

Public Comments  
Developing Guidelines & Resources for Place-Based IWRS  
August 22, 2014 Water Resources Commission Meeting

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**From:** Terry Anthony  
**Sent:** Sunday, June 29, 2014 3:15 PM  
**To:** waterstrategy  
**Subject:** IWRS comment

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Having worked in this space for over two decades as county planner, developer and environmental consultant (including 7 years in E. Oregon and 2 in WA and CA), I understand the importance of coherent and work-able directives from the State as well as the role and value of community-based problem-solving. Therefore I offer the following overall vision in lieu of responses to specific discussion points...though many answers to discussion questions are implied therein:

The core of any IWRM program should be the demonstration of continual improvement across a spectrum of predetermined Objectives. Moreover, these Objectives should be established by the State, be consistent with Oregon Conservation Strategy and Growth Management objectives, and address all major water resource issues (as with California's program). A governance framework should be defined by the State and consistent with Regional Solutions districts, while corresponding to logical drainage basins (like WRIAs). In turn, local programs should have the latitude and responsibility for implementation, including setting priorities and reasonable performance targets (with concurrence by the State, or remand if inadequate), and developing place-based solutions to meet these targets. IWRM should be a partnership between the State and local entities, with shared responsibility for resourcing. Robust effectiveness monitoring, and regular reports on progress towards objectives must be a requirement, and chronic non-attainment of targets by local programs should have consequences.

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Date: June 26, 2014

To: Oregon Water Resources Department

From: Leslie Bach, Director of Freshwater Programs

Re: Comments on Place-Based Water Resources Planning

Thank you for the opportunity to comment on the Placed-Based Planning discussion paper. We are providing responses to some of the specific questions posed in the discussion paper, as well as on the Draft Guidelines. Please let us know if you have questions or wish to discuss further. We look forward to continuing to participate in this very important process.

### **Response to Questions**

#### Discussion Question #1: Value of Placed-Based Planning

If done correctly, placed-based planning can allow for creative solutions that are based on the unique characteristics of the area and site-specific data. It also allows for buy-in on water management among all the stakeholders in the identified area.

#### Discussion Question #2: Setting Boundaries

Oregon should define a specific set of regions/boundaries for placed-based planning. These should follow watershed boundaries and could be structured around existing classifications. The Oregon Administrative Basins are too large of an area, but perhaps dividing those based on HUC boundaries would work well, maybe 5<sup>th</sup> field (10 digit) HUCs. It would be good to coordinate boundaries for various purposes as is done in WA. If the boundaries are not pre-set, then the state should approve the selected boundary. Regardless of exactly how the divisions are made, they should follow basin/sub-basin/watershed boundaries, not be delineated on jurisdictional boundaries such as counties.

General guidance for composition of the groups should be provided by the state, although it is likely that the composition will need to vary among areas. The state should have final approval of the group composition.

#### Discussion Questions #3 and #4: Governance Structures and Stakeholder Involvement:

The Planning Group should consist of balanced representation of water users, environmental groups, interested citizens, local government, state government and, where applicable, federal government. In particular, the instream and out-of-stream interests should be balanced; having

one representative from each water use group (agriculture, municipal, industrial, etc.) and only one representative from a conservation perspective will not be adequate. Decision-making can vary, but must be agreed to by the group and be open and transparent. The state should act as the convener and chair, and manage the process. This will result in the fairest, most inclusive process. There does not have to be a plan done for each region – the process could be initiated by local groups (e.g. a group of initiating governments) that are interested in developing the plan. That would then trigger the state to convene the group. Everyone on the group should be a voting member, including agency staff. Meetings should be open to the public and draft products/decisions posted for the public. Public review and comment should be a clear and significant part of the process.

#### Discussion Question #5: Data Management and Plan Outline

Specific guidance should be developed by the state. The IWRS is a good starting point for the outline, but further guidance is needed. The state should develop a template to which all plans adhere.

#### Discussion Question #6: Instream Needs

It is imperative that plans address instream flow needs. These should cover traditional instream flows as well as peak and ecological (aka seasonally-varying flows (SVF)). Similar to the Texas approach, standards for determining and protecting environmental flows should be established. The “in-depth analysis framework” for SVF provided for SB839 can be used as a guide. The plan should also provide a path for finalizing instream water rights for those locations in which ODFW instream flow applications have not been processed. The analysis should include assessment of groundwater needed to support ecological purposes, including instream flows and water needs for Groundwater-dependent ecosystems. It should also look at threats to groundwater resources due to over-drafting. The state should provide information on the environmental flow analysis process, existing data and studies, and technical experts that can assist with analyses. In addition, information on existing instream water rights, minimum perennial streamflows, state scenic waterways flows, etc. should be provided.

#### Discussion Question #7: Water Quality

It makes sense to integrate water quality into the analysis, however in many locations more work has been done on water quality than on water quantity. At a minimum, the plans should link to existing water quality studies, management plans and TMDLs and describe their requirements. Projects developed through the place-based plan should describe the relationship to water quality protection. Nothing in the plan should create negative impacts on water quality or negate existing efforts. As much integration between water quantity and quality as possible will facilitate good water management overall.

#### Discussion Question #10: State-level Review

If the state is the convener and manages the process, they should be able to ensure that the planning guidance has been followed and that criteria have been met. The WA model seems to be the best, with Department of Ecology serving as active members, liaison to other agencies, and final reviewer. Then, the plans could be adopted by Oregon Water Resources Commission, similar to Texas.

#### Discussion Question #11: Role of State Agencies

This should follow the general approach of Texas and WA, with the addition that state agencies should be voting members. Texas has three state agencies that participate in the water planning groups. For Oregon, the agencies could be OWRD and ODFW, with others depending on the plan (e.g. ODEQ, ODA, ODOGAMI, Parks, others?) WA has a process for determining the agencies involved and an MOU among agencies. These seem like good ideas to follow.

#### Discussion Question 12: Funding

The funding should be a competitive grant process, and match should be required. Once the planning process is initiated, that triggers state involvement and state convening/facilitating of the effort. The funds should not be used for agency staff; that should come from the agency budgets. The funds should be used for studies, contractors, etc. to do the analysis and write any reports.

### **Comments on Draft Guidelines**

#### 1. Governance

See comments on questions #3 and #4. Representation must be balanced, e.g. there needs to be more than one environmental representative if there will be representatives for each water user group. Local governments or local water districts (municipal or agricultural) could initiate the process, but ultimately the state should be the convener and manage the process. There should be a provision for specific agency representation, and they should be **voting** members. Public involvement must be robust and transparent, including a place for posting of documents and comments from the public. All meetings should be open to the public and include a public comment period. At least one representative from the public should be included.

#### 2. Description of Water Supplies and Systems

This should include a description of existing instream water supplies, e.g. current instream water allocations and protections under various laws/policies/rules.

### 3. Description of Water Needs

The description of instream needs should be comprehensive, including instream needs outside of the irrigation season (e.g. SVFs). OWRD should provide a clear method for determining out-of-stream needs for each sector to ensure that the calculations are based on true needs, not perceived demands. The assessment methods should be as prescriptive as possible. Descriptions of water supply and instream needs should include groundwater. Where possible, the plan should integrate surface and groundwater resources and needs.

### 4. IWRM Plan Objectives

This should explicitly mention the need for objectives to address instream and ecological needs (e.g. for groundwater) as well as out-of-stream needs.

### 6 and 7. Coming Pressures and Water Management Tools

In terms of climate change, projections on water supply should be based on best available science and vetted with scientific professionals. It is important that climate change is not used as an excuse for additional water development based on perceived or unsubstantiated changes. Infrastructure such as dams and diversions/canals should be considered an opportunity for creative management by changing from past practices to practices that support efficient water management for the 21<sup>st</sup> century. While water rights must be recognized and considered, opportunities for water sharing, water markets, water banks and dam re-operation should be considered before looking to new water developments. Included in these tools should be state application or finalization of instream flow applications/water rights.

### 10. Funding

Following the standard analysis process (template) should be required for any group receiving public funding for a plan.



## NATIVE FISH SOCIETY

*Advancing the Recovery of Native, Wild Fish in Their Homewaters*

Alyssa Mucken, Coordinator  
Oregon Water Resources Department  
725 Summer Street NE, Ste A  
Salem, OR 97301

June 30, 2014

RE: Comments, Placed Based Integrated Water Resources Planning

Dear Ms. Mucken,

The Native Fish Society is a regional conservation organization committed to conservation of native, wild species of fish and the habitats that sustain them. It is our concern that public natural resource management agencies follow the law and protect the public interest and ecosystem services in their decision making. Our concern, as always, is that plans for water in Oregon have a balanced and meaningful public involvement. It is in the public's interest that the Integrated Water Resources Planning process and "place based planning" retain the state's authority over the management of water resources in Oregon.

We realize that like all state natural resource agencies, including the Water Resources Department, are constantly pressured to consider the extraction needs of its perceived constituents, in this case the water users and their economic interests, rather than the public interest, ecosystem function, watershed health, and the dependence wildlife and fish have on water to complete their life cycle and maintain their abundance and viability. Therefore, following the law and protecting the public interest remains the Water Resources Department's overriding obligation.

The Native Fish Society recognizes the value of regional planning that includes the unique character of Oregon's river basins and water uses they provide including instream flows. We are also aware that the Water Resources Department is keenly aware of their customer's desires and needs, and that pressure to serve their interests may seem more important than the public's interest in ecological health and productivity of Oregon's nineteen river basins. Therefore, planning and management must be done so that statewide goals are maintained as well as the agency's authority to implement statewide direction to protect the waters of Oregon and the public's interest in those waters. Therefore we expect that the following to be accomplished by the agency.

1. Do not use "place based planning" to subvert agency authority, replacing it with local control over water planning and management. State authority over planning, permitting, and enforcement of water rights is the exclusive authority of the Water Resources Department and it shall not be abridged.
2. Basin plans shall remain consistent with state priorities and not modified by place based planning so that water allocation decisions are consistent with state priorities.
3. Aspirations promoted by Regional Advisory Committees to serve the development and economic interest of local water users are not to guide any place based management plans.

Sincerely,

Bill Bakke, Founder and Director of Conservation and Science

**From:** Niklas Christensen  
**Sent:** Friday, March 14, 2014 11:18 AM  
**To:** 'MUCKEN Alyssa M'  
**Subject:** RE: [IWRS] Comment Opportunity: Place-Based Planning

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**Discussion Question #2:**

**How prescriptive should the state of Oregon be in organizing the borders and composition of groups?**

I think not prescriptive at all; that'd either be telling groups they have to be there, or telling groups they cannot be there. I think if groups are told they have to be there then they're not interested/vested/committed to the basin/process. They are also unlikely to invest their own resources which much of this comes down to. If they're told they can't be there, then you're losing an interested stakeholder (even if they are way downstream, they're a lower-level stakeholder but that should be reflected in their level of interest). Everyone should be able to have a seat at the table, and at the end of the day their perspective is incorporated based on their level of proximity/impact.

We have not had a basin-wide set funding plan, but individual entities (e.g., irrigation districts) spending their money where they think best. Since much of this comes down to where organizations want to spend their money (or grants they want to apply for) that automatically gives them more say.

**Should the state approve / accept the establishment of each region? If yes, how so?**

Although this would should not hurt, I don't see it as being that beneficial. Groups/areas are that are interested in planning would largely self-regulate the areas in which they plan.

**Discussion Question #3:**

**How should Oregon planning groups make decisions? (consensus, majority, etc.)**

We have not made binding decisions but general recommendations on direction, and then each entity is free to do what they wish. It's their purview, and they're paying for projects, so it's hard to tell them what to do. But, having them at the table, hearing others, and then if someone wants something (e.g. conservation and more instream flow) that group can negotiate (e.g., we'll fund X is you put Y cfs instream).

