



OREGON
WATERSHED
ENHANCEMENT BOARD

Virtual Meeting
April 21, 2020



Oregon Watershed Enhancement Board
Virtual Meeting Agenda
April 21, 2020

To keep updated on OWEB's granting processes, please visit our website (www.oregon.gov/oweb) which contains a list of frequently asked questions and our most recent responses.

Tuesday, April 21, 2020

Business Meeting – 8:00 a.m.

Due to COVID-19 restrictions, the April 21 board meeting will be held virtually. The public is welcome to listen to the meeting through the following methods:

- **YouTube Streaming:** https://www.youtube.com/channel/UC0dl-TOWlt4Sp--i1KEa_OA/featured.
- **Phone:** Dial 1-669-900-6833. When prompted, enter ID number 788 784 256.

For each agenda item, the time listed is approximate. Anyone interested in a particular agenda item is encouraged to give ample time, and listen in to the meeting at least 30 minutes before the approximate agenda item time.

Time has not been allotted for oral public comment to be provided at the virtual meeting. However, written comments will still be accepted on any item before the board. Written comments should be sent to Eric Hartstein. Written comments received by 5:00 pm on Monday, April 20 will be provided to the board for their deliberations.

A. Review and Approval of Minutes (8:25 a.m.)

The minutes of the January 22-23, 2020 meeting in Jacksonville will be presented for board approval. *Action item.*

B. Board Co-Chair Election (8:30 a.m.)

The current term of Oregon Watershed Enhancement Board Co-Chair Randy Labbe ends in April 2020. Board members will vote to elect one board Co-Chair position for a new two-year term. *Action item.*

C. Public Comment (8:35 a.m.)

This time is reserved for the board to review the written public comment submitted for the meeting.

D. OWEB Monitoring Grants- Administrative Rules (8:50 a.m.)

Deputy Director Renee Davis, Effectiveness Monitoring Coordinator Ken Fetcho, and Senior Policy Coordinator Eric Hartstein will present monitoring grants administrative rule revisions for board consideration and approval. Public comment associated with this item may be heard as part of general public comment. However, because this item has already been the subject of a formal public hearing and a comment period, further public testimony may not be taken except upon changes made to the item since the original

public comment period, or upon the direct request of the board members in order to obtain additional information. *Action item.*

F. Board Committee Structure (10:00 a.m.)

Senior Policy Coordinator Eric Hartstein will present the new board committee structure and board membership. *Information item.*

G. Director's Update (10:20 a.m.)

Executive Director Meta Loftsgaarden and OWEB staff will update the board on agency business and late-breaking issues. *Information item.*

M. Water Acquisition Grant Program- Administrative Rules (11:30 a.m.)

Grant Program Manager Eric Williams, Partnerships Coordinator Jillian McCarthy, and Senior Policy Coordinator Eric Hartstein will present administrative rule revisions for the water acquisition grant program for board consideration and approval. Public comment associated with this item may be heard as part of general public comment. However, because this item has already been the subject of a formal public hearing and a comment period, further public testimony may not be taken except upon changes made to the item since the original public comment period, or upon the direct request of the board members in order to obtain additional information. *Action item.*

N. Telling the Restoration Story (12:30 p.m.)

Conservation Outcomes Coordinator Audrey Hatch will provide a *written* update to the board on the 'Telling the Restoration Story' targeted grant offering, and provide an example from Coyote Creek in the Long Tom watershed. *Information item.*

O. Board Committee Updates (12:35 p.m.)

Representatives from board subcommittees will provide *written* updates on subcommittee topics to the full board. *Information item.*

Meeting Rules and Procedures

Meeting Procedures

Generally, agenda items will be taken in the order shown. However, in certain circumstances, the board may elect to take an item out of order. To accommodate the scheduling needs of interested parties and the public, the board may also designate a specific time at which an item will be heard. Any such times are indicated on the agenda.

Please be aware that topics not listed on the agenda may be introduced during the Board Comment period, the Executive Director's Update, the Public Comment period, under Other Business, or at other times during the meeting.

Oregon's Public Meetings Law requires disclosure that board members may meet for meals when OWEB meetings convene.

Voting Rules

The OWEB Board has 18 members. Of these, 11 are voting members and 7 are ex-officio. For purposes of conducting business, OWEB's voting requirements are divided into 2 categories – general business and action on grant awards.

General Business

A general business quorum is **6 voting members**. General business requires a majority of **all** voting members to pass a resolution (not just those present), so general business resolutions require affirmative votes of **at least 6 voting members**. Typical resolutions include adopting, amending, or appealing a rule, providing staff direction, etc. These resolutions cannot include a funding decision.

Action on Grant Awards

Per ORS 541.360(4), special requirements apply when OWEB considers action on grant awards. This includes a special **quorum of at least 8 voting members** present to take action on grant awards, and affirmative votes of at least six voting members. In addition, regardless of the number of members present, **if 3 or more voting members** object to an award of funds, the proposal will be rejected.

Public Testimony

The board encourages public comment on any agenda item.

Written comments will be accepted on any item before the board. Written comments should be sent to Eric Hartstein at Eric.Hartstein@oregon.gov. Please note that written comments received after 5:00 pm on April 20, 2020 will not be provided to the board in advance of the meeting.

Executive Session

The board may also convene in a confidential executive session where, by law, only press members and OWEB staff may attend. Others will be asked to leave the room during these discussions, which usually deal with current or potential litigation. Before convening such a session, the presiding board member will make a public announcement and explain necessary procedures.

More Information

If you have any questions about this agenda or the Board's procedures, please call April Mack, OWEB Board Assistant, at 503-986-0181 or send an e-mail to april.mack@oregon.gov. If special

physical, language, or other accommodations are needed for this meeting, please advise April Mack as soon as possible, and at least 48 hours in advance of the meeting.

Oregon Watershed Enhancement Board Membership

Voting Members

Barbara Boyer, *Board of Agriculture*
Molly Kile, *Environmental Quality Commission*
Mark Labhart, *Fish and Wildlife Commission*
Brenda McComb, *Board of Forestry*
Meg Reeves, *Water Resources Commission*
Jason Robison, *Board Co-Chair, Public (Tribal)*
Gary Marshall, *Public*
Jamie McLeod-Skinner, *Public*
Randy Labbe, *Board Co-Chair, Public*
Bruce Buckmaster, *Public*
Liza Jane McAlister, *Public*

Non-voting Members

Eric Murray, *National Marine Fisheries Service*
Stephen Brandt, *Oregon State University Extension Service*
Debbie Hollen, *U.S. Forest Service*
Anthony Selle, *U.S. Bureau of Land Management*
Ron Alvarado, *U.S. Natural Resources Conservation Service*
Alan Henning, *U.S. Environmental Protection Agency*
Paul Henson, *U.S. Fish and Wildlife Service*

Contact Information

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www.oregon.gov/OWEB

OWEB Executive Director – Meta Loftsgaarden

meta.loftsgaarden@oregon.gov

OWEB Assistant to Executive Director and Board – April Mack

april.mack@oregon.gov

503-986-0181

2020 Board Meeting Schedule

January 22-23, in Jacksonville
April 21, Virtual
June, TBD
July 21-22, in Sisters
October 20-21, in Enterprise

For online access to staff reports and other OWEB publications, visit our web site:

www.oregon.gov/OWEB.

Strategic Plan

With extensive input from our stakeholders, OWEB has designed a strategic plan to provide direction for the agency and its investments over the next 10 years.

PRIORITY 1. Broad awareness of the relationship between people and watersheds

- Develop and implement broad awareness campaigns and highlight personal stories to tell the economic, restoration, and community successes of watershed investments
- Increase involvement of non-traditional partners in strategic watershed approaches

PRIORITY 2. Leaders at all levels of watershed work reflect the diversity of Oregonians

- Listen, learn, and gather information about diverse populations
- Create new opportunities to expand the conservation table
- Develop funding strategies with a lens toward diversity, equity, and inclusion

PRIORITY 3. Community capacity and strategic partnerships achieve healthy watersheds

- Evaluate and identify lessons learned from OWEB's past capacity funding
- Champion best approaches to build organizational, community, and partnership capacity
- Continue to catalyze and increase state/federal agency participation in strategic partnerships

PRIORITY 4. Watershed organizations have access to a diverse and stable funding portfolio

- Increase coordination of public restoration investments and develop funding vision
- Seek alignment of common investment areas with private foundations
- Explore creative funding opportunities/partnerships with the private sector
- Partner to design strategies for complex conservation issues that can only be solved by seeking new and creative funding sources

PRIORITY 5. The value of working lands is fully integrated into watershed health

- Implement the Oregon Agricultural Heritage Program
- Strengthen engagement with a broad base of landowners
- Enhance the work of partners to increase working lands projects on farms, ranches, and forestlands
- Support technical assistance to work with owners/managers of working lands
- Develop engagement strategies for owners/managers of working lands who may not currently work with local organizations

PRIORITY 6. Coordinated monitoring and shared learning to advance watershed restoration effectiveness

- Broadly communicate restoration outcomes and impacts
- Invest in monitoring over the long term
- Develop guidance and technical support for monitoring
- Increase communication between and among scientists and practitioners
- Define monitoring priorities
- Develop and promote a monitoring framework

PRIORITY 7. Bold and innovative actions to achieve health in Oregon's watersheds

- Invest in landscape restoration over the long-term
- Develop investment approaches in conservation that support healthy communities and strong economies
- Foster experimentation that aligns with OWEB's mission



Long-Term Investment Strategy

OWEB's Framework for Grant Investments

In 2013, the Board adopted a Long-Term Investment Strategy that guides its investments of Lottery, federal, and salmon plate funding. All of OWEB's investments in ecological outcomes also help build communities and support the local economy. The Board also approved a direction for the investments outlined below. They will continue operating capacity and open solicitation grants and continue focused investments with a gradual increase over time.

OPERATING CAPACITY

Operating Capacity Investments support the operating costs of effective watershed councils and soil and water conservation districts. Councils and districts are specifically identified in OWEB's statutes.

OPEN SOLICITATION

OWEB offers responsive grants across the state for competitive proposals based on local ecological priorities.

FOCUSED INVESTMENTS

OWEB helps landscape-scale collaborative partnerships achieve collaboratively prioritized ecological outcomes.

EFFECTIVENESS MONITORING

OWEB evaluates and reports on the progress and outcomes of watershed work it supports.

The Approach We Take

We believe that every endeavor is guided by a set of commitments not just about the “why” and the “what,” but also the “how.” These are the ways we are committed to engaging in our work. This is our approach. These principles modify everything we do.

Our work is characterized by...

Involving stakeholders broadly and in partnership

- Involving the community members at all levels
- Promoting community ownership of watershed health
- Collaborating and authentically communicating
- Bringing together diverse interests
- Building and mobilizing partnerships

Using best available science supported by local knowledge

- Basing approaches on the best available science
- Advancing efficient, science driven operations
- Addressing root sources and causes
- Incorporating local knowledge, experience, and culture
- Catalyzing local energy and investment

Investing collaboratively with long-term outcomes in mind

- Aligning investments with current and potential funding partners
- Maintaining progress into the future
- Stewarding for the long term
- Taking the long view on projects and interventions

Demonstrating impact through meaningful monitoring and evaluation

- Providing evidence of watershed change
- Measuring and communicating community impact
- Increasing appropriate accountability
- Incorporating flexibility, adaptive management – when we see something that’s not working, we do something about it

Reaching and involving underrepresented populations

- Seeking to include the voice and perspectives that are not typically at the table
- Specific, targeted engagement
- Ensuring information is available and accessible to diverse audiences



OWEB Staff Culture Statement

We are dedicated to OWEB’s mission and take great pride that our programs support watershed health and empower local communities. Our work is deeply rewarding and we are passionate about what we do. Our team is nimble, adaptable, and forward-thinking, while remaining grounded in the grassroots history of watershed work in Oregon. With a strong understanding of our past, we are strategic about our future. We believe in working hard while keeping our work environment innovative, productive, and fun. We are collaborative, both with each other and with outside partners and organizations, and place great value in continually improving what we do and how we do it.

	2019-21 SPENDING PLAN for M76 & PCSRF Funds	Spending Plan as of Jan 2020	TOTAL Awards To- Date	Remaining Spending Plan after Awards To- Date	Apr 2020 Proposed Awards	Remaining Spending Plan after Apr 2020 awards	Other \$\$ Received & Awarded
1	Open Solicitation:						
2	Restoration	31.200	8.048	23.152		23.152	0.000
3	Technical Assistance						
4	Restoration TA	3.100	0.991	2.109		2.109	
5	CREP TA	1.163	1.163	0.000		0.000	0.450
6	Stakeholder Engagement	1.000	0.245	0.755		0.755	0.000
7	Monitoring grants	3.500	0.000	3.500		3.500	0.000
8	Land and Water Acquisition						
9	Acquisition	6.750	0.157	6.593		6.593	0.000
10	Acquisition TA	0.000	0.000	0.000		0.000	0.000
11	Weed Grants	3.000	3.000	0.000		0.000	0.000
12	Small Grants	3.150	3.150	0.000		0.000	0.000
13	Quantifying Outputs and Outcomes	1.278	0.760	0.518		0.518	0.884
14	TOTAL	54.141	17.514	36.627	0.000	36.627	1.334
15	% of assumed Total Budget	54.53%					
16	Focused Investments:						
17	Deschutes	4.000	4.000	0.000		0.000	0.000
18	Willamette Mainstem Anchor Habi	2.180	2.180	0.000		0.000	0.000
19	Harney Basin Wetlands	2.500	2.500	0.000		0.000	0.000
20	Sage Grouse	0.474	0.474	0.000		0.000	0.000
21	Ashland Forest All-Lands	2.000	2.000	0.000		0.000	0.000
22	Upper Grande Ronde	2.777	2.777	0.000		0.000	0.000
23	John Day Partnership	4.000	4.000	0.000		0.000	0.000
24	Baker Sage Grouse	1.715	1.715	0.000		0.000	0.000
25	Warner Aquatic Habitat	2.000	2.000	0.000		0.000	0.000
26	Rogue Forest Rest. Ptnrshp	1.500	1.500	0.000		0.000	0.000
27	Clackamas Partnership	3.455	3.455	0.000		0.000	0.000
28	FI Effectiveness Monitoring	0.450	0.150	0.300		0.300	0.000
29	TOTAL	27.051	26.751	0.300	0.000	0.300	0.000
30	% of assumed Total Budget	27.25%					
31	Operating Capacity:						
32	Capacity grants (WC/SWCD)	14.416	14.330	0.086		0.086	0.000
33	Statewide org partnership support	0.250	0.250	0.000		0.000	0.000
34	Organizational Collaborative	0.200	0.100	0.100		0.100	0.000
35	Partnership Technical Assistance	0.779	0.779	0.000		0.000	0.000
36	TOTAL	15.645	15.459	0.186	0.000	0.186	0.000
37	% of assumed Total Budget	15.76%					
38	Other:						
39	CREP	0.750	0.750	0.000		0.000	0.000
40	Governor's Priorities	1.000	1.000	0.000		0.000	0.000
41	Strategic Implementation Areas	0.700	0.700	0.000		0.000	0.000
42	TOTAL	2.450	2.450	0.000	0.000	0.000	0.000
43	% of assumed Total Budget	2.47%					
44	TOTAL OWEB Spending Plan	99.287	62.174	37.113	0.000	37.113	1.334
45	OTHER DIRECTED						
46	ODFW - PCSRF	11.690	11.690	0.000		0.000	
47	Lower Columbia Estuary Partnership	0.321	0.321	0.000		0.000	
48	Forest Health Collaboratives from ODF	0.000	0.000	0.000		0.000	0.500
49	TOTAL	12.011	12.011	0.000	0.000	0.000	0.500
50	TOTAL Including OWEB Spending Plan and Other Directed Funds	111.298	74.185	37.113	0.000	37.113	1.834

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE BOARD

Oregon Watershed Enhancement Board (OWEB)

January 22, 2020 Board Meeting

Jacksonville Community Center
110 E Main Street
Jacksonville, OR 97530

Audio time stamps reference recording at:

https://www.youtube.com/watch?v=gHFkk_nNlj8&t=16688s

OWEB MEMBERS PRESENT

Boyer, Barbara
Buckmaster, Bruce
Henning, Alan
Hollen, Debbie
Labbe, Randy
Labhart, Mark
Marshall, Gary
McAlister, Liza Jane
McLeod-Skinner, Jamie
Murray, Eric
Robison, Jason
Selle, Tony

ABSENT

Alvarado, Ron
Brandt, Stephen
Henson, Paul
Kile, Molly
McComb, Brenda
Reeves, Meg

OWEB STAFF PRESENT

Appel, Lisa
Davis, Renee
Dutterer, Andrew
Fetcho, Ken
Grenbemer, Mark
Hartstein, Eric
Hatch, Audrey
Loftsgaarden, Meta
McCarthy, Jillian
Prather, Nicki
Shaff, Courtney
Tia, Leah
Williams, Eric

OTHERS PRESENT

Coordes, Regan
Lee, Jan
Knight, Kris
Harm, Audrey
Dombi, Cathy
Goode, Scott
Talbert, Kevin
Nichols, Clint
Beamer, Kelley
Mackhorter, Rob
Jones, Bob
Brandt, Tracey
O'Brien, Kevin
Mooney, Erica
Stabach, Greg
Becker, Geoff

Co-Chair Randy Labbe called the meeting to order at 8:00 a.m.

A. Board Member Comments (Audio = 0:02:15)

Board members provided updates on issues and activities related to their respective geographic regions and/or from the state and federal agencies they represent.

B. Review and Approval of Minutes (Audio = 0:54:25)

The minutes of the October 15-16, 2019 meeting in Condon were presented for approval.

Randy Labbe moved the board approve the minutes from the October 15-16, 2019 meeting in Condon. Barbara Boyer seconded the motion. The motion passed unanimously. (Audio = 0:54:55)

C. Board Subcommittee Updates (Audio = 55:09)

Representatives from board subcommittees provided updates on subcommittee topics to the full board.

D. Public Comment (Audio = 1:03:36 a.m.)

Jan Lee with the Oregon Association of Conservation Districts, Vanessa Green with the Network of Oregon Watershed Councils and Kelley Beamer with the Coalition of Oregon Land Trusts (COLT) gave the board an update on the group’s combined activities. Kevin Talbert with COLT and the president of the Southern Oregon Land Conservancy welcomed the board to the region.

E. Strategic Plan Update (Audio = 1:20:20)

Executive Director Meta Loftsgaarden provided a report to the board on progress made on strategic plan implementation.

F. OWEB Board Subcommittee Structure (Audio = 1:29:37)

Senior Policy Coordinator Eric Hartstein led the board in a discussion on a committee structure for the board. Deputy Director Renee Davis, Interim Business Operations Manager Courtney Shaff, and Grant Program Manager Eric Williams joined the discussion to provide a staff perspective. Standing committees would be for Focused Investments, Monitoring, and Water and Land Acquisitions. Ad-hoc committees would be for Climate Change; Water; Diversity, Equity, and Inclusion; and Strategic Plan Implementation. The board co-chairs and chairs of each committee will make up an Executive Committee.

Bruce Buckmaster moved the board adopt the committee structure as discussed today, with staff to provide details. Jamie McLeod-Skinner seconded the motion. The motion passed unanimously. (Audio = 2:17:10)

Once the structure is in place, staff will follow up asking the board for their preferences for committee membership. Based on the level of interest the board members have expressed, the co-chairs will determine final membership. Once the committees are developed, staff will work with members on logistics for each committee meeting including meeting in person verses teleconference, meeting times and frequency.

G. Land Acquisition Conveyance (Audio = 2:17:44)

Grant Program Manager Eric Williams requested the board approve the transfer of the Rimrock Ranch conservation easement from the Deschutes Land Trust to the McKenzie River Trust.

Mark Labhart moved the board approve the assignment of the Rimrock Ranch conservation easement (OWEB Grant # 206-106) from Deschutes Land Trust to McKenzie River Trust, conditioned on staff and Department of Justice approval of the final form of all conveyance-related documents. Jason Robison seconded the motion. The motion passed unanimously. (Audio = 2:31:38)

H. Receive Natural Resources Conservation Service (NRCS) Funding and Recaptured Funds for Conservation Reserve Enhancement Program (CREP) Technical Assistance (Audio = 2:31:45)

Partnerships Coordinator Jillian McCarthy requested the board accept \$200,000 from the NRCS, and add \$37,771 of recaptured funds for the CREP Technical Assistance grant program.

Randy Labbe moved the board approve receipt of \$200,000 from the Natural Resources Conservation Service for CREP Technical Assistance, and delegate authority to the Executive Director to distribute the funds through appropriate agreements with an award date of January 1, 2020. Gary Marshall seconded the motion. The motion passed unanimously.

Randy Labbe moved the board add \$37,771 of recaptured funds to the CREP Technical Assistance line item of the 2019-2021 Spending Plan, and delegate authority to the Executive Director to distribute the funds through appropriate agreements with an award date of January 1, 2020. Gary Marshall seconded the motion. The motion passed unanimously. (Audio = 2:44:14)

I. Partnership Technical Assistance (TA) Grant Awards (Audio = 2:44:20)

Interim Business Operations Manager Courtney Shaff and Partnerships Coordinator Leah Tai provided an overview of the 2019 Partnership TA grant offering and requested board consider Partnership TA grant awards.

Public Comments: (Audio = 3:18:15)

Kris Knight, Director, Upper Deschutes Water Council, offered thanks to the board for offering this type of grant program.

Jamie Stephens, Science Director, Klamath Siskiyou Oak Network, Bird Observatory, discussed their partnership's proposal, although not recommended for funding. Jaimie shared thoughts on the feedback received on the proposal. The board gave suggestions on how to respond to feedback they received and apply it on their next grant proposal.

Jason Robison moved the board add \$279,000 of recaptured funds to the Partnership Technical Assistance line item of the 2019-2021 Spending Plan. Gary Marshall seconded the motion. The motion passed unanimously.

Jason Robison moved the board award Partnership Technical Assistance grants as described in Attachment A to the staff report with an award date of January 22, 2020. Gary Marshall seconded the motion. The board approved the motion 7-0, with Mark Labhart abstaining. (Audio = 3:51:04)

J. Director's Update (3:51:18)

J-1: Budget and Legislative Update (Audio = 3:51:50) Deputy Director Renee Davis and Senior Policy Coordinator Eric Hartstein provided an update on the budgeting process during both the legislative 2020 short session and 2021 long session, along with a general legislative update in advance of the 2020 session.

J-2: Oregon Plan Biennial Report Update (Audio = 4:15:45) Conservation Outcomes Coordinator Audrey Hatch and Senior Policy Coordinator Eric Hartstein provided the board an update about the agency's development and distribution of the 2017-2019 Biennial Report on the Oregon Plan for Salmon and Watersheds.

