



WATERWATCH

INSTREAM

Fall 2019 Newsletter

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The sunrise along the Deschutes River never gets old.

Stream of Consciousness: Irrigators, Feds play Trump Cards to Shortchange the Deschutes & Crooked Rivers



By John DeVoe

As I write this latest "Stream of Consciousness," a long awaited proposal from eight irrigation districts and the City of Prineville will be made

public in a matter of days.

This Habitat Conservation Plan (Plan), and an accompanying draft Environmental Impact Statement (EIS), will outline and analyze the actions that the irrigation districts propose to take in return for essentially 30 years of immunity under the Endangered Species Act (ESA) for killing and harming imperiled species. This is a big deal for the Deschutes Basin. Much of the

carnage results from the districts using the Upper Deschutes as an irrigation ditch.

Again, while the final proposal hasn't been released (as of this writing), the trajectory of past negotiations and other indicators suggest what the Plan will look like by the time this newsletter is in your mailbox. Here's what I expect to find when the Plan is released on October 4th.

After millions of public dollars spent, a lot of talk and posturing about collaboration, almost a decade of study and numerous

(Continued on page 3)



WaterWatch's mission is to protect and restore streamflows in Oregon's rivers for fish, wildlife, and the people who depend on healthy rivers.

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WaterWatch of Oregon publishes
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David Row, Editor

The Nehalem River becomes Oregon's latest State Scenic Waterway!

In our previous newsletter, we urged supporters to contact Oregon Governor Kate Brown to designate the Nehalem River on the Northern Oregon Coast as a state scenic waterway. Congratulations! Your efforts worked!

Over the summer, Governor Brown indeed designated a 17.5 mile section of this beautiful river as Oregon's newest state scenic waterway. The State Scenic Waterway Act, voted into law by Oregonians in 1970 by a two-to-one margin, was ushered into law in order to protect Oregon's most beloved rivers. Above all, it mandates that the highest and best uses of water in state scenic waterways are for fish, wildlife and recreation. This glorious stretch of the Nehalem River now benefits from this landmark designation.

As many of you know, the Nehalem River is a particular favorite among dedicated boaters, anglers and hikers, and provides important habitat for several iconic fish species, including coho, spring and fall chinook, steelhead, chum and sea-run cutthroat. Because of the scenic designation, the state must now manage and protect the Nehalem's natural resources, scenic values and recreational uses. This includes instituting safeguards to ensure instream flows, preventing dams, and protecting native fish populations.

Thank you for your efforts on behalf of Oregonians, nature and water lovers!



Thanks to you, a 17.5 mile stretch of the Nehalem River is now a state scenic waterway, thus helping to protect instream flows, prevent new dams, and protect native fish.

reports and computer modelling exercises, the irrigators will propose—and the federal government will permit—the irrigation districts to do much less than is biologically necessary and imminently feasible to restore the health of the Upper Deschutes and Crooked Rivers. This will be done with the active blessing of the Trump Administration, an administration genuinely hostile to river and species health, sustainability and almost anything that can't be instantly monetized for private gain.

The Plan, and federal approval of the Plan, will walk back recent science—including a biological opinion by the U.S. Fish and Wildlife Service—that indicates that normalized stream flows on the Upper Deschutes are needed much more quickly (and at higher levels) than the Plan will propose. The irrigation districts will be allowed to do next to nothing for five more years, then will be allowed to do essentially what they have already been doing in the winter for years six through 10, before reaching a target winter flow of 400 cubic feet per second (cfs) by year 20 (for those scoring at home, that's 2039), after many of us are dead and gone. The recent biological opinion suggested 600 cfs was called for in the winter months. Some federal documents suggested that winter flows of 700-750 cfs were needed to restore biological health to the Upper Deschutes. The Upper Deschutes is already dying. It won't last on life support for decades.

While the Plan (and EIS) probably won't prescribe any specific approach to help restore the Upper Deschutes, the districts will likely rely on a well-worn path—using other people's money (taxpayers) for canal piping projects, partly to further subsidize wasteful irrigation in the Central Oregon Irrigation District. Market tools that could bump up winter flows right now, though less expensive than piping projects and imminently feasible, will not be required and may not be widely used at all. They should be.

