

STATE-SUPPORTED REGIONAL WATER PLANNING AND MANAGEMENT WORK GROUP

DRAFT Meeting Summary

November 14, 2022 from 9:00am-12:00pm

**ACTION ITEMS:**

ACTION	BY WHOM?	BY WHEN?
<ul style="list-style-type: none"><li>Schedule small group volunteers to work on a proposal for Recommendation D.</li></ul>	OC	DONE
<ul style="list-style-type: none"><li>Reflect changes based on the meeting discussion and general alignment in v4</li></ul>	OWRD	DONE
<ul style="list-style-type: none"><li>Clarify if the report will be required to go LFO since it was directed by Ways &amp; Means</li></ul>	OC/OWRD	Before 12/6
<ul style="list-style-type: none"><li>Review straw proposal and provide suggested edits to address outstanding issues or ideas, that will then be reviewed by the full workgroup to determine if those updates move forward in v4</li></ul>	Kimberley and April, and others as interested	DONE

**Meeting Attendees:**

Work Group Members: Anton Chiono, April Snell, Bob Rees, Caylin Barter, Chandra Ferrari, Chrysten Rivard, Courtney Warner Crowel, Daniel Newberry, Donna Beverage, Heather Bartlett, Holly Mondo, Jason Fenton, Jeff Stone, Jennifer Wigal, Kate Fitzpatrick, Kathleen George, Kelly Timchak, Kimberley Priestley, Lauren Poor, Margaret Magruder, Niki Iverson, Peggy Lynch, Racquel Rancier.

Staff: Lili Prah, OWRD

Facilitation Team: Robin Harkless and Jennah Stillman, Oregon Consensus

**MEETING SUMMARY:**

***Welcome and Introductions***

Facilitator, Robin Harkless, welcomed the group and reviewed that the focus of the meeting was to review the v3 straw proposal, deliberate on outstanding substantive topics, and conduct a gut check poll on each recommendation. She shared that it was important for members to weigh-in with their strong sentiments either in support of certain ideas moving forward or serious concerns (along with alternative proposals) in order to help the group understand where their work is heading with trending areas or alignment or divergence. Noting that this was the second to last meeting of the process, Robin clarified that it was not the final consensus check. She reminded the group about the direction from Process Leadership regarding the intent for the recommendations to inform future policy, reiterating that today's discussion was not about wordsmithing. Today, she clarified, was the final opportunity to flag major concerns (and offer a proposed approach that would yield a higher level of agreement) that OWRD would integrate into v4 to reflect the group's idea development and

general alignment On December 6th, workgroup members would provide their final, formal consensus check, discuss where else they feel the results of this effort should go, and clarify the intended audience(s) for each recommendation. To that end, she shared that there would be an opportunity for a small group of interested volunteers to help OWRD with light wordsmithing for formatting and consistency purposes, but would not change the report's content from what the group had agreed to.

### **Straw Proposal Recommendations v3**

Lili Prah, OWRD, shared a high-level review of the workgroup's concept development from the inception of the process to today. This focused specifically on how the v3 straw proposal recommendations had evolved from previous iterations and were refined or streamlined at various steps along the way, based on workgroup direction. She noted that more in-depth tracking documentation had been provided in advance of the meeting for those that were interested in specific details. Robin shared that the facilitation team had heard from a few workgroup members who were not able to attend the meeting, who indicated their support for both the straw proposal v3 and Community Engagement Guide. She added that Kimberley had put forward a proposal about the state's role around Place-Based Planning, which she noted was not currently explicitly in v3, but will be discussed later today.

*Workgroup member feedback included, but was not limited to:*

### **Opening Language**

- Kimberley Priestley (WaterWatch) requested to change this language and simply state the charge of the group and the process, given concerns about conveying the intent to inform legislation along the way and not wanting to signal alignment from every workgroup member about forthcoming legislation.
  - Niki Iverson (League of Oregon Cities) shared that she felt it was important to convey that the report is a high-level conceptual document about the value of topics to move forward, and that the group is not reaching full consensus on all recommendations. She suggested including a caveat at the beginning of the report to reflect that the group as a whole is not signing off on every recommendation as a top priority, given that there has not been a ranking exercise. She also provided an alternative suggestion to Kimberley's point to replace "legislation" with "policy development and guidance around water planning..."
  - Both Niki and Kimberley agreed that it would be helpful to include a disclaimer in this opening section that communicates individual work group members are not necessarily signing off on specific legislation.