J-3: Oregon's 100-Year Water Vision (Audio = 4:22:20) Executive Director Meta Loftsgaarden provided an update describing outreach progress on Oregon's 100-Year Water Vision.

J-4: 2019 Annual Tribal Report (Audio = 4:38:00) Effectiveness Monitoring Coordinator and Tribal Liaison provided an update about the agency's development and distribution of the 2019 Annual Tribal Report that describes how OWEB engaged and fostered relations with the nine federally recognized tribes in Oregon and the Nez Perce Tribe in 2019.

K. Organization Collaboration Grant Awards (Audio = 4:55:01)

Interim Business Operations Manager Courtney Shaff requested board action on an Organization Collaboration grant application submitted during the September 2019 grant offering. Jason Robison moved that the board award the Organization Collaboration grant as described in Attachment A to the staff report with an award date of January 22, 2020. Jamie McLeod-Skinner seconded the motion. The motion passed unanimously. (Audio = 5:04:57)

L. Telling the Restoration Story (Audio = 5:05:01)

Conservation Outcomes Coordinator Audrey Hatch provided an update to the board on 'Telling the Restoration Story' targeted grant offering, and provided examples from the West Fork Smith River and Warner Lakes Basin.

M. Conservation Easement Management (Audio = 5:17:12)

Grant Program Manager Eric Williams and Southern Oregon Land Conservancy Stewardship Director Kristi Mergenthaler presented to the board on conservation easement management from the perspective of a local land trust.

Oregon Watershed Enhancement Board (OWEB)

January 23, 2020 Board Meeting

Jacksonville Community Center
110 E Main Street
Jacksonville, OR 97530

Audio time stamps reference recording at: <https://youtu.be/GL8zoVW7Kk>

OWEB MEMBERS PRESENT

Boyer, Barbara
Buckmaster, Bruce
Alan Henning
Hollen, Debbie
Labbe, Randy
Labhart, Mark
Marshall, Gary
McAlister, Liza Jane
McLeod-Skinner, Jamie
Murray, Eric
Robison, Jason
Selle, Tony

ABSENT

Alvarado, Ron
Brandt, Stephen
Henson, Paul
Kile, Molly
McComb, Brenda
Reeves, Meg

OWEB STAFF PRESENT

Appel, Lisa
Davis, Renee
Dutterer, Andrew
Fetcho, Ken
Grenbemer, Mark
Hartstein, Eric
Hatch, Audrey
Loftsgaarden, Meta
McCarthy, Jillian
Prather, Nicki
Shaff, Courtney
Tai, Leah
Williams, Eric

OTHERS PRESENT

Coordes, Regan
Elder, Tim
Dean, Stan
Lehman, Bill
Stephens, Jaime
Green, Vanessa
Jenkins, Brian
Payne, Jennifer
DeLoyste, Arlene
Reid, William
Gerlach, Wendy
Nichols, Clint
Beamer, Kelley
Lee, Jan

N. Public Comment (Audio = 00:00:37)

Sarah Sauter with the Rogue Basin Partnership, presented on behalf of Jackson and Josephine County weed management areas. Sarah thanked OWEB for the ongoing support and investment of the work that the organization is doing.

Vanessa Green, Executive Director with the Network of Oregon Watershed Councils, provided a brief comment regarding Agenda Item S and the potential change to the open solicitation grant offering cycle.

O. Focused Investment Partnership (FIP) Priorities-Tribal Engagement (Audio = 00:06:32)

Partnerships Coordinator Andrew Dutterer and Effectiveness Monitoring Coordinator and Tribal Liaison Ken Fetcho updated the board on tribal outreach conducted in order to obtain feedback on the board-adopted FIP habitat priorities.

Jamie McLeod-Skinner move the board adopt the revised Aquatic Habitat for Native Fish Priority for the FIP program as described in Attachment B to the staff report. Jason Robison seconded the motion. The motion passed unanimously. (Audio = 00:26:58)

P. Winter Lake Project Update (Audio = 00:27:09)

Partnerships Coordinator Jillian McCarthy, Oregon Department of Fish Umpqua Watershed Manager Tim Walters, The Nature Conservancy Water Program Manager Jason Nuckols, Coquille Watershed Association Executive Director Melaney Dunne, and Beaver Slough Drainage District Manager Fred Messerle provided an update on the Winter Lake Restoration project.

Q. Water Acquisition Grant Awards (Audio = 1:25:01)

Grant Program Manager Eric Williams and Partnerships Coordinator Jillian McCarthy requested board action on Water Acquisition grant applications received during the August 2019 grant offering.

Jason moved the board award funding for water acquisition grants as specified in Table 1 in the staff report, with the contingency that since 220-9901 is a multi-season project, that there is a report back to the board on how the program worked in the first season. Jamie McLeod-Skinner seconded the motion. (Audio = 2:10:35)

Jason Robison amended motion to separate projects in Table 1. Jamie McLeod-Skinner seconded the motion. The motion passed unanimously.

Jason Robison moved the board award funding for the acquisition grant 220-9901, with the contingency that since 220-9901 is a multi-season project, that there is a report back to the board on how the program worked in the first season. Jamie McLeod-Skinner seconded the motion. The motion passed unanimously. (Audio = 2:19:00)

Jason Robison moved the board award funding for the acquisition grant 220-9900 as presented in Table 1 in the staff report. Jamie McLeod-Skinner seconded the motion. The motion passed 6-2, with Liza Jane McAlister and Barbara Boyer voting no. (Audio = 2:19:46)

R. FIP Program Monitoring and Progress Tracking (Audio – 2:21:20)

Deputy Director Renee Davis, Conservation Outcomes Specialist Lisa Appel, Partnerships Coordinators Andrew Dutterer and Leah Tai, Senior Policy Coordinator Eric Hartstein, and Upper Deschutes Watershed Council Program Manager and Bonneville Environmental Foundation Team Member Lauren Mork presented a suite of products intended to help monitor the progress of FIP initiatives.

S. Open Solicitation Grant Offering (Audio = 3:17:79)

Grant Program Coordinator Eric Williams lead a board discussion on adjusting the open solicitation grant-offering schedule from fall and spring application deadlines and grant awards to winter and summer application deadlines and grant awards.

T. Oregon Agricultural Heritage Program (OAHP) Update (Audio = 3:37:12)

Grant Program Manager Eric Williams updated the board on recent developments to OAHP, and requested action on re-appointing Chad Allen and Dr. Sam Angima as members of the Oregon Agricultural Heritage Commission.

Randy Labbe moved the board reappoint Chad Allen and Dr. Sam Angima to the Oregon Agricultural Heritage Commission for four-year terms. Mark Labhart seconded the motion. The motion passed unanimously. (Audio = 3:40:06)



Agenda Item D supports OWEB's Strategic Plan priority #6: Coordinated monitoring and shared learning to advance watershed restoration effectiveness.

MEMORANDUM

TO: Oregon Watershed Enhancement Board

FROM: Renee Davis, Deputy Director
Ken Fetcho, Effectiveness Monitoring Coordinator
Eric Hartstein, Senior Policy Coordinator

SUBJECT: Agenda Item D – OWEB Monitoring Grant Rulemaking
April 21, 2020 Board Meeting

I. Introduction

This report requests board approval of proposed administrative rules for OWEB monitoring grants (Division 25).

II. Background

Monitoring grants are an integral OWEB grant offering, providing important resources that assist grantees in gathering data on current conditions in a watershed, evaluating the specific efforts of on-the-ground actions, or comparing similar watershed components before and after a restoration project.

At the April 2019 meeting, the board authorized staff to initiate rulemaking for monitoring grants. A rules advisory committee (RAC) was established to assist OWEB staff in developing revisions to monitoring grants rules. A list of RAC members is found in Attachment A. The RAC convened on four occasions between August and December 2019 to discuss both important elements to be contained in proposed monitoring grants rules and draft rule language.

III. Summary of Proposed Rule Revisions

OWEB monitoring grants administrative rules were adopted in 2005 and are brief. The proposed rule revisions are substantial and are modeled on the format of other, more current OWEB administrative rules.

IV. Comment on Proposed Monitoring Grants Administrative Rules

OWEB released draft rules for comment on February 1, 2020. The public comment period was open from February 1 – March 1, 2020 with a public hearing in Salem on February 27th. A summary of the comments, and OWEB staff response, are provided in Attachment B. The four written comments that were received during the public comment period are provided in Attachment C. There was one attendee, who also submitted written comment, at the public hearing. Written comments were discussed at that time.

OWEB solicited tribal comments from the nine federally recognized tribes in Oregon and the Nez Perce Tribe on the draft rules amendments on February 3, 2020. No tribal comments were received.

The rules are provided as Attachments D-1 and D-2 to the staff report. During the board meeting, staff will walk through changes with the board. At the April meeting, the board may only receive public comment on the revisions to the proposed rules that have occurred since the close of the public comment period.

V. Recommendation

Staff recommends the board approve the monitoring grant administrative rules found in Attachment D.

Attachments

- A. Rules Advisory Committee Members
- B. Staff Summary and Response to Public Comments
- C. Public Comments
- D-1. Proposed Monitoring Grants Rules – Redline
- D-2. Proposed Monitoring Grants Rules - Clean

2019-2020 Monitoring Rules Advisory Committee

Name	Affiliation
Ellen Hammond	Oregon Dept. of Agriculture
Jamie Anthony	Oregon Dept. of Fish and Wildlife
Rachel Lovellford	Oregon Water Resources Department
Sandy Lyon	Partnership for Umpqua Rivers
Joe Carnes	Partnership for Umpqua Rivers
York Johnson	Tillamook Estuary Partnership/Oregon Department of Environmental Quality
Ryan Bessette	Wasco SWCD
Angela Sitz	U.S. Fish and Wildlife Service
Pat McDowell	University of Oregon
Amy Charette	Confederated Tribes of Warm Springs
Jonas Parker	Bureau of Land Management
Stan Van Der Wetering	Confederated Tribes of Siletz Indians
Brandon Overstreet	U.S. Geologic Survey

OWEB Board ex-officio members

Alan Henning
Molly Kile

OWEB Staff

Renee Davis
Ken Fetcho
Eric Hartstein

Rules: 695-025-0080, Purpose

Commenter(s)	Comments	Response	Rule Change
Kristen Larson, Executive Director, Luckiamute Watershed Council	Suggested edits to align rule language more closely with language in statute.	The suggested language has been incorporated into the draft rule.	Yes
Kelly Timchak, Board President, Network of Oregon Watershed Councils	Suggested edits to align rule language more closely with language in statute.	See response to Kristen Larson.	Yes

Rule: 695-025-0100, Eligibility

Commenter(s)	Comments	Response	Rule Change
Kelly Timchak, Board President, Network of Oregon Watershed Councils	Concerned about research projects being ineligible for monitoring grants, suggests allowing research activities that directly benefit restoration projects.	OWEB agrees that monitoring projects that lead to restoration projects are eligible for grant funding. OWEB has clarified language in the draft rule on the types of activities that are ineligible for grant funding. OWEB would also like to note that draft rule language contains the qualifier of “sole purpose” for the certain activities that would lead to a determination that a project is ineligible for grant funding.	Yes
Guy Sievert	Concerned about research projects being ineligible for monitoring grants, suggests allowing research activities that directly benefit restoration projects.	See response to Kelly Timchak.	Yes

Rule: General Comments

Commenter(s)	Comments	Response	Rule Change
James Peterson	Promoted extending mandatory riparian buffers beyond land regulated under Forest Practices Act. Encouraged returning beaver to the landscape in areas where they may provide natural benefits to the ecosystem.	OWEB appreciates the benefits of riparian buffers and beaver, and through its grant programs have provided funding for voluntary efforts to protect and restore riparian and floodplain areas across Oregon. As a grant-making agency, OWEB does not regulate riparian buffer establishment or beaver reintroduction.	No



Luckiamute Watershed Council

March 2, 2020

Board of Directors

Wendy Hudson, President
Monmouth

Karin Stutzman, Secretary
Monmouth

George Grosch, Treasurer
Kings Valley/Hoskins

Kathy Farnworth
Monmouth

Dave Ehlers
Kings Valley/Hoskins

Dan Farnworth
Monmouth

Staff

Kristen Larson
Executive Director

Suzanne Teller
Outreach Coordinator

Caleb Price
Monitoring Coordinator

Project Manager

Jean-Paul Zagarola
*Bonneville Environmental
Foundation*

Dear Oregon Watershed Enhancement Board Staff and Board members,

Thank you for the opportunity to provide comment on the proposed revisions to OWEB Monitoring Grants rules. I appreciate the efforts of OWEB's Board, staff, and rules advisory committee members to review and update the rules.

I have proposed specific revisions to the draft language and a rationale for the proposed revision.

695-025-0080

Purpose

Suggested revisions:

In accordance with Section 4b.(2) of Article XV of the Oregon Constitution and ORS 541.956, OWEB may consider grant applications that propose monitoring activities necessary for carrying out ~~eligible restoration or acquisition~~ projects that either protect or restore native fish or wildlife habitat, or protect or restore natural watershed or ecosystem functions in order to improve ~~natural functions~~, water quality, or stream flows.

Rationale

The intent of my proposed revision to the draft Purpose statement is to more accurately reflect the language voted on in Measure 76 and included in ORS 541.956. The current draft purpose statement paraphrases the statute but in doing so, appears to eliminate language around projects that protect native fish and wildlife habitats or protect natural watershed functions to improve water quality or stream flows.

My concern is the current draft language is creating a system in which eligible actions are all geared towards the new and next restoration or acquisition project. While much work remains to be done for our native fish and wildlife habitats and watershed and ecosystem functions, I am concerned about a grant-making structure that operates only in service of creating a new restoration or acquisition project.

With OWEB recently celebrating 20 years of grant-making and with many years of investments ahead, I think it's worth considering and allowing for monitoring activities that collect data to inform grantees and stakeholders that the positive results of previous investments are being maintained. In some cases, this can be via effectiveness monitoring efforts, but there are other examples of potential monitoring work that may not be considered effectiveness monitoring.

For example, a local watershed council may seek to monitor streams in the upper portion of its watershed to collect data regarding water quality. Water quality may already be in good condition either because the ecosystem is intact or because of historical efforts. The watershed council seeks to protect this quality and maintain its good condition. There is very clear language in Measure 76 that the natural resources fund is intended to accomplish things such as maintaining habitats needed to sustain healthy and resilient populations of native fish and wildlife and maintaining the diversity of Oregon's plants, animals, and ecosystems.

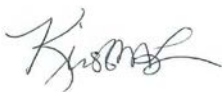
Continuing with my example, if the monitoring data suggest a problem, the watershed council may engage local landowners about potential sources for the problem and best management practices to address sources. The intent may or may not be to pursue restoration actions to help resolve the source of the issue; it may be to ensure intact areas remain intact or to support dialogue and engagement with landowners and stakeholders. I am concerned that a project like this may not be considered eligible under the current draft rules or that a grantee may read the rules and elect not to pursue this work based on an interpretation that the project is not eligible.

Based on conversations with current OWEB staff members, the indication is that the rules are intended to be inclusive. In discussion, staff felt that activities that I perceived as potentially ineligible upon reading the rules would likely be eligible. This points to potential confusion from grantees and applicants and a need for clear guidance from OWEB. The guidance can help ensure that grantees don't read the rules, and as I did, incorrectly interpret them to mean that important work is no longer eligible. Also, staff and board members change over time. Even more important is having clear rules and guidance so that interpretation does not change as personnel change. I am concerned about unintended consequences that future staff, board members, and applicants will not be aware of to the conversations of today and will interpret these statements in the restrictive manner that I did when I first read them.

The Oregon Plan, Oregon Conservation Strategy, and other recovery plans consistently point to protecting functioning and intact habitats as effective and cost-effective strategies for meeting stated goals. With existing areas of intact habitats - that may not need restoration but are worth protecting - and OWEB's ever-growing legacy of investments, I encourage the Board to consider revisions to the rules so that they do not eliminate or potentially eliminate valuable monitoring activities.

In 2010, the voters overwhelmingly approved Measure 76. The ballot measure was described in the voter pamphlet as "amends constitution: continues lottery funding for parks, beaches, wildlife habitat, watershed protection beyond 2014." Ensuring monitoring activities in support of watershed protection remain eligible is in line with what the voters approved. These activities will be increasingly important as the portfolio of restoration work continues to grow and as we face challenges such as climate change that will impact our ecosystems in various ways.

Thank you,



Kristen Larson
Executive Director,
Luckiamute Watershed Council



Oregon Watershed Enhancement Board
775 Summer Street NE
Salem, OR 97301-1290

RE: Comments on OWEB Monitoring Grants Rules
March 2, 2020

Oregon Watershed Enhancement Board Staff and Board members,

Thank you for the opportunity to provide comment on the proposed revisions to OWEB Monitoring Grants rules. We appreciate the efforts of OWEB's Board, staff, and rules advisory committee members. We have proposed specific revisions to the draft language and a rationale for the proposed revision.

695-025-0080

Purpose

Suggested revisions (highlighted in yellow):

In accordance with Section 4b. (2) of Article XV of the Oregon Constitution and ORS 541.956, OWEB may consider grant applications that propose monitoring activities necessary for carrying out ~~eligible restoration or acquisition~~ projects that either protect or restore native fish or wildlife, ~~or habitat, or protect or restore natural watershed or ecosystem functions in order to improve natural functions,~~ water quality, or stream flows.

Rationale:

The intent of our proposed revision to the draft Purpose statement is to more accurately reflect the language voted on in Measure 76 and included in ORS 541.956. The current draft purpose statement paraphrases the statute but in doing so, appears to eliminate language around projects that protect native fish and wildlife habitats or protect natural watershed functions to improve water quality or stream flows.

Our concern is the current draft language is creating a system in which eligible actions are all geared towards the new and next restoration or acquisition project. While much work remains to be done for our native fish and wildlife habitats and watershed and ecosystem functions, I am concerned about a grant-making structure that operates only in service of creating a new restoration or acquisition project.

There is very clear language in Measure 76 that the natural resources fund is intended to accomplish things such as maintaining habitats needed to sustain healthy and resilient populations of native fish and wildlife and maintaining the diversity of Oregon's plants, animals,

and ecosystems. Please remember that staff and board members change over time. Even more important is clear rules and guidance so that interpretation does not change as personnel change.

The Oregon Plan, Oregon Conservation Strategy, and other recovery plans consistently point to protecting functioning and intact habitats as effective and cost-effective strategies for meeting stated goals. With existing areas of intact habitats - that may not need restoration but are worth protecting - and OWEB's ever-growing legacy of investments, we encourage the Board to consider revisions to the rules so that they do not potentially eliminate valuable monitoring activities. These activities will be increasingly important as the range of restoration work continues to grow and as we face challenges such as climate change that will impact our ecosystems in various ways.

Additionally, in concern to "applied science:"

Watershed Councils have benefited from long-term monitoring studies done to either prove or disprove theories about such things as salmon life histories, the role of large woody debris in creating in-stream habitat, the value of estuaries for salmon. Research is critical to our function, and testing theories and new applications is essential to efficient and effective restoration projects. For example, the results of these studies have certainly changed local perspective on the value of estuaries for salmon (let alone the actual science).

Our suggestion would be to limit OWEB support for research activities to those that directly benefit watershed restoration projects. The language could be more outcome-based to make the distinction between funding research just for the sake of research, and research that directly benefits watershed councils in a way that ensures OWEB restoration dollars are being spent wisely, and with a scientific basis for the important work that councils do.

Respectfully,



Kelly Timchak
Board President, Network of Oregon Watershed Councils

From: Guy Sievert <gsievert@icloud.com>

Sent: Monday, March 02, 2020 9:25 AM

To: DAVIS Renee * OWEB <Renee.Davis@oregon.gov>

Cc: Jon Souder <jon.souder@oregonstate.edu>; Kelly Timchak <kelly@currywatersheds.org>; Vanessa Green <ed@oregonwatersheds.org>; Kristen Larson <director@luckiamutelwc.org>; Nestucca-Neskowin Watershed Council <nnwc@nestuccawaters.org>

Subject: Comment on Monitoring Grant rules

Hi Renee,

As you may know I am a member of the NOWC board and have been following the concerns over criteria changes in the Water Quality Monitoring grant program. Kristen Larsen has kept us up to date on her discussions with staff and recent meeting with you, Eric and others.

Kristen is submitting comments from her Council and I believe the NOWC will as well. I know time is short so I decided to email you my thoughts today rather than scramble to get a letter out while I'm on the road.

I fully support Kristen's recommended changes as will be detailed in a letter OWEB will receive today. I have one additional concern about the criteria and that is what seems to me an across the board ban on research. The concern about "testing theories" and "experimental applications" as noted in Kristen's notes from her OWEB meeting appears to be too broad in scope. Watershed Councils have benefited from long term monitoring studies done to either prove or disprove theories about such things as salmon life histories, the role of large woody debris in creating in-stream habitat, the value of estuaries for salmon. Research is critical to our function and testing theories and new applications is essential to an efficient and effective restoration projects.

My suggestion; limit support for research activities to those that directly benefit watershed councils restoration projects. Make it outcome based rather than a blanket ban. I'm sure OWEB staff can word this in a way that can get at your concerns about funding research just for the sake of research and research that benefits watershed councils in a way that ensures OWEB restoration funds are being spent wisely and with a scientific basis for what we do.

These comments above are mine alone and should not be considered coming from the NOWC nor my own watershed council board. If you have any questions about my concerns I will be mostly available by phone today. Thanks in advance for considering this.

Guy

Guy Sievert
President

Nestucca, Neskowin, Sand Lake Watersheds Council
503.866.4489



From: James Peterson
To: [HARTSTEIN Eric * OWEB](#)
Cc: Commentsonfreshwatersystem@aol.com
Subject: Comments on OWEB Rules
Date: Tuesday, February 04, 2020 9:56:16 AM
Attachments: [Tempatures around Triangle Lake.odt](#)

Comments; I have been doing Temperature Study's on Lake Creek that feeds into Triangle Lake. What I think I have found is a dramatic difference between water that is protected by the Forestry Buffer Strips and those that are not. The difference has to do with temperature and that has to do with fisheries health but goes much farther when it comes to a general cooling of the fresh water system in this state. Below are my comments and a copy of last years temperature study.

8/12/19

The forest industry, including private forestry, small woodland owners and small forestry land owners have given untold thousands of acres of productive land to the State of Oregon in the form of Buffer Strips. The filtration of these strips is high including erosive forces but also fertilizers and herbicides. But also we find very cool waters under these canopies of photosynthesis shade. They also form a strong layer of small brush, grasses and ferns witch build a strong humus layer and the associated insect life is very good for the fisheries. In a way the Forest industry with it's buffer strips, is and for the past 40 years, has been the tip of the spear when it comes to Warming.

