

# STRAW DRAFT v2 (Red-lined)

## Document Description

There were 14 written responses from workgroup members on the 8/24/22 Draft Version 1 of the straw framework and potential recommendations. Using this feedback, and the discussions at the September 6 Workgroup Meeting, OWRD offers the following revisions. Please see the accompanying “Version 1 Feedback” document to see specific comments, consensus checks, and responses/actions from the drafting team. Please provide any comments on Draft Version 2 (9/20/2022) via the accompanying v2 worksheet.

The framework and recommendations contained in this document were written with the intent to shape outcomes of a place-based planning program and are not focused on crafting legislative language. The results may inform legislation, rulemaking, and future program guidance.

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## DRAFT Version 2: 9/20/2022

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### The Next Generation of Place Based Integrated Water Resources Planning ~~Why State-Supported Regional Water Planning and Management is Important~~

*Placeholder for articulating why moving the next generation of place based integrated water resources planning forward is important. the purpose of state-supported regional water planning and management. This could include current conditions of water resources and associated drivers, the value of collaborative partnerships between the state and community groups, regional uniqueness, and lasting solutions.*

## Framework

### I. Baseline Sideboards

The HB 5006 workgroup focused its effort on developing recommendations for the next generation of place-based integrated water resources planning (referred to throughout this document as “place-based planning”). The workgroup provides their recommendations with a common understanding that their recommendations, at a minimum, are framed by the sideboards described for the place-based planning pilot, which is set to sunset July 1, 2023. In particular, these sideboards include Section 2(4) of Chapter 780 Oregon Laws 2015:

Place-based integrated water resources strategies...must:

- (a) Be developed in collaboration with a balanced representation of interests;
- (b) Balance current and future in-stream and out-of-stream needs;
- (c) Include the development of actions that are consistent with the existing state laws concerning the water resources of this state and state water resources policy;
- (d) Facilitate implementation of local solutions;

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- (e) Be developed utilizing an open and transparent process that fosters public participation; and
- (f) Be developed in consultation with the department.

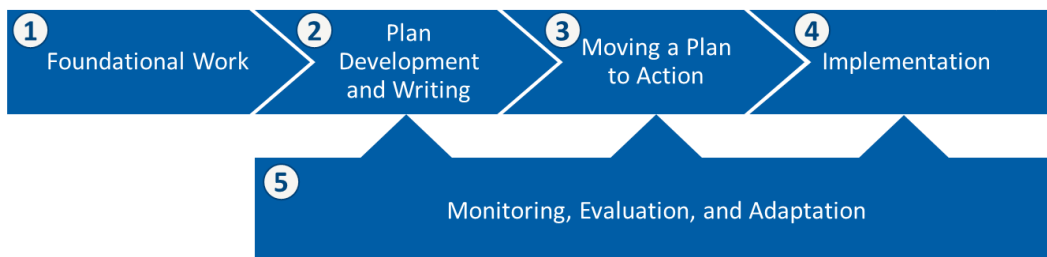
## ~~I. Guiding Principles~~

~~The following guiding principles reflect those identified in the PBP pilot and discussions at the August 2<sup>nd</sup> workgroup meeting. Where the principles deviate from those in the PBP pilot, a note in the comments section has been made to explain the source.~~

- ~~A. Locally initiated and led collaborative process~~
- ~~B. Voluntary, non-regulatory approach~~
- ~~C. Includes a balanced representation of water interests~~
- ~~D. Conducted in partnership with the state~~
- ~~E. Integrated, addressing instream and out-of-stream needs, including water quantity, quality and ecosystem needs~~
- ~~F. Utilizes an open and transparent process that fosters public participation~~
- ~~G. Facilitates implementation of local solutions~~
- ~~H. Builds on and integrates existing studies and plans~~
- ~~I. Does not jeopardize existing water rights~~
- ~~J. Recognizes the public interest in water~~
- ~~K. Consistent with the principles in the Integrated Water Resources Strategy and 100 Year Water Vision, and with state laws and policy.~~
- ~~L. Developed and implemented at a watershed(s) or basin scale~~
- ~~M. Involves strong public and community engagement~~
- ~~N. Informed by the best available data and science~~
- ~~O.A. Considers potential natural hazards and future changes in climate and population~~

## II. Pathway

The HB 5006 workgroup grounded its recommendations for place-based planning and implementation in the pathway outlined below. Where appropriate, workgroup recommendations reference steps in the pathway to provide a clearer understanding of where each recommendation fits into the broader system. The Workgroup considers all steps to be part of “Planning”.



**Figure 1:** Conceptual Model for Place Based Integrated Water Resources Planning and Implementation.

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## III. Terms & Definitions

These definitions provide a common understanding of terms as they are used in this report and are not intended to be translated directly into legislative language.