Meanwhile, on the Crooked River, despite directions from the bipartisan 2014 Crooked River Act passed by Congress, Trump's Bureau of Reclamation continues to fail to implement the Act to protect water dedicated to the needs for fish once it is released from Bowman Dam. Despite a lot of rhetoric about collaboration, the irrigators are busy playing Trump cards with the higher ups in the Bureau to frustrate implementation of the bipartisan Act.

Two of the West's most feasible and promising river restoration opportunities sit right here in Central Oregon. There is, in general terms, enough water to meet reasonable needs in the basin if that water is used and allocated wisely. Currently, it is not. Unfortunately, despite this enormous, practicable opportunity—and massive influx of other people's money (over \$85 million and counting) to subsidize private interests—the old hydrology of the West (along with modern politics) continues to trump science in the Deschutes Basin. Water flows uphill to money.



This photo of the Upper Deschutes River was taken on Oct. 16, 2015, when flow was at 20 cfs. Things are slightly better right now. Unfortunately, eight irrigation districts are proposing to slow walk needed Upper Deschutes flow restoration. (Credit: Courtesy of Richard Scott Nelson.)

House Bill 2437: The Oregon Legislature and Governor Kate Brown miss the forest for the trees in meeting Oregon's climate resiliency goals.

In the 2019 Oregon legislative session, legislators and Oregon Governor Kate Brown focused much of their attention on the Clean Energy Jobs Bill—House Bill 2020 (HB 2020). This bill aligned closely with the state's climate resiliency goals, especially in the face of federal environmental rollbacks. Ultimately, the bill failed—a victim of the end-of-session Republican walkouts and broken promises.

Still, there was an opportunity to help Oregon meet some of its climate goals and live up to its reputation as one of the country's more environmentally progressive states by preventing the passage of House Bill 2437 (HB 2437). While characterized by proponents as a narrow "ditch cleaning bill," HB 2437 is not so benign. It allows farmers to scour Oregon's intermittent streams of up to 3,000 cubic yards of material (the equivalent of roughly 300 dump trucks) without going through the state's removal/fill permitting process. This permitting exemption also allows removed material to be placed on Oregon's carbon sequestering wetlands for up to a year—without having to give notice to the

public, federal agencies, tribes, and even the Oregon Department of Environmental Quality.

The Governor and legislators generally ignored the climate implications of this bill. In addition to important natural functions such as controlling floodwater, cleaning and storing water and providing habitat for many plants and animals, wetlands sequester some of the largest stores of carbon on the planet. But when disturbed or warmed they release heat trapping greenhouse gasses.

Globally, wetlands represent just three percent of the world's total land area, but sequester 30 percent of all soil carbon. North American wetlands comprise 37 percent of all wetland areas globally, so their value to carbon accounting cannot be overstated. Protecting wetlands from human disturbance helps limit the increase of greenhouse gases. HB 2437 does the opposite; it rolls back legal protection for Oregon's dwindling wetlands. Across the state, Oregon has already lost an estimated 38 percent of its original wetlands, varying from 57 percent in



Wetlands, like this autumn scene of the Tualatin Wildlife Refuge, are more than beautiful stretches of nature. They provide clean water and habitat, sequester carbon and reduce flooding. With the passage of House Bill 2437, however, wetlands in Oregon are increasingly in peril.

the Willamette Valley to 91 percent in the Klamath Basin. HB 2437 will hasten this decline.

Despite strong opposition by 24 conservation groups and the outpouring of opposition by Oregonians (thank you to our members!), both the House and Senate in the state Legislature passed this bill. While Governor Brown originally signaled she was going to veto the bill, she ultimately bowed to pressure from farming interests and signed the bill into law.

The repercussions will be wide-ranging. Oregon's environmental reputation has been diminished, and our state's efforts to act as a stop-gap to President's Trump's rollback of protections under the federal Clean Water Rule have been undercut. President Trump's rollbacks are estimated to strip roughly 51 percent of the nation's wetlands and 18 percent of our intermittent streams of protection under the Clean Water Act.

