



Oregon Water Resources Congress

437 Union St. NE | Salem, OR 97301 | Phone: 503-363-0121 | Fax: 503-371-4926 | www.owrc.org

March 20, 2013

Senator Ron Wyden
223 Dirksen Senate Office Building
Washington, D.C. 20510-3703

Senator Jeff Merkley
313 Hart Senate Office Building
Washington, D.C. 20510-3705

Dear Senators Wyden and Merkley:

As the new Executive Director for the Oregon Water Resources Congress (OWRC) and with the beginning of the 113th Congress, I would like to take this opportunity to bring to your attention our organization's view on a carryover piece of legislation from the last Congress - the Water Resources Development Act (WRDA), the authorization bill for the U.S. Army Corps of Engineers programs.

OWRC represents irrigation districts, water control districts, drainage districts, water improvement, and other agricultural water suppliers that deliver water to roughly 1/3 of all the irrigated land in the State of Oregon. Our association was formed in 1912 with the mission to promote the protection and use of water rights and the wise stewardship of water resources. OWRC and its members work closely with Federal agencies such as the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, U.S. Geological Survey, the USDA Natural Resource Conservation Service, the Environmental Protection Agency, Bonneville Power Agency, and the U.S. Army Corps of Engineers.

I have had the opportunity to review the Senate Environment and Public Works Committee draft discussion WRDA bill released this week and the previous version released in November 2012. OWRC members are greatly appreciative and commend Senator Merkley's efforts in championing innovative financing for various types of projects to address water infrastructure needs, as listed in Title X (Water Infrastructure Finance and Innovation Act of 2013) of the WRDA draft discussion. In addition to water quality, drinking water, and flood risk challenges, we strongly recommend that water supply be included in the pilot projects.

However, our members have several concerns in other sections of the WRDA draft discussion that could directly impact their ability to cost-effectively manage finite water resources and serve their patrons, many of whom are the agricultural backbone of Oregon. These concerns specifically pertain to Sec. 2015 (Dam optimization); Sec. 2019 (Planning assistance to States); and Title VI (Levee Safety).

Additionally, we have concerns about the recent ACOE letter to Senator Boxer (dated March 14, 2013) that seems to be advocating for expanded authority. Our concerns are with the following: "Retroactive" re-purposing of all Army Corps of Engineers projects to include Fish and Wildlife; dropping 'flood control' purpose in some cases; authorize Corps to unilaterally revise project operation regimes; reject any effort to speed National Environmental Policy Act (NEPA) review; and effectively make locals pay more.

The mission of the Oregon Water Resources Congress is to promote the protection and use of water rights and the wise stewardship of water resources.

Sec. 2015 – Dam optimization

OWRC is currently collaborating with a broad water resources constituency in support an ongoing effort to explore options related to the reallocation stored water in the Willamette Basin dams operated by the Army Corps of Engineers. I am trying to understand the implications of this section on that effort and have some concerns about the broad language in subsection 2 regarding eligible activities. With no accompanying explanation for the WRDA draft nor any hearing record on the issue, I am concerned about the implications of this effort and potential unintended consequences on water supply for municipal, industrial and agricultural needs, particularly in the face of climate change. Authorizing the Secretary to carry out "any activity" raises concerns of our members, due to potential implications on state water rights, and we would suggest amending the language to ensure that water rights are protected and stakeholders are able to provide input on those nebulous activities.

Sec. 2019 – Planning assistance to States

OWRC strongly supports providing funding for states to undertake planning activities to meet their water needs. OWRC has been an active participant and supporter of the Integrated Water Resources Strategy (IWRS) adopted by the Oregon Water Resources Commission in August 2012. The IWRS is an important step forward in planning for the various water needs of the state but there is much more work to be done and little funding to implement. Providing funding for state-level planning activities will help support important efforts like the IWRS, and maximize the leveraging of state and federal resources, as well as providing viable models for other states to replicate.

However, we are a bit concerned that this section lack lacks clarity about how the planning assistance will be structured. We want to ensure that the collective expertise and information that exists at the state and local level is utilized and included in planning efforts. Our concern is that Federal agencies like the Corps, particularly in this era of declining budgets, will not give adequate consideration of state and local knowledge in their efforts to address water resource needs and planning. We ask that any planning activity conducted under this section be done in direct cooperation with the state and any local stakeholders that would be impacted.

Title VI – Levee Safety

OWRC members need to bring another important issue in this draft discussion to your attention. Title VI of the draft discussion addresses the important issue of levee safety. We acknowledge that it took a concerted effort to have the Reclamation program canals exempt from this title. We appreciate you for understanding that Reclamation has their own program and canals are not connected to Federal flood control projects. However, our membership also includes non-Reclamation districts in the State of Oregon who are affected by other provisions in this section.

A one-size-fits-all approach through national standardization of canal safety will be economically infeasible for our members. Irrigation districts, water control districts, and other water-related districts typically assess their costs through rates to their patrons. Thus in the case of irrigation districts, these patrons are typically farmers for whom the line between profit and loss in an agricultural operation can be exceedingly thin, even in good times. Additionally, OWRC's district members and other agricultural water suppliers have different types and sizes of canal infrastructure, each with its own unique engineering and terrain challenges. As the WRDA draft discussion is currently written, to impose a standardized approach to canal safety at the level a levee would be regulated is an impractical request to districts who manage these canals.

Our members value the safety of people and property and therefore propose a workable solution that will both ensure safety and feasibility in canal management. We would support funding at the state level to explore and develop options for a canal safety program similar to the dam safety program currently administered in Oregon by the Oregon Water Resources Department (OWRD). The OWRD's Dam Safety Program maintains an inventory of large Oregon dams and requires an Emergency Action Plans (EAPs) in order to be able to respond if a dam were to fail. This approach would:

- avoid the pitfalls of a one-size-fits-all approach that a national advisory board would create;
- ensure local knowledge and challenges are taken into consideration;
- proactively prevent loss of life and property in a feasible and responsible manner; and
- provide water districts with better protection against litigation by having a local inventory of canals and a plan to address canal maintenance.

Another possible solution is that if there is not an existing state canal safety program that covers these systems, then the provisions do not apply.

I will be in Washington, D.C. April 15-17 for the Legislative meeting of the National Water Resources Association (NWRA), a national association that works on many of these issues including low-impact hydro legislation. I will be accompanied by Jay Chamberlin, current OWRC President, and Marc Thalacker, chair of our Federal Affairs Committee, both of whom sit on the Board of NWRA. I have directed Peter Carlson, who represents OWRC in Washington, D.C., to set meetings with your respective staff on these WRDA issues and several other Reclamation-related program issues, as well as FY14 Appropriation matters. If there is a minute in your schedule, I would also like to formally introduce myself.

Thank you again for considering our comments and your continued efforts working with us on these important programs to agricultural water suppliers and the State of Oregon as a whole.

Sincerely,

A handwritten signature in blue ink that reads "April Snell". The signature is written in a cursive, flowing style.

April Snell
Executive Director