I do not think that making the Buffer Strip system, as presently practices by the Forest Industry, larger, is the most appropriate way to handle the problem of warming or waters. We are looking straight at the elephant in the room and not seeing the answer. Most of the waters in this State do not have buffer strips. Everything except the forestry is voluntary. I suggest that you extend the Forestry Buffer Strip system. There are very powerful forces that say no, but I think that the political will to improve the States fisheries is much stronger, and for sure it is time for the rest of the State to shoulder the load. They have done very little while the Stated foresters have done a great deal.

The land use laws have to be changed in order that farmers and grazers will be in a position to do their share with the improvement of our fisheries. I think the most important thing we must do is extend the system of forestry buffer strips on to their lands. As forestry uses mostly Red Alder for it's primary tree the shade over the creeks can be established very quickly, probably in as little as 10 years. But establishing shade over the waters is only the beginning for improving fisheries. We must discourage grazing and fecal bacteria in the buffer zones. If we go this route and allow the zones to establish small brush, grasses and ferns and it's associated layer of hums then we also will establish strong insect life which will be good for fisheries. But the only way this will happen is if the new Buffer Strips are fenced.

10/10/19

I do not want to alienate the Oregon Farm Bureau or the grazers but fair is fair. If we are going to impact the fisheries in a good way then we must pull our fair share of the load. I have data from a relatively cool summer that shows water above 80 degrees F Just 4 miles down stream (Lake Creek) from the forestry buffer area's that had temperatures in the high 50 degrees F. I am a retired forest contractor, living on Social Security, So this is all I can afford. Good Luck.

11/06/2019

There are two keystone forest species that no one talks about. Beaver and salmon. The salmon, in historical numbers, were the protean infrastructure for the forest. I mean everybody made a living of salmon, alive or dead. The salmon would not be possible without beaver dams and their associated biology. They also store water in the summer and are good for trout as well as salmon rearing. As I came down 10 mile ck to day it occurred to me that the forest was fine but the creek was a wasteland. No beaver. They have been trapped unmercifully because they build,

build, build. During the old days they were trapped because of their fir, Many, many Beaver were taken and I suggest that the lack of Beaver dams was the beginning of the decline of Salmon in historical numbers. This must have had great effect on the forest animals but it happened gradually and nobody noticed. Much the same as over fishing in the Ocean has caused the different fish species size to decline since the 1950's. I fished on my grandfathers boat in the 1950's and fish size has declined greatly since then.

I know that Beaver is a real problem to Foresters and those who live farm and graze in the creeks where they would otherwise be. Beaver love culverts and consequently the roads become libel to destruction. I thought that maybe we could adjust their genome, probably in their smelling to do what we wanted. We could genetically engineer the animals to have a bad smell around culverts and homesteads and have a good smell in areas where we want Beaver Dams which the Salmon and Trout would love. Suddenly the Beaver would be our helper and the good part is that the genetic engineering would pass to their offspring. Could do a lot of good if you really think about it. The Beaver is a satiable builder. They would be a tremendous partner and their very existence would no longer be a negative.

STATION	DATE	WATER	AIR	TIME
I went to a bridge 2 miles above Horton across Lake Creek. (LC-1) (In forestry zone)				
LC-1	JULY 4-19	51F	73 F	3:30 PM
LC-1	JULY 5-19	51 F	63 F	11:10 AM
LC-1	JULY 20-19	54.8 F	74 F	2:13 PM
LC-1	AUG 3-19	58.7 F	75.5 F	1:22 PM
LC-1	AUG 18-19	57.2 F	72 F	2:07 PM
LC-1	AUG 31-19	54.6 F	57.2 F	10:12 AM
LC-1	OCT 13-19	47.3 F	53 F	11:19 AM

I went to a bridge very close to HWY 38, about 2.5 miles South of Horton (LC-2)

LC-2	JULY 5-19	60.6F	64 F	11:38 AM
LC-2	JULY 20-19	63 F	74 F	2:55 PM
LC-2	AUG 3-19	69.8 F	78.8 F	1:47 PM
LC-2	AUG 18-19	66.2 F	74.5 F	2:23 PM
LC-2	AUG 31-19	62.4 F	61.2 F	10:20 AM
LC-2	OCT 13-19	47.3 F	54 F	12:05 PM

I went to a bridge that is located a half mile from the lake. First bridge on Smuch Ck Rd (LC-3)

LC-3	JULY 20-19	64.3 F	75.2 F	3:09 PM
LC-3	AUG 3-19	71.5 F	79 F	1:55 PM
LC-3	AUG 18-19	69.2 F	74.8 F	2:31 PM
LC-3	AUG 31-19	65.2 F	61.2 F	10:40 AM
LC-3	OCT 13-19	45.3 F	53.4 F	12:13 PM

I went to the outlet of Triangle lake on a bridge near the old boat landing (LC-4)

LC-4	JULY 4-19	71 F	77 F	2:15 PM
LC-4	JULY 20-19	73.8 F	76.9 F	3:25 PM
LC-4	AUG 3-19	84 F	77 F	2:10 PM
LC-4	AUG 18-19	75.5 F	76 F	2:47 PM
LC-4	AUG 31-19	71.8 F	64.6 F	10:55 AM
LC-4	OCT 13-19	56.8 F	54.8 F	12:32 PM

I went to Lake Creek at the bridge at the end of Fish Ck road (LC-5)

SITE	DATE	WET F	DRY F	TIME
LC-5	JULY 4-19	68.8 F	76 F	1:50 PM
LC-5	JULY 20-19	74.8 F	75 F	3:35 PM
LC-5	AUG 3-19	74 F	81.8 F	2:20 PM
LC-5	AUG 3-19	69.2 F	75.8 F	2:54 PM
LC-5	AUG 31-19	64.2 F	64 F	11:02 AM
LC-5	OCT 13-19	56.6 F	56.2 F	12:37 PM

I went about a tenth of a mile up Fish Creek and found a bridge (LC-6) (In forestry zone)

LC-6	JULY 4-19	58.6 F	76 F	1:58 PM
LC-6	JULY 20-19	68.4 F	72 F	3:41 PM
LC-6	AUG 3-19	66.2 F	82 F	2:20 PM
LC-6	AUG 18-19	62.2 F	78 F	2:56 PM

LC-6	AUG 31-19	56.8 F	63.8 F	11:05 AM
LC-6	OCT 13-19	49.2 F	54 F	12:45 PM

Chapter 695

Division 25 MONITORING GRANTS

695-025-0090

Definitions

~~"Watershed Monitoring Project" means a project that identifies conditions in the watershed. It may be for the purpose of gathering baseline data on current conditions, for evaluation of the specific effects of management actions, or for comparing similar watershed components before and after a project.~~

~~Statutory/Other Authority: ORS 541.906~~

~~Statutes/Other Implemented: ORS 541.890–541.969~~

~~History: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05~~

695-025-~~01200080~~

Purpose

Application Requirements

~~Applicants must demonstrate conformance with the following provisions:~~

- ~~(1) Demonstrate knowledge of state and/or federally accepted monitoring protocols;~~
- ~~(2) Provide assurance that an appropriate protocol will be used; and~~
- ~~(3) Acknowledge that the results will be available to a state database.~~

In accordance with Section 4b.(2) of Article XV of the Oregon Constitution and ORS 541.956, OWEB may consider grant applications that propose monitoring activities necessary for carrying out projects that either protect or restore native fish or wildlife habitats, or protect or restore natural watershed or ecosystem functions in order to improve water quality or stream flows. This division supplements the OWEB Grant Program rules under OAR 695-005, and provides specific requirements for the OWEB monitoring grant program. In the event of any conflict between these requirements and requirements identified in OAR 695-005, the monitoring grants requirements in this division will take precedence.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

History: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-025-0090**Definitions**

(1) “Adaptive management/adaptively manage” means a systematic process for continually improving by learning from ongoing experience. The process is commonly depicted as an iterative cycle of planning, implementing, monitoring, evaluating, and adjusting.

(2) “Delegated to the Director” means the grant funds that the Board has authorized to the Director to award and enter into appropriate agreements.

(3) “Limiting factors” means physical, biological, or chemical conditions that reduce population of a species.

(4) “Monitoring question” means the question(s) that the applicant aims to answer by implementing the project as proposed in the application.

(5) “Professionally accepted” means methodologies or techniques that have been vetted by experts in the field in which the applicant is seeking monitoring funds.

(6) “Publicly available” means any member of the public can easily and reasonably access information.

(7) “Technical Review Team” means a team of designated personnel with relevant knowledge convened to evaluate grant applications, which includes established regional review teams as described in OAR 695-005-0020(4).

(8) “Watershed processes” means the physical and chemical interactions that form and maintain the landscape at the scale of a drainage basin. They can be broken down into specific functions and characteristics, including: soil processes and erosion, nutrient cycling, pollution transport, riparian habitat and stream buffers, stream morphology and channel characteristics, hydrology, and water quality.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890--541.969

History: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-025-0100**695-025-0140****Evaluation Criteria**

~~Watershed Monitoring projects will be funded on the basis of the extent to which they:~~

~~Are developed in the context of the entire~~

Eligibility

~~In accordance with ORS 541.956(4), the Board will only consider grant applications that:~~

~~(1) Describe current watershed;~~

(1) Follow appropriate protocols developed conditions by the Board; gathering and analyzing data, and making monitoring results publicly available;

~~(2) Use the information to implement or direct projects to enhance or sustain the health of watersheds.~~

(2) Establish trends about watershed conditions by gathering and analyzing data, and making monitoring results publicly available; or

(3) Evaluate the specific effects of a restoration or acquisition project or program by comparing similar watershed components before and after implementation of a restoration or acquisition project or program, and making monitoring results publicly available.

Projects that will not inform the development of restoration or acquisition projects or programs and have the sole purpose of theory testing, evaluation of experimental designs, or the production of generalizable knowledge, are ineligible.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890—541.969

695-025-0140

Evaluation Criteria

Monitoring grant applications will be evaluated on the following criteria and to the extent to which the proposed project clearly addresses:

(1) The need, relevance, applicability, and timeliness of the proposed monitoring project to inform future planning, implementation or adaptive management of restoration or acquisition projects;

(2) Monitoring or information needs related to limiting factors, habitat conditions, watershed processes or actions described in federal, tribal, regional, state, or local plans or assessments, or that would inform development of a federal, tribal, regional, state, or local plan or assessment;

(3) Existing data or current or planned monitoring efforts that this project will complement;

(4) The monitoring questions and how the proposed monitoring methods and activities (including study design, data collection and management, and analysis procedures) will answer these questions;

(5) Professionally accepted monitoring and analysis protocols, including quality assurance / quality control procedures to be utilized;

(6) Proposed costs that are appropriate for the work necessary to accomplish the objectives;

(7) The organizational capacity of the applicant as it relates to past experience and successful implementation of monitoring projects, relative to the proposed monitoring activities;

(8) The qualifications, ability, and performance history of the technical staff of the applicant, consultants to be retained, or project partners to apply appropriate monitoring approaches and the proposed data collection and analysis methods in a manner that will successfully complete the monitoring activities;

(9) How the appropriate technical experts and community stakeholders are engaged; and

(10) The process by which data and results will be stored, reported, and made publicly available.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0150

Technical Review Process

(1) For monitoring grant applications seeking grant funds that require the Board to make a funding decision:

(a) A statewide team with monitoring expertise from natural resource agencies will be convened to review monitoring grant applications using the following process:

(A) Prior to meeting, the statewide team shall receive each application, past evaluations for resubmitted projects and an evaluation sheet that references criteria as described in OAR 695-025-0140 to complete for each application; and

(B) The statewide team will evaluate each application individually based on the information provided and in accordance with criteria in OAR 695-025-0140.

(b) A technical review team will be convened to review monitoring grant applications.

(c) Prior to the technical review team meeting, the technical review team shall receive each application, past evaluations for resubmitted projects, the feedback from the statewide team and an evaluation sheet that references criteria as described in OAR 695-025-0140 to complete for each application;

(d) At the technical review team meeting, the technical review team shall:

(A) Review and evaluate each application individually based on the statewide team’s feedback and how well the proposed project meets the criteria in OAR 695-025-0140;

(B) Recommend each project as:

(i) Fund;

(ii) Fund with conditions;

(iii) Do not fund; or

(iv) Defer to staff or the Board with an explanation if there is a policy issue or budget issue that needs to be addressed by the Board prior to a funding decision; and

(C) Rank order of projects recommended for funding based on how well the project meet the criteria established in OAR 695-025-0140.

(e) The project description, summary evaluation and funding recommendation for all projects, and the rank order of projects recommended for funding shall be provided from the technical review team to staff for their consideration. This information will be provided to all applicants and to the Board.

(2) For monitoring grant applications seeking grant funds that have been delegated to the Director:

(a) A statewide team with monitoring expertise from natural resource agencies may be convened to review monitoring grant applications using the following process:

(A) Prior to meeting, the statewide team shall receive each application, past evaluations for resubmitted projects , and an evaluation sheet that references criteria as described in OAR 695-025-0140 to complete for each application; and

(B) The statewide team will evaluate each application individually based on the information provided and in accordance with criteria in OAR 695-025-0140.

(b) A technical review team will be convened to review monitoring grant applications and evaluate each application individually based on any statewide team feedback and how well the proposed project meets the criteria in OAR 695-025-0140; this information will be provided to the applicants and the Director.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0160

Staff Funding Recommendation Process

(1) For monitoring grant applications seeking grant funds that require the Board to make a funding decision:

(a) Staff shall review the recommendations from each technical review team and make a statewide funding recommendation to the Board based on available resources for the grant offering and type. The recommendation shall include any suggested conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation, as represented in the staff report to the Board, shall be sent to applicants and members of the technical review teams at least two weeks before the Board meeting where funding decisions are to be made.

(b) Applicants may provide written comment to the Board on the staff recommendation prior to the Board decision or oral comment to the Board during the meeting at which the Board decision will be made.

(2) For monitoring grant applications seeking grant funds that have been delegated to the Director, staff shall review the recommendations from each technical review team and make a funding recommendation to the Director based on available resources for the grant offering and type. The recommendation shall include any conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation shall be provided to the applicants.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0170

Funding Decision

For monitoring grant applications seeking grant funds that require the Board or Director to make a funding decision:

(1) A project may be funded in whole or in part.

(2) Projects not funded may be resubmitted during future application submission periods.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0180

Grant Agreement Conditions

(1) The Grantee must agree to complete the project as approved by the Board or the Director, and within the timeframe specified in the grant agreement unless proposed modifications are submitted and approved by the Director prior to the beginning of any work proposed in the modification.

(2) The Director will consider project modifications including expansion of funded projects with moneys remaining from the original project allocation if the purpose and intent of the amendment remains the same as the original project, the proposed activity is within the same geographic area, and the modification would be compatible with acknowledged comprehensive plans.

(3) The Director may authorize minor changes within the scope of the original project plan.

(4) The Grantee must submit a report at completion of the project in accordance with reporting requirements described in the grant agreement.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0190 ~~History: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05~~

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 25 for individual grant applications unless required by statute, when doing so will result in more efficient or effective implementation of the Board's monitoring grant program. Any waiver must be in writing and included in the grant file to which the waiver applies. The administrative rules for monitoring grants shall be periodically reviewed by the Board and revised as necessary and appropriate.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

Chapter 695

Division 25

MONITORING GRANTS

695-025-0080

Purpose

In accordance with Section 4b.(2) of Article XV of the Oregon Constitution and ORS 541.956, OWEB may consider grant applications that propose monitoring activities necessary for carrying out projects that either protect or restore native fish or wildlife habitats, or protect or restore natural watershed or ecosystem functions in order to improve water quality or stream flows. This division supplements the OWEB Grant Program rules under OAR 695-005, and provides specific requirements for the OWEB monitoring grant program. In the event of any conflict between these requirements and requirements identified in OAR 695-005, the monitoring grants requirements in this division will take precedence.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

History: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-025-0090

Definitions

- (1) “Adaptive management/adaptively manage” means a systematic process for continually improving by learning from ongoing experience. The process is commonly depicted as an iterative cycle of planning, implementing, monitoring, evaluating, and adjusting.
- (2) “Delegated to the Director” means the grant funds that the Board has authorized to the Director to award and enter into appropriate agreements.
- (3) “Limiting factors” means physical, biological, or chemical conditions that reduce population of a species.
- (4) “Monitoring question” means the question(s) that the applicant aims to answer by implementing the project as proposed in the application.
- (5) “Professionally accepted” means methodologies or techniques that have been vetted by experts in the field in which the applicant is seeking monitoring funds.
- (6) “Publicly available” means any member of the public can easily and reasonably access information.
- (7) “Technical Review Team” means a team of designated personnel with relevant knowledge convened to evaluate grant applications, which includes established regional review teams as described in OAR 695-005-0020(4).

- (8) “Watershed processes” means the physical and chemical interactions that form and maintain the landscape at the scale of a drainage basin. They can be broken down into specific functions and characteristics, including: soil processes and erosion, nutrient cycling, pollution transport, riparian habitat and stream buffers, stream morphology and channel characteristics, hydrology, and water quality.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

History: OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-025-0100

Eligibility

In accordance with ORS 541.956(4), the Board will only consider grant applications that:

- (1) Describe current watershed conditions by gathering and analyzing data, and making monitoring results publicly available;
- (2) Establish trends about watershed conditions by gathering and analyzing data, and making monitoring results publicly available; or
- (3) Evaluate the specific effects of a restoration or acquisition project or program by comparing similar watershed components before and after implementation of a restoration or acquisition project or program, and making monitoring results publicly available.

Projects that will not inform the development of restoration or acquisition projects or programs and have the sole purpose of theory testing, evaluation of experimental designs, or the production of generalizable knowledge, are ineligible.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0140

Evaluation Criteria

Monitoring grant applications will be evaluated on the following criteria and to the extent to which the proposed project clearly addresses:

- (1) The need, relevance, applicability, and timeliness of the proposed monitoring project to inform future planning, implementation or adaptive management of restoration or acquisition projects;
- (2) Monitoring or information needs related to limiting factors, habitat conditions, watershed processes or actions described in federal, tribal, regional, state, or local plans

- or assessments, or that would inform development of a federal, tribal, regional, state, or local plan or assessment;
- (3) Existing data or current or planned monitoring efforts that this project will complement;
 - (4) The monitoring questions and how the proposed monitoring methods and activities (including study design, data collection and management, and analysis procedures) will answer these questions;
 - (5) Professionally accepted monitoring and analysis protocols, including quality assurance / quality control procedures to be utilized;
 - (6) Proposed costs that are appropriate for the work necessary to accomplish the objectives;
 - (7) The organizational capacity of the applicant as it relates to past experience and successful implementation of monitoring projects, relative to the proposed monitoring activities;
 - (8) The qualifications, ability, and performance history of the technical staff of the applicant, consultants to be retained, or project partners to apply appropriate monitoring approaches and the proposed data collection and analysis methods in a manner that will successfully complete the monitoring activities;
 - (9) How the appropriate technical experts and community stakeholders are engaged; and
 - (10) The process by which data and results will be stored, reported, and made publicly available.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0150

Technical Review Process

- (1) For monitoring grant applications seeking grant funds that require the Board to make a funding decision:
 - (a) A statewide team with monitoring expertise from natural resource agencies will be convened to review monitoring grant applications using the following process:
 - (A) Prior to meeting, the statewide team shall receive each application, past evaluations for resubmitted projects and an evaluation sheet that references criteria as described in OAR 695-025-0140 to complete for each application; and
 - (B) The statewide team will evaluate each application individually based on the information provided and in accordance with criteria in OAR 695-025-0140.
 - (b) A technical review team will be convened to review monitoring grant applications.

(c) Prior to the technical review team meeting, the technical review team shall receive each application, past evaluations for resubmitted projects, the feedback from the statewide team and an evaluation sheet that references criteria as described in OAR 695-025-0140 to complete for each application;

(d) At the technical review team meeting, the technical review team shall:

(A) Review and evaluate each application individually based on the statewide team's feedback and how well the proposed project meets the criteria in OAR 695-025-0140;

(B) Recommend each project as:

(i) Fund;

(ii) Fund with conditions;

(iii) Do not fund; or

(iv) Defer to staff or the Board with an explanation if there is a policy issue or budget issue that needs to be addressed by the Board prior to a funding decision; and

(C) Rank order of projects recommended for funding based on how well the project meet the criteria established in OAR 695-025-0140.

(e) The project description, summary evaluation and funding recommendation for all projects, and the rank order of projects recommended for funding shall be provided from the technical review team to staff for their consideration. This information will be provided to all applicants and to the Board.

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(B) The statewide team will evaluate each application individually based on the information provided and in accordance with criteria in OAR 695-025-0140.

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Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0160

Staff Funding Recommendation Process

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 - (a) Staff shall review the recommendations from each technical review team and make a statewide funding recommendation to the Board based on available resources for the grant offering and type. The recommendation shall include any suggested conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation, as represented in the staff report to the Board, shall be sent to applicants and members of the technical review teams at least two weeks before the Board meeting where funding decisions are to be made.
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- (2) For monitoring grant applications seeking grant funds that have been delegated to the Director, staff shall review the recommendations from each technical review team and make a funding recommendation to the Director based on available resources for the grant offering and type. The recommendation shall include any conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation shall be provided to the applicants.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0170

Funding Decision

For monitoring grant applications seeking grant funds that require the Board or Director to make a funding decision:

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Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0180

Grant Agreement Conditions

- (1) The Grantee must agree to complete the project as approved by the Board or the Director, and within the timeframe specified in the grant agreement unless proposed

modifications are submitted and approved by the Director prior to the beginning of any work proposed in the modification.

- (2) The Director will consider project modifications including expansion of funded projects with moneys remaining from the original project allocation if the purpose and intent of the amendment remains the same as the original project, the proposed activity is within the same geographic area, and the modification would be compatible with acknowledged comprehensive plans.
- (3) The Director may authorize minor changes within the scope of the original project plan.
- (4) The Grantee must submit a report at completion of the project in accordance with reporting requirements described in the grant agreement.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

695-025-0190

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 25 for individual grant applications unless required by statute, when doing so will result in more efficient or effective implementation of the Board's monitoring grant program. Any waiver must be in writing and included in the grant file to which the waiver applies. The administrative rules for monitoring grants shall be periodically reviewed by the Board and revised as necessary and appropriate.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

including those funded at the beginning of the 2021-23 biennium, will develop their own progress monitoring framework based on the theory of change as part of their Strategic Action Plan.