**Discussion Question #6:**

**To what extent should place-based plans and their implementation work plans address Oregon's instream flow needs?**

This should be one of the main focuses of the plans. I'd say water resource reliability and instream flow are the top two (and equal) priorities. In our Basin, irrigation and potable have high priority water rights and most negative impacts (from development, climate change) are on instream flows. A basin plan that does not include instream flows could show that water resource reliability for Ag is unaffected by a 50% decrease in flow, but not show that that Ag still gets their water but not instream flow is only a few cfs.

**What technical resources and capacity should be made available to planning groups**

Required instream flow is the toughest to quantify. For instream flows, the IFIM process is seen as the most objective, but it's still far from perfect. I think the state should make ODFW and

DEQ available to make recommendations on instream flow. This could be after an IFIM study happens, and then the report is evaluated by ODFW to make recommendations on actual flow targets.

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Niklas Christensen, PE, CWRE  
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From: Robert Collin  
Sent: Thursday, March 13, 2014 7:28 AM  
To: waterstrategy; Robin Morris Collin  
Cc: Benjamin DUNCAN; Rev Joseph Santos-Lyons; Jonathan Ostar; REP Frederick; Robert Bullard; Mustafa Ali  
Subject: EJ and Water placed based strategies

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The EJTF may be interested in hosting you here before we comment. We are interested in how EO 12898, the subject of Governor Kitzhaber's Proclamation last month is incorporated. Placed based decisions evoke environmental benefits and burdens with very specific ej issues.

While appointed to national advisory committees to the EPA (NEJAC) we did substantial place based work, some of it in Oregon. We tried to move the language from case study to Placestudy about 11 -12 years ago. I am a very strong proponent of place studies that include ecology and culture of that particular place. However you are using case studies to do place studies? Your states do not seem comparable to Oregon in state agency missions, water conditions, and industry/agriculture. The EJ issues also differ by statute and practice.

We are not really seeing much EJ in these processes and are concerned that some procedural due process issues may arise if agency rules are promulgated without adequate notice and opportunity to responsively comment to all stakeholders. EJ communities are disenfranchised, marginalized, and vulnerable; but they count as stakeholders too. There has been little sensitivity to Race or Income in your processes. As you move to Place studies and reality these will emerge. It helps to collaborate with these communities early because they often need capacity building to so. If sustainability is any part of this these issues will arise then too.

Hopefully we can hear from you about how will include EJ, and how we can best collaborate with your program development.

Thank you for your time and attention

Will Collin  
Sent from my iPad

**From:** Robert Collin

**Sent:** Wednesday, June 18, 2014 9:40 AM

**To:** Jonathan Ostar; rev Santos-Lyons; Samples Julie; Jennifer Coleman; sundvallwilliams; Robin Collin; Binny duncan; MUCKEN Alyssa M; Travis Williams; Cassie Cohen; Cynthia Carmina Gomez; William Egan; Wolf Steven; Shannon Work; SVETKOVICH Christine; Mustafa Ali; merrills; Sen.Rod Monroe; Dick Roy

**Subject:** Water in Oregon - EJ Comments due by Monday, June 30, 2014 - Collin Submitted Comment

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Hi

I have made comments about this already and appreciate the opportunity to add more. My additional comments are part of this e mail. Other EJTF colleagues may have questions or comments as this is probably the first they have had notice of this. Please incorporate my earlier comments with these now.

EJ Inclusion and its benefit

This process lacks EJ inclusion, while a tighter water policy is good idea I feel that without EJ early in policy development it becomes a problem later in terms of disproportionate impacts on communities affected by water. I am particularly concerned about the 11 miles of the Willamette River known as Superfund, and other contaminated water sites. Their synergistic and cumulative affects of pollution occur as an ecological reality and EJ interest. Our exclusion results in a decreased policy emphasis on these issues.

The process for this policy from my computer vantage point was better than most around water but not inclusive enough of EJ cultural competency. Fast meetings of complex topics, over facilitation of a group inclusive enough to agree. Without an EJ understanding it was beyond current EJ capacity to catch up with meetings, educate all the other stakeholders, and then attend all of them.

EJ was not a facilitated presence.

As a result this process does not have buy in from all affected stakeholders, such as communities, and therefore simply does not have consensus or inclusion enough for a collaborative engagement yet.

Environmental Decisions - Water, Fairness, and Sustainability

Water strategies are part of is process of environmental decision making that is always on going. We are a large and rapidly growing state with entrenched water interests. It is my hope that as this policy evolves the context for collaboration will improve to reach a goal of cheaper, cleaner, smarter decisions.

Notice and Community Capacity

To do this it is extremely important to give real notice to affected communities and to increase community capacity to participate. This shoddy notice is part of a pattern and practice of no to poor notice to EJ constituencies by Oregon state agencies. The most recent striking example was

the failed notice from DEQ on the their Performance Partnership Agreement with US EPA Region X. There are many examples of this, and hopefully this evolving water strategy will mature to rise above weak inclusion.

Water and EJ interests are having our own public meeting via Groundworks in Portland 7/22. It is called Two Rivers. Since your group is obviously interested in Water you are invited to attend.

Thank you for your time and attention.

This document in toto is respectfully submitted.

Will Collin  
Sent from my iPad

June 30, 2014

Alyssa Mucken, Coordinator  
Oregon Water Resources Department  
725 Summer Street NE, Ste A  
Salem, OR 97301



Delivered via e-mail to: alyssa.m.mucken@state.or.us

**RE: Oregon's Integrated Water Resources Strategy, Place-Based Integrated Water Resources Planning, Discussion Paper Comments**

Thank you for accepting these comments on behalf of Rogue Riverkeeper, a non-profit organization whose mission is to protect and restore water quality and fish populations in the Rogue River Basin and adjacent coastal watersheds.

Rogue Riverkeeper, our parent organization, the Klamath-Siskiyou Wildlands Center, and our more than 3,000 members use and enjoy the Rogue River, its tributaries and the land encompassed within the Rogue basin.

We request that these comments be submitted into the record for Integrated Water Resources Strategy (IWRs) Recommended Action #9A, "Undertake Place-Based Integrated Water Resources Planning", as feedback to the questions posed in "Place-Based Integrated Water Resources Planning: Initial Observations from the State of Oregon" published on March 10, 2014 (referred to as discussion paper).

**Responses to questions posed in discussion paper**

These comments will address each discussion question in the order that it was presented in the discussion paper.

**Discussion Question #1: Defining the Value of Place-Based Planning**

Rogue Riverkeeper supports the idea of watershed based planning that would address unique place based water quality and quantity issues in the Rogue Basin. It is critical however that any potential planning process not undermine existing state authority or direction to protect water quality and quantity for ecological benefit. This includes statewide planning goals, and all existing agency authority relating to permitting of water rights and pollution discharge permits. To be clear, any planning must respect existing basin plans, and should delegate no additional authority to counties or other regional bodies.

**Discussion Question #2: Setting Boundaries**

Any boundaries for place-based planning should be set by the state based upon existing watersheds (basin/sub-basin/watershed/sub-watershed) as defined by the USGS

hydrologic unit codes. Regions should need approval from the state based on a set of required standards.

### **Discussion Question #3: Governance Structures**

Any planning effort must be initiated, chaired and governed by the state, as the state is obligated to protect stream flows and water quality for all the citizens of Oregon, not just local interests.

Planning efforts would be best lead by WRD, DEQ and ODFW to ensure that instream and out of stream needs are met, and that the requirements of ORS 536.310 and ORS 468B.010 are met.

As already identified as sideboards, any process must:

- Recognize the public interest in water
- Comply with existing state law and policy
- Comply with open meetings laws
- Ensure balanced representation of all interests
- Have a meaningful process for public involvement
- Ensure full participation by state and federal agencies, tribes, NGOs
- Recognize WRD, DEQ, ODFW and other applicable agencies' authority and management over the water resources of the state now and into the future.

### **Discussion Question #4: Stakeholder & Public Involvement**

The membership of any stakeholder group must be equally balanced between instream interests (water quality, fish habitat, etc) and out of stream interests (agriculture, municipal, etc) and should have representation from tribes and relevant state and federal agencies. Neighboring planning groups should be involved to the extent that there are any inter-basin transfers that affect water quality or quantity in the other region (for example, the Rogue Basin Project infrastructure that mixes and moves water via the Klamath Basin from Little Butte Creek to Bear Creek in the Rogue Basin).

Local government entities should certainly be invited to participate in any planning process, but should not be required.

It should go without saying that any process that would affect public resources should be open to the public, and any draft and final planning documents be subject to statewide notice and public review process. The state agencies have plenty of experience in this area, and it is a major benefit to having the state chair any process.

### **Discussion Question #5: Data Management & Plan Outline**

Further specific guidance should be developed by the state on what components will be required as part of any plan for approval.

Mandatory data elements should at a minimum include water quality impaired waterbodies, instream water rights, anadromous fish ranges, approved TMDLs, water availability determinations, and state scenic waterways.

**Discussion Question #6: Addressing Instream Needs**

The primary focus of any place-based plans should be to ensure water quality and quantity (stream flow) sufficient to fully protect Oregon’s aquatic life and non-consumptive beneficial uses. These beneficial uses are already designated by the state as part of the Clean Water Act, such as primary contact recreation, cold water fisheries, etc. The state has already made a commitment that this will be a primary component of this plan so we are unclear why the effort is being made to complicate this commitment through this question.

The plans should be required to include systems to evaluate and meet instream needs. This may include identifying and protecting needed peak flows for ecological benefit, flows needed for state scenic waterways, and flows mandated by any existing or future federal biological opinions (for example Rogue Basin Project bi-op from NMFS). The state should seek to identify gaps in existing instream water rights and to a process to designate additional instream rights. Additionally, any plan should include a method for acquiring or converting older rights to instream rights where possible to give the actual benefits of senior rights.

**Discussion Question #7: Addressing Water Quality Needs**

The primary focus of any place-based plans should be to ensure water quality and quantity (stream flow) sufficient to fully protect Oregon’s aquatic life and non-consumptive beneficial uses. These beneficial uses are already designated by the state as part of the Clean Water Act (CWA), such as primary contact recreation, cold water fisheries, etc.

The plans should include mechanisms to evaluate existing water quality data and limitations (303(d) listings and TMDLs), and include specific implementation plans to address these limitations and to prevent any additional degradation from point or non-point sources. Where completed TMDLs are available significant information may already be available from TMDL planning that can be used. The TMDL process, while providing generally excellent data, analysis and guidance, has not generally demonstrated real gains from implementation. Under the existing TMDLs, implementation plans are not part of the TMDL document or public review, and have thus far demonstrated limited effectiveness of any actions.

Any planning regarding water quality should be based on the precautionary principle. Waterbodies are listed as water quality impaired under the CWA only when specific data is available. There is no mechanism currently to ensure that any upstream activities do not further degrade these impaired waterways.

Regional planning may provide opportunities and guidance to take more protective and proactive approaches, especially in already identified problem areas where the current data and regulatory framework may be insufficient. Additionally, regional planning may be useful to providing addressing any data gaps at a finer local scale.

**Discussion Question #8: Integration of Other Planning Efforts**

To the extent possible other planning efforts may participate, but IWRS needs to focus on meeting Oregon’s existing statutory obligations.

**Discussion Question #9: Plan Adoption**

The state should adopt any resulting plans, providing clear and consistent requirements for local governing bodies that have been designed with their input. Local bodies however need not adopt these plans.

**Discussion Question #10: State Level Review Process**

As discussed earlier Rogue Riverkeeper believes that the state should lead these planning processes and that at a minimum any plan should be subject to final approval from WRD, DEQ and ODFW their respective Commissions.

**Discussion Question #11: Role of State Agencies**

As discussed earlier Rogue Riverkeeper believes that WRD, DEQ and ODFW convene, and chair any planning efforts with equal voting power. These and additional agencies have significant technical expertise and data available that should be used to assist in any planning process such as stream flow, water quality, fish presence, etc.

