

DRAFT Version 4: 11/23/2022

HB 5006 Recommendations

The HB 5006 Workgroup has developed the following recommendations to inform future policy development, funding allocations, and guidance around water planning and management (Section I) and the next generation of the state’s Place-Based Integrated Water Resources Planning Program (Section II). Note that recommendations are written to communicate concepts, consensus does not necessarily indicate agreement on specific legislation or budget priorities. The recommendations below have not been ranked or prioritized by the workgroup.

Section I: Overarching Recommendations for Water Planning and Management in Oregon

Context: To meet statewide goals and mandates for managing instream and out-of-stream water needs with a changing climate, Oregon needs to make significant investments in water planning. Any state-supported regional water planning efforts must be underpinned with the budgets and capacity needed to do this work at the state level. To meet this need, state leadership must prioritize and address the current overarching system-level need for funding related to state agency data collection and analysis, agency capacity, and interagency coordination (note that pursuit of strategies to address these needs are essential to support more effective water planning efforts in the future and should not delay regional water planning efforts in the near-term).

Recommendation A: The Legislature should allocate increased funding to support state agency capacity and resources for collecting, processing, interpreting, and distributing water data needed for more effective water planning and management of instream and out-of-stream needs. At a minimum, this should include:

(1) Increased access to existing water data, and prioritizing efforts to address known data gaps for water planning (e.g., data inventories for place-based planning as described in Recommendation I).

Developing climate-informed water budgets for basins across the state to better understand current and future hydrologic conditions.

Recommendation B: The Legislature should fund, and the Governor should direct, the appropriate level of agency capacity needed for interagency data collection and analysis, technical support, and coordinated work-planning and budgeting to ensure robust engagement by and between agencies in support of water planning in alignment with each agency’s mission and authorities.

Context: Another important component of any water planning and management work is community engagement and collaboration. The workgroup has created a Community Engagement Guide with guidelines and best practices for how to meaningfully engage communities in regional water planning (Appendix X). This is intended to be accessible to and used by everyone involved in building a successful

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- Commented [3]: I thought we landed on cutting this. There is nothing in the document that state’s planning cannot go ahead without this information; by putting this sentence in here we allow an out for the legislature (e.g. you need to fund, but.....).
- Commented [PLK\*W4]: In V3 this sentence was in Recommendation A. In v4, we have removed it from Recommendation A, put it in the context section and trimmed it down significantly to try to address the concerns raised at the 11/14 meeting and both of these comments.
- Commented [5]: It could be trimmed but I recall it being important to some that we include a statement to this effect.
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regional water planning and management collaborative (e.g., state agency staff involved with regional water planning, communities, etc.) The guide is intended to be a tool to ensure that a diversity of voices are proactively and continuously included throughout a water planning effort and in ongoing management. It is intended to be accessible, flexible, and inclusive in order to support diverse regions and communities.

**Recommendation C:** The Community Engagement Guide should be provided to regional water planning and management efforts, in hopes that it will provide support to ensure that access to the process is transparent and inclusive.

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## Section II: Next Generation of Place-Based Integrated Water Resources Planning

**Context:** Place-Based Integrated Water Resources Planning (referred to throughout this document as “place-based planning”) is rooted in the idea that place matters, that water management should be data-driven, integrated and coordinated, and that planning can help the people of Oregon collectively envision and chart a path toward a more balanced and secure water future.

The workgroup grounded its recommendations for the next generation of Place-Based Planning in the set of guiding principles outlined below:

- (1) Place-Based Plans will be developed for an area associated with waters within a hydrologic boundary.
- (2) The planning process will be transparent, inclusive, and collaborative, with a balanced representation of water interests.
- (3) The planning process will be voluntary and involve a partnership between the state and communities.
- (4) The planning process will involve strong public participation and community engagement.
- (5) The planning process will be informed by the best available data and scientific information.
- (6) The approach to planning will be integrated and based on the goal of better understanding and meeting instream and out-of-stream water needs now and in the future, including water quantity, water quality, ecosystem needs and climate change.
- (7) State agencies will serve as active partners in place-based planning, within their missions and authorities.
- (8) The planning process will be guided by the principles in the state’s Integrated Water Resources Strategy (p. 179) and 100-year Water Vision (p.21-22).
- (9) Place-based planning will be non-regulatory, consistent with state laws and policy, and will not jeopardize existing water rights.
- (10) Water is a public resource.

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If Place Based Planning is to continue, the Work Group offers the following recommendations to improve this planning tool:

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State Recognition

**Recommendation D:** Having a state-recognized plan should provide planning groups: Agency support through coordination by the Water Core team (or other appropriate groups) to examine potential actions, incentives, or strategies that would advance implementation of plans within each agency's mission and priorities.

- Assistance for implementation coordination funding and support for plan updates as described in Recommendations I, P(5) and P(6).