### **Recommendation A**

- Kimberley suggested that it would be helpful to include "basin assessments" to know what data is there and chart a future pathway to identifying data gaps and filling them before

planning takes place, related to past conversations amongst the workgroup and not wanting to undermine the legislative direction with the note that was included with the recommendation.

- Kelly Timchak (Curry Watersheds Partnership) voiced that the recommendation should clearly convey that groups can continue to move forward with planning even if every piece of data is not on hand at the start. She suggested that the note could be removed or moved in order to clarify the recommendation's intent, as long as the note's intent was addressed elsewhere.
- Niki suggested keeping Section I recommendations solely to funding, but to reference the tie between Recommendation A to Recommendation I, which can then be more specifically detailed in Section II.
- Kate Fitzpatrick (Deschutes River Conservancy) agreed that Recommendation A leads logically to Recommendation I, and emphasized that it is important for basins to have access to vital data but should not need to have all of it at once in order to proceed.
- Peggy Lynch (League of Women Voters) suggested that the detail from Recommendation I (related to Place-Based Planning) should be included in Recommendation A as well, given that it relates to all kinds of regional planning and wants to ensure that all planning has the same opportunities as outlined for Place-Based Planning.

Robin summarized that she had heard people express it was important for Recommendation A to emphasize that the data collection itself is important to fund and prioritize, and should apply to all types of water data and planning that the state should do. She added that the note would be removed or shifted, as to not dilute the intent of the funding recommendation but to ensure that it was clear that planning groups would not be required to have all data on hand in order to proceed with planning efforts.

### Recommendation B

- Kimberley made a suggestion to change “cooperation” to “participation” to reflect the intent behind agency roles in any planning group, to be active participants not just technical experts/advisors. She felt that stronger language was needed to bring them to the table to have a voice in water planning.
  - Chandra Ferrari (ODFW) shared that she felt the word “engagement” currently reflects the intent behind active participation.
  - Jennifer Wigal (DEQ) added that it would be important to bring relevant regulatory framework into the process in order to figure out what each effort may need from agencies to bring to the table, but not be construed as needing agency buy-in.
  - Peggy suggested removing “cooperation and...” but keeping “robust engagement...” recognizing that the state agencies have a role related to statutes,

mission and rules - but need to ensure that there is funding for them to do it and work together in order to address critical issues around water.

- Anton Chiono (Confederated Tribe of the Umatilla Indians) shared his perspective based on past processes that there needs to be an explicit space for agencies to engage, and to have the latitude to freely advocate for and fulfill their missions, not just provide technical assistance. He also added that this was important to ensuring state recognition of a plan.

### Recommendation C

- Caylin Barter (Wild Salmon Center) noted that the recommendation was framed in negative language and offered a friendly amendment that references the positive framing from the context section to maintain consistency and impact.
- Kate offered a friendly amendment to change the language to “regional water planning and management efforts”

### Section II: Context

- Peggy asked a clarifying question about the definition of “watershed or basin scale” and expressed a desire to ensure that smaller efforts can be included within Place-Based Planning.
  - Daniel Newberry (Johnson Creek Watershed Council) responded with a caution that if many small planning efforts want funds from the program, there may not be enough resources to make a substantial impact at scale. He suggested considering a minimum size of a watershed and potentially adding a recommendation to provide clarification around this, given that he felt it could mean different things to different people.
  - Kate agreed with the desire to focus on a large enough scale that could create a meaningful impact and added that maybe the term “watershed” already encompassed enough flexibility.
  - Anton shared his support for maintaining some level of flexibility and self-determination by the planning groups themselves within the guidance of the watershed scale. He also offered a request to explicitly reference that watersheds should be based on geologic boundaries, not political ones.
- Kimberley shared a suggestion to delete “implementation” in (7) given that it is unclear what is expected of state agencies.
  - Peggy and Donna Beverage (Union County Commissioner) both shared that they felt “implementation” was important to include given that there is an expectation that the state will help implement the plans.