**Discussion Question #12: Funding for Plans and Projects**

The state should not commit to providing funds for projects as part of a place based planning process. Any allocation of money would lead to a rush for funding that may undermine the development of a balanced plan due to the knowledge that money for groups pet projects may be available at the end. Existing funding sources and procedures (for example OWEB or 319 funds) may be more appropriate, and better setup to handle evaluating any projects that may come out of regional planning.

**Conclusion**

Rogue Riverkeeper supports the idea of watershed based planning that would address unique place based water quality and quantity issues in the Rogue Basin and beyond. It is critical however that any potential planning process place the primary focus on protecting clean water and flows sufficient to support aquatic health and the beneficial uses that Oregonians depend on.



Forrest English  
Program Director  
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27 June 2014

Oregon Water Resources Department  
Integrated Water Resources Strategy  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

Comments filed at [waterstrategy@wrdd.state.or.us](mailto:waterstrategy@wrdd.state.or.us)

*Re: Place-Based Water Resources Planning*

The Oregon Association of Clean Water Agencies (ACWA) is a statewide organization of Oregon's wastewater treatment and stormwater management utilities, along with associated professionals. Our 135 members are dedicated to protecting and enhancing Oregon's water quality.

As the *Integrated Water Resources Strategy* demonstrates, Oregon needs additional water resources to meet today's demand and that demand will increase with the impacts of climate change and an increasing population. Increasing the appropriate use of treated wastewater as recycled water and increasing the natural treatment of wastewater and stormwater are high priorities for meeting Oregon's water resources needs.

ACWA appreciates the significant level of effort Oregon Water Resource Department (Department) has put into the development of the *Discussion Paper and Draft Guidelines for Place-based Planning in Oregon* and is pleased to have provided comments to the Department on two previous occasions (August 31, 2011 and March 15, 2012) regarding *Oregon's Integrated Water Resources Strategy – Discussion Draft*.

We have the following suggestions related to the concept of place-based planning, questions posed throughout the Discussion Paper (summarized in Appendix D) and the Draft Guidelines for Place-Based Planning (outline provided in Appendix E):

- Overall, ACWA supports the concept of place-based water resources planning. We appreciate that the process as described is inclusive, collaborative, and forward-looking as opposed to reactive. To test the concept, we strongly encourage the Department to proceed, initially on a pilot project basis, in areas of the state where place-based planning would be particularly suited and beneficial.

Stephanie Eisner - Chair

Jennifer Belknap Williamson - Vice Chair

Michelle Cahill - Secretary/Treasurer

- Question #1 (Defining the Value of Place-Based Planning) - The 2012 Integrated Water Resources Strategy (IWRS), provided examples of place-based partnerships already occurring in some areas of the state. The examples illustrate that it is currently feasible to conduct local and regional planning, however, each region faces unique challenges and opportunities. To the degree that the Department provides a template for regions to work through challenges and take advantage of opportunities, it could effectively facilitate place-based water resources planning where it may otherwise not occur. If the place-based planning process triggers additional technical and funding resources for development and implementation of the plan, that would be a significant incentive.
- Question #3 (Governance Structures) and Question #4 (Stakeholder & Public Involvement) – It is ACWA’s understanding that place-based planning groups could choose to be limited in focus to primarily issues of water supply, or could also choose to take a broader view in overall watershed planning including, potentially, weighing in on Clean Water Act regulations such as Total Maximum Daily Loads (TMDLs) or re-examining designated uses for certain stream stretches. In either case, it would be imperative that the place-based planning group include representatives for each specific topic area, and should err on the side of broad inclusivity. For instance, dramatically increasing the use of recycled water could provide both economic development opportunities by matching the quality of water to the water’s use (for instance, using recycled water for specific industrial uses), while conserving potable water for drinking water purposes. Without including all water resource related interests at the planning table, local solutions that incorporate recycled water or stormwater may not emerge in the discussions.
- Question #5 (Data Management & Plan Outline) – ACWA agrees that it makes sense for the place-based planning template to follow the outline of water resource-related challenges (i.e., critical issues) laid out in the 2012 IWRS.
- Question #7 (Addressing Water Quality Needs) – Place-based plans should incorporate data and strategies from existing water quality management plans. While place-based planning is not the appropriate process within which to modify water quality management plans developed in the context of current Clean Water Act and Safe Drinking Water Act regulatory permits, the outcomes of a place-based planning process could appropriately be used to inform future evolutions of existing water quality management plans.

In general, ACWA sees significant benefits in considering water quality needs as part of place-based planning. One example which ACWA raised also in previous comments to the Department is the issue of the conflicts that arise when private well drillers install new wells near existing underground injection controls (UICs).

- Question #12 (Funding for Plans and Projects) – Funding assistance to communities for place-based planning would enable the process to occur where it might otherwise not be

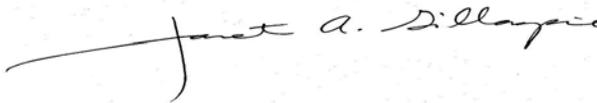
feasible. Funding for projects included in an adopted place-based plan would encourage taking a broader, watershed view and developing the plan in the first place.

- Appendix E, Draft Guidelines for Place-Based Planning – “Governance Structure” (#1) appears first in the outline, giving the impression that it precedes everything that follows, and “Defining IWRM Plan Objectives” (#5) appears further down the list as if it is done later in the process. It must be clear from the start of an individual place-based planning process what issues are included in the discussion and what issues are not. Defining Integration Water Resources Management Plan objectives up-front will inform the governance structure, special interest group representation, public involvement, and decision-making process.

ACWA supports the Department’s efforts to continue to develop and promote integrated water resource planning in Oregon, and appreciates efforts the Department has made to include wastewater treatment and stormwater management sectors in your discussions.

Please let me know if you have any questions regarding our comments. We look forward to continuing to work in partnership with the Department on Integrated Water Resources strategies at the community level, across Oregon.

Very truly yours,

A handwritten signature in black ink, reading "Janet A. Gillaspie". The signature is written in a cursive style with a long horizontal stroke extending to the left.

Janet A. Gillaspie  
Executive Director

cc: ACWA Board

**From:** Susan Hansen  
**Sent:** Monday, June 30, 2014 1:31 PM  
**To:** waterstrategy  
**Subject:** Comments

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June 30, 2014

Re: Oregon's Integrated Water Resources Strategy

Dear Oregon Water Resources Department,

I am writing in support of the need for an Integrated Water Resources Strategy. I attended the March 8, 2013 Oregon Water Quality Conference as a concerned lay person working on water quality issues around Molalla. I was impressed with Alyssa Mucken's presentation at the conference and came away believing that there was already an effort underway for various agencies and stakeholders to look at the big picture of watershed health. Unfortunately, my work as an individual and my work with my small environmental advocacy group Bear Creek Recovery (BCR) over the past year has proven how disjointed our water quality oversight has become and reinforces the need for an integrated strategy.

From my local work on water quality I support place based planning. Local stakeholders know the problems and can help with solutions for local watersheds. BCR was formed because there was no watershed council actively working to look at water quality issues locally. There are several small watersheds in the Molalla area that drain to the Pudding River, yet the "official" Pudding River Watershed Council rejected the idea that these watersheds deserved their attention. I believe we have put too much faith in OWEB's "official" councils and need smaller groups of stakeholders to look at issues in local areas. Each large watershed is unique but so are the multitudes of small watersheds that gather to fill our larger river watersheds.

Boundaries should be defined by state agencies and not left to ad hoc groups. Some areas will get left out if it is not mandated that boundaries are defined. Once boundaries are defined there should be subgroups looking at smaller areas – they can report to the oversight for that larger area.

Of most concern to me and BCR is the lack of coordination between the multitudes of agencies in Oregon that have oversight over water quality. As we have focused on Bear Creek as a symbol of poor water quality and abuse of water quality rules it has been abundantly clear that the current system isn't providing a big picture look at the overall health and threats to watersheds like Bear Creek. In the course of a year we have contacted multiple departments in DEQ, Army Corps of Engineers, Division of State Lands, Oregon Water Resources Department, Oregon Department of Agriculture and Oregon Fish and Wildlife. Stakeholders' concerns are passed off by various agencies because the agency doesn't have exact oversight over the problem raised. We need to have a central clearing house for our water quality issues.

As an example of the current lack of coordination, Bear Creek Recovery is looking at the problems in a less than two mile section of Bear Creek. One DEQ agent is in charge of abandoned mill brownfields that have been under investigation for over three decades for

bleeding dioxin into Bear Creek. Just upstream, another division of DEQ is in charge of potentially permitting biosolids on a field that is the headwaters of Bear Creek as well as allowing recycled waste water to irrigate a ranch field that has wetlands and has Bear Creek running through it. BCR had to contact Oregon Dept. of Agriculture to flag the water quality issues happening on the same ranch fields that receive recycled water because of cattle impacting water quality and manure piles impacting water quality. There was not interface between all these agents to look at the overall health of Bear Creek and the ground water that feeds it from the wetlands and springs in the ranch fields. Obviously, ODFW should be part of the discussion since nothing is more important to wildlife habitat than healthy riparian zones and wetlands but no agencies to date have put ODFW into the inspection/solution/permitting equation.

Further, stakeholders here have seen it takes a great deal of pushing to get agencies to do what they are supposed to do when Clean Water Act violations are apparent. It takes multiple contacts and calls to multiple people to get action. In the first visit from an ODA agent, one section of the ranch in question was ignored. When stakeholders demanded another inspection, one watershed on the ranch was found to have an Ecoli count of over 14,800 – that's 14,400 over the legal limit! - but if we had not pushed that water quality problem would have been ignored in a watershed that DEQ proposes to permit for recycled water discharge.

In short, it is absolutely necessary to start looking at the big picture of watersheds and to have all agencies at the table, including local stakeholders. When citizens are interested and willing to monitor and comment they should be valued as a strong link in water quality management in Oregon.

The State of Oregon should provide whatever funds are necessary to provide Integrated Water Quality Management. Perhaps each agency that has any stake in regulating any aspect of water quality and management can contribute a proportional share of funds and staff to make a program viable.

Participation in the Integrated Water Quality Management Plan should be a pre-requisite for state funding and for permitting of things like municipal "beneficial" wastewater discharge and biosolids disposal on agricultural lands. Our experience shows that at least for Molalla there is no municipal interest in understanding and protecting water quality and the environmental resources that are associated with watersheds – Molalla's only ongoing focus is to try to meet the lowest standards possible because of a severely limited city budget. We can't risk degrading our water quality because cities can't afford to comply with best practices. We have seen DEQ actually suggest that Molalla may have to continue to violate water quality rules and that DEQ will simply issue warning letters with no teeth when the violations occur. That's not acceptable and a greater oversight agency could help correct that type of attitude.

BCR, out of concern for all the agencies failures to enforce the Clean Water Act, has enlisted an environmental law firm and currently has a lawsuit filed in Federal Court against Molalla for a multitude of Clean Water Act violations. It should never reach the point where citizen stakeholder have to sue a city over Clean Water Act violations, yet this is the second time in eight years that local stakeholders have had to launch lawsuits against the City of Molalla regarding water practices. If we had an Integrated Water Quality Management Plan in place, we

would all hopefully have been at the table to look at the big picture of local water quality threats and concerns could have been solved before litigation had to be launched by citizen stakeholders.

BCR's experiences show that Oregon's current system of fragmented agency oversight which is not welcoming to citizen stakeholder input is broken. Navigating a tangled web of what agency is in charge of what aspect of water resources isn't workable. The people of Oregon deserve better coordination from all the agencies involved with water quality. We all depend on clean water and some of us understand our water resources are limited and must be protected.

Please put me on the mailing list for updates and further chances to comment.

Sincerely,  
Susan Hansen

Molalla Oregon 97038

**From:** Cyndi Karp  
**Sent:** Monday, June 30, 2014 3:20 PM  
**To:** waterstrategy  
**Subject:** IWRS Place Based Planning Comments

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Water Resource Commission  
IWRS Project Team  
Place Based Planning

I would like to speak to the Commissioners and the Project Team about Restoration of Beavers to Oregon. The recovery of beaver in the State of Oregon will increase the water storage state-wide by up to ten times the present stream storage systems.