Passage of HB 2437 also contradicts commitments made by the state to protect against environmental rollbacks. In the spring

of 2019, Governor Brown celebrated the passage of House Bill 2250 (HB 2250), a landmark law that was hailed as "Oregon's Environmental Protection Act." HB 2250 was touted as protection for Oregon from environmental rollbacks by President Trump. Yet, a few months later, the Legislature passed and Governor Brown signed HB 2437, which unequivocally rolls back existing protections for Oregon's rivers and streams.

What to make of these dizzying and contradictory events?

It's hard not to argue that both the Oregon Legislature and Governor Brown sided with the same agricultural interests that prevented passage of the Clean Energy Jobs Bill at the expense of Oregon's climate, wetlands and rivers. In doing so, both the Governor and the Legislature missed the forest for the trees. Oregon needs more wetlands that sequester carbon, not less. Not only did the 2019 session fail to move our state forward in combating climate change, but Oregon's climate resiliency work took a step backwards with the passage of HB 2437.

Wyden Seeks Nominations for Wild and Scenic Rivers Designation

On the 51st anniversary of the Wild and Scenic Rivers Act, Oregon Senator Ron Wyden is asking the public to nominate their favorite rivers for national Wild and Scenic designation. This is a great opportunity to protect Oregon's rivers!

Oregon currently has 2,174 miles designated within the Wild and Scenic Rivers system, including the Rogue, John Day and Deschutes rivers. Still, that is a small fraction of the state's 110,994 miles of rivers and streams. Simply put: We need more protected rivers.

While it's unclear at this time what conservation trade-offs any final legislative package might contain given the omnibus nature of most legislation moving through Congress these days, it's important now to develop nominations for Oregon rivers. WaterWatch will keep you posted on this legislation as it develops.

Please take a moment and let Sen. Wyden's office know about your favorite rivers. These designations are not just symbolic: They help protect rivers from development, damming and more. Many of Oregon's critical rivers do not have protection, such as the South Umpqua, among others. Besides enjoyment, these rivers provide invaluable habitat for fish and wildlife as well as safe drinking water for all of us.

Nominations are being received until Jan. 20, 2020 and can be submitted via email to: rivers@wyden.senate.gov



The beautiful Sandy River in the summer.

2019 Oregon Legislature Recap: Myopia reigns, river protection and smart water management bills few and far between.

Against the high drama of the 2019 session, including two Republican walkouts, many broken promises and sweeping polarizing behavior within the halls of Salem, water did not fare well. This, despite a democratic supermajority in both chambers.

Of the more than 2,750 bills that were introduced, more than 100 touched water. Of those, less than a handful passed into law. On the House side, water bills were largely scattered among three House committees: Energy and Environment, Natural Resource and Agriculture and Land Use. The Joint Ways and Means Committee also directly impacted water through various agency budgets.

Most of the water bills in 2019 were attempts to roll back existing protections. These ranged from proposals to restrict the state's ability to regulate groundwater in favor of surface water to

attempts to legalize illegal storage projects built in protected watersheds. Except for House Bill 2437 (HB 2437), which rolled back long-standing protections for wetlands and intermittent streams (see related article in this current newsletter), all were defeated.

While a few positive water initiatives moved forward, including efforts to update laws related to dam safety and removal (House Bill 2085) and extending place based planning to address instream and out-of-stream water issues in the Harney/Malheur, Lower John Day, Grande Ronde, and Mid Coast Basins (House Bill 2084), the most significant gains for water, albeit modest, came in the form of funding.

The Legislature bolstered funding of the Oregon Department of Fish and Wildlife's (ODFW) water program so it can expand work



Don't be fooled. Despite the Capitol's stately appearance, the 2019 legislative session was filled with broken promises, acrimonious debate and plenty of regressive proposals about water and rivers.

to restore and protect Oregon's rivers. Legislators also granted the Oregon Water Resource Department's (OWRD) request to augment its groundwater work, including the funding of an OWRD and United States Geologic Survey groundwater study in the Walla Walla Basin. This will allow the state to address one of Oregon's 12 priority river basins in dire need of groundwater information. Unfortunately, both the ODFW funding and the groundwater study funding fell far short of what is needed.

