**HB 5006 Work Group
State-Supported Regional Water Planning and Management
DRAFT Operating Protocols**

Background

HB 5006 appropriated General Funds into the Oregon Water Resources Department (OWRD) Director's Office to work with Oregon Consensus (OC) 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." A budget note further directed this effort to consider regional water management opportunities that build on the 100 Year Water Vision and further the goals of the Integrated Water Resources Strategy.

Further informed by a process assessment conducted by OC (see Assessment Findings Memo for details), a Work Group has been established to meet the charge of the HB 5006 legislation. The Work Group purpose and operating protocols are described in this document.

Work Group Purpose

The Work Group will use a consensus-based process to develop recommendations for an integrated approach to water planning, management and investments that connects grassroots, regional or basin planning with state resources and tools. The effort will focus on integrating three elements:

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

Deliverables: The Work Group will develop recommendations based on learning, deliberation and consensus building. Specific deliverables include:

- Documented findings review of various regional planning approaches, models, and lessons learned
- Developing foundational principles for structuring a modernized water planning, management and investment system that inform the following:
  - A recommended structure or structure options for regional/basin planning in Oregon

> **Commented [1]:** Work group member concern: This is an enormous body of work for a short period of time that may damage relationships. Can this become more of a learning and relationship-building space? Can this process be slowed down?

> **Commented [2]:** Comment from Work Group: This is too much to deliver in a year's time; consider the need for the Work Group to develop relationships and shared definitions

> **Commented [3]:** Question from work group: What does investment system mean for the purposes of our work?

       ○ A recommended decision framework that integrates regional/basin efforts with statewide resources and tools

Sideboards:

Work Group Members

HB 5006 included a budget note which included categories of groups to participate and further direction to set up a balance of representative seats. The named categories are: conservation, agriculture, environmental justice, municipal, and tribes, as well as State Agencies: Oregon Water Resources Department (OWRD) and Oregon Department of Fish and Wildlife (ODFW). Additional categories of representation determined by the Process Leadership* to create a well-rounded representation of interests and geographies include: non-agricultural business interests, regional representation across Oregon's basins/watersheds, the Department of Environmental Quality (DEQ) and the Governor's Office.

Preferred Qualifications of the Work Group and its Members:

- Representation of interests across instream, out of stream, quality and quantity.
- Representation of statewide, regional, and community-specific experiences or perspectives.
- Representation of urban and rural experiences and perspectives from different watersheds dispersed across the state.
- Consideration of new voices to the table alongside those who have consistently been engaged in water policy negotiations.
- Consideration of diversity of backgrounds, identities and geographies.
- Demonstrated commitment to work in a consensus process to achieve the collective goals of all.
- Expertise or ability to take a systems-level view of the issues to develop a structure that serves all of Oregon.
- Interest in building relationships and learning collectively around water.
- Ability to commit consistent focus and time for a year-long effort which will require frequent (monthly or more often) meetings and a fair amount of in-between meeting work. This will include coordinating with constituencies to ensure no surprises and a good faith effort to develop recommendations that everyone can live with.

Work Group Membership

Conservation

- Caylin Barter, Wild Salmon Center
- Kimberley Priestley, WaterWatch
- Chrysten Rivard, Trout Unlimited

Agriculture

- April Snell, Oregon Water Congress
- Mary Anne Cooper, Oregon Farm Bureau
- Jeff Stone, Oregon Nurseries Association

Environmental Justice

- Oriana Magnera, Verde
- Ana Molina, Environmental Equity Committee
- Tiffany Monroe, Environmental Equity Committee

Municipal, Local and County Governments, Special Districts

- Margaret Magruder, AOC, Columbia County Commissioner
- Adam Denlinger, SDAO, Seal Rock Water District
- Niki Iverson, LOC, Water Director City of Hillsboro & Chair of LOC Water/Wastewater Policy Committee