Beaver lakes provide water for human use, wildlife, ranchers, fish, replenish ground water, provide drought prevention, and most importantly, water storage. And, with time will repair the ecosystem.

Beaver Restoration goals should be set at levels in 1800's, before beaver were trapped close to extinction. Beaver restoration is critical to all Oregon Ecosystems. Oregon watershed is not going to recover until Beavers are restored as the Key Stone Species they are.

Oregon's eco-system restoration of beaver recovery is long overdue.

Beaver recovery will provide one of the world's best natural water storage systems that is extremely cost effective. As restoration of beaver ecosystems moves forward, beavers do their own work at low costs.

Yes, there is going to be some human/beaver interaction that will need remediation. Usually, drain pipes built into beaver dams. Sometimes, live trapping will be necessary. That will provide transplants for other restoration projects in Oregon. Remember, Beaver increase water storage by Ten times more than no beaver.

Public Broadcast has good video on the subject of beavers. The video, Leave it to Beavers has documented a drainage restoration in Texas where Beaver have recovered 20 miles of desert stream. Amazing to see.

Here is link to the PBS video of Leave it to Beavers.  
<http://video.pbs.org/video/2365243455/>

Please work with all of your partnership's to Recover Beaver.  
Thank you for taking my comments regarding the Place Based Planning.

Cyndi Karp  
Waldport, OR 97394



June 30, 2014

Alyssa Mucken, Coordinator  
Oregon Water Resources Department  
725 Summer Street NE, Ste A  
Salem, OR 97301

RE: Comments, Placed Based Integrated Water Resources Planning

Dear Alyssa,

Thank you for this opportunity to comment. As you know, WaterWatch was a member of the Policy Advisory Group (PAG) that discussed this issue at length as part of the development of the Integrated Water Resources Strategy (IWRS) that was adopted by the Water Resources Commission in August 2012. While WaterWatch had a number of concerns with this concept as originally proposed, after receiving numerous assurances by the WRD as to what this planning process would entail, and what the adopted plans would and would not address, we agreed to inclusion in the IWRS. Key assurances, as found in the IWRS, include developing guidelines to ensure that plans are integrated and that they address instream and out-of-stream demands, including water quantity, water quality and ecosystem demands. The IWRS also commits to ensuring that the planning process recognize the public interest in water, have meaningful public involvement and be balanced. The IWRS explicitly retains the state's authority over the management of Oregon's water resources, and mandates that the plans must follow the law. Any direction with regards to governance and guiding principles should include these key principles, among other things.

Our comments are presented in a manner to be read alongside the questions presented by the Department in their "Appendix D: Summary of Discussion Questions", and then "Appendix E: Draft Guidelines for Place-Based Planning in Oregon".

**Summary of Discussion Questions:**

**Discussion Question #1: Defining the Value of Place based Planning**

While WaterWatch supports the concept of regional planning that is led by the state to address the unique hydrological and development issues addressing each of Oregon's nineteen river basins, we do not support any efforts that would undercut state direction and/or authority. In that vein, we urge the state to ensure that this planning be done in a manner that meets statewide goals and does not undermine existing WRD authority over water or existing laws, rule and/or policies. To this end, we urge the WRD to:

- Ensure that place based planning will not be used as a vehicle to pave a path forward for local control of water. State agency authority needs to be retained in all respects, including the permitting, management and enforcement of water rights. WaterWatch would oppose any effort to delegate any state authority over water to the local level, including but not limited to, county governments. While the IWRS makes this clear, it is imperative that any guidelines make this

crystal clear as well as there are still some entities that view this process as an on-ramp for local control.

- Ensure that place based planning not replace and/or in any way usurp existing basin plans that have been set by rule. Basin plans provide valuable guidance to the agency in water allocation decisions and help ensure that water allocation decisions are aligned with state priorities. WaterWatch would oppose any effort to try to use place based planning to usurp existing basin plan rules.
- Ensure that place based planning be separate and distinct from the Regional Priorities process. Regional priorities are currently set by Regional Advisory Committees that represent largely business and local government interests. These committees are not well balanced and do not represent the region as a whole, rather, their focus is economic development. While projects that come out of place based planning might appropriately be nominated as regional priorities, regional priorities that emerge from the Regional Advisory Committees in advance of planning should not in any way guide place based planning efforts.

### **Discussion Question #2: Setting Boundaries**

Place based planning boundaries should be set by basin/sub-basin/watershed. Boundaries should be approved by the WRD. As to the composition of the groups, the planning groups should represent a balance of instream and out-of-stream interests (see Question #3 and #4). We would oppose the setting of boundaries via jurisdictional boundaries (i.e. counties).

### **Discussion Question #3: Governance Structures**

Governance: The effort should be governed by the state. Given the governing statute's dual directive of meeting instream and out-of-stream needs, as well as integrating quality and quantity, it seems that WRD, ODFW and DEQ should lead the planning efforts as co-conveners and facilitators. If it is not practical to have all three agencies heading the planning effort, then WRD should facilitate the process (with ODFW having a voting seat at the table).

We do not believe that the planning effort should be facilitated, convened or otherwise run by any type of local entity or local government body. HB 3369 is very clear that the state must develop an integrated water resources plan to meet both instream and out-of-stream needs. The place based plans are part of the IWRS, and thus HB 3369's directive applies to these as well. This is consistent with long-standing law that directs the state to develop basin plans, as well as manage our state's water generally. See e.g. ORS 536.220(2)(a), 563.300(2), (3). HB 3369 does not give direction for the state to delegate this planning authority to local communities, nor does HB 3369 usurp existing laws directing the state to formulate basin plans. Key to statutory direction mandating state control is the fact that the water resources of this state belong to the public as a whole. ORS 536.310. The state has a duty to protect and plan for the use of water for all members of this state, not just the "local interests" found in any one river basin or sub-basin. In fact, long standing statutes direct the state to reinforce and strengthen state control. ORS 536.310(10). Neither the Department nor the Commission can adopt any standard or policy in conflict with the state's policies identified in ORS 536.310, nor can they adopt a rule or regulation in conflict with this statute. Delegating water resources planning to the local level violates these long-standing statutes. Given the underlying statutes, it is imperative that the state take a leadership role in any regional water resources planning effort that falls under the auspices of the IWRS.

WRD should provide clear sideboards as to any planning effort that contemplates falling under the umbrella of the IWRS. To that end, we support the WRD's commitment to the PAG (that was carried over into the IWRS) that it would develop a template to govern any regional planning effort. The state

should make clear that these plans must be designed to address instream and out-of-stream needs as required by HB 3369 (and committed to by the IWRS), including groundwater resources and the relationship between existing and further use of groundwater and streamflows in the basin. These guidelines, at a minimum, should include directives that the plans and/or process must:

- Recognize the public interest in water
- Comply with existing state law and policy
- Comply with open meetings laws
- Ensure balanced representation of all interests
- Have meaningful process for public involvement
- Ensure full participation by state and federal agencies, tribes, NGOs
- Retain all aspects of WRD, DEQ, ODFW and other applicable agencies' authority and management over the water resources of the state now and into the future.
- Plans must address instream and out-of-stream needs as required by HB 3369. (Partial plans, which address only select interests, i.e. only out-of-stream needs/options, would not be approved).
- Include provisions for drought management and climate change adaptations
- Use instream flow needs as identified by any federal agencies, biological opinions, ODFW, DEQ and Parks as the floor for calculating instream needs. These must include peak and ecological flows.
- In basins where instream water rights, scenic waterway flows, peak and ecological flows, etc. do not exist, the template and the planning process should mandate the application and establishment of new instream water rights as needed for a suite of flows to accompany any out of stream actions under the planning process. If instream flow studies are necessary for preparation of applications, funding for such studies shall be included in any public funding packages related to storage, out-of-stream or groundwater allocation projects.

As to the group's composition, the planning group needs to have a balance of interests. This is especially true if the process is going to include "votes". In other words, instream and out-of-stream interests should have an equal number of seats, or "votes". Moreover, given that water is a public resource that belongs to all of the citizens of the state not just people living in a particular watershed, the table should be open to interest groups outside the basin that represent statewide interests, whether instream, municipal or ag. Moreover, not only should state and federal agencies have a seat at the table, but they should be voting members to ensure that statewide and/or regional public goals are represented in the process.

As to the question about plan initiators, initiators should come from the basin. Some basins are ripe for place based planning, others not so much. Given the time and effort that will be involved in these plans, it is imperative that basins be ready to invest in the process. Moreover, given the agency resources that will necessarily be needed to complete these planning efforts, a tiered approach should be embraced. It would not be practical to have multiple planning efforts occurring simultaneously. The PAG discussed having a pilot project. WaterWatch thinks this would be a prudent concept to embrace.

#### **Discussion Question #4: Stakeholder and Public Involvement**

Planning group membership should be equally balanced between instream and out-of-stream interests. Specific interest group categories that should be at the table include, at the very least, instream, agricultural and municipal interests, tribal governments and state and federal agencies.

As to the question posed regarding other planning efforts and/or local governments, these entities should certainly be invited, but should not be required. Again, the state is charged under Oregon law with

managing the state's water resources, therefore place based plans should be state plans. If local governments desire to participate then they are certainly welcome, but their attendance should not be required, nor should they be given a greater weight than any other interest. Separate efforts, and or local government plans, should not be assumed to influence what will, or will not, be included in the place based plan.

As to the question posed regarding communication, one of the many benefits of having the state serve as the convener is that it is very experienced in ensuring all relevant stakeholders are at the table, providing for public notice/comment, etc. Moreover, the WRD has relationships with relevant stakeholders and thus communication should be relatively seamless if the state is the convener.

All meetings should be open to the public, and all documents including the final draft plan should be subject to statewide public notice and review. Water is a public resource that belongs to all citizens of the state, thus it is critical that the opportunity for public comment go beyond the boundaries of the planning basin. Plans should go to the Water Resources Commission for ultimate approval, which will provide a final opportunity for public comment.

#### **Discussion Question #5: Data management and plan outline**

Specific guidance should be developed by the state. This was discussed at length during the PAG. The IWRS is a fairly balanced document and thus could serve as an overarching template of sorts, but it would be beneficial if the WRD were to set forth more detailed sideboards for the construction of the plans (i.e. similar to California's resource issue areas, see pg. 15). Some flexibility should certainly be allowed to address the challenges and/or opportunities of individual basins will likely differ, but setting specific guidelines that all plans must follow is imperative.

As to which data elements should be mandatory, we would suggest that data generated by the state be included in that list, including but not limited to: water availability determinations, instream water rights, scenic waterway flows, groundwater investigations, special management areas, etc.

#### **Discussion Question #6: Addressing instream needs**

Instream needs must be included as a key component of any place based plan. The governing statute requires the state to develop plans that meet instream and out-of-stream needs. Moreover, it was based upon the commitment by the state that the plans would address both instream and out-of-stream needs equally that the PAG agreed to include "place based planning" in the Integrated Water Resources Strategy. This should not even be a question posed the public in this comment period. The state has already represented this will be part of the plan, thus this commitment should carry over into any guidance documents and/or templates. The state needs to take a leadership role on this issue.

As to the content of the place based plans, the plans should, at a minimum, include opportunities/mechanisms for assessing and meeting instream demands including instream water rights, peak and ecological flows, scenic waterway flows and federal BiOp flows. Where instream water rights do not exist, the plan should identify a path forward towards state application/adoption of these rights. Where existing applications have been protested, the plans should provide for resolution of these protests. Peak and ecological flows should be identified and protected in any planning process. The state should provide data and guidance in all these areas, and instream provisions in the plans should clearly meet state and federal instream goals/priorities.

