunities for written public comment on numerous drafts of the strategy. The final product was a solid product that was heavily vetted with the public. The 2017 edition, by design, retained the original goals, objectives and guiding principles from the 2012 version, with the intent to update information, fill important gaps, and strengthen ideas by shoring up adding new recommended actions, where needed. It was our understanding from early discussions with OWRD, as well as communications out to the public, that this would be the course forward for 2023 as well.

The staff report suggests that the reorganization is to respond to the input heard during the outreach and engagement efforts. WW attended one regional meeting in Roseburg, one convening of conservation groups and participated in the survey. We have also attended or streamed all Commission meetings. We have read through the OKT long report.

Reorganization of the strategy was not part of any of those discussions that we heard.

Second, we do not believe the new structure aligns with statutory mandates. The law directing the IWRS passed in 2009. The nut of the law was that the state needed to both understand

instream and out of stream needs, and to develop objectives and strategies to meet both instream and out of stream needs. The existing structure found in the 2012 and 2017 versions is very clearly geared at meeting these directives, and again, was developed over a three year period and was heavily vetted with agencies, the governor's office, tribes, stakeholders and the public.

The outline of the suggested revision, on the otherhand, veers from the clear directives of statute. Importantly, the word "instream" is dropped from all titles. Nowhere in the new buckets are the directives of the statute included, nor is there any indication that instream and out-of-stream uses are of equal footing under this new structure, as required by statute.

Third, leadership at both the Executive Branch and agency is in transition. Oregon has a new Governor and OWRD will be getting a new director. Before a wholesale change is put upon the strategy, we need to give new leadership a chance to influence the outcome. In other words, wholly reworking the strategy seems misaligned with what is happening with leadership.

Fourth, the new structure elevates "planning" and/or "collaboration" to a level of importance not seen in earlier versions without any stakeholder vetting. The 2012 and the 2017 versions include place based planning as one of a number of strategies to meet instream and out-of-stream needs. In our minds, that is the appropriate place for it, as one of a number of strategies---not as an umbrella topic under which other directives must fall.

We are especially concerned with this given some of the legislative bills we have seen in recent years, bills that would take away agency autonomy to follow their missions based on local plans and/or otherwise strip agencies of the ability to do their work absent "collaboration". This proposed new heading will just add fuel to that particular fire in our minds.

Fifth, there are new subheadings included in the "outline" that have not been in previous iterations nor discussed with stakeholder groups, including the troubling "collaborative management." Water management in Oregon falls under the purview of the state, as a state document the IWRS should be clear that that is where management of Oregon's waters resides.

Those are some but not all concerns.

Rather than restructuring the strategy as a whole, we offer the following suggestions:

1. Fill the gaps, for example inserting a section water equity as noted previously. Equity measures should include among others, tribes, underserved communities and ecosystems. On the last point, under definitions spanning the United Nations to the 2023 Secretary of State report, ecosystems are included in definitions of equity. The IWRS should follow suit.

2. Add meat to the climate change section. OWRD is proposing this, we agree with this proposal.
3. Incorporate Commission input on including provisions for preserving what is left, both surface and groundwater. This is critical to Oregon's water future.
4. Untangle sections in the current strategy that are unnecessarily and/or oddly grouped, such as water management and development. Water management needs its own subsection.
5. Bolster agency coordination directives. The IWRS, at its core, is supposed to lead the state in addressing water in an integrated fashion across agencies. While some of this is occurring, there is an increasing call for more of this type of work.
6. And finally, set forth an implementation path for agency work. The IWRS is generally viewed as a solid framework, that does a relatively good job providing recommended actions related to meeting both instream and out-of-stream needs as directed by statute. That said, clear direction on implementation would be useful and something we have heard a variety of stakeholders advocate for. The governing statute does direct that a means be provided for the policy enforcement, that is lacking currently. As such, some agencies are using the plan widely, others not so much. Direction, capacity and funding would all help here.

In closing, again, WW has significant concerns with the new direction the 2023 update is taking. We think the suggested pivot by the state misses the mark. We would suggest that the state update IWRS in a similar vein as the last update. The document is solid. It just needs updates, and pathways for agency coordination and implementation. And of course funding.

We also support the suggestions made by the Commission at the last meeting, notably that there should be a section on protecting what is left and that the "context/history" section include a narrative on the inequities of the current water allocation system.

Integrated Water Resources Strategy Update, DRAFT VERBAL TESTIMONY 3/2024

Chair Quaempts, members of the Commission. Thank you for the opportunity to comment on the state's integrated water resources strategy update.

WaterWatch will be submitting extensive written comments; but at this point I am still wading through the document so will hold our comprehensive comments for that. Today I will just offer a few of our high level observations.

Before doing that I will note that WaterWatch did offer verbal testimony consistent with comments I am offering today at the June and September meetings, as well as written comments at the November meeting. Given those concerns still stand, we are here today to reiterate and maybe put a finer point on them.

First, let's start with what we support. There are a number of new recommended actions, tho they are now called simply actions, that we support. Many of these are related to climate change, data, water quality, and ecosystem initiatives. We will call these out by name in written comments, but did want to note today that we appreciate the Departments's expansion of select action items and support their inclusion. This was the original intent represented to stakeholders as to the scope of the update, so we appreciate the work here.