## Recommendations D

- Kimberley expressed her concern about the lack of clarity in this recognition around what the state agencies would be directed and required to do related to implementation support for a recognized plan, and not wanting to create an unfunded mandate.
  - Peggy clarified that this recommendation should hold space for different implementation support needs based on all things that might potentially come out of a planning effort, not just about projects and not just focused on water supply. She felt that it was ok to keep it vague in order to maintain that flexibility to support a diversity of future outcomes.
  - Chandra shared her perspective about state agency support for implementation that could include formal state agency coordination ('one-stop shop' toolkit) to provide assistance to groups to navigate existing funding sources and connect information related to implementation and moving the plan forward. She also added that having a Basin Coordinator available to work with groups while navigating the actual grant applications would be helpful.
  - Caylin agreed that the current recommendation language around state recognition and agency implementation support was too vague, and noted that more clarification around this topic was highlighted as a need from the Place-Based Planning pilots. She clarified that providing support and providing funding for actions identified within a plan are two different things and should be clarified. She shared her perspective that if a plan was recognized then that group or effort should be first in line to receive funding for implementation; should receive continuous support to continue convening and coordinating a group after a plan is completed. To that end, she also suggested including more clarification around what the actual requirements for recognition are and calling out this definition.
  - Kate agreed that based on the pilots' experience, it would be important to call out what state recognition of a plan actually means and what the benefits are to a group. She also referenced a previous document that had been developed by OWRD staff during the pilot phase that compiled various resources that Place-Based Planning groups could access, and suggested that this be considered in further developing the recommendation.
  - April also felt the incentives around recognition should be more explicitly conveyed at the outset, and could include receiving funding that supports water planning, receiving funding that supports feasibility to take ideas to the next phase, and receiving funding to support implementation (e.g. storage, piping, and all other multipurpose projects). She added that groups could receive extra points that go through each phase to have a greater chance to receive funding in the next phase.
  - Anton added that this recommendation could be further clarified by outlining 1) what planning groups get from having a recognized plan, 2) what the state agencies' requirements should be around recognition and implementation supports, 3) what conditions may be needed to access that at various steps along the way.

Hearing general alignment amongst the group to further flesh out details for Recommendation D (and remove the first bullet point to Recommendation G), Robin invited a small group of volunteers to develop an updated proposal to clarify what state recognition means and what it gets a group. Volunteers included Anton, Kimberley, April, Chandra, and Peggy.

#### Recommendation E

- Kimberley expressed concern about the potential for ‘grandfathered’ recognition, given that some plans were previously recognized that may not have the same sideboards in place as current or future ones. She suggested that there be a process in place to ensure that all plans move forward with the same criteria.
  - Anton agreed that it was important to clarify that recognition would not be a one-time thing, in order to ensure that basins continue to meet criteria and demonstrate commitment to collaboration and have conditions that enable access to that ongoing support.
  - Chandra added that related to maintaining state recognition and interagency support, there could be a formal process in place that enables a conversation around implementation progression, evaluation of balancing priorities, and the state’s role as it relates to the agencies’ missions and priorities.

#### Recommendation G

- Multiple workgroup members (Chandra, Peggy, and Kimberley) made a suggestion to add a clarifying statement about “within the agency’s existing mission and authorities.”
- Peggy and Caylin suggested that DSL and DLCD be added to the agency list.
- Kimberley suggested that the word “participation” be exchanged for “engagement” so as to not construe intent.
- Dan Thorndike (Oregon Business Council) shared a concern that as written, interagency consultation and support would only happen if a plan was recognized. To that end, he made a suggestion to drop “state recognized plans” given that this could be an important step for a group in exploring whether to pursue this path and in meeting the missions of state agencies, that this engagement should be available to all. Recommends making this available to all.

#### Recommendation H

- Kimberley asked for clarification around what the definition of “implementation” was in this section and shared her concerns about potentially burdening agencies with undefined work, given optics and expectations. She felt that there was agreement around the first section but should be qualified with a statement so as to not create unfunded mandates.
  - Kelly added a suggestion to include direction and/or a disclaimer within the agency directives/mission/priorities section.

- Donna expressed caution around expressing contingencies directly related to Place-Based Planning, so as to not signal any uncertainty around its importance going forward.