We do not support the WA model of giving local planning units the option of addressing instream needs, or of letting these units (if they chose to address) recommend instream flows. Addressing instream

flows needs to be part of the planning exercise, and specific flow numbers need to be set by the state, namely ODFW (fish), DEQ (water quality), and Parks (recreation).

### **Discussion Question #7: Addressing Water Quality**

At a minimum the plans have as a goal improving water quality in the relevant watershed. The state should ensure that no action under the plan will negatively impair water quality, including beneficial uses directly tied to flow.

We do not support the WA model of allowing planners to choose whether to include water quality in local plans. The state should take a leadership role and follow through on commitments reached during the development of the IWRS. Place based planning should not be used as a vehicle to undermine these agreements.

### **Discussion Question #8: Integration of other planning efforts**

As to the question regarding collaboration and/or coordination with other planning efforts in Oregon, this seems as if it would be somewhat basin specific. To the extent there are plans of a regulatory nature (i.e. state and/or federal), the place based planning efforts should certainly be consistent with these, but other than that we do not believe there should be any direction in this planning effort that that non-regulatory plans should dictate and/or influence what is in the place based plan. Participants can certainly advocate for consistency/inclusion, but it should not be assumed.

### **Discussion Question #9: Plan Adoption**

As to the question posed whether the local governing bodies of planning groups should be the one to adopt these, we would say no. This question assumes that “local governing bodies” will be more than simply a stakeholder at the table and that somehow they control these plans and/or the forum. As stated previously, these should be state governed plans. We strongly object to any direct or implied abrogating of authority, at any level, to a “local governing body”.

### **Discussion Question #10: State Level Review Process**

Again, WaterWatch believes that the state should convene these planning processes. Regardless, WRD, ODFW and DEQ should be an integral part of every planning process. WRD should likely serve as the liaison role with other agencies and the Commission. Other agencies should have a seat as needed, depending upon the basin/issues. Plans should be subject to Commission approval, after ample opportunity for public comment, including statewide public notice/comment of the final draft.

### **Discussion Question # 11: Role of State Agencies**

As noted, we believe that the state should serve as convener. WRD, ODFW and DEQ could serve as co-conveners, or WRD could be lead. Regardless, these agencies need to have integral roles in any planning effort. All agencies should also be voting members. State technical information and expertise should be made available to the group. State technical documents and determinations should serve as the foundation for streamflow data, water availability, storage opportunities, etc.

### **Discussion Question # 12: Funding for Plans and Projects**

The question posed went to funding of projects only (as opposed to funding for planning). In response to that question, the state should not, *carte blanche*, commit to providing funds for projects included in a place based plan. To offer such a thing would likely undermine the intent of this planning exercise to provide a forum for developing a balanced, integrated and well thought blueprint to meeting instream

and out-of-stream needs. Instead, it would turn the process into a competitive funding exercise with single entities advocating for their projects (knowing there was a promise of funding).

That said, any projects that came out of the process would certainly be eligible to apply for grants/loans under existing funding pools. However, to be eligible for those as a “place based planning project” (i.e. gets extra points in ranking), the plan and/or project must have met all the guidelines as set forth by the state.

### **Draft Guidelines for Place-Based Planning in Oregon**

1. **Governance Structure:** See questions #3 and #4 above.
  - (b) **Planning groups:** Planning groups need to have a balance of interests. As proposed in the draft guidelines, the process would result in the majority of the seats being held by out-of-stream interests. Given the proposal that this be a “voting” process, it is especially important that there be equal seats assigned to instream as to out-of-stream.
  - (c) **Public Involvement:** Draft plans should be subject to formal statewide public notice and comment. Water is a public resource that belongs to all Oregonians, thus all Oregonians should have the opportunity to comment on any draft plans that affect our state’s waterways. The comment opportunity should be provided by the state.
2. **Region Description:** While the draft guidelines do call for a “description of the watershed”, this should be expanded to include description of instream water rights, scenic waterway flows, etc.
3. **Description of Water Supplies & Systems:** Included in this should be a description of groundwater surface water interaction. The description of water resources should include water availability; water quality limited streams, unmet water demands (instream and out-of-stream), groundwater limited areas, etc.
4. **Description of Water Needs:** Consistent with the governing statute and the IWRS, the title should be changed to “Description of Instream and out-of-stream water needs” so that it is clear to all involved in the planning process that whenever “needs” and/or “demands” are discussed, it applies to both instream and out-of-stream. In addition to doing an assessment of whether water delivery entities can meet current and future needs, the guidelines should require an assessment of whether instream needs (instream water rights, peaks and ecological flows, scenic waterway flow, BiOp flows, etc.) will be met into the future.
5. **IWRM Plan Objectives:** Objectives of the place based plans must be to meet instream and out-of-stream needs. This is mandate by statute and was committed to in the IWRS.
6. **Analyze and Account for Coming Pressures:** In addition to analyzing coming pressures in the context of “communities” as noted in the draft guidelines, the plans should also require that they are analyzed in the context of the effects on aquatic ecosystems and their inhabitants (i.e. fish, frogs, etc.). Additionally, all the sub-bullets should be analyzed in the context of the effects on ecosystems, for instance:
  - a. **Energy development:** Analyze impacts on river flows and aquatic species.
  - b. **Climate change:**
  - c. **Drought and Flood Preparation:** Include the probable effects on ecosystems of drought and drought water management.
  - d. **Infrastructure:** Describe how new dams will meet instream and out-of-stream needs if contemplating state funding (which will require this).

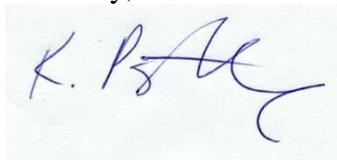
- 7. Water Management Tools:** The narrative should make clear that the plans are to recommend water management tools to match “instream and out-of-stream” water needs and demands, and also to “restore and protect streamflows”.
- Water Use Efficiencies: this section should also show a path to “restoring instream flows”. This section should import the policy direction of OAR 690-410-060 rules, including provisions against waste, measurement, development of efficiency standards, etc.
  - Instream Protections: Where instream water rights do not exist the plans should show a “path” towards moving the state towards application/adoption of instream water rights. OAR 690-410-030(1) calls for the establishment of instream water rights on every stream, river and lake that can provided significant public benefit. OAR 690-410-030(2)(c) directs that statewide and local programs should be implemented to restore and enhance streamflow and lake levels to provide public uses. The plans should also set forth a path for determining, and protecting, peak and ecological flows. This is consistent with the IWRS’s strategy directive to “fill in the gaps”.
  - Measurement (new): This should be added as a management tool, including reference to the WRC’s 2000 Measurement Strategy and any/all statutory and rule requirements. This is one of the most important tools available to the state, and should most certainly be included as a bullet point as to tools that “should” be included in the plan.
  - Special designations (new): Included in the tools should be mention of management tools such as critical groundwater areas, withdrawing basins from further appropriation, SWAMPAS, etc.
  - Data: This section should mention water management tools such as groundwater investigations, gauges, etc. This will inform planning partners that these options should be considered when charting a path forward for a particular basin and/or seeking funding for projects.

**10. Funding of IWRM Plan Tools:** Again, we believe the planning process should be convened by the state. The proposed guideline is too broad and would serve to invite planning simply because local interests might want priority funding for their projects, not because the basin is ready/ripe for planning or that basinwide interests are truly embracing the planning process’s goal to meet both instream and out-of-stream interests in an integrated fashion.

**11. Other requirements:** We support the inclusion of this provision in the guidelines.

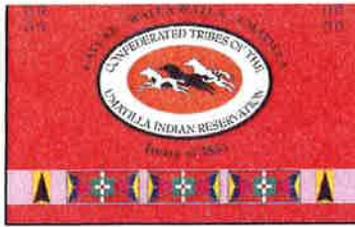
Thank you for this opportunity to provide comments. We appreciate the WRD’s hard work to synthesize other state examples and offer up specific questions for review. If you would like to discuss any of our comments, please do not hesitate to contact us.

Sincerely,



Kimberley Priestley  
Sr. Policy Analyst

Cc: Brenda Bateman



*Via E-Mail*

June 30, 2014

Alyssa Mucken, Coordinator  
Integrated Water Resources Strategy  
Oregon Water Resources Department  
725 Summer Street NE  
Salem, OR 97301  
E-Mail: [Alyssa.m.mucken@state.or.us](mailto:Alyssa.m.mucken@state.or.us)

Re: Integrated Water Resources Strategy Place-Based Planning

Dear Ms. Mucken,

The Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Department of Natural Resources (DNR) appreciates the opportunity to provide comments on the Integrated Water Resources Strategy (IWRs) place-based planning discussion paper. DNR offers the following comments:

1. CTUIR's paramount interest in water resources is achieving a Umatilla Basin water rights settlement. We urge Oregon to preserve and maintain its commitment and authority to negotiate, settle and enforce tribal water rights. Any planning for water development, management or use in the Umatilla Basin must include in its baseline the CTUIR in-stream flow and consumptive use claims and the infrastructure needed to satisfy these CTUIR claims.
2. CTUIR (as well as other Oregon tribes) has off-Reservation water right claims to support treaty-reserved fishing rights. Place-based planning must acknowledge these rights when assessing and determining actions necessary to meet in-stream flow needs. Any IWRs place-based planning affecting water resources or infrastructure needed by the CTUIR or other tribes having treaty-reserved water rights need to involve the affected tribe.
3. CTUIR participated in the development of the IWRs and supports its guidance regarding place-based planning, including the recommendation that the Water Resources Department develop a template that provides a principled framework for the development of planning units and place-based plans.
4. The template needs to identify acceptable planning unit boundaries, participant requirements, and mandatory place-based plan elements.
5. Planning unit boundaries should be defined by ecological factors (i.e., watershed/basin hydrology) instead of socio-political factors (e.g., political boundaries and jurisdictions).
6. Planning unit participation must have balanced representation of water resource interests and managers. Affected tribes must have an active role as a member of the planning unit or through government-to-government consultation. The State of Oregon must have an active role in place-based planning to ensure plans are consistent with the IWRs and current state-wide water policies and regulations.

CTUIR DNR Letter to OWRD  
Re: IWRS Place-Based Planning  
June 30, 2014  
Page 2 of 2

7. The IWRS identifies critical elements that need to be included in the place-based planning template. Upon completion and adoption of the template, an initial step should be an assessment of each planning unit to determine requirements necessary to perform place-based planning (e.g., data gaps).

The CTUIR, often working in concert with the State of Oregon, has accomplished considerable natural resource/treaty right restoration using many of the elements being considered for inclusion in a place-based planning program. The DNR recognizes the potential benefits of encouraging and providing funding and technical services to develop and implement a place-based planning program in Oregon. We thank you for the opportunity to provide comments and look forward to monitoring and participating in the further development of a place-based planning program.

Thank you for your attention to our comments. If you have any questions or would like to discuss this matter further, please contact Chris Marks at [ChrisMarks@ctuir.org](mailto:ChrisMarks@ctuir.org).

Sincerely,

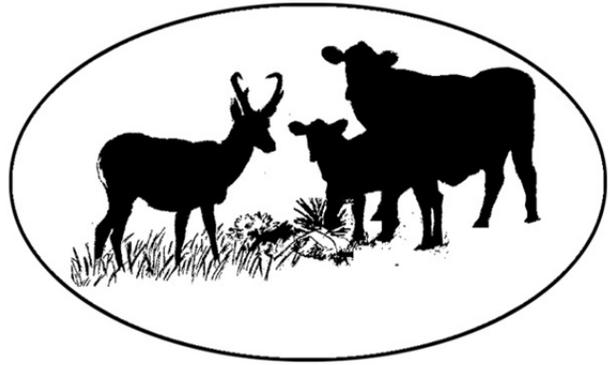
A handwritten signature in black ink, appearing to read "Eric Quaempts", with a large, stylized flourish extending to the right.

