

STATE-SUPPORTED REGIONAL WATER PLANNING AND MANAGEMENT WORK GROUP

Meeting Summary

October 4, 2022 from 11:00am-3:00pm

Zoom Meeting

ACTION ITEMS:

ACTION	BY WHOM?	BY WHEN?
<ul style="list-style-type: none">Integrate feedback and continue refining wording for community leadership, working with Work Group members who indicated interest	Community Engagement Task Group	October 20
<ul style="list-style-type: none">Draft/update recommendations based on direction regarding funding prioritization criteria and tiered levels of support.	OWRD	October 24
<ul style="list-style-type: none">Send draft report outline and 10/4 draft meeting summary to Work Group.	OC	October 11
<ul style="list-style-type: none">Send v3 straw proposal and throughline capture of comments to Work Group.	OC/OWRD	October 24

Meeting Attendees:

Work Group Members: Bob Rees, Heather Bartlett, Jeff Stone, Kimberley Priestley, Margaret Magruder, Daniel Newberry, Peggy Lynch, Mark Owens, Lauren Poor, Caylin Barter, Ana Molina, Calla Hagle, Chandra Ferrari, Adam Denlinger, Meg Reeves, Jennifer Wigal, April Snell, Niki Iverson, Kate Fitzpatrick, Ana Molina, Raquel Rancier, Lili Prahl, Oriana Magnera, Bryn Hudson, Dan Thorndike, Kelly Timchak, Holly Mondo.

Staff: Lili Prahl, OWRD

Facilitation Team: Robin Harkless and Jennah Stillman, Oregon Consensus

MEETING SUMMARY:

Welcome and Introductions

Facilitator, Robin Harkless, welcomed the Work Group and introduced Lauren Poor, Oregon Farm Bureau, who would be providing representation going forward in light of Mary Anne Cooper's transition from the organization. Robin then provided a review of the deliberative agenda topics constructed based on Work Group feedback, in continuing to discuss and further develop recommendations from the straw proposal. She reviewed the general areas of agreement reached during the last meeting related to data and technical assistance and noted that any topics or remaining issues not discussed during today's meeting would be addressed on October 20th. She clarified that there would be additional opportunities to revisit recommendations and definitions to make refinements and clarify levels of agreement before finalizing any consensus substance and moving it forward in a final report.

OWRD Updates

Racquel Rancier, OWRD, shared a brief update on the Department's relevant legislative concept development and explained that after a stakeholder meeting on Sept 30, this work is on pause while the HB 5006 Work Group finishes developing its recommendations. At that point, she shared that OWRD will consider any additional information and modify the legislative concept based on the direction from the Work Group. She clarified that the Department's priority is at a minimum to ensure that there is a vehicle to continue water planning while looking to dovetail the Work Group's and Department's efforts to best determine what that will look like in the future. Robin reminded the Work Group of their affirmation to focus on evolving the next generation of Place-Based Planning via a consensus check in August.

Lili Prah, OWRD, provided a brief review of the straw proposal development and refinement process based on Work Group input. She shared that the intent of the straw proposal was to create a framework for Place-Based Planning and recommendations to build a pathway for achieving desired outcomes identified by the Work Group. Lili added that the v3 straw proposal would be revised based on discussions from today's meeting and on October 20th, and reformatted to streamline any redundant information, include draft framing information that will go into the final report, and include clear crosswalks to the Place-Based Planning Evaluation. She said that while the Department has worked to link the group's recommendations with results of the PBP pilot evaluation, she encouraged Work Group members to bring forward any additional substantive issues or remaining gaps they feel are important to address. She clarified that this straw proposal, which would become a final report, would ultimately be for decision-makers to carry information forward in subsequent legislation, but in and of itself, was not intended to be reflective of legislative language.

Kimberley Priestley, WaterWatch, raised a clarifying question about how the straw proposal content or Work Group product will connect to or inform the relevant pieces of foundational documents that are not currently included nor explicitly addressed (e.g., Place-Based Planning Guidelines, IWRS Guiding Principles, etc.) She shared that WaterWatch was interested just focusing on adjustments needed in the Place-Based Planning framework and preserving the foundational guidance established for the broader system, but noted that it was unclear about OWRD's intent and whether the whole Work Group was in agreement with this.

