

STATE-SUPPORTED REGIONAL WATER PLANNING AND MANAGEMENT WORK GROUP

Meeting Summary

September 6, 2022 from 10:00am-3:00pm

Watch the meeting recording [here](#).

ACTION ITEMS:

ACTION	BY WHOM?	BY WHEN?
● Send DEQ’s presentation to the Work Group	OC	By Sept 20
● Refine proposal for Recommendation B (Data and Technical Assistance) to make it less prescriptive and include in v2	Kimberley	By Sept 20
● Share feedback with Community Engagement Task Group	Work Group	Week of Sept 12
● Refine Community Engagement Guide	CE Task Group	Sept. 29
● Send v2 of the Straw proposal	OWRD	Sept. 20

Meeting Attendees:

Work Group Members: Adam Denlinger, Anton Chiono, April Snell, Bob Rees, Calla Hagle, Caylin Barter, Chandra Ferrari, Chrysten Rivard, Courtney Warner Crowell, Dan Thorndike, Donna Beverage, Heather Bartlett, Holly Mondo, Illeana Alexander, Jason Fenton, Jeff Stone, Jennifer Wigal, JR Cook, Kate Fitzpatrick, Kathleen George, Kelly Timchak, Kimberley Priestley, Margaret Magruder, Mary Anne Cooper, Niki Iverson, Oriana Magnera, Peggy Lynch, Raquel Rancier, Tom Byler.

Process Leadership: Representative Owens, Representative Helm and Morgan Gratz-Weiser

Staff: Lili Prahl, OWRD

Facilitation Team: Robin Harkless and Jennah Stillman, Oregon Consensus

MEETING SUMMARY:

Welcome and Introductions

Robin Harkless, Oregon Consensus, welcomed the group and shared a handful of updates. She noted that Tiffany Monroe had expressed she would not be able to continue on with the process due to capacity issues with her work and does not have an alternate. Additionally, Wally McCoullough acknowledged he has not been able to attend meetings recently due to workload but will stay engaged with an alternate going forward.

Tom Byler, OWRD, shared that he is retiring from the Department and will be transitioning to the private law sector, with his last day being next week. Deputy Director, Racquel Rancier, will be the new official OWRD representative engaging with the work group for the remainder of the process.

Robin reminded the Work Group that the Process Leadership team (composed of key legislators that championed this work, OWRC Chair, OWRD leadership, and the Governor's Office) had helped initiate this effort and have been active listeners as the Work Group has conducted its work to date, in anticipation of supporting and moving forward any consensus agreements developed. She shared that the Process Leadership team and Coordinating Committee had recently met to discuss concerns about the broad scope and the need to refine it and meet the legislative intent. To that end, a threshold question was posed to the Work Group about evolving the next generation of the Place-Based Planning program, "Do you agree that continuing a program like Place-Based Planning is desired?" OC heard back from all but five Work Group members with a strong indication of agreement to proceed with this focus. *(Update: Following the meeting one additional response was provided, indicating agreement).* Now with this baseline set, Robin shared that the group needs to determine how to improve it, expand upon it, and institutionalize it. Robin then invited Representatives Helm and Owens to share their remarks.

Representative Helm shared his appreciation for the time Work Group members had contributed and the progress made to date. He noted that although Representative Reardon was unable to attend the meeting, he wanted to relay his gratitude. Representative Helm expressed a call to action, seeing the critical water disasters that many places around the country are experiencing, and for this group to help Oregon plan for its water future by developing a path for regional or basin level responses going forward. He acknowledged that the legislation and mission wasn't clear enough from the outset, and the subsequent frustration expressed by some around the progression speed or level of details desired. The opportunity for this group, he reiterated, is to advise on maintaining and expanding the Place-Based Planning program to improve a broader reach and create more opportunities to solve issues and identify solutions at a community-level, by developing recommendations for the 2023 legislature and for OWRD to administer in partnership with cities, counties and all local communities.

Representative Owens affirmed his support for the group focusing on the Place-Based Planning program evolution and reflected on his own experience going through the pilot in the Harney Basin, which he suggested was challenged by not having enough information to make decisions, a lack of clarity around what having a plan actually means to the state, and whether or how it will be implemented. He shared his hope that this Work Group will improve the flexibility needed for the program and create more certainty for communities who want to engage in this work going forward, which will require a significant investment.