Eric Quaempts  
Director, Department of Natural Resources

EQ: ckm

**SCIENTIFIC ECOLOGICAL SERVICES, INC.**

1059 SW 2nd Ave  
Ontario, Oregon 97914  
(541) 889-7057  
ccshock@fmtc.com



## **Comments on the Oregon Water Resources Department's "Place-Based Integrated Water Resources Planning"**

29 June 2014

Alyssa Mucken, Coordinator  
Integrated Water Resources Strategy  
Oregon Water Resources Department  
725 Summer Street NE, Salem, OR 97301

Dear Alyssa Mucken and others,

As Oregonians, we unquestionably have challenges in water supplies, water quality, and preservation of natural resources. I write these few comments as a concerned citizen. I have a special interest in the adoption of innovations. I am a member of effective local teams that are promoting increased irrigation efficiency, improvements in water quality, and natural resource preservation through research, demonstrations, outreach, and cost share projects. We have shown that cooperative innovative changes can be workable and profitable options for local water related problems. Innovations and their voluntary adoption have resulted in dramatic reductions in groundwater residues of DCPA (sold as Dacthal), reductions in groundwater nitrate from agricultural practices, increases in irrigation efficiency, and reductions in sediment and runoff from agricultural lands.

The Oregon Water Resources Department (OWRD) is to be strongly commended for composing and considering the options contemplated in "Place-Based Integrated Water Resources Planning" as part of the department's Integrated Water Resources Strategy.

The OWRD is to also be commended for the careful of consideration of the local water resource planning processes in California, Texas, and Washington and OWRD's clear encapsulation of their provisions.

Over the last decades we have been losing our national democracy. The ordinary people who make a living through their work and family businesses have progressively less influence and control over natural resources and over our lives. Fifteen years ago I would have thought that it would be unconscionable for our government to take actions in contradiction to the US Bill of Rights. I would have thought that business fraud would be punished. I would have thought that environmental restrictions would have been based on sound science.

Both governmental agencies and large corporations have progressively gained disproportionately power. They impose their will on the organization of human activities, life, and liberty. We currently observe conscientious local direction of the management of natural resources in ways that makes sense in terms of sustaining local enterprises, reasonable measures of human health, and preserving natural resources being steam rolled by larger political and economic agendas, at times in inappropriate ways.

Lies and/or criminal activity are pursued by governmental officials, massive NGOs, and large corporations with relative impunity. Our losses of constitutional guarantees and representative democracy are obvious cancers. At this point you may be rightfully asking, "OK? So what? How does your personal political outlook on the loss of power by US citizens and the actions of those in power have to do with the Oregon Department of Water Resources proposed 'Place-Based Integrated Water Resources Planning'? Fostering genuine participatory democracy is one of the few tools that we have to combat these cancers. There must be sufficient local power delegated to local groups and clarity in their conduct of business -- including water resource planning -- to avoid being overcome by these growing malignancies of external control. Will this even be possible? In this light, here are my suggestions:

### *Discussion Question #1*

**•What can place-based planning accomplish in Oregon that cannot already be accomplished today?**

Place-based planning needs to be based on watersheds and coalitions of citizens and entities from within each watershed. The people in each watershed need to have some real control over their destiny. Their power needs to be rooted in folks from within their respective watershed. They should not be controlled by some district that is exterior to the watershed.

"The state has established 11 Regional Solutions Centers, housed in public universities throughout Oregon." Regional Solutions cannot be "a place-based approach for building innovative and collaborative community and economic development projects in Oregon" because they are not adequately engaged on a bottom up watershed basis.

Regional Solutions Centers can be estranged from watershed councils, irrigation districts, and citizens engaged in watershed improvements. After three decades of work in Oregon, I have never heard of a Regional Solutions Center.

### *Discussion Question #2*

**▪How prescriptive should the state of Oregon be in organizing the borders and composition of groups?**

Imposing geographic boundaries for local water planning would stifle participatory democracy. The geographic boundaries for local water planning in Oregon should allow self-selection similar to California based on the initiatives of local democratically rooted entities. OWRD guidelines should suggest that boundaries for local water planning be within contiguous hydrological unit areas / watersheds as much as possible. Allowing geographic boundaries for local water planning (without respect to watershed boundaries) risks loss of participatory democracy by less populous or less politically powerful areas. To the degree feasible, each local planning organization should be built cooperatively with existing watershed councils and the Oregon Watershed Enhancement Board (OWEB).

OWRD should approve the establishment of each region with input from the soil water conservation districts (SWCD), established watershed councils, OWEB, the affected counties, cities, tribes, and water districts. All these groups have democratic roots.

### *Discussion Question #3*

**▪What is the best way to structure governance and who should participate.**

The structure in use in California allows the most flexibility for democratic self-determination.

### *Discussion Question #4*

**▪In Oregon, should specific interest group categories have required seats at the table, or should group membership be more flexible? Etc.**

The structure in use in California allows the most flexible group and individual involvement.

### *Discussion Question #5*

**▪The ability to find and cull data from local plans will help the state, as it develops future iterations of the IWRS: which data elements should be optional vs. mandatory?**

**▪Oregon's 2012 IWRS clearly lays out a set of water-related challenges (i.e., critical issues) facing Oregon communities. Should planning groups follow this same outline in the construction of local plans?**

The structure in use in Washington would allow the most flexibility for local responsibility and self-determination. Texas and California are excessively prescriptive.

*Discussion Question #6*

- **To what extent should place-based plans and their implementation work plans address Oregon's instream flow needs?**
- **What technical resources and capacity should be made available to planning groups for addressing instream issues and needs?**

These are very complex issues and I am unsure of the best approach. Local groups should be able to recommend instream flows. Is any single group or even state agency apt to have all the pertinent biologic, economic, and sociologic information?

*Discussion Question #7*

- **To what extent should place-based plans address water quality challenges, data, or legal requirements?**
- **What technical resources and capacity should be made available to planning groups for addressing water quality issues and needs?**

The Oregon Department of Environmental Quality (ODEQ) and the Oregon Department of Agriculture (ODA) are responsible for water quality standards and their compliance. In Malheur County ODA has generally operated through representative groups. ODEQ has imposed their will without the community sensing that their input is heard or honored.

Local water planning in cooperation with OWRD could make plans considering water quality, but they should have maximum flexibility since these responsibilities are not directly within OWRD's responsibilities.

*Discussion Question #8*

- **Other planning efforts in Oregon already have separate institutional structures, requirements, and funding sources. What is the best way to collaborate and coordinate with these efforts most efficiently?**

California's guidelines for recognition and integration with other planning processes seem sound.

The OWRD would do well to approach integration up front with OWEB, SWCD's, ODA and their local committees, etc.

*Discussion Question #9*

- **How should the local governing bodies adopt plans?**

**▪Should the local governing bodies of planning groups adopt these plans as well? Would such an adoption take place before or after the planning unit's adoption?**

**▪How should planning units adopt future amendments / iterations?**

Local water planning groups should adopt a plan within three years or cease to exist. If the plan is not accepted by OWRD, a new draft would need to be submitted at least every two years.

Every step of the process should be transparent and public. All participating parties should be polled. The criteria for the local adoption of both plans and projects would be based on the criteria that the local planning group has determined in their own by laws. See discussion question #3 above.

#### *Discussion Question #10*

**▪What criteria should the state use to review and accept these plans?**

**▪What mechanism should the state use to accept the plans? Currently, WRD approves Water Management and Conservation Plans administratively, while the WRC approves actual funding awards.**

The processes in use in California, Washington, and Texas seem reasonable.

#### *Discussion Question #11*

**▪What should be the extent of the role that WRD and other state agencies play in Salem and in the field, when it comes to place-based planning? (Convener, Facilitator, Technical Assistance, Reviewer?)**

The direct role of ODA and ODEQ in local planning has evolved to the point that the agency's representative may be the convener of meetings, the individual writing the plans, and the person controlling the processes. Most or even all participatory democracy either is lost or is at risk.

An OWRD representative should not be a member of the local committee (except by invitation) and should support the local plan with resources other than as a writer, convener, or facilitator. Reviewing plans by OWRD can evolve into writing and control, so OWRD employees must exercise caution and rules must explicitly limit their role in review. The California approach for local groups to have the *option* to invite agencies to participate is most appropriate.

#### *Discussion Question #12*

**▪Should the state provide funding for projects included in an adopted place-based plan?**

▪How should such funding be structured?

▪Should existing funding programs require an approved place-based plan as a prerequisite?

Funding of local planning and projects is an essential component and needs careful consideration.

There are many aspects of this OWRD initiative that overlap with OWEB and other agency turf. Many local projects proposed to OWEB have objectives and features that are similar to local projects that would be proposed to OWRD. With an eye to an effective future, is there any way that OWRD place-based local planning and projects could be merged with other local based participatory democracy initiatives to strengthen local successes?

In summary, “Place-Based Integrated Water Resources Planning” can be a sound approach. OWRD can both build our society and address water resource concerns by providing local citizens the opportunity to lead in determining local structures, priorities, and projects. Much more will be accomplished if OWRD fosters semi-independent cooperative organizations with as many local partners as possible working towards mutual goals. Participatory local democracy can work. It is actually our only suitable choice.

Thanks in advance for your consideration of these comments.

Kind regards,

*Clint*

Clinton C. Shock, PhD.

**From:** Nestucca-Neskowin Watersheds Council  
**Sent:** Tuesday, June 17, 2014 5:03 PM  
**To:** 'MUCKEN Alyssa M'  
**Cc:** 'Ryan Gordon'  
**Subject:** RE: [IWRS] Reminder: Comments due by Monday, June 30, 2014

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Alyssa,

Thanks for the reminder to comment on the WRD Planning process. I perused the report and noticed much on Washington, Texas & California water resource planning. I would draw your attention to the Oregon Watershed Enhancement Board and resulting watershed Councils that blanket our state.

Each Council has typically completed an assessment and plans to address improvements to their respective watersheds. These Councils are an excellent and integral component of water planning in Oregon. I hope you and your colleagues will take advantage of these groups and our statewide Network of Watershed Councils as you seek to fulfill place-based, integrated water resources planning. You may be surprised to find that established watershed Councils already “involve various sectors and community interests working toward the common purpose of maintaining healthy water resources.”

Thank you for the opportunity to comment.

Alex Sifford  
Coordinator

Nestucca, Neskowin & Sand Lake Watersheds Council

<http://www.nestuccawaters.org>  
[NNWC@oregoncoast.com](mailto:NNWC@oregoncoast.com)

Kiawanda Community Center  
34600 Cape Kiwanda Dr.  
PO Box 86  
Pacific City, OR 97135  
(503) 965-2200

*The mission of the Council is to provide a forum for public participation and education regarding watershed enhancement and protection, working with landowners to address factors that affect fish and habitat in the local watersheds, and actively pursue activities that support a healthy ecosystem within our watersheds.*



June 30, 2014

Alyssa Mucken, Coordinator  
Integrated Water Resources Strategy  
Oregon Water Resources Department  
725 Summer Street NE  
Salem, OR 97301

## **Re: Integrated Water Resources Strategy—Place-Based Planning Model & Draft Guidelines**

Dear Ms. Mucken:

The Oregon Water Resources Congress (OWRC) is submitting comments on the **“Place-Based Integrated Water Resources Planning: Initial Observations from the State of Oregon,”** (Place-Based Planning) released on March 10, 2014. OWRC is supportive of the concept of voluntary, locally driven Place-Based Planning efforts. If carefully crafted, Place-Based Planning can benefit the state of Oregon by incentivizing collaborative stakeholder efforts to identify solutions to local communities’ current and future water challenges.

OWRC is a nonprofit association representing irrigation districts, water control districts, improvement districts, drainage districts and other local government entities delivering agricultural water supplies. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower production, and deliver water to roughly 1/3 of all irrigated land in Oregon. OWRC has been promoting the protection and use of water rights and the wise stewardship of water resources on behalf of agricultural water suppliers for over 100 years.