In response, Racquel shared that OWRD will review the Work Group's recommendations to integrate that information into legislation, rulemaking or updated guidance to inform the Place-Based Planning program and related work, as appropriate. She added that the previous documents and existing sideboards (IWRS Guiding Principles, PBP Guidelines, etc.) are not going away but do need to be updated and evolved overtime. She clarified that multiple inputs will be considered in informing how the state will move forward and further develop the Place-Based Planning program noting a caveat that full implementation of all recommendations (Place-Based Planning Evaluation, or otherwise) is not guaranteed.

Caylin Barter, Wild Salmon Center, shared a suggestion that the Work Group's final report could explicitly identify which recommendations from the evaluation were considered, agreed upon, rejected, or not considered at all. She added that to be responsive to the initiating legislation, it would be helpful to include

an explanation of where the Work Group ultimately landed and why, if there was any deviation from the initial evaluation recommendations.

Following this, Robin noted that the group's final report would include a section for issues considered but not fully addressed or resolved and this might be a place to identify if any issues flagged in the PBP evaluation that fall into that category.

Place-Based Planning Program Value

Robin observed that in the review of the straw as well as some side conversations, perspectives about the value proposition of place-based planning, as well as concerns about right-sizing PBP in the system, had emerged. She invited Work Group members to reflect on the value and role of the Place-Based Planning program as a tool in the state's water planning and management system and to consider how this can help provide context for the recommendations, perhaps in the form of an introductory statement to the work group report.

Kate Fitzpatrick offered her perspective from the Deschutes Basin Collaborative's regional planning efforts over the past 25 years. She identified the Place-Based Planning program as an important foundation for connecting the state and regions to work together in solving problems on the ground and meeting state instream and out-of-stream goals, but also said this tool should not replace other state processes. Given that each basin has a unique hydrogeologic situation and varying demands, she expressed her support for water planning and project implementation happening at the basin level, and the strength of local partnerships within that work. Kate added that the state has a critical role to provide data and help build a collective understanding of a basin's water budget, supplies, and demands, to support basin communities in the planning and implementation framework. Another important state role, she shared, was for the state to prioritize highest priority basins from the perspective of state goals, and hope for overlap with community's desire to engage.

Adam Denlinger added his perspective from experience with the Mid-Coast Water Planning Partnership. He shared that he saw the Place-Based Planning program as the most effective tool for solving unique basin issues, integrating diverse interests and expertise, and fostering the collaboration necessary to build consensus around shared water interests, both in and out of stream. Although he noted that Place-Based Planning may not be the right tool for every basin and does require a voluntary association, it can help communities struggling with various water issues by addressing those challenges in a basin-wide effort and enabling a competitive edge for funding. Reflecting on the emerging water crises around the country, Adam pointed to the opportunity for this Work Group to help the State of Oregon improve water management through the Place-Based Planning program going into the future.

Kimberley agreed that regional planning endeavors have value. That said, she reminded the group that in the PBP assessment there were a broad range of views on the value of PBP, from optimistic to qualified support to downright skepticism. She noted that WaterWatch was here working in good faith to try to make the Place-Based Planning program process better, but WW is uncomfortable with a document that

tries to place a value statement on what this group was doing. Kimberley reflected that the group was not asked that at the outset, it was not in the operating protocols, and different groups likely had different input into the OC assessment on this point. She shared her thoughts around sending a report to the legislature that tries to represent a whole group position, and as such, felt it could get a little sticky. She shared her appreciation that different groups have different perspectives but cautioned against including a value statement in the report.

Jeff Stone, Oregon Nurseries Association, reflected on the importance of considering *how to integrate* the Place-Based Planning program in the broader state water management system beyond just extending and tweaking the authority. To better streamline the planning and project implementation continuum, he shared his thoughts on fundamental elements to include such as proper water allocation indicators to inform project feasibility; local community engagement and shared investment in projects; and the continued role of the state to help maintain consistency.

