



**To:** Representative Ken Helm, Chair, House Interim Committee on Water  
Representative Jeff Reardon, Vice-Chair, House Interim Committee on Water  
Representative Mark Owens, Vice-Chair, House Interim Committee on Water  
Meg Reeves, Chair, Oregon Water Resources Commission

**CC:** Tom Byler, Director, Oregon Water Resources Department

**From:** Oregon Consensus

**Date:** January 10, 2022

**Re:** Assessment Findings and Process Considerations Related to House Bill 5006  
"State-Supported Regional Water Management System"

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The purpose of this document is to describe high-level findings from an assessment conducted by Oregon Consensus, and to inform process design considerations and topics to meet the direction of HB 5006 (2021). This memorandum conveys high-level findings on themes related to water management and the collaborative process that emerged from the assessment, and based on that, includes recommendations on how to structure the process for the next phase of engagement.

### **Background**

HB 5006 appropriated General Funds into the Oregon Water Resources Department (OWRD) Director's Office "for distribution to Oregon Consensus to convene a process to develop a framework and path for state-supported water planning and management at the water region and/or basin level."<sup>1</sup> Between October 2021 and December 2021, Oregon Consensus (OC) interviewed 55 entities and 96 individuals (see Appendix for list of participants by organization) for this assessment report.

### **About Oregon Consensus**

Oregon Consensus (OC) was established by state statute as the State of Oregon's program for public policy conflict resolution and collaborative governance. The program provides mediation and other collaborative services to public bodies and stakeholders who are seeking to find new approaches to challenging public issues. OC conducts assessments and designs and facilitates impartial and transparent collaborative processes that foster balanced participation and durable agreements. The program is housed in the National Policy Consensus Center at the Hatfield School of Government at Portland State University.

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<sup>1</sup> Available online: <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB5006/A-Engrossed>



## **Assessment Themes Related to Water Management**

**Oregon's current system is reactive, under-resourced and disjointed, and the time is now to fix it.** While most interviewees shared thoughts about opportunities to remedy the current situation and some even expressed optimism, they all agreed that Oregon needs to modernize the way it approaches water planning, management and investments. Further, the problem is considered urgent; and there is a collective awareness of the increasing stresses on the system with population growth and dynamic shifts, paired with changes in ecological and climate conditions. Some described the Oregon system as siloed, not integrated, and inequitable; and most described it as under-resourced and reactive. Questions that most often emerged from interviewees focused on the following: *How can there be better integration and alignment between grassroots, regional or basin efforts and the State's regulations, policies and practices? Should, or how should, state agencies be more integrated in their approaches to water use and quality regulations, policies, and programs?*

**This work should build on prior efforts and look for innovations.** Interviewees wondered how this effort linked to the Governor's 100-Year Water Vision, current place-based planning efforts, the Integrated Water Resources Strategy (IWRS), and other engagement related to water at the state and regional/local levels. Many suggested the work should build on past efforts and existing systems, while also looking for opportunities for innovative solutions. Interviewees pointed to community engagement, data management, defining 'infrastructure' (i.e., built and natural), and other areas for which innovation or new ways of thinking are needed.

**Water resources are a complex system that need to be managed for both stability and change.** The interviews highlighted a tension related to the system's ability to create certainty or predictability and also the ability to adapt to changing conditions. Interviewees suggested the HB 5006 process should examine a number of related topics: *How can the system be structured to support regional planning and management approaches based on the unique conditions that exist in a basin or region? At the same time, how can the system be structured to support certainty and accountability at the state level to fulfill its overarching responsibility to sustainably manage the waters of the state, for all needs?* Most interviewees suggested that while existing authorities and responsibilities of the state regarding water management should remain, there were many suggestions for how and why regional planning, with local engagement to identify needs and solutions, should be more explicitly integrated into water resource investment prioritization and decision-making at the state level.



**Information about water use and availability is needed in order to inform future planning and management.** The state of knowledge about water use and availability is inconsistent across Oregon, and this poses significant challenges to planning and management. For many, a clear understanding of and information on the state of water use and availability is foundational to future planning, management and investment strategies.

