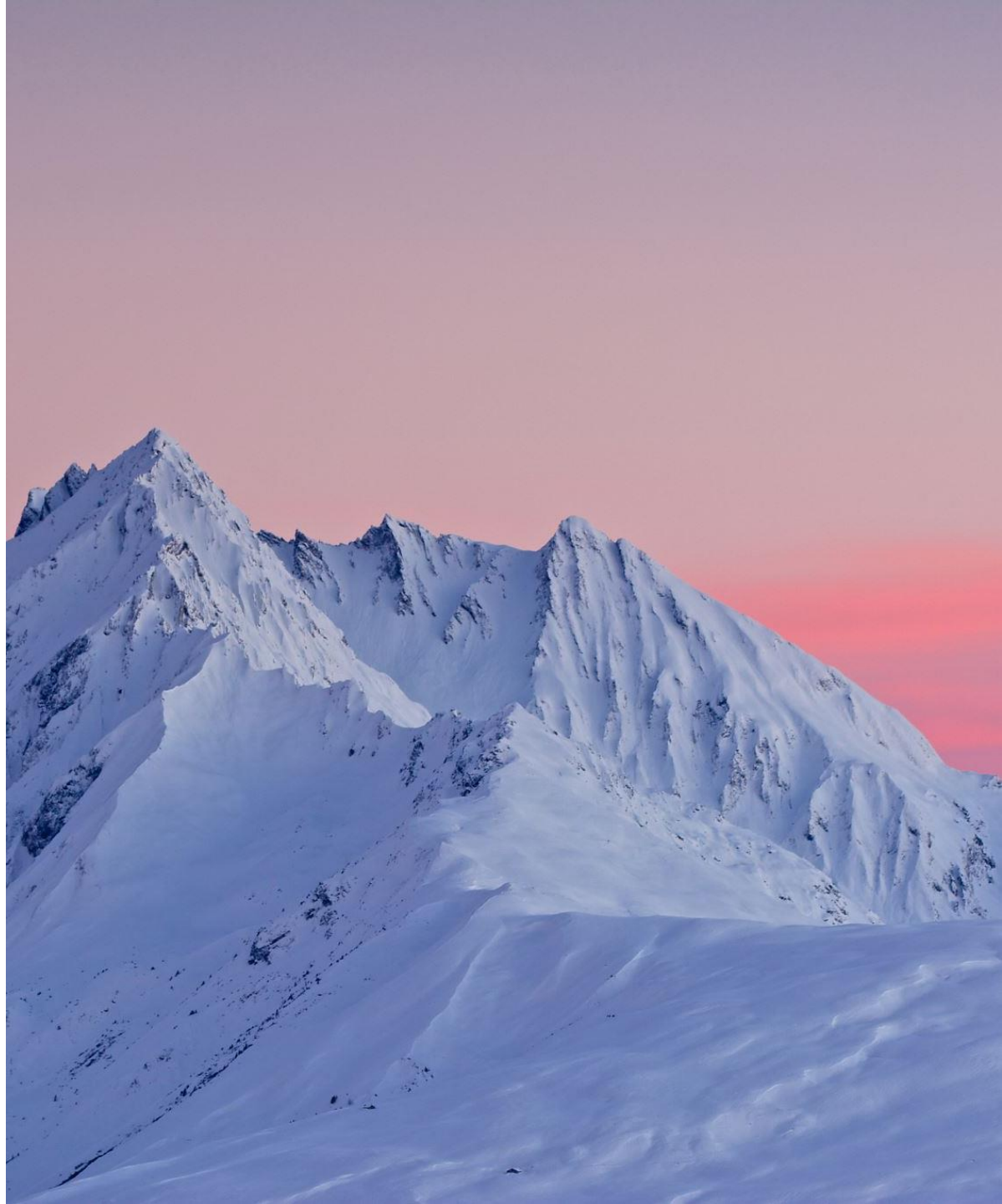
DESCHUTES BASIN GROUNDWATER MITIGATION PROGRAM UPDATES

Phase 1 Project Outcomes



OWRD DESCHUTES BASIN WORKPLAN

- Dedicated capacity to advance complex water management topics
- Suite of basin-focused projects
- Projects can lead to rulemaking or legislative outcomes

DESCHUTES BASIN GROUNDWATER MITIGATION PROGRAM

Purpose: Provide for new ground water uses while maintaining scenic waterway and instream water right flows in the Deschutes Basin Study Area.

Goals:

- Maintain flows for Scenic Waterways and senior water rights, including instream water rights;
- Facilitate restoration of flows in the middle reach of the Deschutes River and related tributaries; and
- Sustain existing water uses and accommodate growth through new groundwater development.

DESCHUTES BASIN GROUNDWATER MITIGATION PROGRAM-

UPDATES PROJECT

Purpose: Evaluate & potentially update the existing program to ensure long term success and continued alignment with OWRD mission.