The Legislature also established the Oregon and Conservation and Recreation Fund to implement the Oregon Conservation Strategy (House Bill 2829) and provided it with \$1 million—if matching funds can be raised. While a start, this \$1 million figure fell far short of the bill's \$17 million dollar request.

While we applaud the state for funding these select packages, overall funding isn't enough to ensure Oregon's water future. Many common sense funding packages, including requests for funding of measurement and reporting, additional water masters in the field, work to resolve complex water issues—such as those facing the Deschutes and Willamette Basins and money for ODFW to participate in place based planning—didn't make the cut.

At the same time, the Legislature handed out more than \$30 million to specific water projects. Had the Legislature funneled this same amount of money into responsible water management and instream flow restoration and protection, Oregon could have made great strides in working towards a resilient water future.

All in all, the Legislature's commitment to water can be summed up as scattershot. While there were modest gains, common sense bills and funding packages that would have benefited all Oregonians fell by the wayside. Regarding what did pass, the lack of any comprehensive vision was notable. The Legislature passed HB 2084 to extend place based planning to address the needs of fish and wildlife but then failed to fund ODFW's participation in that planning. The Legislature (and the Governor) also touted the passage of House Bill 2250, Oregon's so-called "environmental protection act," to protect against environmental rollbacks by the Trump Administration, but then passed out HB 2437, which rolls back protections of wetlands and intermittent

streams. It's hard to find rhyme or reason in these actions. With the Governor's Water Vision still in the making (see Summer 2019 *Instream*), it is time for the Oregon Legislature to embrace a rational and sustainable vision around water.

In a potentially positive post-session step: The House created a Water Committee, where all water bills will land rather than being spread out among disparate committees. Perhaps this will help the Legislature sort out its current water myopia. We are hopeful that this committee will take a leadership role in protecting and restoring our state's rivers, streams and aquifers as well as moving our state towards smarter water management.

Connect with WaterWatch on the Web!

Learn more about our work, become a member, or sign up for RiverAction Alerts at **waterwatch.org**.



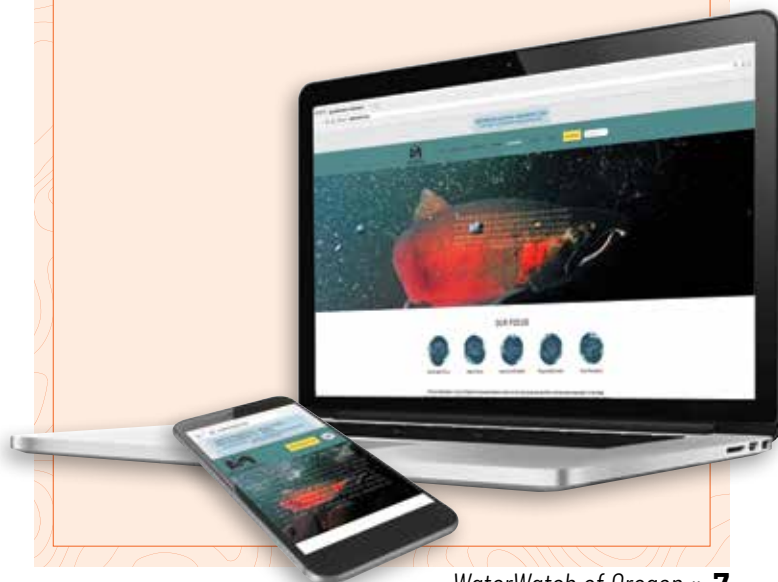
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New Faces at WaterWatch

In the Summer 2019 *Instream*, we announced that longtime development director Molly Whitney departed for the Cascade Forest Conservancy to become its executive director.

In this fall issue, we would like to formally introduce WaterWatch's new development director, Neil Brandt.