**Educating and engaging communities is critical to securing a water future for all.** Many interviewees suggested that a modern system needs to create more inclusive and equitable access to decision-making from the grassroots up. This should include intentional engagement to build and reflect community knowledge about needs and solutions, while cultivating support and shared responsibility for implementing solutions. Many interviewees described a desired outcome of this process would be to explicitly align regional/basin efforts with statewide decision-making: *How can we have a more inclusive decision-making process for water investments with the use of local knowledge and regional needs assessments to inform decisions?* Likewise, many noted the need to better educate and engage communities to allow for effective input into decisions that will impact them.

**There is broad agreement that equity is a core value for a modern structure.** Several interviewees raised a key question: *How can the system be structured to create transparency and equity in water planning and management regarding access to resources and decision-making?* Interviewees noted areas for addressing inequities with regards to tribal and other BIPOC communities; and they also pointed out tensions and perceived inequities - a need for better equity - across geographies, population settings, human and ecological, and relating to water quality and quantity concerns.

**Clarity is needed about how all the current water efforts intersect and relate with one another.** Interviewees generally recognized the tremendous amount of attention and resources that are currently being focused toward water issues and with that, raised questions about how they all connect. Many interviewees expressed something to the following effect: *How will this effort be informed by, inform, or otherwise relate to other legislative, county, or state agency initiatives?*

### **Assessment Themes Related to the Collaborative Process**

A budget note pertaining to HB 5006 legislation says, "Oregon Water Resources Department is directed to use provided funding to contract with Oregon Consensus to convene a workgroup comprised of a balanced membership including, but not limited to, conservation groups, agricultural water users, municipal water users, environmental justice organizations, tribal interests, and state agencies including the Water Resources Department and the Oregon Department of Fish and Wildlife to consider regional water management opportunities that build



on the 100 Year Water Vision and further the goals of the Integrated Water Resources Strategy.” Building from this direction and input from interviewees, the following are process-related themes that emerged in the assessment.

- **The scope needs to be clearly defined and narrow enough** to allow for constructive engagement and a meaningful outcome. **Clarity on purpose and tasks that the group understands and can agree to will be important to ensuring the greatest likelihood of success**, particularly given short timeframes.
- **This effort will require strong leadership.** Many interviewees acknowledged the important role of the legislative leadership; the value of current Governor’s office staff involvement, and also recognized the need to transcend the current administration or legislative leadership given the complexity of issues and long term nature of change being contemplated. Interviewees expressed the value and characteristics of strong leaders in this effort which included being trusted, non-partisan and credible; and having the ability to encourage progress by focusing on process success and building agreements across a diverse set of needs and interests.
- **The process needs to bring a variety of voices to the table and be balanced across different interests and geographies to reflect the diversity of Oregon’s water needs.** It should look for ways to build in access to information and input to the deliberations while also being structured to be nimble in order to make meaningful progress.
- **Change will take time.** While progress has been made and there is energy among water interests to act now, significant changes are a long-term endeavor and will require ongoing engagement and commitment by all parties.
- **A consensus-based approach supported by impartial facilitation and operating principles will be important to progress and durability of outcomes.** Many of the interviewees stressed the importance of working through an agreement seeking process with support from third-party facilitation to maintain fairness and integrity in the process, as well as lead to durable agreements that can be supported and championed in subsequent phases. strong mediation and process management skills, as well as enough situational awareness of the complexity of water policies, law and issue dynamics in Oregon to best support the group’s ability to efficiently and effectively conduct its substantive work. The group should develop a set of operating protocols including decision-making, group norms, communication outside the forum, etc., to steer the effort.

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### **Recommendations for Next Steps**

In summary, the assessment revealed an overarching desire for a more **integrated system** for water planning, management and investments that takes into account the complexity of Oregon's water needs. Based on the assessment findings and the specific direction described in the legislation directing this effort, OC proposes the following approach to achieve a specific component of this outcome around establishing a **clear integration of regional based efforts with state tools and resources**.

**NOTE:** Interviewees identified many other topics related to integration that they felt would be worthy of a group's effort to resolve. Among the most frequently mentioned were those related to data management, grant making timelines and requirements, permitting processes and aligning natural resource agency programs and practices tied to the IWRS. These issues will need to be addressed in different forums or subsequent efforts of this group to fulfill a more holistic need for an integrated system.