Caylin also agreed that state-supported regional planning is a valuable tool as it relates to building foundational understanding around data, supply and demand, and bridging gaps between current and future water use. She reiterated that the Place-Based Planning program is just one evaluated approach but may not be the *best* tool for all basins, nor the only option to pursue in the future. Recognizing that no projects identified from the four Place-Based Planning pilots have had feasibility studies and have not secured state funding for implementation, Caylin noted that there is still information to learn about this part of the process.

Dan Thorndike, Oregon Business Council, added his thoughts on the general importance of partnership between the state and local communities and the value of a structure and pipeline for the state to provide necessary supports (e.g., capacity funding to coordinate a collaborative effort; funding for data and analysis to address deficiencies; incentivizing group engagement). He also shared his thoughts on the overarching need for system-wide flexibility to respond to different issues and capacities, regardless of the program or process.

Robin summarized that she heard general agreement around the value of building collaborative capacity, engaging communities, and integrating data in water planning and that Place-Based Planning is a tool to do so. However, this should not be the only tool available within the broader system of statewide water planning and management and is not appropriate for all basins.

Straw Proposal (v2) Review and Deliberations

Community Engagement Guide

Ana Molina, Environmental Equity Committee, provided a review of the Community Engagement Task Group's work to develop the Community Engagement Guide. She explained the intention for it to be used as a tool to ensure that a diversity of voices are proactively and continuously included throughout a regional water planning effort. Peggy Lynch, League of Women Voters, added that the guide was

structured as basic ‘Principles’ which were standards for how community engagement should happen and subsequent ‘Best Practices’ which were suggestions for how to address and achieve those principles. Peggy also explained the Task Group’s intention for those practices to not be overly prescriptive by way of directive or statute, but instead focus on meeting outcomes and support different regions’ capacities and needs.

- Kimberley raised a question about if, how, or where the Community Engagement Guide would be integrated into the group development process. She also flagged that some current pieces of the guide might be better suited for potential policy decisions in the broader straw proposal and recommendations (such as the ‘Community-led’ definition, discussed below).
- Adam shared his perspective that this guide would lay the groundwork for a collaborative group and help with how to begin the process of regional planning.
- Niki Iverson, League of Oregon Cities, shared her appreciation for the guide and reflected on the general importance of community engagement and specifically, communicating accessible and understandable information for the public. To that end, she supported integrating the guide to the straw proposal and also shared a suggestion for the state to fund and/or lead the engagement effort as needed in particular basins to ensure that the right capacity is appropriately provided.

In response to a question about the origin and intent of the principle, *‘Regional Planning Should Sustain an Informed Public’* and the suggested practice *‘Engage the public, when possible, in regional data gathering and analysis review to make information more digestible and trusted,’* Oriana Magnera, Verde, shared that by engaging local community members in information gathering and bringing in as much knowledge as possible (both technical and on-the-ground) it can enrich and contextualize data, and serve as a trust-building tool throughout a process. Robin also confirmed that much of the substance in the guide was a reflection of the full Work Group’s input from past Work Group meetings.

Related to “Community-led”

- Peggy shared her thoughts about how the state can have a clear guiding role and provide oversight for legal compliance, while still being a community-organized planning process, done in partnership. She shared that local individuals need to feel ownership over the process, be part of decision-making, and possibly contribute funding, in order to support outcomes and meet goals.
- Adam affirmed that when a process is led and invested in by the community, it strengthens the community and builds the necessary consensus to reach decisions that will serve the community best. He noted that state partnership in providing funding, co-facilitation, data, clarity around sideboards, and supporting local capacity is critical. He also acknowledged the importance of bringing local water rights holders to the table but the potential challenge in doing so with the state being there too, given potential concerns about potentially losing water rights.
- Kimberley agreed that the community should be fully engaged, invested, and have a feedback loop into the planning process but pointed to outstanding tension and confusion around including the phrase ‘community-led’ in documents, given potential for different interpretations about what it actually means and how that manifested in different Place-Based Planning efforts. She suggested shifting the terminology to make this intent clearer and to maintain that water is a public resource.