**Balanced Representation of Water Interests:** Source: PBP 2015 DRAFT Guidelines

“The group will need to decide its own structure for involving diverse interests and should describe this approach within its plan. Most importantly, the structure needs to ensure that the planning body represents a balance of interests from different sectors. Diverse representation is a key tenet of integrated water resources management. Each basin will be unique in terms of the actual distribution of interests and stakeholders. A balanced representation of water interests includes Having diverse interests engaged and invested from the beginning will help ensure a process that meets representing both instream and out-of-stream water needs and. Remember that these needs encompass water quantity, water quality, and ecosystem needs, considering both surface water and groundwater resources. In determining the composition of a planning group, it is important to ensure that all persons potentially affected by a place-based plan are invited to have a voice in the decision-making process. This includes environmental justice communities, particularly members of minority or low-income communities, tribal communities, and those traditionally under-represented in public processes. Some groups may represent multiple stakeholder categories (e.g., a city or district may also represent the local water utility). Generally, interests in any given place may include:

- Local governments (cities, and counties, and special districts)
- Tribal governments
- Municipal water and wastewater utilities
- Major industries or employers
- Agriculture (small and large operations)
- Forestry -(small and large operations)
- Self-supplied water users
- Conservation/environmental groups
- Power companies
- Small business
- Private landowners
- Special districts (e.g., irrigation, public utilities, flood control, parks/recreation, drainage, ports, etc.).
- State and federal agencies (natural resources, land management, business development)”
- Water-dependent recreation
- Anglers/hunters
- Tourism
- Rural domestic well users
- Watershed Councils
- Soil and Water Conservation Water Conservation Districts

**Community:** Source: Draft Community Engagement Guide from Task Group

Local community members; entities from outside a region that have an interest or obligation relative to water in the region; people impacted by water planning in the region; and governments (federal, state, local, tribal).

**Community Led:** Source: Draft Community Engagement Guide from Task Group

Stakeholders who represent both local and dispersed statewide communities impacted by a process

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~~are engaged at the onset, asked to define values and outcomes for a process, and empowered to take ownerships to shape the process and its ultimate outcomes.~~

**Convener:** *Source: This is the definition used in the 2015 Request for Letters of Interest in the PBP pilot. The role of a convener was further defined through the attached **Appendix A**.*

*“An individual, a group of individuals, an organization or a team of organizations that bring(s) together a diverse group of people to undertake place-based planning.”*

**Neutral Facilitator:** *Source: Oregon Consensus Website*

~~“A facilitator works with a group to explore facts and viewpoints about an issue. Facilitators do not take sides or make any decisions for the group. They help participants work together effectively and guide meetings to ensure balanced involvement by all participants. They support efforts to gather background information about the issues. They also help track decisions and create effective final reports or plans.”~~

A facilitator is a person who helps a group of people to work together better, understand their common objectives, and plan how to achieve these objectives, during meetings or discussions. In doing so, the facilitator remains "neutral", meaning they do not take a particular position in the discussion. Some facilitator tools will try to assist the group in achieving a consensus on any disagreements that preexist or emerge in the meeting so that it has a solid basis for future action.

**Implementation:** *Source: summary from August 2 workgroup chat*

The deployment of actions and strategies identified in the planning process.

**Place-Based:** *Source: PBP Website*

*“Orients knowledge, decisions, and actions around the specific context of a place in a way that recognizes the unique hydrologic characteristics of a geography, and strengthens the connection between people and place, and empowers people to work together to achieve a shared vision of that place.”*

**Planning:** *Source: Adapted from the PBP Website*

*“A process used to align people, information, ideas, and resources, in order to 1) identify and understand an issue, need, or opportunity that requires action, 2) envision desired future outcomes, and 3) develop and evaluate strategies and actions to achieve the desired outcomes.”*

**Partnership with the State/State Support:** *Source: Adapted from the PBP Pilot*

The state works in partnership with groups engaging in regional integrated water resources place-based planning and implementation, providing support and guidance throughout the process. Below are brief examples of roles the state may play in the water planning system. ~~Further definition~~Specific recommendations about how the state should engage and support planning groups can be found in the program recommendation section of this report.

- *Legislature:* The state legislature passes bills and appropriates funding to support regional

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integrated water resources planning and implementation.

- *Oregon Water Resources Department*: OWRD ~~may~~ play a variety of roles, including, planning partner, provider of planning, technical, and financial assistance, and statewide program coordinator.
- *Oregon Water Resources Commission*: The WRC formally recognizes completed plans that meet required benchmarks.
- *Interagency Team*: Staff from core state agencies ~~may~~ provide technical and program assistance throughout the process and serve as a review committee for deliverables produced by regional groups. In addition to OWRD, the core state agencies include Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Watershed Enhancement Board, Oregon Health Authority, and Oregon Department of Agriculture.