III. Next Steps

OWEB staff has initiated communications with the five FIP initiatives awarded this biennium to discuss their monitoring plans and approaches and to begin identification of top priority monitoring gaps. If the board awards funding, FIP partnerships will complete grant applications proposing work to address these priorities. The applications will be reviewed by a team involving OWEB and BEF staff, along one or more members of the respective FIP technical review teams and, as needed, others with relevant expertise. The review process will ensure that the proposed actions fill gaps in a way that increases the FIP initiative's ability to quantify its progress toward both implementation outputs and ecological outcomes.

Staff request that—for the purposes of enabling the five FIPs to initiate their monitoring requests to OWEB expeditiously and effectively address monitoring gaps—the award \$300,000 in funding at the April 2020 board meeting. The remainder of the funding for the FIP supplemental monitoring work will be requested in July 2020, as was anticipated when the board developing the 2019-21 spending plan

IV. Recommendation

Staff recommends the board award \$300,000 from the Focused Investment Effectiveness Monitoring line item to initiate grants to fill priority gaps for FIP initiatives, and delegate to the Executive Director the authority to distribute the funds through appropriate agreements with an award date of April 21, 2020.



Agenda Item F supports all of OWEB's Strategic Plan priorities.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Eric Hartstein, Senior Policy Coordinator
SUBJECT: Agenda Item F– OWEB Board Committee Structure
April 21, 2020 Board Meeting

I. Introduction

This staff report provides an update on the final structure and membership of the revised board committees.

II. Background

At the July 2019 meeting, the board initiated a process to refresh committees, which to that point had largely been organized around OWEB's grant programs. At the July meeting, the board reflected on their experience with OWEB committees, involvement with committees on other boards and commissions, and topics of interest to incorporate into a revised committee structure.

At the October 2019 meeting, the board agreed to move forward with Focused Investments, Acquisitions, Monitoring, and Executive committees. The board also had robust discussion around the topics of climate change; water; strategic plan implementation; and diversity, equity, and inclusion. They requested additional conversations on these topics before the January 2020 board meeting, where they would finalize a committee structure.

In December, board members participated on phone calls, each organized around a specific topic identified for further discussion. On each call, board members discussed why the topic was of interest to them, why it should be elevated at the board level, and a recommendation for the board to consider in evaluating a committee structure.

At the January 2020 meeting, the board approved a committee structure with both standing and ad hoc committees (Attachment A). The approved committees are as follows:

A. Standing Committees (generally meets via teleconference, but may meet in person)

Focused Investment- Focuses on issues related to the Focused Investment Program (FIP), and other OWEB grant programs with a similar mandate. Generally meets quarterly, with more frequent meetings once per biennium associated with the FIP grant offering.

Acquisitions- Focuses on issues related to OWEB's land and water acquisition grant programs, including applications and policy reviews. Meets three times per year, with two meetings associated with land and water acquisition application reviews, and one meeting to discuss policy.

Monitoring- Oversees work associated with several areas of OWEB's investments in monitoring, including quantifying conservation outputs and outcomes, FIP monitoring, and the monitoring of OWEB's capacity investments. Generally meets quarterly.

Executive- Composed of the board co-chairs and the chair of each subcommittee to discuss OWEB policy, program, and budget issues. Generally will meet three times per year.

B. Ad-Hoc Committees (generally meets in person in association with quarterly board meetings)

Climate- Identifies ways to incorporate climate change into OWEB's grant programs. Initial areas of focus include identifying approaches to help disseminate climate science to partners, identifying climate-related gaps in information that partners need to better understand how climate change could impact projects, and bringing that information to the scientific community, and inviting expert review of OWEB's granting through the lens of climate action and justice.

Water- Organized around Oregon's 100-Year Water Vision, including strategic alignment with OWEB grants, funding coordination with other agencies, and coordinated data and information.

Strategic Plan- Focuses on gaps identified in strategic plan implementation that do not easily fit within the charge of the Executive Committee. Initially tasked with developing a high-level template measuring how OWEB's projects are advancing the strategic plan.

Diversity, Equity, & Inclusion- Provides board leadership on diversity, equity, and inclusion. Assists staff in organizing a focused training for all board members. Within a short timeframe, work of the committee will be transferred to the Executive Committee to incorporate values into OWEB's grant making and agency culture.

III. Committee Membership

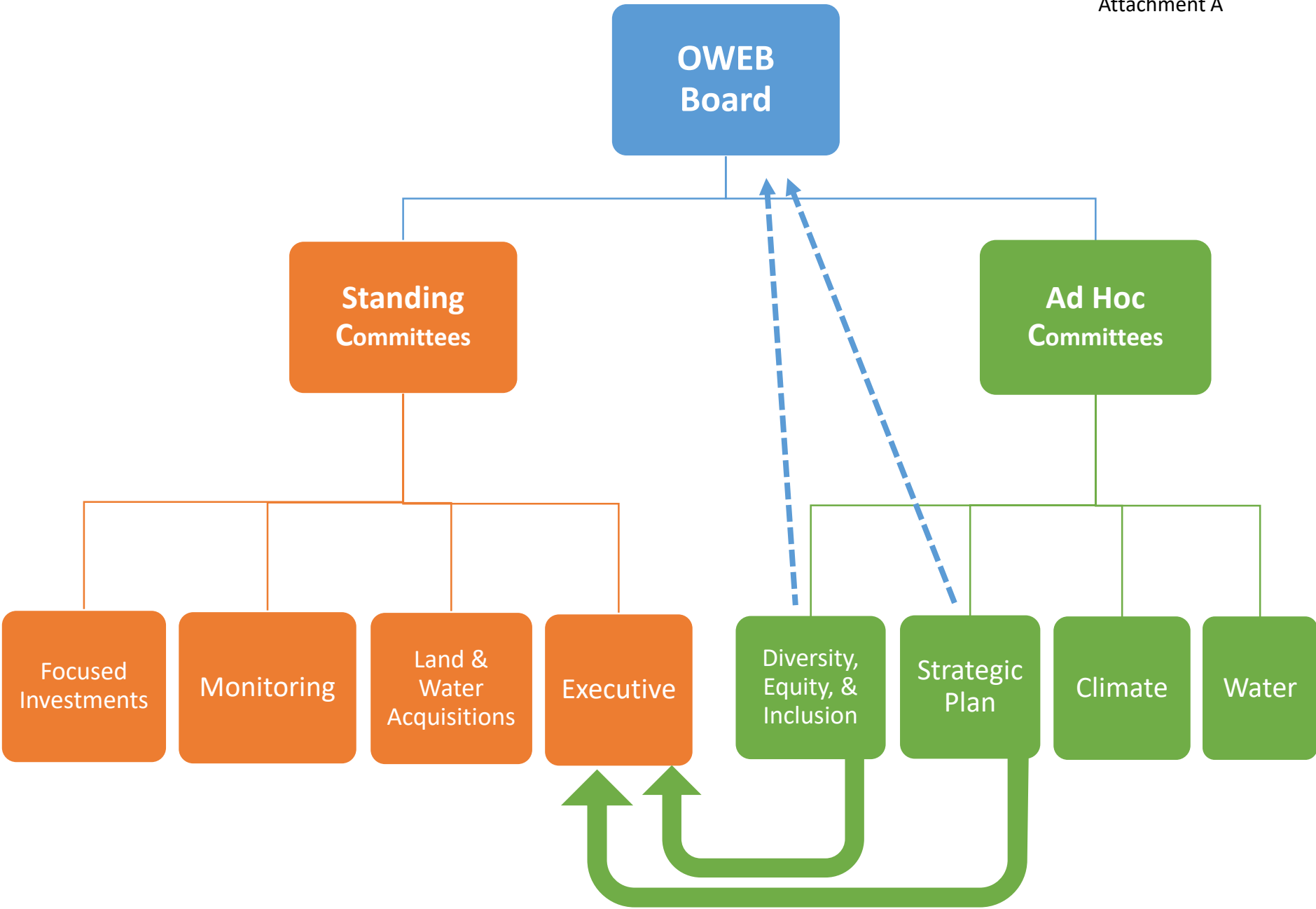
Following the January 2020 board meeting, staff polled board members for their preferences in committee membership. The board co-chairs and staff received these preferences and assigned membership to the committees (Attachment B). All committee members received their first and second priority selections, and chairs were selected from those volunteering to serve in that capacity. Given the strong interest in membership on policy committees, (water, climate, focused investments, monitoring), staff recommend a follow-up conversation with the board around administrative committees (strategic plan; diversity, equity, and inclusion) and how they may fit within the Executive Committee function, with initial kick-off conversations that include more board members. Staff will present options for committee meetings for all topics at the April board meeting.

IV. Recommendation

This is an information item only.

Attachments

- A. Board Committee Structure
- B. Committee Membership



OWEB Board Committee Membership

Focused Investment Committee

Tony Selle, Chair	Bureau of Land Management
Bruce Buckmaster	Public at large
Randy Labbe	Public at large
Mark Labhart	OR Fish and Wildlife Commission
Gary Marshall	Public at large

Land and Water Acquisition Committee

Meg Reeves, Chair	OR Water Resources Commission
Barbara Boyer	OR Board of Agriculture
Randy Labbe	Public at large
Mark Labhart	OR Fish and Wildlife Commission

Monitoring Committee

Alan Henning, Chair	U.S Environmental Protection Agency
Stephen Brandt	Oregon State University Extension Service
Molly Kile	OR Environmental Quality Commission
Brenda McComb	OR Board of Forestry

Climate Committee

Bruce Buckmaster, Chair	Public at large
Stephen Brandt	Oregon State University Extension Service
Alan Henning	U.S Environmental Protection Agency
Paul Henson	U.S. Fish and Wildlife Service
Brenda McComb	OR Board of Forestry
Jamie McLeod-Skinner	Public at large
Eric Murray	U.S. National Marine Fisheries Service

Water Committee

Jamie McLeod-Skinner, Chair	Public at large
Ron Alvarado	U.S. Natural Resources Conservation Service
Barbara Boyer	OR Board of Agriculture
Molly Kile	OR Environmental Quality Commission
Gary Marshall	Public at large
Eric Murray	U.S. National Marine Fisheries Service
Meg Reeves	OR Water Resources Commission

April 21-22, 2020 OWEB Board Meeting Executive Director Update G-1: Oregon's 100-Year Water Vision

This update describes outreach progress to date on Oregon's 100-Year Water Vision.

Background

Throughout the fall, OWEB has led an effort on behalf of Governor Brown's Office to receive feedback on the first draft of Oregon's 100-Year Water Vision, to receive recommendations on process steps for future phases of this work, and to begin conversations about information and decision-support tools needed in communities related to water. The sessions focused on listening, learning, and gathering information about the Vision and its associated goals and problem statements, while engaging leaders across the state to learn more about water in Oregon.

Outreach Summary

As of December 2019, the following outreach was completed:

- 8 community water conversations (7 communities, 1 virtual): over 400 participants;
- 1 technical workshop focused on community data and information needs: over 100 participants;
- 80 interviews with a diversity of organizations that have an interest in water, ranging from agriculture and environmental groups to environmental justice, housing, healthcare, business and local governments;
- Focus group with Natural Resources Agency directors;
- Presentations at board, commission, and other meetings including OWEB, Water Resources Commission, Board of Forestry, Board of Agriculture, Land Conservation and Development Commission, Environmental Quality Commission, Sustainability Board, Environmental Justice Task Force, Ocean Policy Advisory Council, and Mid-Valley Regional Solutions;
- Presentations at statewide and organizational meetings including: Oregon Coastal Economic Summit, Association of Clean Water Agencies, League of Oregon Cities, Oregon Cattlemen's Association, Oregon Water Resources Congress, environmental organization gathering, Affiliated Tribes of the Northwest Indians, and Oregon Water Law Conference;
- The state met formally with seven of the nine federally recognized tribes and had conversations with the other 2 tribes; and
- Over 200 comments received on feedback at www.OregonWaterVision.org website.
- Collectively, 950 participants were engaged and over 4,300 individual comments on the Vision were gathered.

2020 Short Legislative Session

With priority support from Governor Brown, OWEB and its sister agencies – Oregon Water Resources Department and Oregon Department of Environmental Quality – requested funding in the 2020 legislative session. The three areas of funding included: 1) staff to support continued implementation of the Water Vision process (OWEB), 2) contract funds to support development of a Business Case around the need to invest in water infrastructure in Oregon, and 3) contract funds to support design of a data integration framework to help communities, agencies and funders access and use information in strategic decision-making.

While all of those requests were included in the final budget bill, the bill was not voted on during the session. At writing of this report, given the state's critical priority response to the COVID-19 outbreak, there is not a time estimate as to when or whether funds will be approved.

Next Steps

Staff will continue to maintain the website, and will continue to work closely with other agencies on key issues to increase coordination around project funding, agency budget requests, data and information.

Attachments

- A. Revised - Oregon's 100-Year Water Vision
- B. Governor Brown letter to Legislature



Oregon's 100-Year Water Vision: A Call to Action

Preparing a Secure, Safe, and Resilient Water Future for All Oregonians

Vision Statement

To address changes in climate and population dynamics, Oregonians will take care of our water to ensure we have enough clean water for our people, our economy, and our environment, now and for future generations. Oregonians will invest strategically in infrastructure and ecosystems across all regions to support resilient communities, vibrant local economies, and a healthy environment for all who live here.

Premise

Many areas of Oregon are known for clean and reliable water. As identified in Oregon's [Integrated Water Resources Strategy](#), some of the forces that combine to place significant stress on Oregon's water and water systems include:

- 1) Climate change and associated increases in temperature, wildfire, drought, damaging floods, and harmful algal blooms;
- 2) A half century of underinvestment in built and natural water infrastructure;
- 3) Our changing population and associated development – growing in some areas, shrinking in others; and
- 4) Too much demand for too little water for in-stream and out-of-stream uses.



These factors impact the quality and quantity of water for our communities, including water in our rivers, lakes, oceans, reservoirs, and aquifers. Simply put, if we are not willing to roll up our sleeves and work together to invest in the ecosystems that sustain us along with built and natural water infrastructure, we place the safety of our communities, the health of our people and environment, and Oregon's economic future at risk.

Goals

Each goal below is important. No single goal can be fully realized independent of the others. Recognizing that tension, we need to invest in a range of innovative solutions that work in balance for our shared water future.

- ◆ **Health: Clean water for all who live in Oregon**
Water should be fishable, swimmable, and drinkable. Investments in ecosystem health, and built and natural infrastructure will provide reliable access to clean water.
- ◆ **Economy: Sustainable and clean water to support local economic vitality**
Diverse and resilient agricultural, timber, fishing, hi-tech, energy, and recreation economies require a reliable and clean water supply. Investments in built and natural water infrastructure will support high quality jobs across all Oregon communities.
- ◆ **Environment: Adequate cool, clean water to sustain Oregon's ecosystems for healthy fish and wildlife**
Cool, clean water and healthy forests, wetlands, riparian areas, streams, and estuaries provide essential natural processes that maintain and enhance water quality for fish and wildlife. Investments in ecosystems also provide recreational opportunities for those who live in and visit Oregon.
- ◆ **Safety: Resilient water supplies and flood protection systems for Oregon's communities**
Natural and built water systems designed to protect communities, and increase their resiliency to disasters like earthquakes, wildfires, floods, drought, and sea level rise, are important for all Oregon communities. Investments in those systems will help create safer communities and healthier ecosystems.

Call to Action

Oregon's limited water supplies are already being shaped by climate and population changes. We must both act now and plan for the long term. How we choose to care for our water will determine if we pass a legacy of clean and sustainable water to future generations.

Principles

Note: The following principles were raised during the 2019 Vision outreach conversations. Some of them mirror [principles](#) in the Integrated Water Resources Strategy (IWRS). Where the concepts are similar, the IWRS principles are referenced. Information gathered through the fall will also be used as part of the next update to the IWRS.

While the Vision goals reflect *the needs we have* for water, our principles guide how *people can work together* to achieve a secure, safe, and resilient water future for all who live here.

Balancing Interests: Water is an essential but limited resource. We recognize there is not enough water to meet every 'want.' We will seek to balance interests across all of our water goals, and recognize the best solutions should address multiple uses. (*IWRS Principles - Balance, Sustainability, Interconnection/Integration*)

State Framework with Regional and Local Flexibility: Water challenges and opportunities vary greatly from region to region across the state. Successful strategic solutions and investments will build on flexible approaches that respect regional differences. These approaches should be both supported and bounded by a state framework, grounded in current water law, with clear policies to define the direction. (*IWRS Principles - Science-Based, Flexible Approaches, Implementation, Facilitation by the state*)

Tribal Sovereignty: Oregon's water future is best implemented when we work in partnership with the sovereign tribes in Oregon, respecting both treaty rights and tribal cultural connections to water.

Equity & Transparency: The benefits of clean and reliable water are shared by all who live here, along with our native fish and wildlife. We will build a more equitable water future by ensuring our water decisions and investments are inclusive and transparent, with opportunities for all communities to participate. (*IWRS Principles - Public Process*)

Affordability: Improvements to our infrastructure and ecosystems come with costs. We will ensure that those costs are not disproportionately borne by those who can least afford it. (*IWRS Principles - Reasonable Cost*)

Infrastructure & Ecosystems: Oregon's water goals can be met in many ways. We recognize that built systems like dams, pipes, levees are only one part of the solution. Natural systems like wetlands, estuaries, and rivers themselves must also be part of Oregon's water future - both as natural infrastructure that provides clean water for human use, and as the components of a healthy ecosystem for fish and wildlife.

Coordination & Collaboration: We support formation of regional, coordinated, and collaborative partnerships that include representatives of local, state, federal, and tribal government, private and non-profit sectors, stakeholders, and the public to plan and invest strategically. (*IWRS Principles - Collaboration, Incentives*)

Engaged Oregonians: Engaged community members and water leaders are key to helping all of us who live in Oregon understand the value water as part of our culture, our communities, and our ecosystems. We will cultivate leaders in communities across Oregon that understand the importance of conserving and keeping our water clean, and recognize the need for coordinated water investments.

Innovation: Working with creative individuals and businesses across the state, we will invest in innovative solutions that balance the advantages of built, and natural infrastructure, while also protecting ecosystem values.

Best Use of Available Science Combined with Local Knowledge: The best solutions come when we recognize that both science and local knowledge have value. We will build investment approaches that allow for learning, adaptation, and innovative ideas. (*IWRS Principles - Science-Based, Flexible Approaches*)

Water as a public resource: Public investments in our water future should result in public benefits.

Oregon's Water Challenges

Acknowledgements: Water is not like other kinds of infrastructure or natural resources. It is a public resource, but is managed by both public and private entities. It has cultural significance, and is essential to sustain life. There is a finite amount of water and it moves across the landscape while also varying in availability from year to year. Each of us has our own unique background that influences our perspectives on water and water infrastructure. This history forms the foundation for the different ways we each envision our water future. When we each bring that background to a common table, there can be disagreements. Respecting our different perspectives, the lessons we have learned, and the unique water challenges we've faced in our history will be important to develop a shared water future. Below are a list of common challenges and opportunities that will benefit from the focused attention of Oregonians with diverse perspectives.

Water System Challenges

Water Availability

System challenge: Many of Oregon's water delivery systems are outdated and inefficient, increasing the chance that water will not be available for communities when it is most needed.

System opportunity: We can incentivize water conservation and reuse, and invest in modern water delivery systems statewide. Efficiency gains and updated systems will help improve water reliability for cities and counties, tribes, ecosystems, and the many aspects of a thriving economy that depend on water.

Clean Water

System Challenge: Not all parts of Oregon have reliable access to clean water, resulting in increased health risks for those who live here.

System Opportunity: We can invest in resilient built and natural water infrastructure, and reduce pollutants to provide clean water for all Oregon communities.

Ecosystems

System Challenge: Not all watersheds provide cool, clean water and habitat for fish and wildlife, threatening the sustainability of those species in Oregon.

System opportunity: We can increase investments in watersheds to store, filter, and deliver water for fish and wildlife.

Community Security

System challenge: Too much of Oregon's built infrastructure is neglected and not keeping communities safe, while we have not fully realized the benefits of natural infrastructure and ecosystems to protect communities from harmful floods and provide resilience to drought.

System opportunity: We can modernize our flood protection infrastructure where appropriate, while fully incorporating the benefits of natural infrastructure and ecosystems. Combined, these will help mitigate impacts of increased flooding and drought, while reducing the impacts of sea level rise to coastal communities.

Management Challenges

Data & Information Services

Management Challenge: Communities across Oregon lack basic data and information to make strategic, long-term decisions about water investments and water management.

Management Opportunity: Good data is the foundation of wise and coordinated decisions. We can work across agencies at all levels, with tribes, and with the private sector to improve access to accurate, relevant, trusted, and current water data and infrastructure condition. We can also use science and information to anticipate future trends. Access to quality information will help communities strategically plan for and invest in their water future.

Community Capacity

Management Challenge: Communities with fewer resources are challenged to strategically plan for and invest in their water future and need access to a skilled workforce to implement, manage, and monitor water projects.

Management Opportunity: We can begin investing now in strong community capacity and a skilled water workforce in every region across Oregon.

Investments in Water

Management Challenge: We have underinvested in our built and natural water infrastructure, and our ecosystems. Investments in water planning and projects are not fully coordinated at the community, regional or state levels, and there has not been a concerted conversation about how Oregon will fund its future water needs.

Management Opportunity: We can coordinate our current investments and seek new sustainable, dedicated public and private funding for restoration of ecosystems, and built and natural infrastructure. Coordinated and new investments will ensure communities – including Oregon’s federally recognized tribes and those people living in disproportionately impacted and rural communities - can afford and access adequate clean water, and return it to our rivers for downstream users, fish, and wildlife.

Water Investment Decision-Making

Management challenge: Oregon lacks a cohesive governance system to strategically prioritize water investments at the local and regional levels, leaving those decisions to a wide array of individuals, governments, and other interests with overlapping priorities and investment needs.

Management Opportunity: Learning from other successful models, Oregon can implement best approaches to ensure water planning and investment decisions are strategic and coordinated across jurisdictions, and with public and private partners. This system can successfully combine a state-level framework with local and regional planning and flexibility.

Education & Culture

Management Challenge: Community leaders across Oregon have limited awareness of Oregon’s water challenges, the urgency to act now, and potential water solutions.

Management Opportunity: We can work with communities to build a culture and leadership that prioritizes water at the local, regional, and statewide levels.



KATE BROWN
Governor

February 11, 2020

Senator Michael Dembrow, Chair
Senate Committee on Environment and
Natural Resources

Representative Ken Helm, Chair
House Committee on Water

Senator Betsy Johnson
Senator Elizabeth Steiner Hayward
Representative Dan Rayfield
Chairs, Joint Committee on Ways and Means

Dear Legislators,

As you know, this fall, I asked my natural resource agencies to gather feedback on the first draft of Oregon's 100-Year Water Vision, and to design a process for effectively engaging Oregonians. Water is one of the most complex natural resource issues in the state, and requires this level of engagement.