Many of you have already encountered Neil in person, on the phone, or by email. He's been at WaterWatch for only a few months but has quickly made himself invaluable and known to many. It's no easy task to immediately jump into the fray of a demanding fundraising job with a 350-seat gala on the horizon. But Neil has done so—and with no-nonsense élan, at that.

Those familiar with WaterWatch will witness gradual but impactful changes in how we approach development, which is to be expected when there's been a change of leadership. Our annual auction—a well-oiled machine in large part because of Molly Whitney's efforts—will continue, of course. But Neil will also implement different and new development ideas that haven't been attempted before.

Many of those changes reflect Neil's expertise and background.

Neil comes from a family where science and the environment are more than hobbies, passing interests or curiosities. His grandfather was a physicist. His father is an atmospheric



Neil arrives to WaterWatch with both policy and development work on his impressive resume.

scientist and his sister received her undergraduate degree in biophysics.

A native of upstate New York, Neil completed his bachelor's degree in environmental studies at the University of Vermont and his master's degree in environmental policy from the University of Colorado at Boulder.

These studies have inspired Neil to investigate everything from media coverage in Vermont's ridgeline wind power debate to national-level discussions of conservation and climate change policy and law.

Before WaterWatch, Neil worked as a canvass director for The Outreach Team in Seattle where he launched the organization's grassroots canvassing efforts in Seattle and helped secure \$1.2 million in donations on behalf of Amnesty International's refugee rights campaign. Previous to working and living in Seattle, Neil was a researcher at The Nature Conservancy's Colorado offices, and a fundraising field manager with the Vermont Public Interest Research Group in Burlington, Vermont.

Data gathering, strategic planning and thorough precision are some of the qualities that define Neil's approach. So does on-the-ground outreach and engagement. That's an initiative Neil wants to continue at WaterWatch.

Neil's also been responsible for some behind-the-scenes internal changes that have touched everyone from staff to supporters, such as overseeing a deeply complex transition into a new donor management and marketing email software system.

"I'm incredibly excited to be working on a team with such passionate and talented people to make a difference for Oregon's rivers," says Neil. "The WaterWatch community is fantastic, and I look forward to helping the organization reach new goals. If you see me in the coming weeks tabling at an event, at our fall auction, or out on a river—don't hesitate to come over and say 'hi!'"

Another new face at WaterWatch is Robyn Gottlieb, our new administrative and development assistant.

Robyn will work with Neil on development efforts, particularly the forthcoming November auction and benefit where she will manage, oversee or aide in the gala's every facet. As well, Robyn will help David Row, WaterWatch's communications manager, with social media and website management. These duties, however,



Robyn is no stranger to advocacy after working on several political campaigns in the Portland area.

don't quite capture all of Robyn's responsibilities and talents.

A California native who has lived in Oregon for nearly a decade, Robyn comes to WaterWatch with an extraordinarily diverse portfolio of skills and expertise. She has spent seven years working in the worlds of politics, nonprofits, and social activism

as a fundraiser, event planner, community organizer, and communications manager.

Among her posts: campaign manager for both Valdez Bravo's candidacy for the Portland Community College board and Julia DeGraw's run for a commissioner's seat on the notoriously competitive Portland City Council. Most recently, Robyn worked as outreach and campaign director for a nonprofit, Collective Eye Films.

These experiences, along with her bachelor's degrees in both environmental studies and political science from Portland State University, have given Robyn a deep understanding of problem solving, database management, communications and fundraising. Like Neil, Robyn prides herself on her ability to manage multiple projects, and her in-the-trenches experience as an activist and political organizer means an uncanny eye for optics—a valuable addition for an advocacy nonprofit like WaterWatch.

"I'm thrilled to join the WaterWatch team and support the great work of this organization!" says Robyn.

With the recent addition of communications manager David Row, WaterWatch has three new employees in a short period of time. That's a big project for WaterWatch, and we are excited to have Neil, Robyn and David on board.

"100-Year Water Vision" Survey is Active!

