

WATER RESOURCES COMMISSION

WORK SESSION

BEAVERTON

JANUARY 4, 1990

MINUTES

Commission members present:

Bill Blosser  
Lorna Stickel  
Hadley Akins  
Dierdre Malarkey  
Cliff Bentz  
Jim Howland

Water Resources staff:

Bill Young  
Jan Shaw  
John Borden  
Becky Kreag  
Bev Hayes  
Steve Sanders  
Steve Brutscher  
Tom Paul  
Mike Mattick  
Roberta Jortner  
Rick Bastasch  
Jack Donahue  
Fred Lissner  
Weisha Mize  
Doug Parrow

Others:

Tom and Audrey Simmons  
David Hunter  
Dan Bradley  
Jim Brown  
Dave Degenhardt  
Walt Trimmer  
Jim Myron  
Marvin N. Shearer  
David A. Castleberry  
Tim Slater  
Peter Ravella  
David McMeehan  
Claude Williams  
Jill Zarnowitz  
Jerry Swank  
Scott Ashcom  
Bill Dryden  
Tom Vanderplaat  
Merton Sahnou  
Doug Myers  
Lynn Beaton  
Frank Gearhart  
Martin Winch  
Ward Armstrong  
David Childs  
David Getzendanner  
Jeanne McCormick  
Tom O'Connor  
Larry Sprecher  
Dave Duncan

The staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes, are on file in the Office of the Director of the Water Resources Department, 3850 Portland Road, NE, Salem, Oregon. Written information submitted at this meeting is hereby made a part of this record and is on file at the above address. Audiocassette recording tapes of the meeting are also on file in the Water Resources Department office.

Before the work session began, the Director took the opportunity to announce the Governor's appointment of a new Commission member to fill out the term of Claude Curran, who has resigned. The new member is Michael Jewett, an attorney who lives in Ashland.

As the work session got underway, Commissioner Hadley Akins commended the Department staff for the format changes in the draft before them which made the document clearer and more comprehensible.

## REQUEST FOR AUTHORIZATION OF HEARINGS FOR REVISED STATEWIDE WATER POLICIES

On May 26, 1989, the Commission directed staff to develop statewide water resources policies for ground water management, hydroelectric power, instream flows, interstate cooperation, riparian area management and conservation. The Commission expressed its intent to adopt the policies as rule. These policies would also become part of the Oregon Water Management Program and would represent statements of the Commission's coordinated, integrated water resources policy.

On September 29, staff presented the Commission with an initial draft of statewide water resources policies. The policies were presented in draft rule format. The draft also provided statutory guidance, a background discussion, and implementing strategies for each policy topic. These sections were not proposed for adoption as rule. After Commission endorsement, these sections would be included with the policies in the Oregon Water Management Program.

The Commission held five evening hearings on November 7, 8, and 9, in the cities of Grants Pass, Bend, Pendleton, Baker City, and Salem. The hearings were well attended by interested parties in those regions. The Department accepted written comments on the proposed policy draft until November 22. The Department received comments from about 120 individuals, organizations, and agencies. Hearing summaries and written comments totalled about 370 pages.

At its November 17 meeting, the Commission directed staff to revise the initial draft, taking into consideration the comments received at the public hearings. The Commission instructed staff to return to its January 5, 1990 meeting with the revised draft. The Commission expressed an intent to hold another round of rulemaking hearings on the revised draft.

### Director's Recommendation

The staff recommended that the Commission authorize public hearings on the revised statewide policies for ground water management, hydroelectric development, interstate cooperation, and instream flow protection. A hearing should be held in each of the five regions in order to promote public participation in the process.

The staff further recommended that the Commission determine after the work session whether to authorize hearings on policies for riparian area management on public lands and conservation.

The Commission discussed the proposed sections on "purpose," "authorization," and "definitions" and reached consensus on several minor modifications. The chair asked the Department to return with proposed new language for definitions of "beneficial use," "public interest," and "public use" on the next day.

After lengthy discussion, the Commission asked the Department to form a work group to review the policy with the Board of Forestry and other state agencies. The Commission hoped the group could find agreement and would provide a focus for any potential disagreement. The Department staff was instructed to bring this matter back before the Commission at its March 30 meeting.

Ward Armstrong, Oregon Forest Industries Council, asked the Commission to delete the riparian area management section (690-410-050) from the proposed policies, insofar as it applies to forest uplands. He cited the following reasons for his request:

1. Lack of legal authority;

2. Unfair concentration on forested area; and
3. Emphasis on non-management of riparian areas.

Armstrong asked for more consultation with other agencies, more accumulation of data on riparian lands, and more legal research before taking any action on the proposed draft policies.

Dave Duncan, U.S. Bureau of Reclamation, spoke in support of the proposed policies.

David Hunter, WaterWatch, of Oregon, Inc., said that his group believed that the Department should take this opportunity to establish an integrated, coordinated statewide regulatory program. He suggested that the Department, after adopting the statewide policies, should review all existing rules to ensure that they conform with those policies and are still necessary.

The Commission postponed discussion on the remaining policies and adjourned the work session at 5 pm.

Respectfully submitted,



Jan Shaw  
Commission Assistant

JS:dkh

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