#### Recommendation L

- Kimberley shared her concern about this recommendation potentially being interpreted differently by workgroup members. She conveyed that her perspective and preference was for different groups to access different levels of support at different points in the process, but those tiered options would only be available to those that were chosen to participate in the Place-Based Planning program, as an initial threshold for overall access. She added that if this was not the rest of the group's interpretation, and that small capacity grants were intended to be accessible to any group, then she felt that it had more narrowed criteria than the other tiers of support. Additionally, she did not want to include the suggested examples of tiers.
  - Others (Kelly, Peggy, Jeff, and Kate) weighed in and shared that they felt it was important to include the examples. Kelly shared that she felt the recommendation was good as written, given that she saw small capacity grants as a way for groups to explore the possibility of pursuing Place-Based Planning and was an important way to get a foot in the door, and therefore should not have overarching program criteria associated with that first step and tier.
  - Although recognizing Kimberley's concerns, there was general agreement amongst the majority of the group to keep the examples and maintain small capacity grants as a general, accessible option to groups in and outside of the official Place-Based Planning program.
- Anton asked a clarifying question about whether these tiered grants were intended to be new planning and capacity grant programs and if yes, how they would intersect with existing ones (e.g. OWEB). He shared a suggestion to keep grant criteria congruent between that which governs the Place-Based Planning program and processes.

#### Recommendation T

- Niki shared her support for creating and sustaining more Regional Basin Coordinator positions to help groups and efforts find funding for all water planning and management work, not just specific to Place-Based Planning (referring to a model put forward by OBC), in order to support higher-level issues. She clarified that this would be a different focus than watermasters, in order to emphasize more focused work in planning, facilitating, etc. She also suggested prioritizing Regional Basin Coordinator position requests based on the prioritization of basin needs, after the water budgets are finalized.
  - Peggy agreed that Regional Basin Coordinators' scope should cover all regional water planning and management efforts, not just Place-Based Planning and not just within OWRD's purview. She suggested the concept of the Regional Solutions Teams that bring all agencies together to discuss regional issues.

- Peggy shared that she did not support (3), directing a process to explore revenue sources, and shared her concerns about the critical and urgent need to fund and address state water issues, without competition from non-water interests, and without creating any extra fees on water utility bills.
  - Jeff generally agreed, recognizing both the aspirational approach of the draft language and the actual reality of the current structural process (e.g. authorization and appropriations). He noted that it would be important to clearly signal the desire for funding continuity that is not currently in place.
  - Daniel added his thoughts on the proposed language to “explore revenue sources,” and shared that he did not necessarily know what that meant as written, but assumed it indicated something other than General Funds. He stated that this should be made more explicit, and then shared an example of California where a bond measure was passed to support their regional water planning program.
  - Niki shared her perspective that the state has not sufficiently funded water-related programs to date and that given General Funds are a public resource, the state should step up and use these to invest in natural resources moving forward. She added that any revenue sources should be applied equitably across the board, and not targeted to one group or interest area.
  - Bob shared that he felt all stakeholders and Oregonians should have some degree of financial commitment to improving the funding process, but noted that he respects the opinions of others that participate directly in state budgeting processes to help inform this approach.
  - There was general agreement to remove (3) from Recommendation T.

### ***Wrap up and Next Steps***

In closing, Robin reflected on the input and evolution generated in today’s discussion around these recommendations that will be adopted in v4 moving forward. As for the next steps, she shared that the small group of volunteers would meet to develop an updated proposal around the recognition of a plan, as well as clarification around the incentives for groups, and as it relates to interagency implementation support. Having heard from only two workgroup members (April and Kimberley) that they may have additional comments on v3 that were not discussed today, Robin shared that she would follow up with them (and the full workgroup) with an approach to review and suggest edits to help bring these concepts forward for the full workgroup’s review and determination.

She clarified that after v4 is shared (no later than November 23), this is largely the final version that will move into the final report. The December 6th meeting will conclude with a final, formal consensus check and the approach would not be based on consensus/no consensus, but rather capture the high-level alignment and spectrum of support. Robin added that if an issue is not fully reflected in the report nor is representative of the full group, but rather an individual interest/entity, there will be an option to include this nuance in the report in order to provide clarity for audiences. The final report has always been intended to go to the legislature, as well as OWRC, OWRD, and the



Governor's Office, which reflects the Process Leadership Team - who has signaled from the start of the process that they would be the recipients of whatever comes forward from this effort. Workgroup members will have an opportunity to share their thoughts on where else they feel this work should go, and important next steps, during the December 6th meeting closing.