**Scope and Purpose:** HB 5006 legislation provided a clear **Scope:** "Develop a framework and path for state-supported water planning and management at the water region and/or basin level, considering regional water management opportunities that build on the 100 Year Water Vision and further the goals of the Integrated Water Resources Strategy."

Given this, along with findings from the assessment, OC suggests the following **Purpose** of this work effort:

Establish a Work Group which, using a consensus-based process, will develop recommendations for an integrated approach to water planning, management and investments that connects grassroots, regional or basin planning with state resources and tools. These recommendations may be referred for potential legislation development, agency policy, informing local efforts, or others. The effort will focus on integrating three elements:

- Regional planning and local input;
- State support and sideboards; and
- A framework for decision-making that will enable the above two items to be achieved.

**Deliverables:** The Work Group's charge is to develop recommendations that will become legislative concepts and/or agency policy direction, based on learning, deliberation and consensus building. Specifics include:

- A "findings" document that evaluates pros and cons of different regional planning approaches



- A set of foundational principles for structuring a modernized water planning, management and investment system that informs the following:
  - A recommended structure or structure options for regional/basin planning
  - A recommended decision framework that integrates regional/basin efforts with statewide resources and tools

Group Membership: Membership make-up will take into account HB 5006 legislative language directing this work and an expressed desire from interviewees to create a table that is: inclusive and nimble, balanced across regions, local and statewide; balanced in-stream and out of stream interests; and engaged with new voices and others who have been participating in these discussions. A recruitment process will be forthcoming to establish membership. (See separate communication on this.)

#### Process Leadership and Support

To provide process direction and support to the Work Group, a Process Leadership Team will be comprised of the following:

- **Independent Facilitation Services**: Facilitation services for the forum will include preparing process documents, agendas, and meeting notes; facilitating work group forums; and assisting with the coordination and facilitation of broader engagement efforts into the process.
- **Balanced and Strong Leadership**: The Chair of the House Committee on Agriculture, Land Use, and Water and a member of that committee designated by the Chair, the House Co-Chair of the Ways and Means Subcommittee on Natural Resources, and the Chair of the Oregon Water Resources Commission will serve in a process leadership capacity, ensuring the process goals and sideboards are well defined and that the group successfully meets its objectives in a timely manner. The entities will not drive the substantive outcomes, but rather will work to support consensus building and provide clarity as needed to promote progress of the group.
- **Lead Technical and Communications Support**: OWRD staff will be the technical resource lead and provide communications support to the Work Group forum.
- **Potential Steering Committee**: There may be value in the group considering developing a steering committee with a smaller subset of participants to provide process advice. This will not be initiated at the outset of the process, but the group may want to engage a smaller group on process related concerns as the effort unfolds.

Additional Opportunities for Engagement: The forum will have a designated web page hosted on the OWRD website containing all communication and documents relating to this effort. The web page will be updated regularly to remain current with the proceedings. Forum meetings will be open to the public. There will also be periodic, iterative opportunities for broader information



sharing and input that will feed into the process. See below for more details on the timeline and feedback loop opportunities.

- Use of subgroups/working groups: It may be helpful for the Work Group to consider the use of subgroups to focus effort on particular topics. These subgroup efforts could serve as an opportunity to engage with a broader network of interested parties on key topics.

General Approach and 2022 Timeline:

(YELLOW highlights broader engagement opportunities.)

**The following proposed approach and timeline assumes a set of recommendations that will be prepared in time for the 2023 Legislative session, as a milestone and marker nested in a longer term effort. Future scoping and tasks of this Work Group will be developed as the process unfolds.**

**January-March 2022:** Education Phase

Tasks:

- Develop and agree to working agreements and commitments to guide the group's effort.
- Develop a shared understanding of key factors impacting Oregon's water future: population dynamics, climate and ecological changes, infrastructure, etc.
- Study various regional/basin approaches and capture lessons learned, evaluate pros and cons for bringing into the Oregon system.

**March 2022:** Foundational Principles

- Task: Develop agreement around a set of principles that will provide the foundation for a state-supported regional water management and planning system for Oregon.

**March:** "Findings" and "Principles" information sharing and opportunity for broader feedback loop. The Work Group refines ideas based on feedback loops.

**March-June 2022:** Regional / Basin Construct

- Task: Develop concept(s) for regional or basin approach to water planning, management, investments that aligns with established principles. Seek agreement on concept(s).