Staff are finalizing their evaluation of the responses received this fall, and will present the full summary when complete. It is very clear from early feedback that Oregonians have a strong interest in moving forward on strategic water planning and investments. I am asking for your support to continue this work by supporting the funding of the executive branch's three Water Vision Implementation budget requests.

Based on initial feedback from this fall's conversations, Phase II will focus on the following objectives:

Community Capacity: Recommend approaches to help communities engage individuals equitably, and expand capabilities to strategically plan for and implement actions to pursue their water futures. *(OWEB Vision Implementation budget request)*

Water Investment Governance: Recommend a framework for local, regional, and statewide governance that will lead to state-supported, regionally appropriate approaches to prioritize water investments with a focus on ensuring all individuals are represented. *(OWEB Vision Implementation budget request)*

Water Funding: Recommend approaches to increase funding coordination, identify early investment needs and funding gaps, and new funding sources that support community water planning, implementation, innovation, and evaluation. *(OWEB Vision Implementation budget request)*

February 11, 2020

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- **Engaging Oregonians:** Recommend approaches to help Oregonians better understand the vital importance of water, the water challenges we face, and the need for all of us to work together and to support strategic water investments. (*engagement conversations will provide input into WRD Business Case budget request*)
- **Data and Information Systems:** Recommend data needs, tools, and information delivery systems that will help local communities and funders better understand current water and infrastructure conditions, and future water trends, to inform strategic decision-making at all levels. (*supported in part by DEQ Decision Support Tool budget request*)

The process is not intended to focus on policy or statutory changes, except those recommended as a part of the advisory council process to advance the objectives outlined above.

Should the legislature approve funding, I will be formally announcing a Water Future Advisory Council following the 2020 Legislative Session. We will advance work on these objectives through the council, along with support from other committees and external partnerships, aligning this work with both the 100-Year Vision and Oregon's Integrated Water Resources Strategy. I have asked Senator Roblan and Bruce Taylor to co-convene the advisory council. More detail will follow with the formal announcement, including conveners for advisory council committees, and other council members. Through this process, we intend to provide direct ways for tribes, the public, and stakeholder organization representing diverse interests to engage with statewide leaders in the process. We will also work with the legislature to identify members to serve in an ex-officio capacity to carry this process forward in a meaningful way while providing coordination between both branches of state government.

While the process will highlight broad-scale investment opportunities for the 2021 Legislative Session, the next phase is not intended to prioritize individual community project investments. Rather, the process will help to establish a state and regional framework for how investments should be strategically coordinated and prioritized.

As referenced in the objectives above, we have budget requests for the 2020 Legislative Session in three areas: Water Vision Coordination & Implementation, Data Decision Support Tools, and a Business Case. Without legislative approval of funding for these three requests in the 2020 short session, we will not be advancing the work outlined above.

I appreciate the Legislature's willingness to take on this important issue through the formation of the House Water Committee. We support the House Water committee's work to advance important discussions around harmful algal blooms, septic system replacements and increasing water reporting. I look forward to seeing these discussions advanced through the legislative process. All of this work will help to improve the health of our economy, our communities, and our environment.

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If you have questions during the Legislative Session, please reach out to Jason Miner in my office (Jason.Miner@oregon.gov), or Meta Loftsgaarden, Executive Director of the Oregon Watershed Enhancement Board, who has been leading the Phase I Water Vision work, (Meta.Loftsgaarden@oregon.gov).

Sincerely,

A handwritten signature in black ink that reads "Kate Brown" followed by a horizontal line extending to the right.

Governor Kate Brown

KB:jm,kl

April 21-22, 2020 OWEB Board Meeting Executive Director Update G-2: Legislative Update

This report provides the board an update about the 2020 legislative short session.

Background

The 2020 legislative session began on February 3 and adjourned March 6.

2020 Legislative Session

The 2020 legislative session adjourned without passing any major legislation, as quorum was not reached in either the House or Senate during the last two weeks of the session. Pending legislation involving OWEB that did not pass included funding for Phase II the 100-Year Water Vision (see Executive Director Update X-X), addressing catastrophic wildfire, and reducing greenhouse gas emissions.

Governor's Executive Order on Climate

Following the conclusion of the legislative session, Governor Brown released Executive Order 20-04, which directs state agencies to take actions to reduce and regulate greenhouse gas emissions (Attachment A). In addition to the general directive for agencies to exercise authority and discretion in helping to meet greenhouse gas emissions goals and prioritize actions that will help vulnerable populations and impacted communities, OWEB is specifically identified in the Executive Order in several locations:

- Section 3.D. Report on Proposed Actions – Along with other agencies, report to the Governor by May 15, 2020, on proposed actions within OWEB's statutory authority to reduce greenhouse gas emissions and mitigate climate change impacts. Staff has requested additional detail on this directive and will report to the board in April.
- Section 3.E. Participation in Interagency Workgroup on Climate Impacts to Impacted Communities – Participate on an interagency workgroup convened by the Governor's Office on climate impacts to impacted communities, with the intent of developing strategies to guide state climate actions.
- Section 12.A. Directives to the Oregon Global Warming Commission (OGWC) – In coordination with Oregon Department of Agriculture, Oregon Department of Forestry and OWEB, the OGWC is directed to submit a proposal to the Governor by June 30, 2021 for consideration of adoption of state goals for carbon sequestration and storage by Oregon's natural and working landscapes, including forests, wetlands, and agricultural lands, based on best available science.

At the April board meeting and future meetings, staff will update the board on agency progress on these directives. Staff plan to work with the newly formed climate committee between meetings.

Staff Contact

General Legislative: Eric Hartstein, Senior Policy Coordinator, at eric.hartstein@oregon.gov or 503-986-0029. Executive Order on Climate: Renee Davis, Deputy Director, at renee.davis@oregon.gov or 503-986-0203.

Attachments

- A. Executive Order 20-04 on Greenhouse Gas Emissions



EXECUTIVE ORDER NO. 20-04

**DIRECTING STATE AGENCIES TO TAKE ACTIONS TO REDUCE AND
REGULATE GREENHOUSE GAS EMISSIONS**

WHEREAS, climate change and ocean acidification caused by greenhouse gas (GHG) emissions are having significant detrimental effects on public health and on Oregon's economic vitality, natural resources, and environment; and

WHEREAS, climate change has a disproportionate effect on the physical, mental, financial, and cultural wellbeing of impacted communities, such as Native American tribes, communities of color, rural communities, coastal communities, lower-income households, and other communities traditionally underrepresented in public processes, who typically have fewer resources for adapting to climate change and are therefore the most vulnerable to displacement, adverse health effects, job loss, property damage, and other effects of climate change; and

WHEREAS, climate change is contributing to an increase in the frequency and severity of wildfires in Oregon, endangering public health and safety and damaging rural economies; and

WHEREAS, the world's leading climate scientists, including those in the Oregon Climate Change Research Institute, predict that these serious impacts of climate change will worsen if prompt action is not taken to curb emissions; and

WHEREAS, the Intergovernmental Panel on Climate Change has identified limiting global warming to 2 degrees Celsius or less as necessary to avoid potentially catastrophic climate change impacts, and remaining below this threshold requires accelerated reductions in GHG emissions to levels at least 80 percent below 1990 levels by 2050; and

WHEREAS, Oregon, as a member of the U.S. Climate Alliance, has committed to implementing policies to advance the emissions reduction goals of the international Paris Agreement; and

WHEREAS, GHG emissions present a significant threat to Oregon's public health, economy, safety, and environment; and



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WHEREAS, the transition from fossil fuels to cleaner energy resources can significantly reduce emissions and increase energy security and the resilience of Oregon communities in the face of climate change; and

WHEREAS, emissions from the transportation sector are the single largest source of GHG emissions in Oregon; and

WHEREAS, actions to reduce GHG emissions in Oregon's transportation sector will provide substantial public health co-benefits by reducing air pollutants from the combustion of gasoline and diesel fuel that are harmful to human health; and

WHEREAS, the rapid transition from internal combustion engines to zero-emission vehicles will play a key role in reducing emissions from the transportation sector and advancing the state's GHG emissions reduction goals; and

WHEREAS, zero-emission vehicles provide multiple benefits to Oregonians, including lower operating, maintenance, and fuel costs, and lower emissions of GHGs and other pollutants; and

WHEREAS, the Legislature established ambitious goals for the adoption of zero-emission vehicles in Senate Bill 1044 (2019); and

WHEREAS, rapid actions and investments by Oregon's utility sector to reduce GHG emissions and improve the resilience of the energy system in the face of climate change and wildfire risk can reduce risks for utility customers; and

WHEREAS, transitioning the traditional natural gas supply to renewable natural gas can significantly reduce GHG emissions; and

WHEREAS, energy efficiency standards in the built environment can reduce operating costs, save renters and homeowners money on their utility bills, improve the comfort and habitability of dwellings, and reduce GHG emissions; and

WHEREAS, product energy efficiency standards reduce costs for consumers, save energy, and reduce GHG emissions; and



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WHEREAS, in the absence of effective federal engagement on these issues, it is the responsibility of individual states to take immediate actions to address climate change and ocean acidification; and

WHEREAS, after thorough hearings within the Oregon Legislature, a majority of both chambers support addressing climate change, and the failure of the Oregon Legislature to attain quorum has thwarted legislative action to achieve science-based GHG emissions reduction goals; and

WHEREAS, given the urgency and severity of the risks from climate change and ocean acidification, and the failure of the Legislature to address these immediate harms, the executive branch has a responsibility to the electorate, and a scientific, economic, and moral imperative to reduce GHG emissions and to reduce the worst risks of climate change and ocean acidification for future generations, to the greatest extent possible within existing laws; and

WHEREAS, existing laws grant authority to state agencies to take actions to regulate and encourage a reduction of GHG emissions in a variety of circumstances; and

WHEREAS, the Legislature through the Emergency Board took action on March 9, 2020, to provide permanent funding to the executive branch to pursue executive action on reducing GHG emissions; and

WHEREAS, considering climate change in agency planning and decision making will help inform decisions regarding climate change risks and avoid higher mitigation and adaptation costs in the future; and

WHEREAS, all agencies with jurisdiction over the sources of GHG emissions will need to continue to develop and implement programs that reduce emissions to reach the state's GHG goals; and

WHEREAS, all agencies with jurisdiction over natural and working landscapes in Oregon will need to prepare and plan for the impacts of climate change and take actions to encourage carbon sequestration and storage; and



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WHEREAS, the Legislature previously established the goal of achieving GHG levels “at least 75 percent below 1990 levels” by 2050, and our State has an urgent, moral obligation to set and achieve more ambitious GHG reduction goals.

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. **State Agencies.** The following state commissions and state agencies are subject to the directives set forth in this Executive Order:
 - A. Business Oregon;
 - B. Department of Administrative Services (DAS);
 - C. Department of Consumer and Business Services Building Codes Division (BCD);
 - D. Department of Land Conservation and Development (DLCD) and Land Conservation and Development Commission (LCDC);
 - E. Environmental Justice Task Force;
 - F. Environmental Quality Commission (EQC) and Department of Environmental Quality (DEQ);
 - G. Oregon Department of Agriculture (ODA);
 - H. Oregon Department of Energy (ODOE);
 - I. Oregon Department of Fish and Wildlife (ODFW);
 - J. Oregon Department of Forestry (ODF);
 - K. Oregon Department of Transportation (ODOT) and Oregon Transportation Commission (OTC);
 - L. Oregon Global Warming Commission;
 - M. Oregon Health Authority (OHA);
 - N. Oregon Water Resources Department (OWRD);
 - O. Oregon Watershed Enhancement Board (OWEB); and
 - P. Public Utility Commission of Oregon (PUC).



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2. **GHG Emissions Reduction Goals.** Consistent with the minimum GHG reduction goals set forth in ORS 468A.205(1)(c), this Executive Order establishes science-based GHG emissions reduction goals, and calls for the State of Oregon to reduce its GHG emissions (1) at least 45 percent below 1990 emissions levels by 2035; and (2) at least 80 percent below 1990 emissions levels by 2050.

3. **General Directives to State Agencies.** From the date of this Executive Order, the state commissions and state agencies listed in paragraph 1 are directed to take the following actions:
 - A. **GHG Reduction Goals.** Agencies shall exercise any and all authority and discretion vested in them by law to help facilitate Oregon's achievement of the GHG emissions reduction goals set forth in paragraph 2 of this Executive Order.
 - B. **Expedited Agency Processes.** To the full extent allowed by law, agencies shall prioritize and expedite any processes and procedures, including but not limited to rulemaking processes and agency dockets, that could accelerate reductions in GHG emissions.
 - C. **Agency Decisions.** To the full extent allowed by law, agencies shall consider and integrate climate change, climate change impacts, and the state's GHG emissions reduction goals into their planning, budgets, investments, and policy making decisions. While carrying out that directive, agencies are directed to:
 - (1) Prioritize actions that reduce GHG emissions in a cost-effective manner;
 - (2) Prioritize actions that will help vulnerable populations and impacted communities adapt to climate change impacts; and
 - (3) Consult with the Environmental Justice Task Force when evaluating climate change mitigation and adaptation priorities and actions.
 - D. **Report on Proposed Actions.** The following agencies are directed to report to the Governor by May 15, 2020, on proposed actions within their statutory authority to reduce GHG emissions and mitigate climate change impacts: DEQ, DLCD, ODA, ODOE, ODFW, ODF, ODOT, OWRD, OWEB, and PUC.



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- E. Participation in Interagency Workgroup on Climate Impacts to Impacted Communities. The Governor's Office will convene an interagency workgroup on climate impacts to impacted communities to develop strategies to guide state climate actions, with participation by the following agencies and commissions: DEQ, DLCD, ODA, ODF, ODFW, ODOE, ODOT, OHA, OWEB, OWRD, PUC, Environmental Justice Task Force, Oregon Global Warming Commission, Oregon Parks and Recreation Department, and Oregon Sustainability Board.
4. Directives to the Environmental Quality Commission and the Department of Environmental Quality. In addition to the general directives set forth in paragraph 3, the EQC and DEQ are directed to take the following actions:
- A. Oregon's Clean Fuel Standards. Pursuant to its authority under ORS 468A.265 *et seq.* and other applicable laws, the EQC and DEQ shall take actions necessary to amend the low carbon fuel standards, and the schedule to phase in implementation of those standards, with the goal of reducing the average amount of GHG emissions per unit of fuel energy by 20 percent below 2015 levels by 2030, and 25 percent below 2015 levels by 2035.
- B. Clean Fuel Credits for Electrification. The EQC and DEQ are directed to advance methods accelerating the generation and aggregation of clean fuels credits by utilities that can advance the transportation electrification goals set forth in Senate Bill 1044 (2019).
- C. Sector-specific GHG Cap and Reduce Program. Pursuant to its authority under ORS 468A.005 *et seq.* and other applicable laws, the EQC and DEQ shall take actions necessary to:
- (1) Cap and reduce GHG emissions from large stationary sources of GHG emissions, consistent with the science-based emissions reduction goals set forth in paragraph 2 of this Executive Order;
 - (2) Cap and reduce GHG emissions from transportation fuels, including gasoline and diesel fuel, consistent with the science-based emissions reduction goals set forth in paragraph 2 of this Executive Order; and



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- (3) Cap and reduce GHG emissions from all other liquid and gaseous fuels, including natural gas, consistent with the science-based emissions reduction goals set forth in paragraph 2 of this Executive Order.
 - D. Regulation of Landfill Methane Emissions. The EQC and DEQ shall take actions necessary to reduce methane gas emissions from landfills, as defined in ORS 459.005(14), that are aligned with the most stringent standards and requirements for reducing methane gas emissions from landfills adopted among the states having a boundary with Oregon.
 - E. Reduction of Food Waste. The EQC and DEQ are directed to take actions necessary to prevent and recover food waste, with the goal of reducing food waste by 50 percent by 2030, to reduce GHG emissions resulting from such waste, including but not limited to engaging with states and other jurisdictions, industry, food retailers, and brand manufacturers to develop and implement strategies to prevent and recover food waste.
 - F. Timeline and Implementation.
 - (1) No later than May 15, 2020, DEQ shall submit a report to the Governor regarding an estimated timeline for rulemaking necessary for implementing the directives of paragraph 4(A)–(B) and paragraph 4(D)–(E), above.
 - (2) DEQ shall submit a preliminary report to the Governor by May 15, 2020, regarding program options to cap and reduce emissions from large stationary sources, transportation fuels, and other liquid and gaseous fuels that can commence no later than January 1, 2022. A final report shall be due by June 30, 2020.
 - (3) Reports submitted pursuant to paragraph 4 of this Executive Order also should detail DEQ’s plans to engage impacted communities during the rulemaking process, in a manner consistent with ORS chapter 183.
5. Directives to the Public Utility Commission of Oregon. In addition to the general directives set forth in paragraph 3, the PUC is directed to consider the following factors and values, consistent with state law:



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- A. Statement of Public Interest. It is in the interest of utility customers and the public generally for the utility sector to take actions that result in rapid reductions of GHG emissions, at reasonable costs, to levels consistent with the GHG emissions reduction goals set forth in paragraph 2 of this Executive Order, including transitioning to clean energy resources and expanding low carbon transportation choices for Oregonians.
- B. Regulatory Considerations. Executive Order 00-06, which ensures that the PUC maintains its independence in decision making, is reaffirmed. The directives in this Executive Order are consistent with Executive Order 00-06. When carrying out its regulatory functions, the PUC is directed to:
- (1) Determine whether utility portfolios and customer programs reduce risks and costs to utility customers by making rapid progress towards reducing GHG emissions consistent with Oregon's reduction goals;
 - (2) Encourage electric companies to support transportation electrification infrastructure that supports GHG reductions, helps achieve the transportation electrification goals set forth in Senate Bill 1044 (2019), and is reasonably expected to result in long-term benefit to customers;
 - (3) Prioritize proceedings and activities, to the extent consistent with other legal requirements, that advance decarbonization in the utility sector, and exercise its broad statutory authority to reduce GHG emissions, mitigate energy burden experienced by utility customers, and ensure system reliability and resource adequacy;
 - (4) Evaluate electric companies' risk-based wildfire protection plans and planned activities to protect public safety, reduce risks to utility customers, and promote energy system resilience in the face of increased wildfire frequency and severity, and in consideration of the recommendations made by the Governor's Council on Wildfire Response 2019 Report and Recommendations;



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- (5) Convening periodic workshops for purposes of assisting electric companies, consumer-owned utilities, and operators of electrical distribution systems to develop and share best practices for mitigating wildfire risk; and
- (6) In cooperation with Oregon Housing and Community Services, establish a public process to address and mitigate differential energy burdens and other inequities of affordability and environmental justice, including rate design and other programs to mitigate energy burden.

6. **Directives to the Department of Consumer and Business Services Building Codes Division.** In addition to the general directives set forth in paragraph 3, BCD is directed to take the following actions:

- A. **Energy Efficiency Goal for New Construction.** BCD, through its advisory boards and committees, and in cooperation with ODOE, is directed to adopt building energy efficiency goals for 2030 for new residential and commercial construction. That goal shall represent at least a 60 percent reduction in new building annual site consumption of energy, excluding electricity used for transportation or appliances, from the 2006 Oregon residential and commercial codes.
- B. **Code Progress and Updates.** BCD, through its advisory boards and committees, and in cooperation with ODOE, is directed to evaluate and report on Oregon's current progress toward achieving the goal for new residential and commercial buildings, pursuant to paragraph 6(A) of this Executive Order, and options for achieving steady progress toward the goal over the next three code cycles (2023, 2026, and 2029). Pursuant to its authority under ORS 455.500, BCD also is directed to update the Reach Code on the same timeline. No later than September 15, 2020, BCD should submit a report to the Governor on current progress and options for achieving the goals over the next three code cycles. The report should be updated every three years thereafter.
- C. **Baseline Metrics and Reductions.** BCD, in cooperation with ODOE, is directed to agree on metrics, based on best practice and academic research, to inform the baseline and reductions associated with the code updates set forth in paragraph 6(B).



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7. **Directives to the Oregon Department of Energy.** In addition to the general directives set forth in paragraph 3, ODOE is directed to take the following actions:
- A. **Energy Efficiency Standards.** ODOE is directed to pursue emissions reductions by establishing and updating energy efficiency standards for products at least to levels equivalent to the most stringent standards among West Coast jurisdictions, including grid-connected appliances that can be utilized to manage end-use flexible electrical loads. ODOE also is directed to periodically evaluate and update those standards, as practicable, to remain at least equivalent to the most stringent standards among West Coast jurisdictions.
 - B. **Rulemaking.** ODOE is directed to take actions necessary to establish and update energy efficiency standards for products sold or installed in Oregon that include but are not limited to the following:
 - (1) High CRI fluorescent lamps;
 - (2) Computers and computer monitors;
 - (3) Faucets;
 - (4) Shower heads;
 - (5) Commercial fryers;
 - (6) Commercial dishwashers;
 - (7) Commercial steam cookers;
 - (8) Residential ventilating fans;
 - (9) Electric storage water heaters; and
 - (10) Portable electric spas.
 - C. **Timeline.** Any rulemaking necessary to implement the directives set forth in paragraph 7(B) should be completed by September 1, 2020.
 - D. **Third-Party Validation for Cost Savings.** ODOE, in cooperation with BCD, is directed to contract with a third party consulting firm to assess cost implications, including long-term energy cost savings, of the energy efficiency and building code actions set forth in paragraph 6(A)–(B) of this Executive Order.