Robin acknowledged the Coordinating Committee and its role in process advice leading up to this deliberative moment. The pivot toward deliberating on the substance will be the primary focus for all going forward. Building upon the threshold question previously posed to the group, she explained that OWRD had refined the draft straw proposal and recommendations for the Work Group. The feedback provided by Work Group members in the worksheet responses helped set the deliberative agenda as the starting place for the conversation today, but may not be everything that needs to be on the table. She recognized that these issues are complex and for most if not all, are very personal. She invited Work Group members to engage with compassion and respect for each other and the delicate issues in front of them, focusing on the substance and taking the opportunity to ask questions of one another to better understand others' interests. Robin then reviewed the 'Timeline for Decision-Making' and how the consensus tool would be applied to the discussion today.

Straw Proposal Review and Deliberations

Tom Byler, OWRD, shared his hope that the straw proposal would help frame key questions, as reflected by the Work Group in previous conversations and learnings from the Place-Based Planning pilot, with the goal to drive discussion around what the end product could look like. Emphasizing the opportunity to redefine Place-Based Planning going into the future, he reflected on different directions for recommendations, which he noted could address the specific program needs, or could address broader system-level issues.

Lili Prah, OWRD, provided an overview of the framing and background for each section of the proposal including 1) A purpose statement and Guiding Principles placeholder, 2) Terms and Definitions as framing context for the recommendations; and 3) Program or Pathway Recommendations.

Robin clarified that the Work Group had not been asked to do a specific review and consensus check on the Guiding Principles section, but noted that some individuals did provide comments in their worksheet responses - this section will be addressed at a future meeting. In addition, she explained that any feedback not included on the deliberative agenda was assumed to be a friendly amendment and will be integrated into the next draft (v2), in order to focus today's large group discussion around some of the perceived bigger substantive issues. Based on the results of the deliberations and additional input provided via the worksheets, those updates will be reflected on the next draft (v2) of the proposal. She added that all responses provided in the worksheets had been categorized into different buckets: 1) Substantive - those items listed on today's deliberative agenda, 2) Comments interpreted as "friendly amendments" which will be incorporated into the next iterative version of the document, and 3) Clarifying questions which OWRD and the Engagement Task Group (on the community engagement section) would be asked to respond to during today's meeting. Any outstanding substantive concerns can be raised in the next iteration or flagged today during the 'ad hoc' agenda item.

Terms and Definitions

Lili Prah, OWRD, provided a quick overview of the various sections of the straw proposal. She noted that the Terms and Definitions were inserted based on requests from work group members that getting clarity and alignment on shared understanding of some of the terms would help the group enter the recommendation deliberation space more clearly, and would help clarify intent of their recommendations after this process. Some respondents to the worksheet raised questions about where the Terms and Definitions were intended to go; two work group members went a step further and recommended that these should not be considered for legislation; rather used to inform the Water Resources Commission as it considers the next generation of PBP. *(Robin checked with the Work Group on this procedural recommendation and no concerns were voiced.)*

Recommendations Related to Balanced Representation of Water Interests:

1. Require concurrence of local governments (including Special Districts): Margaret Magruder, AOC, shared her perspective that a successful planning effort should not be initiated in a basin or region without first having local government agreement to participate in the process, and referred to WA statutory language as reference. She clarified that her proposal was aimed toward

local governments concurring in order for a planning group to apply for state funding to initiate Place-Based Planning, not have ‘veto’ power on the plan itself.

After discussion amongst the Work Group, a consensus check was conducted on the following statement: **To apply for state funding to initiate Place-Based Planning, local governments must be involved.** There was not a full group consensus/support for this proposal to move forward (11: 5’s, 2: 4’s, 2: 3’s, 3: 2’s).