- Oriana suggested that if not ‘community-led,’ to consider ‘community ownership’ in order to clearly signal a meaningful and accessible process with opportunity to influence outcomes within the bounds of state law. She explained that ‘engagement’ can also be perceived as checking a box and therefore people are often less willing to participate.
- Kimberley shared that she appreciated the insight around the word ‘engagement’, but remained concerned with the implications of ‘ownership’. What about ‘community collaboration’?
- Daniel Newberry, Johnson Creek Watershed Council, shared a suggestion to add to the definition of ‘community’ to include people who live or work in the basin.

ACTION: The Community Engagement Task Group will work with those who indicated willingness to assist (Kimberley, Jeff, and Kelly) to consider feedback from today’s discussion and continue refining wording for community leadership: *“Communities impacted by a process are engaged at the outset, asked to define values and outcomes for a process, and empowered to take ownership to shape the process and its ultimate outcomes.”*

PROPOSAL CONSENSUS CHECK

On describing community, Robin asked the group to gut-check their level of agreement or acceptance on the following description of community: “Community can be: People who work or live within the planning region; entities with an interest or obligation relative to water and ecosystems in the region; people or ecosystems impacted by water planning in the region or water impacted downstream of the region; and governments (federal, state, local, tribal).”

Consensus was reached.

- Mostly 1’s, 2’s, and 3’s.
- One 4 (Margaret Magruder, AOC): Need to better understand how ecosystems would be represented. Support making the statement more active to “means.”
- Caylin suggested to change “Community can be” to “Community means” (this modification was generally accepted)

PROPOSAL CONSENSUS CHECK

Again, Robin asked for a group gut-check on the level of agreement for the description of community-led: “Community members who represent both local and dispersed statewide communities impacted by a process are engaged at the outset, asked to define values and outcomes for a process, and empowered to take ownership to shape the process and its ultimate outcomes.”

Weak consensus reached.

- Mostly 2’s and 3’s, and one 1.
- Two 4’s: One from Margaret. Another from Caylin, who offered a reframe to remove “community members who represent both local and dispersed statewide communities” given that this is already included in the definition of community, discussed and consensus reached above. She also added that there may be planning processes that should include communities from outside Oregon depending on the down or upstream impacts.

- Jeff shared thoughts about the balance of local and statewide participation and the intent for planning to be done more locally to build local buy-in. Not wanting a process to be controlled from the top, he suggested that there be more central engagement from local participants at the table. To that point, Kate shared that she felt it was important for local individuals to build consensus with statewide entities during the process. Kimberley also referenced the intention behind the phrase ‘place-based’ which acknowledged the critical importance of local engagement and also recognized that other entities were connected to and interested in a place’s water resources. Dan added that each basin will have a unique set of players and interests, and would require flexibility to accommodate anyone who wants to be involved.
- Chandra Ferrari, ODFW, shared her support for Caylin’s suggested edit to start the definition with “communities impacted by a process are engaged at the outset...”

Related to Qualifying for Place-Based Planning

Refined Recommendation A (based on a mix of two responses to v2 Straw): “Establish a framework or prioritization protocol for the State to determine which basins qualify for place based planning funding. The state should make these investments if PBP is identified as the best tool for addressing the water needs of that geography, and should not mandate support for any interested basin. The state should prioritize investment of these funds based on the level of need and opportunity for success using a PBP approach.”

Robin asked for Work Group member input on this recommendation.