**Recommendation E:** The state should more clearly articulate the value of developing a Place-Based plan (e.g., preference points or ranking for funding), receiving state recognition, and continuing to work collaboratively according to the plan. This should be included upfront in the PBP Guidelines, on relevant state agency websites, and after recognition in the interagency toolkit

**Recommendation F:** To maintain state recognition and access to associated resources, all planning groups should be required to complete biennial reports to the Water Resources Commission that demonstrate their progress on implementation, and that their pursuit of plan strategies and actions continue to represent a balance of instream and out-of-stream water interests and a commitment to collaboration and place based planning principles.

**Recommendation G:** The state may use state recognized plans to identify common themes across basins to help inform updates to the Integrated Water Resources Strategy.

Agency Capacity and Support

**Recommendation H:** The Legislature should provide funding for a formalized interagency team to support and engage in Place-Based Planning. Without funding support for this formalized team, agencies may elect not to provide the assistance detailed below if staff resources are not available.

At a minimum, the interagency team should consist of OWRD, DEQ, ODFW, OWEB, ODA, OHA, DLCD, DSL, and Business Oregon and be equipped with the capacity to provide the following, **within their mission and authorities:**

- (1) Consultation on the development of grant selection criteria and during the grant review process.
- (2) Coordination and consultation during the planning phase, providing technical and planning support to planning groups and developing educational resources to fill gaps in planning group capacity, knowledge, or skillsets.
- (3) Consultation and review of plans for state recognition.

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**Commented [8]:** Need to capture the point I think I and others have raised at the past few meetings that not everyone in this group is advocating for funding for PBP. Yes, we are all trying to make it better if it goes forward, but whether it goes forward is another question that all stakeholder groups should have autonomy to either support or not. We could add "if PBP is going to continue" as that recognizes that if we as a state do move forward with PBP then legislature needs to fund, but does not presuppose that moving forward is where the state will go. It is all still very much an experiment; whole scale endorsement is not something I feel we discussed.

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- (4) ~~Development and maintenance of a funding toolkit that would help~~ planning groups navigate existing agency programs and funding opportunities.
- (5) Consultation and review of implementation reporting to ensure that the pursuit of strategies and actions in state recognized plans continue to represent a balance of instream and out-of-stream water interests.
- (6) Coordinated work-planning and budgeting to ensure robust ~~engagement~~ from an interagency team, ~~as it relates to each agency’s mission and authorities~~.

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**Recommendation J:** The legislature should fund OWRD regional/basin coordination, outreach, and engagement staff throughout the state to help facilitate and guide groups through the Place-Based Planning Process. At a minimum, these staff would:

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- (1) Provide consultation to groups interested in undertaking PBP.
- (2) Help identify the local leaders, key state and federal agencies, tribes, and stakeholders needed for a successful planning process.
- (3) Coordinate an interagency team ~~as~~ described in Recommendation G.
- (4) Support and participate in the planning process and any continued processes associated with implementation coordination.

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**Recommendation I:** The Legislature should fund data inventories across the state to (1) understand the availability of data and information essential to Place-Based Planning and (2) identify ~~and prioritize~~ strategies to fill gaps where they exist. Data inventories would inform strategic and effective water planning for instream and out-of-stream needs and help prioritize state-supported place-based planning throughout the state with a focus on areas of scarcity.

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**Place-Based Planning Grant Program**

**Recommendation K:** Place-Based Planning grant selection should be based on established criteria that consider planning group readiness and align with strategic priorities determined by the state.

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**Recommendation L:** OWRD should create easily accessible materials, including a pre-application checklist, for potential conveners and planning groups to preliminarily assess (1) whether Place-Based Planning is the best tool to meet their needs and (2) their initial capacity and readiness to engage in Place-Based Planning.

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**Recommendation M:** The Place-Based Planning grant program should be accessible to basins with different levels of capacity and resources and be structured to provide onramps for groups through different tiers of support. Examples of these tiers include:

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- **Small Capacity Grants** to help groups, especially those in underserved areas, prepare and assess their readiness to engage in the Place-Based Planning process.

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- **Planning Grants** to help support groups in following the Place-Based Planning guidelines to develop a plan and achieve state recognition.
- **Implementation Coordination Grants** to help support continued engagement of planning groups as they move a state-recognized plan into action.

**Recommendation N:** The PBP grant should be structured to ensure planning groups that continue to meet criteria in planning and implementation guidance and are consistent with statewide IWRS principles are given priority to receive funding for continued planning and implementation coordination.

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**Recommendation O:** PBP grants should require applicants to cost share, either through in-kind or cash matching.