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8. **Directives to the Department of Administrative Services.** In addition to the general directives set forth in paragraph 3, DAS is directed to take the following actions:
- A. **Procurement Model for Zero-Emission Vehicles.** DAS is directed to develop a statewide policy and plan for state agencies to follow for procuring zero-emission vehicles, which local governments and special government bodies may use as a model program for furthering adoption of zero-emission vehicles for their fleets. The model program shall provide for a rate of procurement of zero-emission vehicles consistent with the findings and goals set forth in ORS 283.398 and the provisions of ORS 283.327. The model program may provide for DAS to participate in, sponsor, conduct, or administer cooperative procurements in accordance with ORS 279A.200 to ORS 279A.225, under which DAS, local governments, and special government bodies may procure zero-emission vehicles.
 - B. **GHG Implications of Contracting.** DAS is directed to review existing state procurement laws and practices to identify potential improvements that can reduce GHG emissions, consistent with the GHG reduction goals set forth in paragraph 2 of this Executive Order. DAS shall provide a report to the Governor no later than September 15, 2020, detailing options.
 - C. **GHG Reduction Goals and Electrification Goals.** DAS is directed to support the state in meeting the GHG reduction goals set forth in paragraph 2 of this Executive Order, and the zero-emission vehicle adoption goals set forth in Senate Bill 1044 (2019), through the rapid conversion of state fleets to zero-emission vehicles, and the expansion of electric vehicle charging infrastructure for public buildings. DAS shall provide a report to the Governor no later than September 15, 2020, detailing its plan.
9. **Directives to the Oregon Transportation Commission, Oregon Department of Transportation, Land Conservation and Development Commission, Environmental Quality Commission, and Oregon Department of Energy.**



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- A. In a letter from the Governor, dated September 23, 2019, the OTC, LCDC, EQC, and ODOE were directed to prioritize implementation of the Statewide Transportation Strategy, adopted by the OTC. Those agencies are further directed to include the following elements in their implementation of the Statewide Transportation Strategy:
 - (1) Establishment of GHG emissions reduction performance metrics; and
 - (2) Amendments to the Transportation Planning Rule that direct changes to the transportation plans of metropolitan planning areas to meet GHG reduction goals.
 - B. ODOT and DLCD are directed to identify and implement means to provide financial and technical assistance to metropolitan planning areas for amendment to transportation and land use plans that meet the state GHG reduction goals, or more stringent goals adopted by a metropolitan planning area.
 - C. Implementation of the directives set forth in paragraph 9(A)–(B) shall be at the highest level within the agencies, with regular and direct reporting to the Governor. The first report shall be made to the Governor no later than June 30, 2020.
10. **Directives to the Oregon Department of Transportation**. In addition to the general directives set forth in paragraph 3, ODOT is directed to take the following actions:
- A. In consultation with DEQ, ODOE, other appropriate state agencies, and public utilities, ODOT is directed to conduct a statewide transportation electrification infrastructure needs analysis, with particular focus on rural areas of the state, across use types and vehicle classes, to facilitate the transportation electrification goals set forth in Senate Bill 1044 (2019). The study should be completed no later than June 30, 2021.
 - B. ODOT is directed to develop and apply a process for evaluating the GHG emissions implications of transportation projects as part of its regular capital planning and Statewide Transportation Improvement Program planning processes. ODOT shall provide a report on the process to the Governor no later than June 30, 2021.



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11. **Directives to Oregon Health Authority.** In addition to the general directives set forth in paragraph 3, OHA is directed to take the following actions:
 - A. OHA is directed to deliver a report to the Governor, the Oregon Global Warming Commission, and the Environmental Justice Task Force no later than September 1, 2020, on the public health impacts of climate change in Oregon, with particular emphasis on the risks faced by vulnerable communities, including Oregon's nine federally recognized Native American tribes, communities of color, low income communities, and rural communities. OHA is directed to update the report annually.
 - B. OHA is directed to study the impacts of climate change on youth depression and mental health in Oregon and deliver a report to the Governor no later than June 30, 2021.
 - C. OHA and the Oregon Occupational Safety and Health Administration (OSHA) are directed to jointly develop a proposal for standards to protect workplace employees from exposure to wildfire smoke and excessive heat. The proposal should be completed no later than June 30, 2021.

12. **Directives to Oregon Global Warming Commission.** In addition to the general directives set forth in paragraph 3, the Global Warming Commission is directed to take the following actions:
 - A. In coordination with ODA, ODF, and OWEB, the Oregon Global Warming Commission is directed to submit a proposal to the Governor for consideration of adoption of state goals for carbon sequestration and storage by Oregon's natural and working landscapes, including forests, wetlands, and agricultural lands, based on best available science. The proposal shall be submitted no later than June 30, 2021.
 - B. Consistent with its reporting requirements in House Bill 3543 (2007), the Oregon Global Warming Commission shall also include reporting on progress toward the GHG reduction goals set forth in paragraph 2 of this Executive Order, and the zero-emission vehicle adoption goals set forth in SB 1044 (2019).



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13. **Effectiveness.** This Executive Order will remain in effect unless and until it is superseded by statute or another Executive Order.

Done at Salem, Oregon, this 10th day of March, 2020.

Handwritten signature of Kate Brown in blue ink.

Kate Brown
GOVERNOR



ATTEST:

Handwritten signature of Bev Clarno in blue ink.

Bev Clarno
SECRETARY OF STATE

April 21-22, 2020 OWEB Board Meeting Executive Director Update G-3 Strategic Plan Update

This report provides the board updates on progress implementing the strategic plan progress.

Background

In June, 2018, the board approved a new strategic plan. Beginning with the October 2018 board meeting, staff developed a template to track quarterly progress on strategic plan priorities. Attached is the quarterly update of the strategic plan. Other information on the strategic plan is also contained in the committee updates as well as other staff reports.

Attachments

A. OWEB Strategic Plan Progress Report, January to March 2020

Oregon Watershed Enhancement Board (OWEB) Strategic Plan Progress

QUARTERLY PROGRESS UPDATE – January-March 2020

- Black text describes progress on actions and measures for the current quarter, along with the associated strategies, outputs and outcomes.
- Gray text describes all other content extracted from the strategic plan for the purpose of providing framing information, but for which no actions or progress occurred this quarter.

Priority 1 - Broad awareness of the relationship between people and watersheds					
Strategies	Develop and implement broad awareness campaigns and highlight personal stories to tell the economic, restoration, and community successes of watershed investments	<u>In The Last Quarter, We Did This: (actions)</u>	<u>So That: (outputs)</u>	<u>To Make This Difference: (outcomes)</u>	<u>Near-term measure:</u>
	Increase involvement of non-traditional partners in strategic watershed approaches				
Priority 2 - Leaders at all levels of watershed work reflect the diversity of Oregonians					
Strategies	Listen, learn and gather Information about diverse populations	<u>In The Last Quarter, We Did This: (actions)</u>	<u>So That: (outputs)</u>	<u>To Make This Difference: (outcomes)</u>	<u>Near-term measure:</u>
	Create new opportunities to expand the conservation table				
	Develop funding strategies with a lens				

	toward diversity, equity, and inclusion (DEI)		<p>OWEB grant programs, as appropriate.</p> <ul style="list-style-type: none"> - Board and staff regularly engage with underrepresented partnerships and stakeholder groups to support DEI work. 	and other funders consider opportunities to fund natural resource projects with a DEI lens.	
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Priority 3 - Community capacity and strategic partnerships achieve healthy watersheds

Strategies	Evaluate and identify lessons learned from OWEB's past capacity funding	<p><u>In The Last Quarter, We Did This: (actions)</u></p> <ul style="list-style-type: none"> - OWEB previously awarded a contract for the retrospective evaluation to the Ecosystem Workforce Program at the University of Oregon and Oregon State University. The team began meeting and formed a stakeholder advisory committee, as well as initiated communications about the evaluation with watershed councils and soil and water conservation districts. 	<p><u>So That: (outputs)</u></p> <ul style="list-style-type: none"> - Data exists to better understand the impacts of OWEB's capacity investments - Help exists for local groups to define their restoration 'community' for purposes of partnership/community capacity investments. - Local capacity strengths and gaps are identified to address and implement large-scale conservation solutions. - A suite of alternative options exists to invest in capacity to support conservation outcomes. - New mechanisms are available for watershed councils and soil and water conservation districts to report on outcomes of capacity funding. - A set of streamlined cross-agency processes exist to more effectively implement restoration projects. 	<p><u>To Make This Difference: (outcomes)</u></p> <ul style="list-style-type: none"> - Partners access best community capacity and strategic practices and approaches. - OWEB can clearly tell the story of the value of capacity funds. - Lessons learned from past capacity investments inform funding decisions. - Funders are aware of the importance of funding capacity. - Restoration projects involving multiple agencies are implemented more efficiently and effectively. - State-federal agencies increase participation in strategic partnerships. 	<p><u>Near-term measure:</u></p> <ul style="list-style-type: none"> - Under development <p><u>Potential impact measure:</u></p> <ul style="list-style-type: none"> - Increase in indicators of capacity for entities. - Increased restoration project effectiveness from cross-agency efforts. - Increase in funding for capacity by funders other than OWEB.
	Champion best approaches to build organizational, community, and partnership capacity	<ul style="list-style-type: none"> - OWEB awarded six Partnership Technical Assistance (TA) grants, which provide funding to create a new or enhance an existing strategic action plan and supports partnership capacity. - OWEB launched the 2021-2023 FIP Solicitation and staff consulted with potential grantees on their structure and organization as well as restoration planning to determine eligibility and competitiveness for the FIP program. - Staff participated in planning and facilitating a State of the Willamette 2-day workshop in January (Corvallis) that convened Willamette community scientists and practitioners to discuss restoration techniques and strategic planning. 			
	Accelerate state/federal agency participation in partnerships				

Priority 4 - Watershed organizations have access to a diverse and stable funding portfolio

Strategies	Increase coordination of public restoration investments and develop funding vision	<p><u>In The Last Quarter, We Did This: (actions)</u></p> <ul style="list-style-type: none"> - Presented to the House Water Committee during January legislative days about Water Core Teams' conditions inventory assessment work. 			
	Align common investment areas with private foundations				
	Explore creative funding opportunities and partnerships with the private sector				

	<p>Partner to design strategies for complex conservation issues that can only be solved by seeking new and creative funding sources</p>	<ul style="list-style-type: none"> - Executive Director and staff led outreach and communications for Oregon’s 100-Year Water Vision, including: <ul style="list-style-type: none"> o Updating the Water Vision statement based on stakeholder feedback from fall 2019 outreach. o Describing and synthesizing the findings of fall outreach and engagement efforts in a report. o Updating the website www.OregonWaterVision.org, which includes current information, summary findings, and full report. o Presenting the outreach and engagement findings to the House Water Committee. o Coordinating with the Governor’s announcement of Phase II: The Water Future Advisory Council, contingent on funding from the legislature. 	<p><u>So That: (outputs)</u></p> <ul style="list-style-type: none"> - OWEB has a clear understanding of its role in coordinating funding. - OWEB and other state and federal agencies have developed a system for formal communication and coordination around grants and other investments. - OWEB and partners have a coordinated outreach strategy for increasing watershed investments by state agencies, foundations, and corporations. - Foundations and corporations are informed about the important restoration work occurring in Oregon and understand the additional community benefits of restoration projects. - Foundations and corporations know OWEB, how the agency’s investments work, and how they can partner. - Foundations and corporations understand the importance of investing in healthy watersheds - Foundations and corporations consider restoration investments in their investment portfolios. - Oregon companies that depend on healthy watersheds are aware of the opportunity to invest in watershed health. 	<p><u>To Make This Difference: (outcomes)</u></p> <ul style="list-style-type: none"> - Agencies have a shared vision about how to invest strategically in restoration. - Oregon has a comprehensive analysis of the state’s natural and built infrastructure to direct future investments. - Foundations and corporations are partners in watershed funding efforts. - Foundations and corporations increase their investment in restoration. - Natural resources companies are implementing watershed health work that is also environmentally sustainable. 	<p><u>Near-term measure:</u></p> <ul style="list-style-type: none"> - Increase in the use of new and diverse funding sources by grantees. <p><u>Potential impact measure:</u></p> <ul style="list-style-type: none"> - Increase in grantees cash match amount and diversity of cash match in projects. - Increase in new and diverse funding sources. - Increase in creative funding mechanisms and strategies. - Increased high-quality conservation and restoration projects are funded without OWEB investment. - Increased funding for bold and innovative, non-traditional investments.
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Priority 5 - The value of working lands is fully integrated into watershed health

Strategies	Implement the Oregon Agricultural Heritage Program (OAHP)	<p><u>In The Last Quarter, We Did This: (actions)</u></p>	<p><u>So That: (outputs)</u></p> <ul style="list-style-type: none"> - Local organizations have the technical assistance to address gaps in implementing working land conservation projects. 	<p><u>To Make This Difference: (outcomes)</u></p> <ul style="list-style-type: none"> - Generations of landowners continue to integrate conservation on their working lands while maintaining economic sustainability. 	<p><u>Near-term measure:</u></p> <ul style="list-style-type: none"> - Percentage of landowners identified within Strategic Implementation Areas that receive technical assistance.
	Strengthen engagement with a broad base of working landowners	<ul style="list-style-type: none"> - OWEB awarded the Wasco Soil & Water Conservation District a grant to support the Fifteenmile Action to Stabilize Temperature (FAST) program that provides incentive payments to irrigators to voluntarily shutoff irrigation when it is most needed to reduce temperatures, protecting ESA-listed steelhead. 	<ul style="list-style-type: none"> - Examples of successful working lands conservation projects are available for local organizations to use. 		<p><u>Potential impact measure:</u></p> <ul style="list-style-type: none"> - Increased conservation awareness amongst owners and managers of working lands.
	Enhance the work of partners to increase working lands projects				

on farm, ranch and forestlands				
Support technical assistance to work with owners/managers of working lands	<ul style="list-style-type: none"> - Four Strategic Implementation Areas (SIAs) held Local Monitoring Team meetings, convening diverse watershed science partners to identify monitoring objectives, review existing data, and begin to outline monitoring proposals. <ul style="list-style-type: none"> o 2nd meetings, continuing to develop proposals: North Fork Malheur; Thirtymile Creek o Initial meetings, beginning to develop proposal: Lower Coquille River (Lampa/Bear Creek); Tualatin (Lower Gales and Carpenter Creek) - The Eightmile SIA completed their approved monitoring proposal and initiated monitoring for bacteria, temperature and macroinvertebrates at strategic locations within the SIA boundary. 	<ul style="list-style-type: none"> - New partners are engaged with owners and operators of working lands to increase conservation. - Strategies and stories are being utilized to reach owners and managers of working lands who are not currently working with local organizations. - Landowner engagement strategies and tools are developed and used by local conservation organizations - The Oregon Agricultural Heritage Commission has administrative rules and stable funding for the OAHP to protect working lands. - Local capacity exists to implement the Oregon Agricultural Heritage Program. 	<ul style="list-style-type: none"> - Across the state, local partners have the resources necessary to better facilitate why and where restoration opportunities exist on working lands. - Fully functioning working landscapes remain resilient into the future. - Sustained vitality of Oregon’s natural resources industries. 	<ul style="list-style-type: none"> - A better understanding of conservation participation, barriers and incentives for working lands owners. - Expanded relationships with agriculture and forestry associations. - Increased engagement of owners and managers of working lands conservation projects. - Increased working lands conservation projects on farm, ranch, and forest lands. - Expanded working lands partnerships improve habitat and water quality. - Expanded funding opportunities exist for working lands conservation.
Develop engagement strategies for owners and managers of working lands who may not currently work with local organizations	<ul style="list-style-type: none"> - OWEB awarded \$1.54 million for Conservation Reserve Enhancement Program (CREP) Technical Assistance grants supporting 12 projects covering 21 counties in the state. 			

Priority 6 - Coordinated monitoring and shared learning to advance watershed restoration effectiveness

Broadly communicate restoration outcomes and impacts	<p><u>In The Last Quarter, We Did This: (actions)</u></p> <ul style="list-style-type: none"> - OWEB published <u>Oregon Plan Biennial Report</u> for 2017-2019, summarizing investments and accomplishments under the Oregon Plan for Salmon and Watersheds. The report describes coordinated actions among Oregon Plan partner agencies; inter-agency efforts to address monitoring and information needs; and specific information for fifteen Oregon Plan Reporting Basins. - Staff developed a <u>searchable online map</u> to highlight the Telling the Restoration Story grant offering as part of the 2017-19 Oregon Plan Biennial Report and project deliverables are available through this map. The map currently describes progress and provides links to outreach products from the first suite of seven Telling the Restoration Story projects. - The inter-agency <u>Conservation Effectiveness Partnership (CEP)</u> continues to engage DEQ, ODA, ODFW, NRCS and OWEB in collaborative efforts to describe the effectiveness of restoration actions in achieving ecological outcomes. In February, communications staff from each agency convened with managers to initiate a collaborative communications strategy, and work will continue through the spring in preparation for the summer 2020 CEP Agency Directors’ meeting. - Staff completed Progress Tracking Reports for all six of the first cohort of FIPs. The reports summarize and synthesize actions and monitoring efforts to provide a high-level portrait of the progress each partnership is making towards measuring and achieving their identified outcomes, including adaptive management. A communication plan is under development to share reports with key stakeholders. 	<p><u>So That: (outputs)</u></p> <ul style="list-style-type: none"> - Additional technical resources—such as guidance and tools—are developed and/or made accessible to monitoring practitioners. - A network of experts is available to help grantees develop and implement successful monitoring projects. - A dedicated process exists for continually improving how restoration outcomes are defined and described. - Strategic monitoring projects receive long-term funding. - Information is readily available to wide audiences to incorporate into adaptive management and strategic planning at the local level. - Priorities are proactively established and clearly articulated to plan for adequate monitoring resources that describe restoration 	<p><u>To Make This Difference: (outcomes)</u></p> <ul style="list-style-type: none"> - Partners are using results-based restoration ‘stories’ to share conservation successes and lessons learned. - Limited monitoring resources provide return on investment for priority needs. - Local organizations integrate monitoring goals into strategic planning. - Limited monitoring resources are focused on appropriate, high-quality, prioritized monitoring being conducted by state agencies, local groups, and federal agencies conducting monitoring. - Evaluation of impact, not just effort, is practiced broadly. 	<p><u>Near-term measure:</u></p> <ul style="list-style-type: none"> - 30 outreach products were developed through staff, grants or partnerships (1/1/2019 – 3/20/20). <p><u>Potential impact measure:</u></p> <ul style="list-style-type: none"> - Increased public awareness about the outcomes and effects of watershed restoration and why it matters to Oregonians - Increased utilization of effective and strategic monitoring practices by grantees and partners - Improved restoration and monitoring actions on the ground to meet local and state needs. - Increase in local organizations that integrate monitoring goals into strategic planning. - Increased engagement and support of restoration and conservation activities.
Invest in monitoring over the long term	<ul style="list-style-type: none"> - OWEB’s Monitoring Initiatives Fellow prepared an internal report, “Regional Monitoring Frameworks: Summary of Lessons Learned” to analyze and summarize successes and challenges of four regional monitoring initiatives. 			
Develop guidance and technical support for monitoring				

Increase communication between and among scientists and practitioners	<ul style="list-style-type: none"> - Staff participated in planning and facilitating a State of the Willamette 2-day workshop in January (Corvallis) that convened Willamette community scientists and practitioners to discuss restoration techniques and strategic planning. - Staff began work with the Institute of Natural Resources to plan and facilitate a Stage 0 Workshop for Practitioners, including convening a steering committee to develop an agenda meaningful to the target audience. The workshop goal is to promote a better understanding of this innovative restoration technique and develop shared learning around monitoring findings and needs. 	<ul style="list-style-type: none"> - investment outcomes. - Monitoring practitioners focus efforts on priority monitoring needs. 	<ul style="list-style-type: none"> - Impacts on ecological, economic and social factors are considered as a part of successful monitoring efforts. - Monitoring frameworks are developed and shared. - Monitoring results that can be visualized across time and space are available at local, watershed and regional scales. - Decision-making at all levels is driven by insights derived from data and results. 	<ul style="list-style-type: none"> - Increased decision-making at all levels is driven by insights derived from data and results. - Increased ability to evaluate social change that leads to ecological outcomes.
Define monitoring priorities				
Develop and promote a monitoring framework				

Priority 7 - Bold and innovative actions to achieve health in Oregon's watersheds

Strategies	Invest in landscape restoration over the long term	<p><u>In The Last Quarter, We Did This: (actions)</u></p> <ul style="list-style-type: none"> - FIP Coordinators are working with partnerships to refine the technical review process based on the completed first round and are planning for upcoming 2020 project cycles. - OWEB launched the 2021-2023 FIP Solicitation and staff consulted with potential grantees on their structure and organization as well as restoration planning to determine eligibility and competitiveness for the FIP program. - Bonneville Environmental Foundation and staff co-developed a generic ecological theory of change for each of the seven board-adopted ecological priorities in the FIP program. OWEB has shared them publically on the website. - Staff completed Project Tracking Reports for all six of the first cohort of FIPs. The reports summarize and synthesize actions and monitoring efforts to provide a high-level portrait of the progress each partnership is making towards measuring and achieving their identified outcomes, including adaptive management. A communication plan is under development to share reports with key stakeholders. 	<p><u>So That: (outputs)</u></p> <ul style="list-style-type: none"> - OWEB works with partners to share results of landscape scale restoration with broader conservation community. - OWEB's landscape-scale granting involves effective partnerships around the state. - OWEB and partners have a better understanding of how restoration approaches can be mutually beneficial for working lands and watershed health. 	<p><u>To Make This Difference: (outcomes)</u></p> <ul style="list-style-type: none"> - Multi-phased, high-complexity, and large geographic footprint restoration projects are underway. - Conservation communities value an experimental approach to learning and innovation. - Conservation communities become comfortable with properties and projects that show potential, even if the work is not demonstrated based on demonstrated past performance. - OWEB encourages a culture of innovation. - OWEB's investment approaches recognize the dual conservation and economic drivers and benefits of watershed actions, where appropriate. - Diverse, non-traditional projects and activities that contribute to watershed health are now funded that weren't previously. - OWEB becomes better able to evaluate risk 	<p><u>Near-term measure:</u></p> <ul style="list-style-type: none"> - 27% of Oregon is covered by a Strategic Action Plan associated with a FIP, Partnership TA, or Coho Business Plan <p><u>Potential impact measure:</u></p> <ul style="list-style-type: none"> - Increased strategic watershed restoration footprint statewide. - Increased money for innovative watershed work from diverse funding sources. - Increased learning from bold and innovative actions so future decisions result in healthy watersheds in Oregon - New players or sectors—such as healthcare providers—engaged to invest in watershed restoration, enhancement and protection.
	Develop investment approaches in conservation that support healthy communities and strong economies				
	Foster experimentation that aligns with OWEB's mission	<ul style="list-style-type: none"> - Staff began work with the Institute of Natural Resources to plan and facilitate a Stage 0 Workshop for Practitioners, including convening a steering committee to develop an agenda meaningful to the target audience. The workshop goal is to promote a better understanding of this innovative restoration technique and develop shared learning around monitoring findings and needs. 			

April 21-22, 2020 OWEB Board Meeting

Executive Director Update G-4: Oregon Agricultural Heritage Program

This update describes the activities of the Oregon Agricultural Heritage Program (OAHP).

Background

The Oregon Agricultural Heritage Commission (commission) is appointed by the board, and is authorized by statute to recommend grant projects for succession planning, conservation management plans, and conservation easements and covenants on working lands. This report is for information only.

Activity This Quarter

The commission held a public meeting on March 10, 2020 for discussing the results of the 2020 short legislative session and potential funding strategies. The final budget bill, while not acted upon, did not include funds for OAHP programs. The commission discussed the need for commissioners to continue engagement with key constituencies about the value of the program and is comfortable with OWEB proceeding with a \$10 million agency budget request. The next meeting will be scheduled in late June to discuss next steps in funding OAHP programs.

