

Memorandum

Oregon Water Resources Department Director's Office

To: Scott Aycock, Deschutes Basin Water Collaborative Facilitator

From: Doug Woodcock, Deputy Director, Oregon Water Resources Department

Date: June 22, 2020

Regarding: OWRD Sign-on to DBWC Charter

The Department reviewed the Deschutes Basin Water Collaborative charter to ensure consistency with criteria established in statute, rule, Integrated Water Resources Strategy, and Draft Guidelines for Place-Based Integrated Water Resources Planning. The Department is committed to ensuring an open and transparent collaborative process that includes a balanced representation of interests and fosters public participation. The Department is supportive of efforts that are likely to: help the state achieve balanced, multiple uses; result in implementation of local solutions to meet current and future instream and out-of-stream needs; identify projects that will produce social/cultural, environmental, and economic benefits; and, make progress on recommended actions in the Integrated Water Resources Strategy.

The Department found that the process described in the Charter either meets established criteria or is likely to meet these criteria (Table 1). The Department requests one minor modification to the Charter as it relates to place-based planning (attached). The Department strongly encourages the Working Group to adopt the Charter by the consensus decision-making process defined in the Charter to ensure there is a solid foundation of broad support. The Department would be able to support the Charter as it is written in a consensus decision and would sign-on to participate in decision-making if it is adopted by a balanced representation of interests.

There are some additional comments that we would like for the Collaborative to consider over time as they may factor into the Department's ability to support future actions of the Collaborative or provide state recognition of a Basin plan:

1. There are several water interests that are not currently represented in the Collaborative, including business and industry, self-supplied water users (rural domestic or agricultural), and special districts. You may want to consider outreach to these groups if they will be affected.
2. The process for selecting Planning Team members needs to be clarified. Effort should be made to ensure that the Planning Team composition and membership is representative of the diverse interests represented by Working Group members and has the support of the Working Group.
3. Aside from noticing meetings and making them open to the public, there are no other specific actions or provisions regarding public participation. The Collaborative should consider ways to foster public participation, especially amongst those who are likely to be affected by a proposed action or plan, traditionally underrepresented interests, and environmental justice communities.
4. Working Group members should be given sufficient opportunity to deliberate and discuss proposals. The frequency and structure of Working Group meetings does not necessarily allow for this. Sub-committees could be used to encourage participation of Working Group members.
5. There are several areas where the Department is called out specifically. We would like to have follow-on conversations with the Planning Team to clarify OWRD's role and capacity so that we can maximize our limited resources and set realistic expectations for our participation within current capacity constraints.

We are happy to discuss any of this further with the Planning Team, Working Group, or support staff. We will strive to help you meaningfully address any issues or concerns we raise with regards to ensuring a sound collaborative process.

Table 1. DBWC charter assessment against existing criteria

Criteria	Source(s)	Criteria Met	Notes
Will promote balanced, multiple uses	ORS 536.220 ORS 536.310	Yes	As described in the Charter OWRD sees that the intent of the Collaborative is to promote balanced, multiple uses
Will discourage competitive exploitation and will not promote the power or influence of a single purpose or interest	ORS 536.220	Yes	As described in the Charter OWRD sees the intent of the Collaborative is to promote balanced, multiple uses and will support and reinforce efforts to ensure the process continues to promote balanced, multiple uses (instream and out-of-stream)
Will be done in collaboration	ORS 536.220	Yes	Collaboration denotes pursuing a shared vision and goal through shared decision-making and joint ownership of the process and outcomes
Includes a balanced representation of interests	ORS 536.220 Guidelines (Pg 8)	Yes (with further discussion)	Broad and balanced representation of interests proposed in the Working Group Determine whether Working Group members generally feel that their interests will be sufficiently represented by Planning Team members and that the Planning Team has the support and trust of the Working Group
Likely to balance current and future instream and out-of-stream needs	ORS 536.220	Yes	This intent is clearly articulated in the charter
Likely to develop actions consistent with state law concerning water resources of the state and state water resources policy	ORS 536.220	Yes	The group is interested in identifying policy opportunities and barriers and suggesting policy changes Any policy changes must be pursued through existing legislative or administrative processes
Likely to facilitate implementation of local solutions	ORS 536.220	Yes	This effort builds on decades of working together to implement local solutions
Will utilize an open and transparent process	ORS 536.220	Yes	Working Group and Planning Team meetings will be open to the public, with agendas and summaries posted online and opportunities for public comment offered at Working Group meetings An email list will be maintained for all interested individuals to receive notice
Will foster public participation	ORS 536.220	Uncertain but likely	Specific provisions or actions beyond ensuring that meetings are noticed and open to the public are not included in the Charter Opportunities for public participation will be considered by the Department when a proposal is brought forward for consensus or when the plan is brought forward for state recognition OWRD recommends designing public participation opportunities for proposed actions considered by the Collaborative
Will be developed in consultation with the Department	ORS 536.220	Yes	OWRD will be an advisor to the Planning Team and member of the Working Group

			OWRD commits to review draft materials to ensure technical accuracy and consistency with state laws and policies Beyond participation in meetings and review of documents, OWRD’s role and capacity needs be discussed and clarified
Recognizes the public interest in water, state authorities, and responsibilities	Guidelines (pg 6) ORS 537.110 ORS 536.310	No (include in future documents)	The Plan and any interim proposals should explicitly recognize the public’s interest in water The Plan and any interim proposals should also recognize existing state authorities and responsibilities
Defines a clear planning scale following hydrologic boundaries	Guidelines	Yes	Near-term actions will focus on Upper and Middle Deschutes with an eventual Basin Plan focusing on the entire Deschutes
Agencies are invited as partners	Guidelines	Yes	The core IWRS agencies have been invited as partners
Diverse interests from different sectors are invited and involved	Guidelines	Yes	Different sectors and diverse interests that participated in the Basin Study are invited and involved Consider inviting and involving self-supplied water users (rural domestic, irrigated agriculture, industry) as well as a business/industry representative Need to ensure that Working Group feels that their interests will be sufficiently represented at the Planning Team level
The process uses consensus decision-making	Guidelines	Yes	Consensus decision-making is defined Any consensus decision must include a balanced representation of interests and cannot be used to willfully exclude specific interests It is unclear whether the charter will be adopted by consensus – this is strongly recommended by the Department
Likely to be consistent with IWRS guiding principles	Guidelines IWRS	Yes	Included for your reference
All persons potentially affected by actions can have a voice in the decision-making process, including underrepresented groups and environmental justice communities	Guidelines ORS 182.535-550	Uncertain	Specific provisions or actions are not included in charter This will be considered by the Department when a proposal is brought forward for consensus or when the plan is brought forward for state recognition OWRD recommends pursuing public participation opportunities for specific actions considered by the Collaborative as well as to inform the Basin Plan
Convener and facilitator will maintain neutrality and foster engagement of diverse interests	Guidelines	Yes	The chair/co-chair will be selected by the Working Group and their role is to “strive to invest in meeting all participants’ needs” The facilitator will “advocate for a fair, effective, and credible process, while remaining completely neutral as to the outcome of the deliberations”