Work Group member feedback included, but was not limited to:

- Dan - Should this be under Terms and Definitions, or a recommendation requirement? Not all local governments may be functioning well and by requiring it, it could stunt a process. Inclusion would make the process stronger and anyone who wants to be involved should be able to, but it shouldn’t be an absolute requirement.
- Anton - Giving counties, municipalities, etc. veto power can ultimately prove to be problematic, which was an unintended consequence with the WA provision in the Umatilla basin which actually derailed progress due to the requirement. Those entities are essential to being there at the table, but garnering support to proceed should not be required.
- Mary Anne - Local government should be at the table but should not have full veto power, nor anything that could jeopardize existing water rights. There should be better defined sideboards to determine who should be at the table.
- JR - Requiring concurrence of local government has been more problematic than helpful. A trusted facilitator is the most important component, but that could look different in different areas and depending on the foundational request of a given planning effort. Indicating a strong commitment from senior water rights holders, the city and county can help the state to assess viability of investment, which could be folded into a rating system to help determine who is ready to embark upon planning, but not include any veto authority.
- Kimberley – Agree with objections and concerns of previous commentors. Agree that it is important that local governments are at the table and part of the planning process as it will lead to a more successful plan; however, we would not agree to veto power, even in advance of planning, even to set the table. If we follow the path of current PBP, where people “apply” to do the planning; having cities and counties on the application make for a stronger application, but not having them on it does not mean planning could not move forward.
- Oriana - Noted a difference between representation and a balance between power and feeling of value within the process.
- Donna - Different areas will have different representation, so a one-size-fits all requirement doesn’t make sense. Structure participation around a basin and its needs. Can invite people to the table, but they don’t have to be at the table.
- Nikki – Local government implements land use laws so planning is stronger if local governments are at the table; that will happen naturally. We need to focus on what will bring people to the table.

Action: Margaret will consider whether to refine this proposal for a future iteration of the straw proposal.

2. Require an active role for the State in leading the planning effort, in addition to technical support and guidance: Kimberley Priestley, Water Watch, flagged this as a larger topic for conversation and made a proposal to require an active role for the state in leading the planning

effort, in addition to defining its role as technical resource. She reminded the group that this was identified in the PBP evaluation as a tension area, with a need for stronger state guidance and clarity around roles and responsibilities. HB 5006 directed this group to build upon the IWRS and the Governor's 100 Year Water Vision, both of which have a strong role for the state.

After discussion amongst the Work Group, a consensus check was conducted on the proposal that: The state should be required to participate in a specified role in Place-Based Planning processes. **There was a consensus support - with some 4's indicating a weak consensus- for this proposal to move forward (0: 5's, 2: 4's, 4: 3's, 11: 2's, 1: 1)**

Work Group member feedback included, but was not limited to:

- Jeff- Desire to hear from PBP participants about what the deficiencies might be with different roles of the state. Flexibility is not bad. Would have focus on an evaluatory tool.
- Mary Anne - Agree to better define the state role, how it works with different plans, and a clear role ahead of planning (delivering data, etc). There is a need for further conversation around where PBP should live (OWRD, OWEB, etc) given potential duplication with OWEB partnership funding. Is it just funding and coordination, or a regulatory management element too?
- Adam - state needs to continue to serve, potentially as a convenor, in the process. Mid-Coast PBP would not have been as successful without the state support and partnership (e.g. data, facilitation, etc) and including various interests in the process.
- Kate- The basin has benefitted from more state involvement. Generation of technical data (groundwater studies, gaging, etc.) has been critical and invaluable. While the state wasn't set-up initially to provide process or policy, it is increasingly important moving forward. The new Basin Coordinator has been hugely helpful to create a bridge between the region and the state management framework.
- Peggy - (*In response to Mary Anne's comment*) Does not support moving PBP to OWEB. It makes sense to house this at OWRD. Remove the word "state leading/leadership" and emphasize the importance of state presence.
- Niki- Nuances between regulatory role vs convenor role.
- Oriana - Ensure state involvement and support in coordination, that is geared towards transparently identifying barriers, rules and regulations. The state may not need to be the convenor but should be an engaged guide throughout the process.
- Margaret - Remove "leading" and replace with "participating" and define those roles in a governance document.
- Kimberley—PBP does not replace basin planning (which is more regulatory) but state does manage and are the experts in their fields (ODA, ODFW, OWRD, DEQ, etc) so should be at table representing broad public interest. As far as leadership, it is our experience it would make things less frustrating and more streamlined with leadership from the state. This is a big topic that deserves more thought beyond today.
- Robin invited Work Group members to do a gut check on "the state should be required to play a specified role." Kimberley's response to this suggestion was to clarify that the desire is not to take away from existing language in IWRS, 100 Year Water Vision, and other long vetted documents which point to state leadership; this is a discussion that needs to be had as opposed to word smithing.