That said, despite support for many of the new action items, we do have a number of concerns with the update as a whole.

First, while we have raised this before and risk continuing to shout into the wind, I did want to note again that we have serious concerns with the wholesale restructuring of the IWRS. It's not that we don't think some reorganization is in order, we do, for example, we feel strongly that management and development should be divorced, with each having their own subheading as they are entirely different subjects. Right now they are meshed into one, which really makes no sense. However, this is not the kind of change we are seeing in this document.

What we are seeing is a change in ordering, titles and subheadings in a manner that, in our minds, strips away the clear "story" of the intended outcome of the strategy to both understand and meet Oregon's instream and out-of-stream needs. Critical guideposts that were present in the 2012 and 2017 versions have been removed, and key issues have been stripped from headings or subheadings.

Climate change is a good example. While the 2024 version includes a number of additional "actions" related to climate change, which we very much support, the 2024 version remove the stand alone subsection devoted to climate change that was purposefully added to the 2017 version. What this means is there is no heading or

subheading to let the reader know this is a critical and urgent issue in the state's eyes. This void carries over into the framework. Long story short, by removing this as a subsection there is no indication that the state's blueprint for our water future includes movement forward on climate change resiliency actions. Similarly, the table of contents, which serves as the introduction to those new to the strategy and is the most basic form of communicating what is in a document, does not use the word climate change at all. This seems a glaring omission.

Some might say, well climate change directives are in the action items within the narrative so why does this matter. My response is, it matters a lot.

To put this in context, the IWRS is used heavily in legislative and budget discussions. Our observation is that legislators rely heavily on the one page framework for the synopsis of what is in the document, rather than the actual document. It is that one page framework we have seen on legislator's walls and/or referred to in hearings and meetings. Long story short, inclusion of key topics and guideposts in chapter and subchapter headings which are then captured in the one page framework are critically important. Climate change is just one example, but this is emblematic of problems we are seeing throughout

Secondly, also related to the change in structure, we have concerns with the elevation of planning and partnerships in this document to a full chapter (one of four). Yes, planning and partnerships have a role in moving Oregon towards a sustainable water future, but it is only one tool of many. Despite that, there is now a full chapter dedicated to planning and partnerships, including collaboration as a subset.

The major concern in elevating this one issue (which used to sit as one tool of many under "meeting instream and out of stream needs") is that other critical tools---such as water management, regulation and enforcement are not given the same gravitas. As of now, management only shares a "recommended action" subsection with water development....subsumed under the new title "stewardship". This really doesn't cut it. Rigorous water management is critical to a sustainable water future, it needs to be front and center of any water strategy.

Our request here is that the state either remove planning and partnerships as a full chapter, and return to its previous spot under meeting instream and out of stream needs (now stewardship), or, in the alternative, add new chapters to elevate other important work, including a new chapter titled "water management" that includes action items such as enforcement and regulation. To keep as is creates a bias in approach, and could undercut the use and/or funding of important state tools. It also could stymie action forward on modernization of existing laws and regulations to better protect our surface

and groundwater resources. We have a number of recommendations here, which we will put in our written comments.

Third, the 2024 version relies on a number of new documents, such as the 2023 SOS advisory report and the 100 year water vision, to back some of the major changes proposed in the update, including adding a whole new chapter (one of four) on planning and partnerships. While we don't object to reference to these documents per se, we do have concerns that the 2024 version seems to be picking and choosing amongst the many findings and/or directives in the documents to support initiatives they want in the IWRS. Other directives or observations are ignored. There are many examples here, but I will save that for our written comment.

Finally, while we noted concerns with the public processes at the June Commission meeting, after seeing the 2024 draft which justifies many of its changes as being based on "engagement efforts" we will call this out again. While we might not have been as concerned if the IWRS was simply adding a few action items to the recommendations as was represented to stakeholders as the path forward, but to wholly rework the document without rigorous public engagement is a disservice to Oregon and not in alignment with the agency's general approach on matters of this import.

Moreover, and maybe more to the point, our assessment is that assertions that the wholesale change was a result of what the state heard via public engagement efforts is not borne out in the comments. We have procured the narratives from the survey and also the public meeting notes, and it is our observation that the reliance on limited public engagement efforts to back some of the monumental changes in this document is misplaced. In other words, we cannot find documentation in the outreach responses that there was any, let alone overwhelming, call to re-organize the document. Yes, there were some responses related to planning—including ones that declared "enough planning, execute!"--but word searches reveal that support of planning was far outweighed by comments calling for water management, protection, fish, streams, rivers and the like. There are many similar examples that we will include in our written comments.

Long story short, as we have stated before, we have significant concerns about messaging that the reorganization and change in titles were the result of public engagement. Our experience and analysis shows it was not. Rather, the document seems to be picking and choosing among engagement input to support a desired path forward. We are happy to pass along the documents we procured from Oregon Kitchen Table if that would be helpful.

These are just a few of our high level concerns, our full assessment will be provided in written comments.

I will close by saying that some of the major changes are very concerning. In our view there is no need to fix something that is not broken. To that end we urge the state to build upon past good work that was the result of years of inclusive and transparent engagement with state and federal agencies, the governor's office, tribes and the full swath of stakeholders.

Thank you for your consideration of our comments.