- Dan shared a suggestion to include tiered levels of recognition with different types of assistance (e.g. technical assistance grants, capacity grants, project funding, etc.) to encourage program participation, rather than a binary in or out/funded or not model. He added that not knowing how much interest there may be nor what the needs are, the state shouldn’t create obstacles at the outset given that unknown.
- Kimberley shared that there should be a framework for prioritizing grant awards for Place-Based Planning given that the state doesn’t have resources to support twenty efforts at once and not every region may be ready, want to participate, or have the same needs.
- Peggy agreed with Dan about the tiered and nuanced approach, given there is a range of needs for support. She added that OWRD needs guidance and criteria on how to allocate resources when available and suggested the high level considerations in the recommendation as written (level of need and opportunity for success) was a good level of specificity for this group’s recommendations. She further offered that that level of need could include both 1) level of need to address a water crisis or 2) level of need to access resources/capacity.
- Caylin shared that she saw the situational assessment as a separate, but related process to funding prioritization and flagged concerns around a potential issue with the state evaluating and determining local readiness to engage in planning. She agreed that it was important to discuss the prioritization process and provide funds to places with a high likelihood of success, but was concerned about the reality of limited resources.

- Margaret shared that providing baseline funding for groups to begin the process is important, and added that it could be difficult to prioritize based on 'level of need'.
- Kate suggested that funding prioritization criteria could be built in based on a *statewide* situational assessment, particularly identifying issues of water scarcity and management issues to invest in. That could then be layered with community *interest* rather than readiness. This could then be built into a funding program and the pot could continue to grow.
- Dan agreed that prioritization criteria could focus on level of need and opportunity for success.

PROPOSAL CONSENSUS CHECK

Robin offered a reframed proposal for Recommendation A based on the group's discussion: "Establish a framework or prioritization protocol - a 'situational assessment' related to readiness - for the State to determine which basins qualify for place based planning funding. The state should make these investments if PBP is identified as an appropriate tool for addressing the water needs of that geography, and should not mandate support for any interested basin. The state should prioritize investment of these funds based on, including but not limited to, the level of need and opportunity for success using a PBP approach, using a tiered approach to allow for flexibility. (See: OWEB grant program approach as an example)."

- Two 5's and one 4
- One 5, Jeff explained that he supported there being a continuum of funding, but disagreed with the state determining whether a community is ready. He felt that it shouldn't be overly prescriptive or complicated for a community to come together to identify needs.
- Peggy responded that if the state is going to provide funding for planning, they should have some criteria for determining how to allocate those funds. Adam added that there does need to be a pre-qualification process, but it doesn't need to be a barrier. Oriana agreed and noted that any criteria put in place should be designed in an inclusive way to enable access to support. She offered a reframed proposal to include "...or which may benefit from technical assistance."
- Niki suggested deleting "a situational assessment related to readiness" and that the rest of the recommendation sufficiently covered the intent; program criteria developed by the Department would help groups determine whether to pursue funds.
- Dan spoke again to his idea about tiered support based on level of readiness and need, suggesting different levels of prescription based on the tier of funding. He hoped this group would send the broader framework message that there should be funds to support regions get ready for planning as well as planning itself, and that the support should be broad and flexible and lead towards implementation.

In response to Robin's question clarifying where there is alignment on this topic, the Work Group generally agreed that there should be established criteria for accessing Place-Based Planning funds, and there should be tiered levels/different entry points and a spectrum of resources for different regions to support different needs.

ACTION: OWRD will draft a recommendation given this direction. The latest version posted for discussion in the meeting was: "The State should establish criteria to prioritize which basins qualify for

place based planning funding. The state should make these investments if PBP is identified as an appropriate tool for addressing the water needs of that geography, and should not mandate support for any interested basin. The state should prioritize investment of these funds based on, including but not limited to, the level of need and opportunity for success using a PBP approach, using a tiered approach to allow flexibility (see OWEB as an example grant program that provides for capacity building, technical assistance, implementation and other grant options).”

Related to Recognition of a Plan and Implementation

Robin reviewed the discussion point teed up on the deliberative agenda about potential structured role(s) for the state to assist a place-based plan toward implementation once it is recognized which included, but was not limited to, those inserted in the straw proposal under ‘Pathways and Process’ recommendations G-K:

- Ongoing coordination and technical assistance support for groups to refine and assess feasibility of implementation activities identified in their plan.
- Working to address any policy needs that were identified in the plan
- Assisting place-based planning groups in identifying opportunities for funding (e.g. reviewing actions within a plan to determine which would qualify for existing funding programs)
- Funding support for implementation activities via place based plan program grant.
- Commit to plan review and updates every 5-10 years

Work Group members provided initial input, but because of time constraints the conversation was cut short and OC told the group the conversation would be carried forward to the October 20th meeting.