3. The planning body must represent a balance of in-stream and out of stream interests and including those from different sectors.

After discussion amongst the Work Group, it was generally agreed that this issue area was more about the checks and balances in practice, rather than the definition in the proposal and could instead be framed as a requirement in a recommendation, related to an update to the Place-Based Planning Guidelines and Community Engagement for ensuring more inclusive outreach and engagement in the process.

Action: This will be reflected in the v2 proposal.

Work Group member feedback included, but was not limited to:

- Caylin - Currently this is a “must” in ORS 536.220 (law that extended the PBP sunset): <https://olis.oregonlegislature.gov/liz/2015R1/Downloads/MeasureDocument/SB266>
- Oriana - The effort should focus on bringing people to the table or identifying alternative ways for engagement to address challenges with participation, capacity, timing, etc.
- Dan - Suggestion to add watershed councils and SWCDs on the list of who should be at the table. (Caylin echoed that she had recommended some additional categories. *These items will be reflected in v2 of the straw proposal.*)
- Kate- There is always a power imbalance when a collaborative involves water rights. Doesn't need “must” in the definitions, as long as there are assurances built in that instream and out of stream water needs will be met.
- Mary Anne—This definition needs to relate back to meeting water needs and really try to engage people if those interests are available. Support for ‘may’ but not ‘must’.
- Kimberley—The problem is that the proposed definition is weak, but was pulled from existing PBP guidelines and in the context of that document is very clear that instream and out of stream needs must be met; so some of this might be worked out in a closer to a final document but want to put a pin in it so that if other strong PBP guidelines are not carried forward then the definition should be clear.

Action: Robin confirmed that this suggestion works and the group will revisit any flagged clarifications around carrying forward PBP guidelines, related to engagement and tracking different ways of bringing people to the table, even if they ultimately don't participate, to assure it's not for lack of opportunity or access.

Action: In the interest of time, the items related to defining “Community” and “Community-led” from the deliberative agenda were moved to the Community Engagement topic below.

PROCEDURAL RECOMMENDATION: Robin restated that the definitions are for work group members' own understanding in building recommendations and for clarifying the intent for those who will receive the recommendations. No concerns were raised with this. She shared that there will continue to be space for ongoing refinement related to recommendation development, and will tee-up two new terms to further define: (1) integrated and (2) recognized plan.

Data and Technical Assistance Recommendations

Robin shared that some Work Group members had inquired early on about the DEQ data project and given this and the potential relevance to regional water planning, wanted to follow-up and share a status on that effort. Jennifer Wigal, DEQ, provided an overview of the Oregon Water Data Portal project. She emphasized that it was intended to address needs identified in the 100-Year Water Vision and 2017 IWRS, and to improve availability and access of Oregon's water data in support of on-the-ground efforts, decision-making, and investments. With 2021 Legislative funding, DEQ is

now beginning initial scoping and planning for the water data platform to identify the priority data and information needs and evaluate state agencies' existing data sets and IT infrastructure. The pilot will launch in July 2023 using available state agency data, while developing plans to address data quality and gaps and engage with local governments. Jennifer clarified that the portal is not intended to be a database for storing data, rather provide a means to enable users to access various data and analysis. Implementation is expected to follow in July 2025 and beyond. She reviewed the key parties engaged in this effort of project development, governance, workgroups, and stakeholders, with the first listening sessions scheduled for October 2022. ([PPT slides](#))

- A work group member offered the following link to another state's water data portal: <https://newmexicowaterdata.org/>

Robin shared that the Work Group has been grappling with data needs and the state's role in providing data to regional planning groups. If any recommendations from this Work Group link to the portal project, Work Group members were encouraged to highlight this.

Refinement to Recommendation A: The legislature should fund “situational assessments” for basins across the state to understand the basic data (and also data gaps) in each place; this would help the state and communities understand if there is a need for Place-Based Planning. The data would be useful for all sectors even if the place chose not to pursue planning.