**June:** Draft concepts shared for broader feedback loop and refinement by Work Group.

**July-September 2022:** State Construct / Framework



- Task: Define roles and responsibilities of the state to integrate with regional efforts and make strategic decisions about planning, management and investments.

**September:** Framework concepts shared for broader feedback loop and refinement by Group.

**October-November 2022:** Consensus agreements and next steps- comprehensive

- Task: Finalize consensus agreements, package recommendations, complete process report and determine next steps.

**November:** Broad information sharing opportunity to roll out consensus agreements and next steps.

## **APPENDIX I: INTERVIEW PARTICIPANT LIST BY ORGANIZATION**

### **Organizations Interviewed**

- Association of Clean Water Agencies
- Association of Oregon Counties
- Affiliated Tribes of the Northwest Indians
- Business Oregon
- Coalition of Oregon Land Trusts
- Commissioner Craig Pope
- Commissioner Kristen Shelman
- Commissioner Les Perkins
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Siletz
- Curry Watersheds Partnership
- Department of Environmental Quality
- Deschutes Basin Water Collaborative
- Deschutes River Conservancy
- Department of State Lands
- Harney County Place-Based Water Planning
- Family Farm Alliance
- Farmers Conservation Alliance
- Freshwater Trust
- Governor's Office
- John Day Place-Based Water Planning
- Klamath Tribes





- LaGrande Place-Based Water Planning
- League of Oregon Cities
- League of Women Voters
- NE Oregon Water Association
- Mid-Coast Place-Based Water Planning
- Oregon Association of Conservation Districts
- Oregon Association of Nurseries
- Oregon Association of Water Utilities
- Oregon Business Council
- Oregon Cattlemen's Association
- Oregon Department of Agriculture
- Oregon Department of Fish and Wildlife
- Oregon Environmental Council
- Oregon Farm Bureau
- Oregon Groundwater Association
- Oregon Health Authority – Drinking Water Services
- Oregon Lakes Association
- Oregon State Marine Board
- Oregon Water Resources Congress
- Oregon Watershed Enhancement Board
- Oregon Water Utility Council
- Oregon Water Resources Department
- Pineros y Campesinos Unidos del Noreste (PCUN)
- Special Districts Association of Oregon
- Sustainable Northwest
- Sybil Ackerman, Consultant
- The Nature Conservancy
- Trout Unlimited
- Tualatin Valley Water District
- Verde
- WateReuse Pacific Northwest
- Water Watch
- Wild Salmon Center

**Organizations that were contacted but did not participate in an interview**

- American Whitewater Association
- Beyond Toxics
- Burns Paiute Tribe
- Coalition of Communities of Color



- Coalition of Oregon Land Trusts
- Columbia River Keepers
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Confederated Tribes of Umatilla Reservation
- Confederated Tribes of Warm Springs
- Coquille Indian Tribe
- Cow Creek Band of Umpqua Indians
- NW Steelheaders
- Oregon Forest & Industries Council
- Oregon Outdoor Recreation Network
- Oregon Women's Sailing Association
- Oregon Small Woodlands Association
- Port Blakely
- Water for Life
- Willamette Riverkeeper

## **APPENDIX II: INTERVIEW QUESTIONS**

1. How would you describe Oregon's current approach to water planning, management and investments?
2. What do you see as the biggest challenges and opportunities in the current water planning and management decision making approach? What would the result be if the current approach to water planning and management continues unchanged?
3. Do you think regions/basins could or should have new or expanded authorities or obligations for elements of water management (investment, planning, ongoing management)?
4. Similarly, do you think the State could or should have any new or expanded authorities/obligations that are different from what currently exists?
5. In your opinion, are there particular water planning or policy issues that would best be resolved at the basin or local level? How would these tie to the IWRS? What water issues would best be resolved on a statewide basis?
6. Is there an equitable way/process to consider investments across the state? How do you include all impacted voices in guiding investment considerations?
7. Are there examples or ideas of governance approaches that you think would be helpful to consider as Oregon explores approaches to water governance?



8. Do you see a particular role for yourself/organization/government in this process? In what way? How do we assure a broad range of voices are included in design recommendations? Do you have suggestions of who else we should be talking to? Any suggestions on who should chair this effort?
9. Is there anything else that you'd like to share, or that wasn't asked?