Staff Contact

Eric Williams, Grant Program Manager, eric.williams@oregon.gov, 503-986-0047.

**April 21-22, 2020 OWEB Board Meeting
Executive Director Update G-6: Board Member Memo**

Below is the memo provided to board members on April 6, 2020

Date: April 6, 2020
To: OWEB Board Members
From: Meta Loftsgaarden, Executive Director
Subject: Grant Recommendations for April Board Meeting

As you know, we are in an unprecedented situation with the COVID-19 outbreak and associated Stay at Home orders that are keeping our family, friends, and neighbors safe. As a part of those orders, in mid-March, Governor Brown worked with Oregon Lottery to power down all video lottery machines as bars and restaurants were closing. The estimated Lottery revenue impact of those closures is still unknown. As a result of budget uncertainties, in discussions with the board co-chairs, below are a suite of recommendations and additional background.

1. Place a pause on board financial awards and budget decisions. Late last week, following conversations with the State of Oregon’s Chief Financial Officer, I have recommended to the Board co-chairs, and they have agreed, that the board pause all financial awards and budget decisions at the April board meeting, including placing a pause on Open Solicitation and Acquisition awards that were slated to be presented at the meeting. Instead staff will wait to make our recommendations to the board until after we receive the May Lottery distributions and revenue forecast.

Given the unknowns around budget projections at this time, we want to be able to provide the best information to you as you make funding decisions. We believe the most prudent option is to put a pause on award granting until we have a better handle on revenues.

At the same time, I am also placing a pause on funding any grant that has not been approved as of April 3 that is a part of a ‘director delegation’ by the board. This move assures that all grant types – from small grants to Governor’s Priorities and Focused Investment Partnerships – are treated equally. Funding considerations for all grants—regardless of grant type—are on ‘pause’ until we have additional information about current revenues and projections.

The pause will be discussed as a formal agenda item at the April board meeting, but I wanted to make you aware of this recommendation now. We are also informing our staff and grantees so they are not caught off guard in advance of the April meeting. I am scheduling Zoom conference calls with grantees in each region to provide this update on Tuesday, April 7.

2. Hold two board meetings to accommodate non-financial and financial decisions. To accommodate this pause in financial awards and budget decisions, in consultation with the co-

chairs, we will divide our April board meeting into two segments, one that will occur in April and the other to take place in early June. On April 21, we will meet to discuss all non-financial decisions and will receive an update on the latest regarding state budgets. We will then schedule a meeting in early June to discuss grant awards and budget. A June meeting will give staff and the Chief Financial Office enough time to evaluate the May Lottery disbursements and revenue forecast and to develop a set of recommendations for the board.

3. Continue to make payments on open grants based on current funding available. In terms of our current Lottery revenues, we have been lucky in the first nine months that our revenues exceeded budget expectations. That said, this biennium – like most - we fund a higher percentage of grants in the spending plan at the beginning of the biennium. This includes awards like Capacity grants. With higher than expected revenues and front-loaded grant awards, we are about even between revenues and expenditures as of this date. And as a reminder, our current and future revenues also include Pacific Coastal Salmon Recovery Funds (PCSRF), which we expect to be at a similar level to last year.

Given that we have funding on hand for our current open grants, we will not stop payments on existing open grants, and we will not sweep any funds from existing open grants at any time this biennium.

4. Accept applications for Spring 2020 grant cycle. We do intend to receive grant applications for the Spring 2020 grant cycle, the deadline for which has been extended from April 27 to May 11. While we don't yet have a board decision on next steps related to funding awards, we think it is important to continue to receive grant applications. This will allow us to move forward when we can, and to also look for opportunities to fund worthy projects through other means that may emerge.

5. Operating fund precautions. While OWEB's Legislatively Adopted Budget outlines the agency's biennial operations budget that is managed by the executive director, I did want to keep you up to speed on our plans there as well. As a reminder, 65% of the funds we receive from Lottery are required to be used for grants, which the board oversees, and 35% are distributed per the legislative budgeting process to OWEB and other agencies for staffing. Lottery Fund Operating revenues cover much of the operations of our agency (including both staffing and contracts) and are distributed to other agencies for staff as well. Funds cannot be traded between grants and operations. As noted above regarding Lottery revenues received, revenues were above budget through February on both the grants and operations sides, thus OWEB exceeded the revenues needed for our operations budget up to that point in the biennium. As a result, our operating fund is covering costs currently. However, to be prudent and reserve funds where possible, we are also putting a pause on all contract expenditures to the extent practicable.

Next Steps. We will be holding conference calls with each region on Tuesday, April 7 to provide this information, and will share this memo with grantees and other interested individuals as well. It will also be a part of the board meeting materials.

We are collecting a new set of FAQs as a result of this announcement and will update our FAQs (<https://www.oregon.gov/oweb/Pages/index.aspx>) on the web daily. If you have questions you

think should be addressed through the FAQs, please send them to Courtney.Shaff@oregon.gov. This will ensure we have consistent answers to all questions for our grantees and others.

During these challenging times, I am reminded what an honor it is to work alongside OWEB's exceptional board and staff to support our local grantees. Working together, we will guide the agency and our investments through the uncertainty ahead. Thank you for your service to our OWEB and Oregon.

Cc: Jason Miner, Office of Governor Brown, Natural Resources Policy Director
George Naughton, DAS Chief Financial Officer
Linnea Wittekind, DAS Budget and Management Analyst
Paul Siebert, Legislative Fiscal Office Deputy Director
Alexis Taylor, Department of Agriculture Director



Agenda Item M supports OWEB's Strategic Plan priority #7: Bold and innovative actions to achieve health in Oregon's watersheds.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Jillian McCarthy, Partnerships Coordinator
Eric Williams, Grant Program Manager
SUBJECT: Agenda Item M – Water Acquisition Grants Administrative Rules
April 21, 2020 Board Meeting

I. Introduction

This report requests board approval of proposed administrative rules for OWEB's Water Acquisition grant program (Division 46)

II. Background

Water Acquisitions grants are a fundamental OWEB grant offering, providing important resources that assist grantees in acquiring an interest(s) in water from a willing seller for the purpose of increasing instream flow in order to address the conservation needs of habitats and species and/or to improve water quality.

At the July 2019 meeting, the board authorized staff to initiate rulemaking for Water Acquisition grants. The rules were last updated in 2013. A rules advisory committee (RAC) was established to assist OWEB staff in developing Water Acquisition administrative rules. A list of RAC members is found in Attachment A.

The RAC convened on four occasions between September and December 2019, reviewing each section of the current rule and recommending changes where there was consensus to do so.

III. Summary of Proposed Changes

In addition to technical changes and new definitions, the following changes are included in the proposed rules:

- Eligible water acquisition projects are expanded to include those that address conservation needs as determined by Oregon Department of Fish and Wildlife.
- The monetary interest on bridge loans is an eligible use of grant funds.
- Evaluation criteria are expanded to include ecological outcomes, cost effectiveness, watershed context, and organizational capacity considerations.
- Public involvement includes public hearings held on grant applications seeking funding for permanent instream transfers.

IV. Comment on Proposed Water Acquisition Grant Administrative Rules

OWEB released draft rules for public comment on February 1, 2020. The public comment period was open from February 1 – March 1, 2020 with a public hearing in Salem on February 26th. A summary of the comments, and OWEB staff response, are provided in Attachment B. The three written comments that were received during the public comment period are provided in Attachment C. There were no attendees at the public hearing.

OWEB solicited tribal comments from the nine federally recognized tribes in Oregon and the Nez Perce Tribe on the draft rules amendments on February 3, 2020. No tribal comments were received.

The rules are provided as Attachments D-1 and D-2 to the staff report. During the board meeting, staff will walk through changes with the board. At the April meeting, the board may only receive public comment on the revisions to the proposed rules that have occurred since the close of the public comment period.

V. Recommendation

Staff recommend the board approve Water Acquisition grant administrative rules found in Attachment D.

Attachments

- A. Rules Advisory Committee Members
- B. Staff Summary and Response to Public Comments
- C. Public Comments
- D-1. Proposed Monitoring Grants Rules – Redline
- D-2. Proposed Monitoring Grants Rules - Clean

2019-2020 Water Acquisition Grants Rules Advisory Committee

Name	Affiliation
Danette Faucera	Oregon Dept. of Fish and Wildlife
Lisa Jaramillo	Oregon Water Resources Dept
Kacy Markowitz	National Fish and Wildlife Foundation
Spencer Sawaske	The Freshwater Trust
April Snell	Oregon Water Resources Congress
Chrysten Lambert	Trout Unlimited
Natasha Bellis	Deschutes River Conservancy
Shilah Olson	Wasco Soil and Water Conservation District
Anton Chiono	Confederated Tribes of the Umatilla Indian Reservation
Caylin Barter	Jordan Ramis PC

OWEB Staff

Eric Williams
Jillian McCarthy
Eric Hartstein

Summary of Public Comments: Water Acquisition Grants Rules (Division 46)

Rules: 695-046-0010, Purpose

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Recommends adding language to clarify that water acquisition grants must result in legally protected water instream.	OWEB will clarify the purpose statement to include legally protected instream flow.	Yes
	Recommends adding language to clarify that a purpose of the grant program is to maintain or restore streamflows.	OWEB will clarify the purpose statement to include maintaining or restoring streamflows.	Yes

Rules: 695-046-0020, Definitions

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Recommends adding a definition for a “Conserved Water Project”.	OWEB concurs.	Yes

Summary of Public Comments: Water Acquisition Grants Rules (Division 46)

Rules: 695-046-0020(5), Definitions

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Recommends changing the definition of “Protected Instream Flow” to, “Legally Protected Instream Flow”.	OWEB concurs.	Yes
	Recommends providing new language for the definition of “Legally Protected Instream Flow” to clarify that legally protected instream flow include only the instream flow that is protectable under Oregon law through mechanisms administered by Oregon Department of Water Resources.	OWEB considers all of the transaction types listed in the definition of “Water Acquisition Project” to result in legally protected instream flow, through either State enforcement mechanisms or legally enforceable water use agreements.	No

Rules: 695-046-0020(7), Definitions

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Concerned that definition of “Technical Review Team” is too vague and broad. Suggests limiting to experts from relevant state agencies, tribes, and NGOs that have as a mission restoring and protecting streamflows.	The proposed definition of “Technical Review Team” align with other OWEB grant program definitions of review teams. OWEB does not want to be overly prescriptive on this definition, as certain entities may have expertise on water acquisition grants that would be valuable to incorporate into a review team.	No

Summary of Public Comments: Water Acquisition Grants Rules (Division 46)

Rules: 695-046-0020(9), Definitions

Commenter(s)	Comments	Response	Rule Change
<p>Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon</p>	<p>Concerned that proposed definition of “Water Acquisition Project” does not contain reference to “legally” protected instream flow and will not ensure that water is legally protected instream under Oregon law. Recommends adding “legally” in front of “protected instream flow”.</p>	<p>OWEB concurs with including “legally” before “protected instream flow in the definition of “Water Acquisition Project”.</p>	<p>Yes</p>
	<p>Recommends deleting language referring to Water Use Agreements.</p>	<p>OWEB considers all of the transaction types listed in the definition of “Water Acquisition Project” to result in legally protected instream flow, through either State enforcement mechanisms or legally enforceable water use agreements, and will retain Water Use Agreements in the definition.</p>	<p>No</p>
	<p>Recommends adding “flow augmentation secondary rights from storage” as a type of water acquisition project.</p>	<p>Unlike traditional leases and transfers that result in an instream water right, flow augmentation rights require a diversion or other control of the water in order for the water to benefit instream flow. Flow augmentation rights can be stored in a reservoir and later released for instream benefits, or they could be diverted from one source and then re-diverted to another stream for instream benefits. Flow augmentation rights may be held by an individual or an organization instead of OWRD. Because these rights are typically junior, without an agreement among downstream water right holders, there is little assurance that water from a secondary</p>	<p>No</p>

Summary of Public Comments: Water Acquisition Grants Rules (Division 46)

		augmentation right from storage would remain instream. Due to the lack of assurance, OWEB will not add “flow augmentation secondary rights from storage” to the definition of Water Acquisition Project; however, OWEB may consider flow augmentation secondary rights from storage as a mechanism included in a water use agreement that will result in legally protected instream flow.	
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Rules: 695-046-0020(10)

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Suggests deleting the definition of “Water Use Agreement” as the State cannot enforce or regulate water that is kept instream pursuant to private agreements.	OWEB considers all of the transaction types listed in the definition of “Water Acquisition Project” to result in legally protected instream flow, through either State enforcement mechanisms or legally enforceable water use agreements and proposes to retain the definition of “Water Use Agreements. Non-state regulated agreements, like forbearance and minimum flow agreements, allow for creative approaches to water allocation issues and are often used as an initial way to engage a landowner that could lead to an OWRD-regulated agreement over time. Oregon water law currently restricts split-season water transactions to 1-5 years (renewable for up to 10), this leaves water users with very few long-term options to maintain the integrity of working lands and improve instream condition.	No
	Suggests that if “Water Use Agreements” is retained in the rules, that it is limited to projects where the		No

Summary of Public Comments: Water Acquisition Grants Rules (Division 46)

	<p>applicant can prove water will be protected instream in the same way a legal transfer or lease would be.</p> <p>Suggests that the applicant for a project involving a Water Use Agreement be a tribe, ODFW, or a 501(c)(3) nonprofit with a mission of protecting and restoring streamflows.</p>	<p>While OWRD does not regulate and enforce these types of agreements, OWEB grant agreements include conditions for monitoring that are appropriate for the transaction type, and payments to the water right holder are contingent upon documentation that the terms of the private agreement have been met.</p> <p>Applicants for this grant program are traditionally Qualified Local Entities (QLEs) designated through the National Fish and Wildlife Foundation’s Columbia Basin Water Transaction Program. Applicants who are not QLEs or who are outside of the Columbia Basin must demonstrate, through their grant application, that they possess the capacity and experience to complete the proposed water transaction and manage it over time. 501(c)(3) nonprofit organizations with a mission of protecting and restoring streamflows are the primary applicant; however, tribes, special districts, counties, and cities are eligible to apply. OWEB does not want to be overly restrictive on applicant eligibility.</p>	<p>No</p>
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Rules: 695-046-0035(1), Eligibility

Commenter(s)	Comments	Response	Rule Change
<p>Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon</p>	<p>Proposes inserting word “legally” before “protected instream flows” and replacing the term “lead to” with “result in”.</p>	<p>OWEB concurs.</p>	<p>Yes</p>

Summary of Public Comments: Water Acquisition Grants Rules (Division 46)

Rules: 695-046-0035(2), Eligibility

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Proposes deleting as it is a circular reference to OAR 695-046-0035(1).	OWEB concurs.	Yes

Rules: 695-046-0185, Use of Grant Funds

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Suggests removing provision that “legal fees” of a grantee may be an appropriate use of grant funds as it may encourage water speculation. Non-profits dedicated to restoring instream flows can capture necessary costs through the “customary due diligence activities” provision in the proposed rules.	OWEB concurs.	Yes

Summary of Public Comments: Water Acquisition Grants Rules (Division 46)

Rules: 695-046-0196(1)(e), Evaluation Criteria

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Suggests changing “or” at end of sentence to “and”.	OWEB concurs.	Yes

Rules: 695-046-0196(3)(d), Evaluation Criteria

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Recommends deleting this section of the proposed rule, as many restoration and protection opportunities fall outside of designated collaboratives.	OWEB concurs.	Yes

Rules: 695-046-0195, Coordinating and Partnering with Other Funders

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Suggests including language to ensure that coordination is limited to projects that result in “legally” protected water instream.	OWEB concurs.	Yes

Rules: 695-046-0196, Evaluation Criteria

Commenter(s)	Comments	Response	Rule Change
Craig Horrell, President, Deschutes Basin Board of Control	Recommends adding new section to proposed rules, requiring grant applicants to obtain written consent from irrigation districts potentially impacted by a water acquisition grant.	There is a legitimate concern that an irrigation district could be impacted by the lease or transfer of water rights that are privately held, but within the boundary of the district. Because not all of these transactions would require irrigation district consent, staff have amended the language in	Yes

Summary of Public Comments: Water Acquisition Grants Rules (Division 46)

		Proposed OAR 695-046-0035, "Eligibility" to require notification of the irrigation district if the water rights involved in a proposed transaction are within the boundary of an irrigation district.	
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Rules: 695-046-0200, Application Evaluation Process

Commenter(s)	Comments	Response	Rule Change
Kimberley Priestley, Senior Policy Analyst, WaterWatch of Oregon	Suggests that this proposed rule contain a public notice and comment period as part of the application evaluation process. Specifically, proposes an opportunity for public comment on the technical review team review before staff make a recommendation to the board.	OWEB intends on including an opportunity for public comment for grant applications seeking funding for permanent water transactions. Accordingly, staff have amended the language in proposed OAR 695-046-0205, "Public Involvement". Public comment on proposed permanent water transactions would be incorporated into the application evaluation that would be provided to the board.	Yes

Rule: General Comments

Commenter(s)	Comments	Response	Rule Change
Keith Jordan	Expresses concern over depleted aquifer in Harney County leading to water quality issues near Burns. Suggests looking at number of irrigation pivots in area as a potential cause of water quality issues.	OWEB understands the groundwater issue in Harney County, and is involved in identifying solutions to the problem. However, the focus of the water acquisition grant program is surface water.	No



WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

March 2, 2020

Eric Hartstein, Rules Coordinator
 Oregon Watershed Enhancement Board
 775 Summer St NE, Suite 360
 Salem, OR 97301

Re: Comments Chapter 695, Revisions to OWEB Water Acquisition Grant Program Rules

Dear Mr. Hartstein,

Thank you for the opportunity to comment on the proposed rule changes to OWEB's Water Acquisition Grant Program Rules.

WaterWatch is a river conservation group that is dedicated to restoring and protecting streamflows statewide. As a general matter, we are supportive of state grants that result in legally protected water instream. That said, we do have some concerns with the rules as drafted. Comments will follow the ordering of the rules.

OAD 695-046-0010 Purpose of OWEB's Water Acquisition Grant Program: We would suggest that this section be amended to clarify that the water acquisition program must result in legally protected water instream. As is, the purpose is limited to acquiring from willing sellers interests in water for the purpose of maintaining or restoring watersheds and habitats for native fish or wildlife, without actually stating that the interest acquired must be water rights that can be legally protected instream.

Suggested amendment (in underline): OWEB may consider grant applications that propose to acquire from willing sellers legally protectable water rights for the purposes of maintaining or restoring streamflows, watersheds and habitats for native fish or wildlife.

OAD 695-046-0020 Definitions: Below are some suggested amendments as well as new terms.

(ADD NEW DEFINITION) Conserved Water Project: A project that conserves water pursuant to Oregon's Conserved Water Act, ORS 537.455 to 537.500.

(5) Protected Instream flow: This should be changed to "legally protected instream flow" and should be defined as instream flow that is protected under Oregon law through permanent or temporary transfers, instream leases, allocations of conserved water under a Conserved Water Project (ORS 537.455 to 537.500), flow augmentation rights (from stored water) or split season leases. See note on water use agreements under (10).

The definition provided simply punts to the definition of "water acquisition project" which includes measures that do not result in water that is legally protectable instream. See suggested edits to definition 9 ("water acquisition project") below.

(7) Technical review team: The definition seems both overly vague and overly broad. We would suggest limiting it to technical experts from relevant state agencies, Tribes and NGOs that have as a mission restoring and protecting streamflows.

(9) Water Acquisition project: This definition is the defining term of the program. As currently written it will not ensure that water is legally protected instream under Oregon law. To ensure that state funds are spent on projects that will result in legally protected water instream that can be enforced, we suggest the following amendments (cross out of deleted words, underline of replacement/amendments).

“Water Acquisition Project” means a voluntary transaction that results in a legally protected instream flow through Oregon Water Resources Department, ~~or other mechanisms~~, that includes Instream Leases, Split Season Use Instream Leases, Time-limited Instream Transfers, Conserved Water Projects¹, Permanent Instream Transfers and flow augmentation secondary rights from storage. ~~And other Water Use Agreements.~~²

(10) Water Use Agreement: We would suggest deleting this definition in whole. State money for water acquisition should be limited to water acquisition tools that result in legally protected water instream. The State of Oregon cannot enforce/regulate water that is put instream pursuant to private agreements between users. As such, state funds should not be spent on such agreements.

That said, if OWEB decides to retain the option of “water use agreements”, we would suggest that it be limited to projects where the applicant can prove that the water will be protected instream as against other users on the stream in the same way a legal transfer or lease would be; and that the applicant is a Tribe, ODFW, or is working through 501(c)(3) nonprofit that has a mission of protecting and restoring streamflows.

695-046-0035 Eligibility: We would suggest the following edits:

- (1) Insert the word “legally” before “protected instream flows” in sub (1). Delete the words “lead to” and replace with “result in”
- (2) Sub (2) should be deleted as it is a circular provision. Section (1) already says that it will only consider water acquisition projects that result in (a) or (b), so it is unnecessary to then have section (2) as an additional layer. In other words, it is already captured in (1).

695-046-0185 Use of Grant Funds:

The new provision for “legal fees” does not seem to be a judicious use of taxpayer monies. As OWEB is likely aware, there are a number of non-profits dedicated to restoring instream flows through transactions that broker instream deals on staff time. It seems to us that they could capture necessary

¹ If a definition of “conserved water project” is added to the definition section, then use of this term here is not problematic; If, however, the definition is not added then it should be made clear here that only conservation projects that go through the Conserved Water Act are eligible.

² See note in OAR 695-046-002 (10). If OWEB keeps this term in this section we would suggest limiting its use to ODFW, Tribes or applicants working through a 501(c)(3) organizations that have an organizational mission of restoring and protecting water instream.

costs under “customary due diligence activities”. Increasingly, there are water speculators and/or districts that don’t have as part of their mission/work to restore water instream that are attempting to circumvent the work of these nonprofits; OWEB should not encourage this by allowing undefined attorney fees.

695-046-0195 Coordinating and Partnering with Other Funders: This section should be amended to ensure that coordination is limited to projects that result in legally protected water instream and fit into the definition of “water acquisition project”. Too often we see grant applications for projects that claim to “increase instream flow” or “improve water quality,” but do not result in legally protectable water instream and therefore are of limited value.

695-046-0196 Evaluation Criteria:

(1)(e): The “or” at the end of (e) should be changed to an “and”.

(3)(d): We would suggest deleting this section. Many restoration and protection opportunities fall outside of designated “collaboratives,” which are often geared at addressing out-of-stream uses (even under the OWRD Place Based Planning work, there is not balance). 3(c) is a much better tier.