After discussion amongst the Work Group, a consensus check was conducted on the refined proposed language in Recommendation A: **There was consensus-support for this proposal to move forward (0: 5's, 0: 4's, 0: 3's, 11: 2's, 3: 1)**

Work Group member feedback included, but was not limited to:

- Mary Ann and Kimberley proposed similar refinements to strawman recommendation A. They noted that the need for data to better understand readiness on the ground for planning is something that came up in the PBP assessment and that this group has also discussed. Mary Ann noted that this is also tied to the funding need for gathering data.
- Peggy - What's the difference between new A and B? We definitely need data. It's not fair to have planning groups begin without that data. If we need the data, we need staffing.
- Tom- There is data available, and work underway around HB 2018 to develop water budgets as a good platform for planning efforts. Consider whether it's about developing data, and/or interfacing with the community (for example the Harney PBP group routinely reviews data to develop trust and understanding). Not just having data, but how you go about collecting it and including the community along the way. Shouldn't halt the process because ALL data is not there.
- Chrysten- Supports situational data assessment so there is a good platform for each of the regional planning groups to build upon. General data is necessary but different basins, and the topics a group is working to address, might require different data too. Maintain flexibility for groups to identify what's needed to address challenges within their geography.
- Dan -There is a question of what data we have, what data we don't have (e.g. groundwater studies), and what data is out there but isn't willingly shared. This is a big issue, in the context of measurement and integrating into the system. Can we incentivize users to provide data, given some don't want to provide it but it is an important piece of the puzzle?

Support for creating a mechanism for the state and PBP groups to work together around data as part of a planning effort.

- Mary Anne- A community needs to demonstrate commitment and skin in the game before investing significant state resources (pre-planning consideration). Situational assessment and data providing can happen beforehand.
- JR- Social engagement without trusted data is dangerous when it comes to water management. This is a key piece in identifying whether basins are ready for planning. There needs to be a level of audit upfront, establishment of trust around the data and gaps, otherwise it's a drain of resources.
- Caylin – Put in a budget for the state to do replicable assessments across all basins to provide understanding of overall condition and potential. The state agencies need to have a role in ensuring information can be useful in answering questions needed. Desire for acceptance of information being generated.
- April - Data and technical assistance is one of the lesser of things there will be controversy and disagreement. Data is important across a broad spectrum and agencies; that area has been underfunded. Hope that one thing we get from this effort is a list of recommendations specific to regional planning, one of those things should be showing strong support for the need for additional data across the agencies. While data is important and how it is used is critical, we need to recognize we are trying to fix a decade old problem of lack of funding for data.

Refinement to Recommendation B: Fund the appropriate level of agency staff needed for interagency data collection, analysis and technical support, and coordinated work-planning and budgeting to ensure robust participation from an interagency team.

After discussion amongst the Work Group, a consensus check was conducted on this recommendation. **There was consensus-support for this proposal to move forward (0: 5's, 1: 4's, 4: 3's, 3: 2's, 8: 1's)**

Work Group member feedback included, but was not limited to:

- Mary Anne - Support for the right training and support needed for agency staff to be effective and stay in their lanes.
- Kimberley - State agencies are there representing the broader public in whichever mission they are bringing (OWRD, DEQ, ODFW, ODA); from our perspective they need to be able to fully participate as agencies representing the public.
- Agencies could provide support as it relates to technical deliverables, but not to the degree of being a fulltime consultant. May need discretion when taking on technical support (more definition needed).
- Kelly - put a sentence in about 'sticking within mission'. Inherent that everyone should live within their mission and sideboards (this goes for Recommendation C)
- Oriana- also add that state agencies should communicate to the planning group what the bounds of their involvement may be in the process. Transparent communication about their role. Two way communication.

Re: Recommendation B: If the legislature does not fund agencies to develop/provide data and/or sit at the table as participants, then Place-Based Planning should not commence.

After discussion amongst the Work Group, a consensus check was conducted. **There was no consensus for this proposal to move forward (1: 5's, 5: 4's, 5: 3's, 5: 2's, 1: 1's)**

Action: Kimberley offered to consider refining this proposal further to make it less prescriptive.

