



HB 5006 Work Group
State-Supported Regional Water Planning and Management
DRAFT: Operating Protocols 4-5-2022

Background

HB 5006 directed the work of this Work Group. The legislation and budget note read:

“Notwithstanding any other provision of law, the General Fund appropriation made to the Water Resources Department by section 1 (5), chapter ____, Oregon Laws 2021 (Enrolled Senate Bill 5545), for the biennium beginning July 1, 2021, for the director’s office, is increased by \$500,000, 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.

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 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.”

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 a framework and path for state-supported regional water planning.

Objectives:

- Build upon past efforts including the 100 Year Water Vision and other Oregon regional planning processes.
- Further the goals of the IWRS.
- Gather information from the field, experts, and each other to build shared learning. Document information gathering and co-learning efforts.
- Create and strengthen relationships across groups with diverse interests and needs.
- Develop and deliberate shared ideas for a State-Supported Regional Planning and Management Framework.

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 from the budget note 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, and ecology/watershed health.
- 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
- Heather Bartlett, Cow Creek Band of Umpqua 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: The Work Group will determine its needs and articulate requests for broader stakeholder or public engagement, which 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.

OC and OWRD, with direction from the Work Group, will support broader engagement and public information sharing opportunities. 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.

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.

Consensus Tool: Using a scale of 1-5 to gauge the level of agreement on a given proposal or idea: “1” = I enthusiastically support this proposal or idea. “2” = I am ok with this proposal or idea. “3”= I am neutral, on the fence, or have minor concerns about this proposal or idea. “4”= I have serious questions or concerns, but will not ultimately block this proposal or idea. “5”= I oppose and will actively block this proposal or idea. As time allows, “4” and “5” will offer amendments to the proposal or idea and a consensus check of the group will be redone with the refinement. If time does not permit, work group member(s) can offer explanations for their serious concerns or questions and these will be documented.

Communications

Open to the public, documented meetings. The Work Group meetings will be recorded while on zoom. 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:

- Respect others' time; be prepared for and attend meetings, and follow through on promises and commitments;
- Be respectful of perspectives different than your own;
- 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; and
- 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 that the group can support.
- **Balanced and Strong Leadership:** At the outset and to get the process underway while the Work Group is forming, 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. As needed, leadership can support the process to affirm that the work that is happening is in fact responsive to the legislative intent that directed it.
- **Lead Technical and Communications Support:** OWRD staff will be the technical resource lead and provide communications support to the Work Group forum. Other state agencies will also engage and provide technical support as needed and determined by the Work Group.
- **Work Group Coordination Committee:** A smaller subset of Work Group members may be initiated, at the group's request, to volunteer and work with

Oregon Consensus and OWRD staff on agenda planning, including organizing around information gathering and initial discussions about potential broader engagement efforts, among other process topics. All information discussed by this committee will be transparent, and reviewed/refined by the full Work Group to affirm direction as the effort unfolds