Tribes

- Bobby Brunoe, Confederated Tribes of the Warm Springs
- Kathleen George, Confederated Tribes of the Grand Ronde
- Calla Hagle or Jason Fenton, Burns-Paiute Tribe
- Anton Chiono, Confederated Tribes of the Umatilla Indian Reservation
- Roselynn Lwenya, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

Non-Agricultural Business/Industry

- Dan Thorndike, Oregon Business Council
- Bob Rees, NW Guides and Anglers Association, recreation industry interest

Regional Perspectives

- Daniel Newberry, Johnson Creek Watershed Council
- Donna Beverage, Union County Commissioner
- Holly Mondo, Harney Community-Based Water Planning Collaborative
- JR Cook, NE Oregon Water Association
- Kate Fitzpatrick, Deschutes River Conservancy
- Kelly Timchak, Curry Watersheds Partnership
- Peggy Lynch, League of Women Voters
- Wally McCullough, Eugene Water & Electric Board

State Agencies (ex officio)

- OWRD - Tom Byler
- ODFW - Chandra Ferrari
- DEQ- Richard Whitman

Governor's Office (ex officio)
- Courtney Crowell

Attendance expected. To maintain the continuity of the discussion, it is important to have the members attend every meeting. Members are expected to make a good faith effort to attend all meetings. In the event of an unplanned emergency, the facilitation team will take steps to assure a missing member is provided an update about the meeting.

Use of Alternates: In the spirit of good faith commitments to engage in this process as a Work Group member, the use of alternates should only be used when absolutely necessary. Alternates should be prepared to serve in a proxy role by being up to speed and well-versed in the issues being discussed in the process and able to step in if needed without disrupting the work of the group. For major recommendation milestones, the Work Group will determine whether to proceed with a consensus check if the primary member is not present at the meeting.

Use of Task Groups: As a task-specific feature of the Work Group process, Task Groups may be formed to gather information and develop ideas or proposals for Work Group consideration. This process feature will be developed and directed by the Work Group as needed. Task Groups will not have a 'decision making' authority and all Task Group products will be iteratively funneled through the Work Group for further deliberation and consideration for consensus. Task Groups may be comprised of members of the Work Group, as well as additional outside expertise at the group's invitation.

Additional Engagement Opportunities: OC and OWRD, with direction from the Work Group, will create an engagement plan for broader stakeholder and public information sharing and opportunities for input to the process. This will include web-based information sharing, and hosting or attending public forums to provide updates on the Work Group effort and to gather feedback on specific pieces of work being developed within the Work Group process.

Work Group Timeline

The following proposed approach and timeline may need to be adjusted in-process per the group's direction. The resulting recommendations, if determined within the year timeframe, may go to legislative concept, OWRC recommendations, or other forums yet to be determined.

Commented [5]: Work Group member question: How will these be formed? See proposed protocol from OC

Commented [6]: Comment from work group members: Timeline/ deliverables do not seem realistic, may need to shift based on any refinement of purpose (see above) and depending on the structure of Task Groups and other efforts outside the main Work Group meetings

Opportunities for Broader Engagement (TBD by the Work Group):

In addition to keeping meetings open and available to the public and OWRD hosting a web page for tracking the work of this effort, the Work Group will determine its needs and articulate requests for broader stakeholder or public engagement- this may be in the form of:

- Recruiting additional perspectives or expertise to speak to the Work Group or work with Task Groups to inform development of ideas.
- Providing informational updates in other forums to inform key stakeholders of the work happening - may also include an invitation for input to the Work Group as it develops ideas;
- Identifying needs for a general public engagement process to help inform the Work Group or to provide opportunity for the Work Group to share progress updates with the public.

January-April 2022: Education Phase

Tasks:
- Develop and agree to working agreements and commitments to guide the group's effort. (Operating Protocols)
- Develop a shared understanding of the state of the water system in Oregon as it exists today.
- Study various regional/basin approaches and capture lessons learned, evaluate pros and cons of bringing into the Oregon system.

April-May 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.

April-September 2022: Develop Options

- Task: Develop concept(s) or structural elements for integrated region/basin based water planning efforts that align with established principles. Determine where there is alignment.