Work Group member feedback included, but was not limited to:

- April - This is another discussion and topic area that has budget needs and interagency coordination that would be helpful beyond regional planning. Funding to support agency participation in regional planning should be a specific recommendation but should not be a requirement since such funding/agency capacity does not exist today.
- Donna - With Place-based planning there is staff specifically as support to each planning group. Each State agency does have missions and we appreciate that. The local staff and the state staff of those agencies need to be on the same page.
- If not a requirement, perhaps it could be conveyed that plans could be delayed on the back end as the agencies try to review/understand the plans that they have not had the capacity to engage on.
- A work group member provided a resource related to outreach and engagement around data: <https://www.co.washington.or.us/Watermaster/SurfaceWater/tualatin-river-flow-technical-committee-annual-report.cfm>

NEW Proposed Recommendation: Implement 1998 Stewardship & Supply Initiative

- Caylin proposed this recommendation, and during the course of the discussion today emphasized her desire to see basin assessments conducted across the state, given that many existing basin reports date from the 1960s and 1970s. As set forth in the 1998 Initiative, the envisioned basin assessments would collect, package and interpret core water resources data and make those data accessible to water users and public across the state. She said "core data" consists of information on basin conditions, surface and groundwater supply, water use and water rights by sector, instream flow needs as well as water conservation and stewardship as a component of future supply. Implementing the 1998 Initiative would be a prescribed version of this. She agreed that Recommendation "A" may be reflective of this recommendation so long as the intent is for the state to conduct situational assessments across the state, in every basin, and for the situational assessments to assess "core data" as defined in the 1998 Initiative.

Community Engagement

The Community Engagement Task Group (Ana Molina, April Snell, Adam Denlinger, Chrysten Rivard, Peggy Lynch, and Oriana Magnera) developed a draft guide which includes Principles and Best Practices, and a set of brainstormed ideas shared as nascent recommendations related to the state's roles and requirements for community engagement in PBP.

Task Group members April Snell and Oriana Magnera asked the work group specifically for feedback on the level of detail within the guide, whether there were any missing principles or best practices, and whether this spoke to the items the Work Group feels are important for meaningful community engagement in PBP.

Work Group member feedback included, but was not limited to:

- Jeff - Provide a checklist of helpful elements so individual communities can engage, not a prescribed standard.
- Kelly - Utilize existing programs and capitalize upon available funds. There needs to be resource support for continuation of outreach through the process.
- Oriana suggested F and G might be useful to align with the ideas developed in the Community Engagement task group. Oriana said she was hearing a number of comments that might be able to tie together in a next iteration of the Community Engagement guide and recommendations. She also noted that some refinements could be made to the draft Recommendations F and G as they relate to comments made previously by Mary Anne and Niki. Regarding potential funding concepts, Oriana flagged that the Dept. of Energy recently created a fund to support a navigator.
- Heather- How would place based planning work in a basin where water rights have not been adjudicated?
 - Tom offered that not all basins have had surface water adjudication, and none of the state has adjudicated groundwater. There is not a way to short circuit the adjudication process, and it can be time consuming. This may be a gap as it relates to community engagement. However, perhaps PBP can proceed while acknowledging this gap.

Resources were offered by Work Group members:

- <https://sustainingcommunity.files.wordpress.com/2017/02/spectrum-of-public-participation-new.jpg>
- <https://movementstrategy.org/wp-content/uploads/2021/08/The-Spectrum-of-Community-Engagement-to-Ownership.pdf>

Action: The Community Engagement Task Group will meet again to discuss the feedback and make revisions to the Guide. They requested Work Group members to review the Guide again and offer any additional feedback that they can consider in the next draft.

Next Steps

- By Sept. 20: OC will provide notes from today's discussion and OWRD will incorporate consensus agreements or friendly amendments from the discussion (along with friendly amendments shared via the Worksheet responses) into the next draft (v2) of the straw proposal.
- Week of Sept 12: The CE Task Group will meet to refine the Community Engagement Guide, and invite work group feedback about anything missing or suggested refinements. By Sept. 29: Work Group members will review v2 and provide responses via the Worksheet. This will help set the deliberative agenda for the October 4th meeting.
- October 4 Work Group meeting: The Work Group will begin with the Process and Pathways and Funding and Sustaining sections.
- Since a handful of people raised concerns about the Guiding Principles section of the document, OC and OWRD will reach out to that subset and help determine how to address concerns, and will communicate back to the work group about this.
- Ad hoc ideas: Mary Anne flagged a substantive item she would like the Work Group to discuss at a future meeting - where should PBP live in the future?