### **Value of Place-Based Planning**

Community lead planning efforts like those envisioned under Place-Based Planning have a multitude of benefits. When a community that is directly impacted by planning decisions is a part of the planning process, they have “buy-in” on achieving the plan’s goals. By participating in Place-Based Planning it is more likely that the community will have ownership of both the process and the outcome, but this is only truly felt if the community comes to the table of their own volition, not forced to the table by the state. There is great value in the local knowledge and it benefits the entirety of the state if our communities take an active part in planning Oregon’s sustainable water future.

WRD can support and encourage these planning efforts by incentivizing them. Under existing grant and loan programs, if WRD provided extra points to applications from regions with Place-Based plans, an area looking to develop some type of water project would benefit by bringing stakeholders to the table to develop a place-based water plan first.

Hypothetically, having a place-based plan could be the first step in the process of developing solutions to local water issues, followed by feasibility studies funded by the Water Conservation, Reuse and Storage grant program, created by SB 1069, and then implementing viable projects using grant or loan funds from the Water Supply Development Account created by SB 839.

Additionally, Placed-Based Planning has the ability to work alongside existing planning efforts. Traditional regional planning efforts are often initiated by individual interests seeking a singular goal to meet that interest, such as a municipal or agricultural water supply. Place-Based Planning can incorporate existing planning efforts, broadening the scope to encompass more of the communities water needs, and increase the likelihood of successful projects. Ultimately, for Place-Based Planning to be successful in Oregon it needs to be voluntary, flexible, and accompanied with financial incentives.

### **Setting Boundaries**

The creation of the Place-Based Planning boundaries should be within the discretion of the Place-Based Planning group that is forming. However, to encourage consistent boundaries, WRD should provide recommended regions, perhaps using the USGS Hydrologic Unit Codes (HUC), keeping in mind the importance of scale. Under the USGS HUC the largest scale that would be reasonable for a planning group in the smaller basins would be the six digit Accounting unit, whereas the larger basins, like the Willamette and Deschutes, may need to go down to the eight digit cataloging units (for example, the Deschutes River Basin is accounting unit #170703, with the Upper Deschutes beneath it as cataloging unit #17070301, which encompasses 2140 square miles of the Deschutes River Basin). Additionally, planning efforts should be encouraged to include neighboring watersheds as appropriate, depending on scale.

Once a desire to form a Place-Based Planning group is expressed, the conveners of that group can submit a proposal for the planning region to WRD for approval. WRD would then be able either accept the proposed region or deny acceptance because the region is too large, too small or already covered by a previously accepted planning group. The criteria WRD uses to approve regions would need to be publically available to make it easier for groups to define their regions.

### **Governance Structures**

Each region should be allowed to structure the governance of their group as they see fit. It is important that Place-Based Planning is as flexible as possible and that governance structures meet the needs of the specific region doing the planning. The type and nature of the governance structure should be tailored based on the specific stakeholder makeup and community needs of the Place-Based Planning effort.

Determining the governance structure, including: voting procedure; chairs/co-chairs, and the authorities of the group, if any, will be one of the formative steps of any Place-Based Planning effort and it is important that the group has the flexibility to determine their desired structure. Additionally coordination between state and federal agencies should also be considered and MOUs between agencies should be utilized as needed.

Essentially, the decisions about how the group should run and do business should be solely made by the convening group. However, it would be helpful for WRD to provide examples of different governance structures used by planning efforts in Oregon and nationally, as well as recommend that groups consider having co-conveners, with one of the conveners being a water right holder. These housekeeping items will be the first collaborative agreements made and will set the stage for the groups work going forward.

### **Stakeholder & Public Involvement**

All stakeholders within the approved region should be invited to participate. If a group needs suggestions on whom the stakeholders in a region are, WRD can provide suggestions as needed. Once a region has identified the stakeholders and convened the group, if additional people/groups would like to be involved in the planning process, they should be allowed to petition the group for approval to join the group. Place-Based Planning groups should also invite representatives from neighboring areas, as appropriate, where there are overlapping interests or planning efforts.

A planning group should plan to have regular in-person meetings and should be encouraged to participate in broad public outreach throughout the planning process. It would be important for the planning groups to follow public meeting laws, ensuring that the entirety of the community has the opportunity to weigh in on the discussion taking place.

### **Data Management & Plan Outline**

A common terminology across the placed-based planning groups would be helpful, and encouraging the groups to address the critical issues identified in the Integrated Water Resources Strategy (IWRS) is one way WRD can achieve that goal. However, each group should have the latitude to decide what issues are most important to their region and should not be bound to address all or any of the critical issues in the IWRS if they do not align with the groups agreed upon purposes or outcomes.

### **Addressing Instream & Water Quality Needs**

Place-Based Planning groups and the plans they develop are optional and the process should be designed in a way that incentivizes groups' efforts for addressing all the water needs in the region, including out-of-stream, instream and water quality needs.

The groups will be attempting to plan and create solutions for all of the water needs within their area, which by definition would include both instream and out-of-stream needs, as they are intrinsically connected. Evaluating out-of-stream issues and needs is as important as evaluating instream issues and needs; they should be addressed in tandem, not in a vacuum.

Technical resources should be made available to planning groups to meet all of their planning needs, and where instream needs and water quality issues are concerned, it becomes especially important that relevant state and federal agencies, outside of WRD, participate in the planning effort as well. A key component to Place-Based Planning is encouraging all state and federal agencies to participate, to provide technical and financial assistance, and WRD should not be alone in supporting this effort.

## **Plan Adoption**

Stakeholders participating in a Place-Based Planning effort should be encouraged to adopt the final plan as appropriate. However, due to the voluntary nature of these plans, any action by local government entities would need to be further evaluated to ensure there are no unintended negative consequences. Aside from that; any agencies that have MOU's with each other or with the planning group should be codified as specified in their agreement and in alignment with applicable state and federal law.

## **State Level Review Process**

Plans created by the Place-Based Planning groups should be submitted to WRD for acceptance. To provide consistency for the groups, WRD should create a process similar to how they accept Agricultural Water Management and Conservation Plans.

## **Role of State Agencies**

As stated above, state agencies, including WRD, should participate in the Place-Based Planning groups. The state agencies should be a non-voting member, but should participate in the discussion, provide feedback and technical assistance, with the understanding that WRD should be the primary agency providing assistance.

Additionally, state agencies are uniquely positioned to help ensure communication between the region and Salem. The Place-Based Planning efforts will likely yield items that trigger needed changes in policies/rules/statutes, and the state agencies will be helpful to the groups in pointing out those issues and offering suggestions on how to make their proposed plan work within Oregon's regulatory structure. It will be particularly important for any state agency representative participating in Place-Based Planning efforts to regularly communicate between the field and the agency headquarters.

## **Funding for Plans & Projects**

Currently, Place-Based Planning is not required for any grant programs and if WRD would like stakeholders to participate in Place-Based Planning, WRD needs to incentivize it. Grant programs are a good way for WRD to encourage regional stakeholders to begin Place-Based Planning. If WRD awards additional points to grant applications that are in line with accepted place-based plans, regions would be more likely to initiate Place-Based Planning efforts.

In the future, if funding becomes available to support Place-Based Planning, the funding should be in line with all of our comments provided herein and there should be guidelines for eligibility to receive the funds, just like any other grant program. Potentially the grants could cover the costs of the planning effort; including, but not limited to: facilitation, technical expertise and meeting expenses.

We foresee Place-Based Planning as an initial step in a longer process of water project implementation. If a region desires to form a Place-Based Planning group, they can apply for a Placed-Based Planning grant. Once they have the plan in place, they can apply for SB 1069 funds for project feasibility studies. Finally they can use SB 839 grant or loan funds to implement the building of the project.

All of these programs can work together in a way that is beneficial, not only to the region participating, but also Oregon as a whole as we strive to meet our statewide water needs.

### **Draft Guidelines for Place-Based Planning in Oregon**

We request that any guidelines for Place-Based Planning efforts go through a formal rulemaking process, with all relevant stakeholders included as part of a Rules Advisory Committee (RAC). OWRC respectfully requests to have a representative on any RAC related to the implementation of Place-Based Planning.

The Place-Based Planning effort in Oregon should be voluntary in nature and any guidance provided by WRD should be designed to provide technical assistance and advice, as opposed to a prescribed regulatory structure. Our comments herein are consistent with the belief that the planning groups should have the freedom to organize and plan as they see fit and WRD should be providing them with guidance that is as comprehensive as possible, giving options to explore all water planning possibilities. The options provided by WRD should include, but not limited to: above and below ground storage; additional water efficiency tools, like piping and measurement, and additional water user educational programs. WRD, as well as other relevant state agencies, should provide additional guidance to planning groups on ensuring their plans are in compliance with any related plans for managing sensitive, threatened or endangered species, and any interstate or international treaties, agreements and/or planning efforts. Ultimately, the role of all state agencies in the Place-Based Planning effort should be only to provide financial and technical assistance as needed, allowing the local communities the latitude to plan and create in a way that truly fits their unique needs.

Thank you for the opportunity to comment on the “Place-Based Integrated Water Resources Planning: Initial Observations from the State of Oregon.” If carefully crafted as a flexible, voluntary program with financial incentives, Place-Based Planning has the potential for helping meet the diverse water management challenges that no stakeholder group can tackle on its own. Please do not hesitate to contact me if you have any questions about our comments or would like to discuss this issue further.

Sincerely,  
April Snell  
Executive Director



June 30, 2014

**Via Electronic Mail: [waterstrategy@wrd.state.or.us](mailto:waterstrategy@wrd.state.or.us)**

Alyssa Mucken, Coordinator  
Integrated Water Resources Strategy  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Draft Guidelines for Place-Based Planning – Public Comments

Dear Ms. Mucken:

These comments are being provided on behalf of the Oregon Cattlemen's Association, the Oregon Farm Bureau Federation, and Water For Life. Collectively, our memberships total nearly 10,000 farm and ranch families. Our members use water, sustainably manage large land holdings within Oregon's watersheds, and are regular participants in local water-related stakeholder groups throughout the State of Oregon. We are grass-roots organizations who are dedicated to the stability of our members' livelihoods and the future of agriculture in Oregon.

Our organizations appreciate the opportunity to comment on the Oregon Water Resources Department's (OWRD) Draft Guidelines for Place-Based Planning ("Planning Guidelines") in Oregon, dated March 2014. **We request an extension to the comment period.** It is our understanding that OWRD has agreed to hold an additional workshop in Eastern Oregon in July. Those attending this meeting should be able to submit comments.

First, our organizations are seeking clarity on the goal that would be accomplished by Place-Based Planning. The purpose or aim is unclear at this time. We are unable to support an additional planning effort that apparently has an open-ended or undefined goal. Further, without an understanding of the goal, we cannot provide comments on what the Guidelines should be.

The Department needs to identify and specifically state the purpose for Place-Based Planning. The Guidelines should reflect the purpose and be designed to achieve it. Once that is achieved, we ask that the Department provide public review and comment on a revised draft. The Department has recognized the importance of public input—hosting workshops and allowing public comment—on the current draft Planning Guidelines. For the public's input to be effective and useful, the Department must first provide a clear purpose and concrete proposal of the Planning Guidelines for the public to review.

Next, Placed-Base Planning appears to duplicate a number of local planning efforts and stakeholder groups that are already in place, including those associated with land use planning, agricultural water quality management plans, total maximum daily load work groups, watershed councils, and Regional Solution teams. Our members are fatigued by the existing planning and group efforts already in place. Adding another effort, particularly one that will not streamline or that would undermine existing efforts, will not be well-received by local farmers and ranchers who already working on riparian, water quality, and restoration projects and are being asked to do more by many state and federal agencies.

A better direction to take is to review the current basin planning process and implement measures to improve it. This case is made on page 7 of *Place-Based Integrated Water Resources Planning: Initial Observations from the State of Oregon*. It is stated “A common conclusion reached as a result of all three of the reviews was that basin programs conceptually and administratively, needed to be expanded beyond their primary focus of apportioning or “classifying” water to broader range of management issues.”