~~**Watershed or Basin Scale/Regional:** Source: Adapted from the PBP Pilot~~

~~“Planning groups have the flexibility of establishing their own geographic planning scale, so long as it meets certain criteria. The Water Resources Department’s existing administrative drainage basins are a good starting point for identifying the planning scale. These administrative boundaries are further divided into smaller geographic areas within the Department’s basin programs (refer to OAR Chapter 690, Divisions 500-520). Planning groups can chose to focus on smaller geographic areas, such as a sub-basin, or a group of sub-basins, within these boundaries. For example, planning groups could focus on the upper, middle, or lower section of a basin. To the extent possible, planning groups should utilize watershed-based boundaries, accounting for both groundwater and surface water, and situations where the source of water for certain uses (e.g., drinking water or irrigation) originates in an adjacent basin or sub-basin.”~~

### State Recognition:

Currently, state recognition means that an interagency team of state agency staff review a place-based integrated water resources plan and make a recommendation to the Water Resources Commission to recognize a plan if it is consistent with planning guidelines and statewide IWRS principles. This term may be better defined per the specific recommendations in this report.

## Recommendations

~~The drafting team has used the collective learning and discussions of the HB 5006 workgroup and lessons learned from the place-based planning pilot program and other regional planning groups to offer the following draft recommendations, grouped by theme. Where possible, specific meetings or sources are referenced in the comments. Also included is a preliminary brainstormed list of recommendations around community engagement from the Public & Community Engagement Task Group.~~

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## I. Data and Technical Assistance

**DTA Recommendation A:** ~~PLACEHOLDER RECOMMENDATION around current state efforts and~~ The state should commitments for to collecting, processing, interpreting, and distributing water data for effective water planning in Oregon. ~~The workgroup has discussed the need for an inventory of available water data and data gaps and prioritizing water data needs. 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 PBP. The data would be useful for all sectors even if the place chose not to pursue planning.~~  
Occurs before Step 1

**DTA Recommendation B:** ~~The state should~~ fund the appropriate level of agency staff needed for support capacity for an-interagency data collection, analysis and technical support, and coordinated work-planning and budgeting to ensure robust participation from an interagency team. team that provides technical assistance to meet planning group needs. This interagency team would help to inventory and analyze data during the foundational and planning steps and help with any plan updates.

~~Support for an interagency team could include a) support from mid and upper-level leadership in the core state agencies, b) greater vertical integration within agencies, and/or c) alignment of work plan priorities across the agencies.~~

~~Occurs in Steps 1, 2 & 5~~

**DTA Recommendation C:** Within their mission and sideboards, S ~~state agencies should provide support and technical training to~~ planning groups by developing educational resources that is ~~tailored to fill gaps in local capacity or knowledge/skillsets.~~

~~Occurs in Steps 2 & 5~~

## II. Community Engagement

**CE Recommendation A:** Place-Based Planning funding should include support for meaningful community engagement, at the outset and ongoing. This would include resources for broad outreach, education, multiple channels for engagement and capacity building throughout the process. ~~Create a fund for this work. Provide resources for outreach, communication, education, engagement and capacity building throughout the process. ADD: State agency coordination and integration (refer to IWRS language)~~

**CE Recommendation B:** Establish a clear set of standards for engagement tied to accessing state funding for regional planning, based on the high level principles from the Community Engagement Guide. ~~These principles should be considered criteria for grant funding. Establish a clear set of standards for engagement tied to accessing state funding for regional planning. Include a reporting/accountability mechanism. At minimum, a website and/or listserv should be part of a state-supported effort, as well as providing regular reports to identified groups and forums.~~

**CE Recommendation C:** Offer a best practices guide to regional planning groups to assist them in engagement efforts (see: Community Engagement Guide developed and endorsed by the HB 5006 Work

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~~Group).~~ Offer a best practices guide to regional planning groups to assist them in developing the engagement around their effort.