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**Recommendation P:** At a minimum, the Place-Based Planning grant program should enable:

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- (1) 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.
- (2) Capacity support specifically to tribal and other under-represented or marginalized communities for meaningful engagement in place-based planning.
- (3) Support for capacity and/or funding for professionals to help prepare for and execute planning according to the Place-Based Planning Guidelines. Examples include capacity for project management, creation of governance agreements, DEIJ trainings, technical plan writing, and foundational expertise in water science, ecology and biology, climate science, and water law.
- (4) Support for professional independent third-party facilitation with subject matter expertise.
- (5) Support for continued engagement of planning groups to move a state-recognized plan into implementation. This would provide capacity to planning groups to:
  - Refine plan actions and strategies,
  - Identify, prepare, and apply to funding opportunities to implement plan actions and strategies,
  - Coordinate with the interagency support team as needed,
  - Ensure that the pursuit of strategies and actions continue to represent a balanced representation of instream and out-of-stream water interests, and
  - Complete biennial reports to the Water Resources Commission on the status of implementation.
- (6) Support for planning groups to update plans when significant changes in local conditions, data availability, or climate change information indicate the need for a plan update.

**Commented [13]:** This will be part of the small group discussion on 11/22

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Place Based Planning Program Guidelines and Requirements

**Recommendation Q:** The PBP Program should build on guidelines developed in the Pilot phase and update planning guidance to incorporate feedback and lessons learned from the Place-Based Planning Pilot and the Place-Based Planning Independent Participatory Evaluation (McLain et al., 2022), as well as the recommendations in this report. These Guidelines should be provided to the planning groups at the beginning or their planning process.

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**Recommendation R:** The PBP guidelines should establish a clear set of standards for engagement tied to accessing state funding for place-based planning, based on the following high-level principles from the Community Engagement Guide:

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- (1) Regional Planning Should be a Collaborative with Communities
- (2) Participation in Regional Planning Should be Balanced and Inclusive, and Should Include both Instream and Out of Stream Interests
- (3) Regional Planning Should Be Transparent and Accessible for All
- (4) Regional Planning must recognize that Tribal Engagement is not a monolith and each Tribe may have a different level of engagement in planning, different structures for communication and outreach, and different governmental departments engaged in planning and implementation.
- (5) Regional Planning Should Foster Public Input Early in the Process and Ongoing
- (6) Regional Planning Should Sustain an Informed Public
- (7) Regional Planning Should Support Trust Building Between All Participants, Community Members, and the State
- (8) Regional Planning Should Demonstrate Accountability

**Recommendation S:** Add to the PBP Guidelines that building foundational trust with and among interested parties, planning groups, and state agencies should be prioritized prior to plan development and writing. This includes setting foundational norms for group engagement and developing and understanding foundational data.

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**Recommendation T:** Add to the PBP Guidelines that to demonstrate commitment, planning groups should develop and memorialize their commitments to the planning process through a Charter, Memorandum of Agreement, Operating Protocols, or something similar. This should include a clear scope and purpose of the planning effort, which must remain within the State’s authority and public benefit obligations.

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**Recommendation U:** Planning groups that receive funding from the PBP grant program should be required to (1) be facilitated either by OWRD or a neutral professional facilitator with subject matter expertise and (2) utilize professional technical writing services for their plans who have subject matter expertise.

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### Sustaining and Funding

**Recommendation V:** To provide more consistent and sufficient funding to state agencies and planning groups throughout the place-based planning process, the Legislature should:

- (1) Create a fund **that allows for carryover funding and a base budget** for place-based planning; and
- (2) Support permanent instead of limited duration positions at agencies.

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### Terms & Definitions

The following are working definitions to provide a common understanding of terms as they are used in this report and are not intended to be translated verbatim into legislation or rule.

**Balanced Representation of Water Interests:** (adapted from [PBP 2015 DRAFT Guidelines](#))

Each basin is unique in terms of interests and stakeholders. A balanced representation of water interests includes diverse individuals representing both instream and out-of-stream water needs and ensures 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).

**Community:** People who live, work, or play 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).

**Community Collaboration:** Community members 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.

**Convener:** (Adapted from 2015 PBP Pilot Request for Letters of Interest)

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 [that meets the criteria for conveners found in the PBP 2015 Draft Guidelines, including the requirement that the convener be impartial as to outcome and be perceived as neutral](#). (Note: a detailed definition can be found [PBP 2015 DRAFT Guidelines](#)).

**Neutral Facilitator:** 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 can assist the group in achieving a consensus on any disagreements that preexist or emerge in the meeting so that the group has a solid basis for future action.

**Place-Based:** (Adapted from [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, strengthens the connection between people, and place and empowers people to work together to achieve a shared vision of that place.

**Planning:** (Adapted from [PBP Website](#))

A process used to align people, information, ideas, and resources, in order to 1) identify and understand *This document is offered as a basis for advancing conversations of the workgroup and does not represent positions or endorsements of OWRD, the state, or workgroup members.*

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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, 4) implement agreed upon strategies and actions, and 5) monitor, evaluate, and adapt as needed.

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