The 1955 goals established in HB 25 (the legislation authorizing basin planning) are still relevant today. They include:

- Protection and preservation of existing water rights, established duties, and relative priorities;
- Preference for watershed development policies that preserve balanced multiple uses;
- Maintenance of minimum perennial streamflows sufficient to support aquatic life and to minimize pollution; and
- Promotion and encouragement of local development of watershed conservation.

Our organizations support an effort that would assess whether and how Basin Plans should be revised. The plans are out-of-date, do not reflect local priorities at this time and need to be expanded. With the statewide interest in water management, this is an opportune time to enhance and update the existing plans. It is also the time to develop plans for areas lacking plans, like the Klamath Basin.

Third, we noted that one tool proposed in the Planning Guidelines is to give a preference for state funding to projects proposed by IWRM Planning Groups (*see* Appendix D, p. 42). This is highly objectionable as it undermines projects where individuals or groups seek to undertake a project outside the State’s process. Providing assistance to a project is appropriate; de-prioritizing a project because it comes about outside the process is not.

This preference of funding standard also prioritizes large projects over smaller projects. Small irrigation projects that include a single or small group of landowners will not likely be highlighted in a planning process, but might be the best suited project for an area. These small projects also have a positive and significant economic impact for farms and ranches connected to them.

It is also unclear how giving IWRM Planning Groups’ projects preference would interface with existing programs with their own prioritization schemes, i.e. programs for HB 1069 and SB 839

proposals. These programs were developed with extensive public input, and undermining those efforts is not something we are able to support, at least not without significant additional information from the Department on its proposal. We agree that, at a minimum, should the Planning Guidelines proceed, that this point merits additional discussion.

Fourth, at this time, our organizations are not able to support OWRD's possible \$750,000 funding package for the 2015-2017 biennium. As noted above, we do not understand OWRD's purpose for the Place-Based Planning efforts and, without that information, cannot support expenditures of State funds associated with the effort. In addition, should OWRD obtain more funding for the 2015-2017 biennium, we think it would be more appropriately directed at existing department programs facing a backlog status, as well as advancing water management programs throughout the state.

Finally, we again stress the importance in extending the comment period to accommodate an Eastern Oregon workshop.

Please let us know if you have any questions related to these comments. We look forward to hearing more details about the purpose and need for Place-Based Planning.

Sincerely,

Kay Teisl  
Executive Director  
Oregon Cattlemen's Association

Katie Fast  
VP Public Policy  
Oregon Farm Bureau

Amber McKinney  
Executive Director  
Water For Life

**From:** Rachel Walker  
**Sent:** Thursday, March 13, 2014 6:45 PM  
**To:** MUCKEN Alyssa M  
**Subject:** RE: [IWRS] Comment Opportunity: Place-Based Planning

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Alyssa, I attended the March 7th meeting and have been following the IWRS from day 1. The comment about Place Based water planning reminded me of the following stellar example of such a plan:

*A Committee (now known as PBAC)[Palouse Basin Aquifer Commiette] was formed in 1967 because of declining groundwater levels in our municipal wells. The Palouse groundwater basin is the sole source of water for over 50,000 residents of [Pullman, Washington](#) and [Moscow, Idaho](#) and outlying areas in both [Whitman County \(Washington\)](#) and [Latah County \(Idaho\)](#). Also included among our groundwater users are [Washington State University](#) and the [University of Idaho](#). We are a multi-jurisdictional, cooperative group with the mission of ensuring a safe and sustainable supply of water for the future.*

Participants in the meeting I attended included city, county governments, state governments, soil and water conservation districts, etc. It was truly impressive and you may wish to connect with them.

Rachel Walker



LEAGUE OF WOMEN VOTERS®  
OF OREGON

June 30, 2014

To: Alyssa Mucken  
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Integrated Water Resources Strategy  
Water Resources Department  
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Re: Comments on Place-Based Planning

The League of Women Voters is a nonpartisan, grassroots political organization that encourages informed and active participation in government. The League participated in development of the Integrated Water Resources Strategy (IWRS). Members studied water quantity and quality issues and adopted a new position related to same in 2011. In particular, *“The League believes that the interdependence of land use planning and water planning must be recognized and required at all levels of government. 1. Local comprehensive plans, watershed plans, basin plans, state and regional plans should be coordinated and complementary. 2. Roles and responsibilities of all decision makers and agencies affecting water resource and quality issues should be clearly defined.”*

*“The League believes that all planning for ground and surface water should include consideration for both the quality of the water and the availability of water to meet the beneficial uses. Planning at all levels should consider existing water rights and current and projected uses. The League acknowledges that this may be best accomplished at the watershed/basin level if adequate funding and professional staffing are available. Basin/watershed water management should be efficient and economical, responsive to public need, flexible to allow for changes over time, and lead to conservation and allocation of the resource in the public interest. Transfers of water between basins should require coordination with planning and water use in both basins.”*

*“Public involvement should be encouraged throughout the water management and planning processes. The processes should be transparent and include educational components.”*

The elements contained in Action 9.A of the IWRS should all be included in any place-based planning template. These elements were developed as part of a broad public process and reflect Oregon values. **It is urgent that we begin to move forward with these planning efforts. Climate change cannot be ignored.** Assuring we have adequate clean water for humans and other life forms is a responsibility of the general public and all levels of government. Planning that begins at the local level—but in an area broad enough to recognize basin interaction issues—is a truly Oregon approach. However, those “place-based plans” must interconnect with other nearby plans and build up to a statewide vision of actions needed to assure adequate clean water for all. It is the linkage among the many plans that will provide the best end product.

We would like to remind the Commission of the words in the Integrated Water Resources Strategy: *Because every river basin in Oregon is unique with widely varying ecological issues, community values, and economic dynamics, **place-based integrated water resources planning is vital to meeting Oregon's water management challenges.** Such planning enables communities to engage in a collaborative process to determine how best to meet their unique instream and out-of-stream water needs. **Place-based efforts provide a venue for water managers to interact with the people who live, work, and play in a watershed and care deeply about it.***

*Place-based planning allows these conversations to take place at a scale that a statewide strategy may not be able to achieve. Voluntary place-based plans can “roll up” and inform the statewide Strategy. Place-based plans can leverage technical and funding resources available through the Strategy to make more meaningful local impacts. This approach is meant to empower communities to conduct voluntary, place-based integrated water resources planning in consultation with the State.*

*At a minimum, the State and **the template it designs must ensure that any place-based plan** seeking state funding and/or state approval under the Strategy must recognize the public interest in water, and **have a meaningful process for public involvement, with public meetings, and a balanced representation of all interests.***

***Inherent in any place-based plan is the recognition and commitment to the State's authority and responsibility for management of water resources. A place-based planning effort will need to comply with existing state laws and requirements.** Having full participation by state and federal agencies, tribes, and non-governmental organizations will be important for achieving this; their expertise will help guide stakeholders through the planning process.*

*Basic components of the template should include the following concepts:*

- A description—quantity and quality—of current water resources (surface water, groundwater, storage, wastewater, stormwater), as well as a description of current and future water needs, both instream (ecological and biological needs, recreation, navigation) and out-of-stream (agricultural, municipal, industrial, including energy). Plans should note any specific data gaps, and any difficulties meeting instream and out-of-stream needs.*
- A description of areas served by irrigation districts, and drinking water, wastewater, and stormwater utilities (include service area, status of infrastructure, status of contracts). This description should also note any difficulties meeting needs.*
- Provisions for drought management and climate change adaptation and analysis of potential effects on quantity and quality of surface water and groundwater, as well as potential effects on demand/need.*
- A discussion of other water plans (TMDLs, recovery plans, forestry plan, etc.) to the extent that data are available and provide direction for decision-making.*
- Potential options to match future demands with supplies; the status of and opportunities related to water management and development tools in the basin, particularly water right transfers, water storage (both built storage and natural storage), water-use efficiency and conservation, water reuse, and restoration.*

With the above work already done, the League will attempt to answer some of the questions posed by staff that may not be answered above.

**Boundaries:** The League supports self-selection of boundaries with agency guidance. The boundaries must include a broad enough area to address the goals of the planning effort while being small enough to encourage local participation.

**Governance Structures:** Whatever agreement mechanism is selected, it should include all local government entities, including any special districts, all local water-related entities and other interested parties willing to sit at the table to work on the planning effort. The League prefers a consensus approach to decision-making. It is usually preferable that an elected official serve as the Chair of any group since the citizens of the area have selected that person. However, because the planning boundary may include a broader area, it is most important that the Chair be skilled in both the mechanics of running a meeting and in moving the planning along to a conclusion while willingly including the interested public.

**Stakeholder and Public Involvement:** Membership should be flexible and recognize the various interests in the planning region. There might also be statewide interests needed at the table to assure both a local and statewide vision. Any planning effort must be funded in a manner to assure broad information sharing, the ability of Oregonians to be kept informed of the effort and have a mechanism to provide feedback as the project moves forward.

**Data Management and Plan Outline:** As mentioned above in the IWRS, a consistent set of data should be used in each planning effort, but there may be additional information needed or available in some areas that does not exist in others. That information should not be excluded in any planning effort. If agencies can provide a data template for gathering information, that will certainly be helpful as a broader statewide picture becomes available. Any data gaps that preclude completion of the planning effort should be noted and members should seek a way to address same. If a reasonable set of data is not available, the planning effort may need to be postponed so that such data can be provided before moving forward.

**Instream and Water Quality Needs:** Both must be addressed in this planning effort. It is the heart of the IWRS. Both instream and out-of-stream needs, as well as water quality, belong in the final plan. As with the IWRS, the Department of Agriculture, Department of Environmental Quality and Oregon Fish and Wildlife need to be a part of any planning effort. Additionally, since much of our water starts in our forests, the Department of Forestry may also be needed. The Department of Land Conservation and Development, Business Oregon and others who may have information on water demand may, at times, need to be included in any planning effort.

**Integration of Other Planning Efforts:** Among the state structures today, the Regional Solutions Teams may be able to assist in assuring that other local planning efforts are linked to this effort. The importance of local government participation cannot be underestimated here since these officials know the many areas of planning occurring in their jurisdictions. Today, among the most important is any **climate change planning** occurring locally.

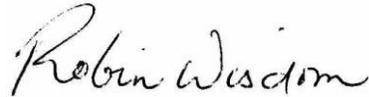
**Plan Adoption and State Review Process:** Local entities should provide an opportunity for citizens to provide input on any draft plan before final adoption. This opportunity will allow for more public awareness of the plan as well as helping to build support for any future funding or policy changes which may be needed to implement the plan. After state review (assuring state law and regulations are met and that the plan does not conflict with other plans) and

acknowledgement of the plan, local government jurisdictions may want to officially add the plan to their Comprehensive Plans as they do their Transportation Plans, etc.

**Role of State Agencies and Funding:** Unless we have a change in local government funding mechanisms, the state has a major role in both helping staff and funding these planning efforts. Within the capability of local participants, local funding should be allowed and encouraged. Due to limited capacity, these efforts should be funded under a grant process and, due to limited agency staff support, should be limited in number to those agreed upon by the agencies each biennium. Funding for any projects recommended under an adopted plan will depend on the size/cost of the project, its statewide implications and the ability of all entities to pay. If the project is for the benefit of a specific set of people/businesses, that group should have to bear the main responsibility for funding. We cannot wait for place-based planning efforts to be completed before projects can move forward. We should continue a dual process, using those currently available to consider funding of projects while also moving toward eventual place-based planning efforts to cover the entire state.

The League appreciates the opportunity to provide comments as Water Resources and other agencies work to develop a template for place-based planning in Oregon. We look forward to continuing to work toward full implementation of the IWRS. Our local League members around the state stand ready to participate in place-based efforts in their areas. Many have been involved in other planning efforts and can provide a knowledgeable base for such work.

Sincerely,



Robin Wisdom  
President



Peggy Lynch  
Natural Resources Coordinator