- Task: Develop recommended framework for statewide decision making that integrates regional or basin efforts with state resources and tools.

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

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

Decision-Making

The Work Group will strive for consensus on recommendations. Consensus is defined as, "willingness to accept the Work Group's recommendation." A consensus tool will be used by the facilitator to gauge levels of alignment on proposed concepts at iterative points in the process. A final consensus check on all recommendations will be done at the end of the process before a recommendation goes forward on behalf of the Work Group.

Consensus recommendations may be developed into legislative concepts, policy recommendations to the Oregon Water Resources Commission, or other decision making / implementation forums yet to be determined.

Communications

Open to the public, documented meetings. The OC facilitation team will prepare high level meeting summaries that will document the Work Group proceedings including issues discussed, options and proposals discussed, action items and consensus recommendations or other conclusions of the work. These meeting summaries will be posted on the OWRD project web page: *HB 5006 Work Group project page*

Work Group records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records. Work Group communications are not confidential and may be disclosed. However, the private documents of individual work group members generally are not considered public records if OWRD or another public body does not use or retain copies.

Media relations: OWRD will be the point of contact with the public and media about meetings, agenda topics and general process related to this effort. As a general practice, OWRD will coordinate with the Work Group on media communications in advance.

Speaking on behalf of the Work Group: All members agree to refrain from making comments about or representing the views of other members with regards to this Work Group process in contacts with the media, nor represent or characterize the positions and views of any other work group member in other public forums. Unless explicitly and specifically delegated to do so by the Work Group, members agree not to speak on behalf of the group outside of the Work Group forum.

Member Participation Norms

It is expected that all members help to create an environment where all perspectives can be shared to promote comprehensive exploration of issues and the creation of

shared and heard understanding and consensus building on recommendations. To that end, Work Group members agree to work in good faith:

- Be prepared for and attend meetings, and and follow through on promises and commitments;
- Stay focused on the Work Group charge;
- Bring concerns related to this work from their interest group or organization up for discussion at the earliest point possible in the process;
- Share all relevant information that will assist the group in achieving its goals;
- As appropriate, keep their organizations or interested communities informed of the process and substance;
- Stay accountable to and help other members stay accountable to the Work Group process as defined in these Operating Protocols;
- Engage in honest, open-minded, and constructive discussions to seek understanding and optimal outcomes; and
- Avoid substituting or alternating members whenever possible.
- Raise process concerns in the group, not via outside forums or the media.

Should a group member appear to act in bad faith, the facilitator will talk with the individual(s) about the situation. A variety of approaches will be explored, accordingly, to redress the concerns including the possibility of having the member removed. The authority to replace and/or remove a member from the group rests with the Process Leadership Team.

Rights in Other Forums
Participation in the group does not limit the rights of any member. Members will make a good faith effort to notify the group in advance if another action outside the process will be initiated or pursued which could affect the issues, proposals, or agreements being discussed.

Organizational Structure
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**: Oregon Consensus will provide facilitation services for the forum that will include process development and management, 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. OC will work on behalf of the whole group to support consensus building efforts toward outcomes (recommendations) that the group can support.

Commented [11]: Work group question: Will there be an opportunity in meetings to bring these things up? What's the procedure for registering concerns? What if a stakeholder or group doesn't feel comfortable or empowered to share?

Commented [12]: Work group comment: This is different than accountability. How will accountability be addressed?

Commented [13]: Work Group question: What is the process for doing this?

Commented [14]: Work group comment on need for further clarity on roles, responsibilities and resources and also how disagreements amongst the process team will be conveyed to the work group

7

- **Balanced and Strong Leadership**: Legislative leadership from the former Interim House Water Committee (Representatives Helm, Owens and Reardon) and the Chair of the Oregon Water Resources Commission (Reeves) will serve in a process leadership capacity, ensuring the process goals and sideboards are well defined and that the group successfully meets its deliverables in a timely manner. They will not drive the substantive outcomes, but rather 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 Work Group members 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.