



Oregon

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Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Racquel Rancier, Senior Policy Coordinator
Brenda Bateman, Technical Services Administrator

SUBJECT: Agenda Item C, May 29, 2014
Water Resources Commission Meeting

Senate Bill 839 Update: Authorization to Appoint a Rules Advisory Committee

I. Issue Statement and Background

In 2013, the Oregon Legislature passed Senate Bill 839 establishing a Water Supply Development Account to provide loans and grants for water supply projects that have economic, environmental and community benefits. The Legislature authorized funding of \$10.2 million in lottery revenue bonds, which will be issued in spring of 2015.

As discussed in the March 2014 staff report, Senate Bill 839 requires the Governor's office to convene a Governance Task Force and a Seasonally Varying Flows (SVF) Task Force. The reports and recommendations of these task forces are due to the Governor and Legislature by July 1, 2014. The SVF Task Force is also directed to provide its report and recommendations to the Water Resources Commission for consideration in the adoption of rules.

Senate Bill 839 directs the Water Resources Commission to appoint the SVF Task Force as the Rules Advisory Committee to advise on the rules that establish the method for determining seasonally varying flows.

II. Discussion

The SVF Task Force is charged with developing a methodology for determining seasonally varying flows, while considering the financial feasibility of water storage projects. Seasonally Varying Flows are the flows that must remain in-stream outside of the irrigation season in order to protect the biological, ecological and physical functions of the watershed, while giving due regard for the need to store water. SVF's will apply to certain types of storage projects receiving funding from the Water Supply Development Account.

The Water Resources Commission must consider the SVF Task Force's findings in adopting rules that establish the seasonally varying flows methodology. The bill directs the Commission to appoint a Rules Advisory Committee (RAC) consisting of the SVF Task Force members to advise on development of the seasonally varying flows rules. The Commission must adopt the SVF rules in time for them to take effect on January 1, 2015. While the task forces have not yet been convened, the Department has continued to work towards implementation of the legislation internally.

Authorization by the Commission to appoint the SVF Task Force, once convened, as the RAC for the SVF rules will allow the Department to be ready to move forward with rulemaking when appropriate.

IV. Conclusion

The Department requests that the Commission authorize the appointment of a Rules Advisory Committee comprised of members of the SVF Task Force to advise on the rules establishing the seasonally varying flows methodology.

VI. Alternatives

The Commission may consider the following alternatives:

1. Authorize the Department to appoint a Rules Advisory Committee comprised of members of the SVF Task Force, once convened.
2. Direct the Department to return to the Commission, once the Seasonally Varying Flows Task Force has been convened.

VII. Recommendation

The Director recommends alternative 1.

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