- Kimberley stated that before opining on the individual bullet points, she wanted to bring the group back to the PBP structure that was originally designed as a three-step process, where there are place-based plans that then give basins extra points going into funding pots that exist for feasibility (1069) and some projects (839). She noted it is not clear that that pathway is not working. She shared her appreciation that there probably a need to keep the groups together to some degree, but some of the things on the list go beyond that. She also asked for clarification before commenting on the substance. OWRD responded that the 1069 feasibility program’s current scope is limited to primarily funding reuse, conservation, or storage projects, not the full suite of potential projects that could come out of Place-Based Planning. Additionally, water project funds [which covers a range of water projects] does have preference points for projects developed as part of a collaborative. Also, those existing funds are not intended to be the only opportunities, nor the most appropriate mechanisms, for supporting projects and that other state agencies and entities could pertain (e.g., DEQ, OBC, etc.). OWRD has recognized that as groups go forward to plan for funding, there are coordination aspects needed even after a plan is adopted. Thus, the question is on the table- also reflective of a “gap” finding from the PBP pilot evaluation.
- Peggy suggested that the Work Group’s recommendations related to funding should not be limited to just OWRD funding programs.

- Caylin responded that as the Place-Based Planning pilots have just been recognized, it is not yet known how the progression to 1069 feasibility to 839 project funding will play out, with continued coordinating around implementation.
- Kate shared that the current pathway may be fine but needs to evolve and grow. She suggested that revisiting the 839 program with an evaluation and potential adjustment to ensure it adequately includes all potential projects, and acknowledgement that the availability of implementation funding would need to grow. She added that rather than limiting groups to a linear approach, a plan can be iteratively developed and implemented along the way.
- Adam agreed with Kate and added that the state needs mechanisms to fund planning and implementation at the same time.
- April Snell, Oregon Water Congress, shared her hope that OWRD and the legislature will take action to extend and build upon existing opportunities but thought this issue might need to be flagged for the parking lot.

Wrap Up and Next Steps

Robin reviewed some of the remaining topics and issues for discussion during the October 20th meeting including implementation funding; checks and balances around conditions for state support for PBP; remaining process and pathways topics; sustaining effective planning; and potentially revisiting language for an introductory section for the PBP recommendations, to contextualize the group's report. She reminded the group that the straw proposal is the deliberative substance under refinement and will eventually be migrated over to the group's final report. She shared a review of the draft report outline and the general content that is intended to be included in that document, which will be reviewed at a future meeting.

ACTION: OC will send this draft report outline to the Work Group to better understand the intended approach to moving recommendations into a final report.

Robin invited members from Process Leadership to share closing remarks. Representative Owens reflected on the day's discussion topics and affirmed the intention for partnership between regional groups and the state. He shared a desire for the Work Group to further populate recommendations and the report as much as possible so that when that information moves to the legislators to bring forward and support, that there is no confusion about the intent or direction. Representative Helm noted the topic of incentivizing basins to do this work and invited the Work Group's creative input on how to engage a community and how to help them pay for the planning, coordination, and implementation. Meg Reeves, OWRC Chair, shared her hope that the Work Group will reach more clarity on the following issues going forward, which she identified as current gaps in the system: 1) Determining the appropriate role and integration for the Place-Based Planning program in the broader water planning and management system, 2) Clarifying what recognition of a plan looks like, and 3) Assessing alignment (or lack of) between Place-Based Planning and the two current funding programs to ensure or evolve the appropriate pathway going forward.

In closing, Robin shared that the next Work Group meeting is October 20th via Zoom from 11am-3pm. The following meeting is scheduled for November 1st and will be held in-person in Salem with a hybrid

participation option as needed. She shared her appreciation for the difficult and constructive conversation and offered her hope for the group to continue the momentum in further developing the final recommendations and report.