PROJECT PHASES

Phase 1: Address programmatic items within existing program

(no proposed rule changes)

Phase 2: Assess opportunities for program refinement

Phase 3: Implement refinements

PHASE 1 SCOPE

Task 1: Clarify program scope according to current rule

Task 2: Develop processes to increase clarity in program operations

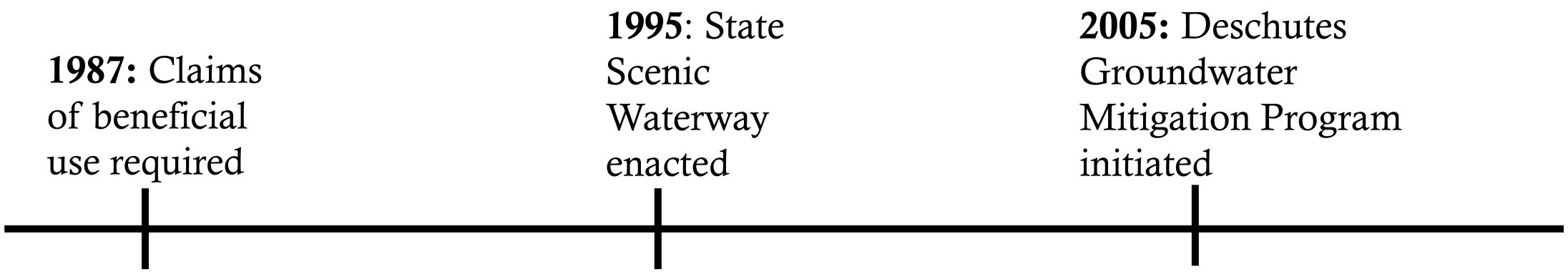
HOW TOPICS WERE IDENTIFIED

- Workplan development
- Groundwater Mitigation Program reports & public comments
- OWRD staff expertise

1.1: PRE- PROGRAM PERMIT EXTENSIONS

Issue Statement: Do time extensions from permits approved between 1987-1995 require mitigation obligations?

1.1: PRE- PROGRAM PERMIT EXTENSIONS



1.1: PRE- PROGRAM PERMIT EXTENSIONS

Phase 1 Outcome: Permits approved after 1987, but before July 19, 1995 that receive a time extension will follow the existing language in the original permit to identify if mitigation is required.

1.2: DROUGHT PERMIT MITIGATION OBLIGATION

Issue Statement: Is mitigation required for the temporary use of groundwater allowed within a drought permit in the Deschutes Groundwater Study Area?

1.2: DROUGHT PERMIT MITIGATION OBLIGATION

Considerations:

- Emergency drought permit processes
- Scope of Mitigation Program

1.2: DROUGHT PERMIT MITIGATION OBLIGATION

Phase 1 Outcome: Drought permits authorized within the Deschutes Groundwater Study Area do not currently require mitigation through the Deschutes Groundwater Mitigation Program.

1.3: SURFACE WATER TO GROUNDWATER TRANSFER

Issue Statement: Is mitigation required for a surface water right that goes through the transfer process to a groundwater right?

1.3: SURFACE WATER TO GROUNDWATER TRANSFER

Considerations:

- Current transfer process
- Deschutes basin specific criteria
- Scope of Mitigation Program

1.3: SURFACE WATER TO GROUNDWATER TRANSFER

Phase 1 Outcome: No mitigation is currently required for a surface water to groundwater transfer.

1.4: SECONDARY PERMIT TO USE STORED WATER AS MITIGATION CREDIT

Issue Statement: Can a secondary water right to use stored water be used for mitigation credits as part of the Deschutes Groundwater Mitigation Program?

1.4: SECONDARY PERMIT TO USE STORED WATER AS MITIGATION CREDIT

Considerations:

- Eligibility of mitigation in rule
- Impacts of storage releases on net surface water flows
- Scope of Mitigation Program

1.4: SECONDARY PERMIT TO USE STORED WATER AS MITIGATION CREDIT

Phase 1 Outcome: Secondary permits to release stored water cannot be used for mitigation credit.

Task 2: Develop processes to increase clarity in program operations

2.1 PROCESS TO MANAGE PROGRAM IF ALLOCATION CAP IS MET

Issue Statement: Develop and communicate a process to current and potential permit holders to describe program operations when allocation cap is met.

2.1 PROCESS TO MANAGE PROGRAM IF ALLOCATION CAP IS MET

Considerations:

- What does it mean to reach the cap?
- Is the cap static or fluid?
- How will mitigation obligations remain or change?
- How will new applications be processed?

2.1 PROCESS TO MANAGE PROGRAM IF ALLOCATION CAP IS MET

OWRD communications plan includes:

- Website updates
  - Program allocation status
- Communication with applicants
  - Notice of program allocation status
  - Application processing

2.2 PROCESS TO ENSURE MITIGATION BANK RESERVE CREDITS ARE AVAILABLE

Issue Statement: Develop and communicate a process to existing mitigation banks for when there are enough credits for mitigation obligation but not enough equal to reserve requirement in rule.

2.2 PROCESS TO ENSURE MITIGATION BANK RESERVE CREDITS ARE AVAILABLE

OWRD process includes:

- Monitoring & enforcement of mitigation bank reserve credit availability
- Communication with mitigation banks

2.3 PROCESS TO EVALUATE MITIGATION OFFSET APPLICATIONS

Issue Statement: Develop and communicate a process for how offset applications will be evaluated by the Department.

Clarify timing for issuance of an offset decision.

2.3 PROCESS TO EVALUATE MITIGATION OFFSET APPLICATIONS

OWRD outcomes include:

- Timing of offset decisions can occur after permit issuance

- Detailed evaluation procedure documents

FEEDBACK SOUGHT

- **Questions?**

- **Communications needs**
  - What types of information are helpful to permit holders?
  - What types of information are helpful to potential applicants?
  - How would you like to receive this information?

NEXT STEPS – PHASE 2

Phase 1: Address programmatic items within existing program	(no proposed rule changes)	2023
Phase 2: Assess opportunities for program refinement		2024-25
Phase 3: Implement refinements		2025+

PHASE 2 TOPICS

Legislative authorization

Evaluate program allocation cap

Existing processes

Mitigation credits

Application reviews

Data tracking & integration

FEEDBACK SOUGHT

Recommendations for topic inclusion

Desired engagement through phase 2

THANK YOU