In 2018, Oregon Governor Kate Brown embraced water as one of her environmental priorities and shortly thereafter unveiled a draft "100-Year Water Vision" to meet the needs of the state's farmers, cities, fish and wildlife.

The Governor's "100-Year Water Vision" is still evolving, and the state is seeking feedback on the goals and problems it should address.

To that end, the Governor's Natural Resources Office and state agencies have launched a website and included a survey on it so the public can weigh in on the visioning process.

The link to the survey can be found at:

www.oregon.gov/oweb/resources/OregonWaterVision/Pages/default.aspx.

To take the survey, please click on "share your thoughts."

While Gov. Brown has pledged to provide clean and abundant water for the people of Oregon, its economy and its environment through this process, the state needs to hear that instream components of the "100-Year Water Vision" need clarity. For instance, placing ecosystem protection and restoration under the term "natural infrastructure" obfuscates just how important they are and will inevitably lead to confusion.

We encourage all of our members to take the survey. The survey provides a wonderful opportunity for river lovers across the state to highlight the importance of including in the "100-Year Water Vision" a commitment to protecting and restoring flows in Oregon's rivers and streams, a path forward on responsible water management, funding for instream studies and river restoration projects, removal of outdated dams, and finally, other ideas to protect the future of Oregon's rivers and streams.

WaterWatch in the Community

With the arrival of three new staffers (Neil Brandt, Robyn Gottlieb and David Row) in the past few months, WaterWatch has a rare luxury: A fuller house of personnel. We're going to use this opportunity and continue to spend time in the community spreading the word about our good work to familiar groups as well as new supporters.

To that end, the past few months have been busy ones for WaterWatch staff.

Our Southern Oregon staff presented, for example, at the Steamboaters' 2019 Annual Meeting and Picnic as well as the Native Fish Society's 2019 Annual Gathering. We also spoke to the crew at the Umpqua Valley Flyfishers' "Rockin' on the River" event (which benefitted WaterWatch).

In Portland, staff tabled at The Conservation Alliance's annual Backyard Collective event held in Wallace Park; Sunday Happy Hour at Patagonia's downtown Portland location; and The Big Float 9, an annual celebration of the Willamette River and the

admirable efforts to keep it healthy and flourishing. Crowds and attendees for these events ranged from the hundreds to the thousands.

On a more intimate level, WaterWatch also attended a social hour hosted by Oregon Congressman Earl Blumenauer for conservation interests. A very diverse cross-section of groups, including many Oregon tribes, was represented at the gathering.

A similarly intimate atmosphere defined the recent August gathering of supporters at Lake Creek Lodge located in Camp Sherman. Through the incredible generosity of WaterWatch board member and business owner (The Fly Fisher's Place in Sisters) Jeff Perrin, WaterWatch hosted a mellow evening of music, dinner and water-related conservation talk at this always welcoming rustic lodge. A big thank you to our guests and to Jeff, for his generous donation of time, effort and guided fishing that made the event a success. Finally, a shout out to the staff at Lake Creek Lodge for being warm and welcoming to everyone.



That's WaterWatch's communications manager, David Row, tabling at Patagonia's downtown Portland store. You'll continue to see our staff increasingly at these events where they'll be spreading the good word about WaterWatch to new and familiar supporters!

Invest in the health of Oregon's rivers, aquifers, and wetlands. *Please support us today!*

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Sign up to become a monthly sustaining member at waterwatch.org/donate or via phone at (503) 295-4039 extension 0.

Other Ways to Give

Donate Securities Donating appreciated securities such as stocks, bonds, or mutual funds is an effective and tax-friendly way to support WaterWatch.

Estate Planning You can help secure a legacy of healthy rivers in Oregon by including WaterWatch in your estate plans. We can help you find a plan that meets your needs and benefits Oregon's rivers long into the future.

Workplace Giving Many employers make it easy to support by offering matching payroll contribution programs. Ask your employer if your workplace is able to help you support WaterWatch.

Donate Your Vehicle WaterWatch accepts vehicle donations with Charity Connections, a non-profit vehicle donations program.

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