~~**CE Recommendation D:** Provide staff support to regional groups for trust building and closing gaps on information, monitoring, legal guidance.~~

~~**CE Recommendation E:** Provide engagement and communication-focused training (or guidelines) for state agency staff who will be charged with interaction with any regional planning group that is formed or active.~~

~~**CE Recommendation F:** Develop an educational focused document or handout, sectionalized by agency or issue so regional planning groups can provide a tailored document for their issues to be addressed in the planning area. Additional modules could be provided as new issues arise during the process.~~

~~**CE Recommendation G:** To demonstrate commitment, planning groups need to develop and memorialize (through, e.g. a Charter, MOA, Operating Protocols or other) their commitments to the planning process. This should include a clear scope and purpose of the planning effort, which must remain within the State's authority and public benefit obligations Communicate clearly the boundaries and scope of community input for a planning exercise to remain within the state's authority and public benefit responsibilities.~~

~~**CE Recommendation H:** The State should provide capacity support specifically to tribal and other under-represented or marginalized communities for meaningful engagement in place based planning. Acknowledge different tribes' capacities and provide support for meaningful engagement with regional water planning efforts.~~

### III. Pathway and Process

~~**PP Recommendation A:** The state should provide staff support, funding, and training for communities looking to initiate the planning process. This could include things like community building, helping to identify local leadership, creating a planning website, developing a standard planning readiness guide, conducting an assessment of a community's social readiness and capacity to engage in the process, pre-application conferences, training webinars, and other activities that build community capacity and awareness around planning readiness.~~

*Occurs before Step 1*

~~**PP Recommendation B:** The state should provide resources to build foundational trust with and among interested parties, planning groups, and state agencies prior to plan development and writing. This includes setting foundational norms for group engagement and developing and understanding foundational data.~~

*Occurs in Step 1*

~~**PP Recommendation C:** The state should provide support and training options to local groups to help them prepare for and execute planning. At a minimum, this includes staff capacity and/or funding for professionals to help with facilitation, governance agreements, community engagement, DEIJ trainings, consensus decision making, project management, water science, ecology and biology, climate science, water law, and technical plan writing.~~

*Occurs in Step 1 & 2*

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**PP Recommendation D:** The state should build on the guidance developed for the Place Based Planning Pilot, incorporating feedback and lessons learned to update guidelines and benchmarks for state recognition in Step 2: Plan Development. They should make this guidance available to the planning groups at the beginning of their planning processes.

*Occurs in Step 2*

**PP Recommendation E:** The state should provide resources to planning groups to fund professional independent third-party facilitation.

*Occurs in Steps 1, 2, 3, & 5*

**PP Recommendation F:** The state should support capacity for an interagency team that provides planning assistance throughout the process. At a minimum, this would include coordination and consultation with local groups along the way (e.g., offering training, participating in meetings, permit coordination, grant identification) and technical support, as described in Recommendation B of the Data and Technical Assistance above.

Support for an interagency team could include a) support from mid and upper-level leadership in the core state agencies, b) greater vertical integration within agencies, and/or c) alignment of work plan priorities across the agencies.

*Occurs in Steps 1, 2, 3, 4, & 5*

**PP Recommendation G:** The state should provide resources to fund continued engagement of local groups and state partners to move a state-recognized plan into implementation. The outcomes of this continued engagement could include:

- Refinement and feasibility assessments of plan actions and strategies
- Working to address any policy needs with the state
- Preparation of projects to take advantage of implementation funding opportunities
- Ensuring that the pursuit of strategies and actions continue to represent a balanced representation of water interests

*Occurs in Step 3*

**PP Recommendation H:** The state should provide resources to fund implementation of strategies and projects that were developed as part of a state-recognized integrated water resources plan and are being deployed on behalf of a collaborative planning and implementation group.

*Occurs in Step 4*

**PP Recommendation I:** The state should provide resources to local planning groups to update plans every 10 years to reflect changes in local conditions and/or updates to data availability or climate change information.

*Step 5*

**PP Recommendation J:** The state should develop a grant program for regional integrated water resources the next generation of place-based planning and implementation that funds:  
(1) Foundational work and plan development for communities ready to engage and invest in place-based planning; and

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~~(1)(2) Continued engagement, implementation, and plan updates, as described in PP Recommendations G, H, & I, for groups with state recognized plans. that includes clear entry points and benchmarks for each step in the process. Specifically:~~

~~The state should provide opportunities for local groups who have achieved the required benchmarks through alternative funding or pathways to compete for grant funds in the later steps of the process.~~

~~The state should provide clear benchmarks that, if met, automatically qualify a local group for funding in the next step of the process.~~

*Occurs in Steps 1, 2, 3, 4, & 5*

**PP Recommendation K:** The state should use state recognized plans to help inform updates to the Integrated Water Resources Strategy.

**PP Recommendation L:** The state should be required to participate in a specified role in place-based planning processes.

### IV. Sustaining and Funding State Supported Regional Water Planning and Implementation

**SF Recommendation A:** The state should create a fund for regional integrated water resources planning and implementation that provides consistent and sufficient funding to local groups throughout the planning and implementation process.

**SF Recommendation B:** Given the nature and scale of investment required by regional integrated water resources planning and implementation, the legislature should create a workgroup to explore alternative revenue sources that would allow the state to make this significant, high priority investment.