695-046-0200 Application Evaluation Process:

We do not see any public notice and comment allowed in this section. While we appreciate that Section OAR 695-046-0205 allow for general public comment, we would suggest that this section provide for a specific and robust public notice and comment period as part of the application evaluation process. Specifically, OWEB should offer an opportunity to the public to comment on the Technical Review team review/ranking before staff makes a recommendation to the board. Given that Boards often defer to staff recommendations, a more transparent process would allow comment before the staff makes its final recommendation to the Board.

We would suggest looking to the Oregon Water Resources Department’s Water Supply Grant and Loan program as an example. OAR Chapter 690, Division 93.

Conclusion: WaterWatch very much supports OWEB’s Water Acquisition Program. Our comments are meant to help ensure that water is actually protected instream and that public money is spent on projects that actually bring a public benefit. Thank you for your consideration.

Sincerely,



Kimberley Priestley
Senior Policy Analyst



Deschutes Basin Board of Control



February 28, 2020

Attn: Eric Hartstein, Rules Coordinator
Oregon Watershed Enhancement Board
775 Summer St. NE, Suite 360
Salem, OR 97301

VIA ELECTRONIC MAIL: eric.harstein@oregon.gov

Re: Comments on OWEB Water Acquisition Grant Program Rules

Dear Mr. Hartstein,

The Deschutes Basin Board of Control (“DBBC”) appreciates the opportunity to comment on OWEB’s proposed revisions to the Water Acquisition Grant Program Rules, OAR Chapter 695, Division 46. The DBBC includes eight Central Oregon irrigation districts, which are quasi-municipal corporations organized under ORS Chapter 545.

The DBBC requests that OWEB incorporate an additional requirement into the proposed rules, requiring grant applicants obtain written consent from irrigation districts potentially affected by grant projects. Oregon irrigation districts have statutory responsibilities to deliver water to patrons within their geographic boundaries. The DBBC is aware of previous instances in which a grant applicant failed to inform, let alone obtain consent from, an irrigation district before pursuing a project that would have interfered with the district’s ability to deliver water. Requiring grant applicants to first obtain consent from an affected irrigation district is a simple but necessary step to ensure that OWEB grant projects do not interfere with district statutory responsibilities.

To accomplish this change, the DBBC requests that OWEB add a new section (5) to the proposed revision to OAR 695-046-0196:

(5) Whether the proposed water acquisition project is within the boundaries of or may otherwise affect an irrigation district organized pursuant to ORS Chapter 545 and, if so, that the applicant has obtained written consent from the irrigation district for the proposed water acquisition project.

This language will alert applicants of the need to coordinate with affected irrigation districts. It will also ensure that the Board and its staff have the opportunity to evaluate applications for impacts to irrigation districts and to seek additional information, if necessary, during the application evaluation process.

Thank you for the opportunity to comment.

Sincerely,

Craig Horrell
DBBC President

PO Box 919 - Madras, OR 97741

DBBC Member Districts

*Arnold Irrigation District • Central Oregon Irrigation District • Lone Pine Irrigation District • North Unit Irrigation District
Ochoco Irrigation District • Swalley Irrigation District • Three Sisters Irrigation District • Tumalo Irrigation District
DBBC President - Craig Horrell, 541-548-6047; chorrell@coid.org*

From: Donita Jordan
To: [HARTSTEIN Eric * OWEB](#)
Subject: Comments on OWEB Rules
Date: Tuesday, February 04, 2020 7:02:08 PM

Mr. Hartstein

My name is Keith Jordan and I'm a Harney County resident residing in Burns. Over the past several years I have become aware that families living within a few miles of the Burns-Hines district are losing quality of their well water and the water dept continues to plunge. I consider this to be a very serious problem that will probably effect all of us here sooner rather than later. I know folks who have not been able to drink their well water for several years because it has become toxic. It seems to me that the number of pivots draining the aquafur would be the first thing to look at.

Sincerely

Keith Jordan

Chapter 695

Division 46

WATER ~~LEASE AND TRANSFER~~ ACQUISITION GRANTS

695-046-0010

~~695-046-0010~~

Purpose

~~The purpose of this rule is~~ In accordance with Section 4b of Article XV of the Oregon Constitution and ORS 541.956, OWEB may consider grant applications that propose to ~~supplement~~ acquire from willing sellers interests in water that result in Legally Protected Instream Flow to maintain or restore streamflows for the benefit of watersheds and habitats for native fish or wildlife. This division supplements the OWEB Grant Program rules under OAR 695-005 and ~~to add~~ provides specific guidance regarding requirements for the OWEB water acquisition grant program. ~~The Oregon Watershed Enhancement Board~~ In the event of any conflict between these requirements and requirements identified in OAR 695-005, the water acquisition grant requirements in this division will take precedence. OWEB does not itself hold an interest in water rights in grants authorized under these rules, but rather allocates funding for Water ~~allocation~~ Acquisition Projects to other entities ~~to hold~~, which may result in the State of Oregon or other entities holding the interest in water rights.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

OWEB 2-2005, f. & cert. ef. 2-1-05

~~695-046-0020,~~

Definitions

(1) "Conserved Water" means that amount of water that results from conservation measures, measured as the difference between:

(a) The smaller of the amount stated on the water right or the maximum amount of water that can be diverted using the existing facilities; and

(b) The amount of water needed after implementation of conservation measures to meet the beneficial use under the water right certificate.

(2) "Conserved Water Project" means a project that conserves water pursuant to Oregon's Conserved Water Act, ORS 537.455 to 537.500.

(3) "Delegated to the Director" means the grant funds that the Board has authorized to the Director to award and enter into appropriate agreements.

(4) "Instream Lease" means the conversion of all or a portion of an existing water use subject to their contractual and statutory obligations and the compliance requirements set forth in OAR 695-046-0220, transfer to an instream water right for a specified time-period as authorized by ORS 537.348(2).

Stat. Auth.: ORS 541.906

Stats. Implemented: ORS 541.932(9)

Hist.: OWEB 2 2005, f. & cert. ef. 2 1 05; OWEB 2 2013, f. & cert. ef. 6 19 13

~~695-046-0020~~

Definition of Water Acquisition Project

~~(1) "Water Acquisition Project is a program or project that plans for or implements, or both, the acquisition of an interest or interests in water from a willing seller for the purpose of increasing instream flow to do either or both of the following:~~

~~Address the (5) "Legally Protected Instream Flow" means the amount of water secured through a Water Acquisition Project that includes Instream Leases, Split-Season Use Instream Leases, Time-limited Instream Transfers, Conserved Water Projects, Permanent Instream Transfers, and other Water Use Agreements. .~~

(6) "Permanent Instream Transfer" means the permanent conversion of all or a portion of an existing water use subject to transfer to an instream water right as authorized by ORS 537.348(1).

(7) "Split-Season Use Instream Lease" means an Instream Lease in which the water right can be exercised in the same season defined by the water right in the same calendar year for both the existing purpose of the water right and for an instream purpose, provided that the water is not used for the existing purpose during the period in which water is to be protected instream as authorized under ORS 537.348(3).

(8) "Technical Review Teams" means a team of designated personnel with regional knowledge and interdisciplinary expertise drawn from agencies represented on the Board and other entities organized to evaluate water acquisition grant applications.

(9) "Time-limited Instream Transfer" means an instream transfer authorized under ORS 537.348(1) that is not permanent and under which the water right will revert back to its original use:

(a) Without further action by the Oregon Water Resources Department at the end of the period of time specified in the final order approving the instream transfer; or

(b) On a determination by the Department that other conditions, specified in the final order approving the instream transfer, for termination have been met.

(10) "Water Acquisition Project" means a voluntary transaction that results in a Legally Protected Instream Flow through Oregon Water Resources Department, or other legally recognized agreements.

(11) "Water Use Agreement" means a legal agreement between a water right holder and an eligible grant applicant to conserve water or curtail the beneficial use of water under a water right subject to transfer during specified periods or under specified conditions to achieve Legally Protected Instream Flow

695-046-0035

Eligibility

(1) The Board will only consider Water Acquisition Projects involving legal water rights not subject to forfeiture that will result in Legally Protected Instream Flows to address:

(a) The identified conservation needs of habitats and species; as determined by the Oregon Department of Fish and Wildlife and in consideration of needs identified by other federal or tribal fish and wildlife agencies; or

~~improve~~(b) Improving water quality in a water-quality-limited area as, as defined in OAR 340-041-0002(70) and determined by the Oregon Department of Environmental Quality.

~~(2) A water acquisition project may~~(2) The Board will also only consider projects that include written notice to irrigation districts where the following activities:

~~(a) Strategic planning and development, project design, landowner outreach, and other activities associated with water acquisitions in a given basin or other defined area;~~

proposed Water Acquisition Project is within the boundary of an interest in water and associated due diligence; irrigation district.

~~(b) Monitoring and other associated activities to ensure the interest is maintained through time.~~

Stat. Auth.: Statutory/Other Authority: ORS 541.906

Stats:

Statutes/Other Implemented: ORS 541.932(9)

Hist.: OWEB 2-2005, f. & cert. ef. 2-1-05;

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

OWEB 2-2005, f. & cert. ef. 6-19-13 2-1-05

695-046-0185

~~695-046-0175~~

Nature of Application

~~In accordance with Section 4(b) of Article XV of the Oregon Constitution, OWEB may consider grant applications in partnership with other funders for projects that plan or implement the acquisition of an interest in water from willing sellers for the purpose of maintaining or restoring watersheds and habitat(s) for native fish or wildlife. Interest in water includes, but is not limited to, instream leases (including split season use instream leases), water use agreements that result in protectable instream flows, conserved water projects as determined by the Oregon Water Resources Department's Allocation of Conserved Water Program, and permanent and time-limited instream transfers. These projects must be designed to increase instream flow to do either or both of the following:~~

- ~~(1) Address the conservation needs of habitats and species; or~~
- ~~(2) Improve water quality in a water quality limited area as determined by the Oregon Department of Environmental Quality. Applications must address the conservation and restoration needs of habitat(s) and species consistent with ecological priorities and principles identified by the Board.~~

~~Stat. Auth.: ORS 541.906~~

~~Stats. Implemented: ORS 541.932(9) Hist.: OWEB 2-2013, f. & cert. ef. 6-19-13~~

~~695-046-0180~~

~~Application and Subsequent Grant Processing Requirements~~

- ~~(1) Grant applications for water acquisition projects must be submitted on the most current form that conforms with the process prescribed by the Board.~~
- ~~(2) This Board prescribed process may be conducted in cooperation with other funders of water acquisition projects.~~
- ~~(3) In the event of any conflict between these requirements and requirements identified in OAR 695-005, the water acquisition requirements in this division will take precedence.~~

~~Stat. Auth.: ORS 541.906~~

~~Stats. Implemented: ORS 541.932(9) Hist.: OWEB 2-2013, f. & cert. ef. 6-19-13~~

~~695-046-0185~~

Use of Grant Funds

Water acquisition grant funds may be applied ~~toward~~toward reasonable costs, as determined by OWEB, related to the ~~planning and/or~~ implementation of ~~acquisition of interest in water from willing sellers~~Water Acquisition Projects, including:

(1) The purchase price and the purchase option fees associated with acquisition of an interest in water.

(2) The monetary interest on bridge loans needed to secure the interest in water prior to when funding will be available for distribution through the program.

(3) The staff costs incurred as part of acquiring the interest in water.

(4) The cost of ~~water owner~~ outreach activities necessary for the funded Water Acquisition Project.

(5) The cost of due diligence activities, including appraisal or valuation of the interest to be acquired, title report, assessment of the timing and extent of water use and regulation associated with the interest in water, ~~Oregon Water Resources Department application costs,~~ and other customary due diligence activities.

~~(1)-(6)~~ The legal fees incurred.

~~The transfer and~~ closing fees related to the acquisition of an interest in water.

(7) The cost of monitoring the ~~acquisition~~ Water Acquisition Project to certify that the water interest is being used and managed consistent with Section ~~4(b), 4b~~, Article XV of the Oregon Constitution.

~~Stat. Auth.:~~ Statutory/Other Authority: ORS 541.906

~~Stats.~~

Statutes/Other Implemented: ORS 541.932(9) ~~—Hist.:~~

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0190

695-046-0190

Matching Contributions

(1) All applicants shall demonstrate at least 25% of the ~~actual~~ Water Acquisition Project cost is being sought as match, with the grant applicant required to provide matching funds and efforts necessary to complete the purchase. The following costs and activities will qualify as match:

(a) All costs listed under OAR 695-046-0185, including in-kind contributions of those costs.

(b) Funding commitments made by others as a result of grant applicant efforts (including funding to be secured from other funders as part of a Board-prescribed process conducted in cooperation with other funders).

(c) Any donated portion of the interest in water.

(2) OWEB funds ~~provided under OAR 695-046-0185~~ shall not qualify as matching contributions.

(3) The Director retains the discretion to determine ~~that specific whether~~ reasonable matching costs are ~~unreasonable in a particular grant context~~ reasonable and ~~would not~~ will be recognized as qualifying matching costs.

~~Stat. Auth.:~~ Statutory/Other Authority: ORS 541.906

~~Stats.~~

Statutes/Other Implemented: ORS 541.932(9) ~~—Hist.:~~

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0195

695-046-0195

Coordinating and Partnering with Other Funders

In accordance with Section 4b of Article XV of the Oregon Constitution, OWEB may consider grant applications in partnership with other funders for the ~~purpose~~purposes of creating operational efficiencies and ~~better~~ coordinating investments in ~~water acquisitions to maintain or restore watersheds and habitat(s) for native fish or wildlife that are projects~~ designed to ~~increase result in legally protected water~~ instream ~~flow~~and to do one or both of the following:

(1) Address the conservation needs of habitats and species as determined by the Oregon Department of Fish and Wildlife and in consideration of needs identified by other federal, or tribal fish and wildlife agencies; or

(2) Improve water quality in a water-quality-limited area as defined in OAR 340-041-0002(70) and determined by the Oregon Department of Environmental Quality.

~~Stat. Auth.:~~Statutory/Other Authority: ORS 541.906

~~Stats.~~

Statutes/Other Implemented: ORS 541.932(9) ~~Hist.:~~

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0196

695-046-0200

~~Application~~-Evaluation ProcessCriteria

~~(1) Grant applications for~~ Water acquisition ~~projects shall~~grant applications will be evaluated ~~in accordance with guidance (including priorities, principles, and process) adopted and periodically reviewed by the Board and made available to the public via on~~ the ~~agency's website and Board meeting materials.~~

~~(2) The evaluation may be conducted in cooperation with other funders.~~

~~The grant~~extent to which the application ~~evaluation process shall include reviews for~~describes:

~~(a) The consistency of the water acquisition project with the Board's established priorities and principles for water acquisitions.~~

~~(b)~~ (1) The significance of the projected ecological outcomes-

~~(c) The business plan for the water acquisition project,~~ including:

~~Socio-economic strategy, including the community impacts or benefits resulting from the project (including, but not limited to, description of both current and how the proposed Water uses, potential effects on existing water rights and uses, and other relevant socio-economic information).~~Acquisition Project:

~~(A) The capacity of the grant applicant to complete the acquisition and to achieve and sustain the proposed ecological outcomes over time.~~

~~(B) The soundness of the planning and of the legal and financial terms of the proposed water acquisition project, and its feasibility to achieve the projected ecological outcomes.~~

~~Priority will be given to projects that are planned or implemented, or both, by grant applicants with a sound program to acquire interests~~(a) Achieves or helps to achieve any professionally accepted flow target during the period of use;

~~(b) Addresses limiting factors identified in water rights to address the professionally accepted conservation needs of habitats and plans for habitat conservation needs or water quality;~~

~~(c) Provides benefits to impacted species and improve water quality~~life stages;

~~(d) Monitors and tracks project impacts over time, as appropriate for the transaction type and duration;~~

~~(e) Monitors project compliance, as appropriate for the transaction type and duration; and~~

~~(f) Contributes to climate change resiliency.~~

~~(2) The alignment of proposed costs with the work necessary to accomplish the objectives described in a water~~the application, including:

~~(a) The ownership, use, validity, and reliability of the water right;~~

~~(b) How the proposed cost of the Legally Protected Instream Flow is consistent with local or regional market conditions; and~~

~~(c) How the term of the proposed Water Acquisition Project is appropriate to meet the habitat, species, or water quality limited area, as determined by the Oregon Department of needs.~~

~~(3) How the proposed activities are part of a strategic effort or long term vision for restoring instream flows in the watershed, including how the proposed Water Acquisition Project:~~

~~(a) Complements other habitat conservation actions and needs;~~

~~(b) Will lead to future expansion of instream flow restoration; and~~

~~(c) Addresses Oregon Department of Fish and Wildlife, or other federal or tribal fish and wildlife agency priorities for aquatic habitat, Oregon Department of Agriculture or Oregon Department of Forestry priorities for water quality, or Oregon Department of Environmental Quality water quality management or implementation plans, if established.~~

~~Stat. Auth.:~~ (4) The capacity and qualifications of the applicant, including staff or consultants to be retained, to accomplish the proposed Water Acquisition Project activities described in the application and to sustain the projected ecological outcomes over the project term.

Statutory/Other Authority: ORS 541.906

~~Stats.~~

Statutes/Other Implemented: ORS 541.932(9) ~~Hist.:~~

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0200

Application Evaluation Process

(1) For Water acquisition applications s seeking grant funds that require the Board to make a funding decision:

(a) A Technical Review Team will be convened to review water acquisition grant applications.

(b) Prior to the Technical Review Team meeting, the Technical Review Team shall evaluate each application based on the information provided and the evaluation criteria as described in OAR 695-046-0196.

(c) At the Technical Review Team meeting, the Technical Review Team shall:

(A) Review and evaluate each project individually based on how well the proposed project meets the criteria as described in OAR 695-046-0196.

(B) Recommend the project as:

(i) Do fund;

(ii) Do fund with conditions:

(iii) Do not fund; or

(iv) Defer to staff or the Board with an explanation, if there is a policy issue or budget issue that needs to be addressed by the Board prior to a funding decision; and

(C) Rank order all projects recommended for funding based on how well the project meets the criteria established in OAR 695-046-0196.

(d) The project description, summary evaluation, and funding recommendation for all projects, and the rank order of projects recommended for funding shall be forwarded from the Technical Review Team to Board staff for their consideration. This information will be provided to all applicants and to the Board.

(4) For Water acquisition grant applications seeking grant funds that have been Delegated to the Director;

(a) A Technical Review Team will be convened to review grant applications.

(b) The Technical Review Team shall review and evaluate each project based on how well the proposed project meets the criteria in OAR 695-046-0196 and provide feedback and recommendations to OWEB staff.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

History:

695-046-0201

Staff Funding Recommendation Process

(1) For water acquisition grant applications seeking grant funds that require the Board to make a funding decision:

(a) Staff shall review the recommendations from each Technical Review Team and make a statewide funding recommendation to the Board based on available resources for the grant offering and type. The recommendation shall include any conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation, as represented in the staff report to the Board, shall be made available to applicants and members of the Technical Review Teams at least two weeks before the Board meeting where funding decisions are to be made.

(b) Applicants may provide written or oral comment to the Board on the staff recommendation prior to the Board decision.

(2) For grant applications seeking grant funds that have been Delegated to the Director, staff shall review the recommendations from each Technical Review Team and make a funding recommendation to the Director based on available resources for the grant offering and type. The recommendation shall include any conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation shall be made available to the applicants.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

History:

695-046-0202

695-046-0205

Funding Decision

(1) For water acquisition grant applications seeking grant funds that require the Board to make a funding decision:

(a) After considering recommendations from staff, and any community impacts from the proposed Water Acquisition Project, the Board may fund a project in whole or in part.

(b) Projects not funded may be resubmitted during future application submission periods.

(2) For water acquisition grant applications seeking grant funds that have been Delegated to the Director:

(a) After considering recommendations from staff, and any community impacts from the proposed Water Acquisition Project, the Director may fund a project in whole or in part.

(b) Projects not funded may be resubmitted during future application submission periods.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

History:

695-046-0205

Public Involvement

The public shall be provided with opportunities to comment on grant applications for Water Acquisition Projects being considered by the Board. OWEB will provide written notice through its website of the Board's intent to consider water acquisition grant applications. The Board will accept:

(1) Comments made at public hearings, as described in ORS 271.735, held on grant applications seeking funding for Permanent Instream Transfers;

(2) Written comments received at least 14 days before the Board meeting at which the application is to be considered by the Board; and

(3) Oral comments made at the Board meeting at which the grant application is considered.

Stat. Auth.: Statutory/Other Authority: ORS 541.906

Stats:

Statutes/Other Implemented: ORS 541.932(9)–Hist.:

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0210

~~695-046-0210~~

Board Approval and Delegation of Authority

The Board shall conditionally approve grants ~~in accordance with~~ guidance adopted by the Board and funding conditions made available to the public. The Director is delegated the responsibility of ensuring that funding conditions required by the Board are fully satisfied by the grant applicant.

Stat. Auth.: Statutory/Other Authority: ORS 541.906

Stats:

Statutes/Other Implemented: ORS 541.932(9)–Hist.:

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0215~~695-046-0215~~

Director's Funding Approval and Distribution of Funds

(1) The Director may approve the distribution of grant funds when:

(a) ~~The funding conditions, if any, imposed by the Board are met to the full satisfaction of the Director;~~

(b) ~~The legal and financial terms of the proposed acquisition of an interest in water Water Acquisition Project transaction are approved by the Director;~~

(c) ~~A grant agreement is executed by the Director and either the grant applicant ~~or the entity or entities identified under the Board prescribed process for other funders as referenced under OAR 695-046-0180. In the latter case, the other funder(s) must subsequently execute a grant agreement with the applicant to utilize OWEB funds in support of a water acquisition project;~~ (d) The Director has reconciled conditionally ~~approved~~ funding with actual Water Acquisition Project costs; ~~and~~~~

(d) The grant applicant has satisfied the match requirements under 695-046-0190.

~~Stat. Auth.:~~ (2) For grants established under these rules, the Director is authorized to reimburse the grant applicant for allowable costs identified in OAR 695-046-0185 and to recognize matching contributions under OAR 695-046-0190 that were incurred no earlier than 18 months before the applicable grant application deadline.

(3) Notwithstanding OAR 659-046-0215(1)(a), funds may be distributed prior to Water Acquisition Project transaction closing for due diligence activities specified in OAR 659-046-0185(5) and included in the application budget.

Statutory/Other Authority: ORS 541.906

~~Stats.~~

Statutes/Other Implemented: ORS 541.932(9) ~~Hist.:~~

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0220~~695-046-0220~~

Compliance and Enforcement

(1) The ongoing use of the water ~~interest~~ interests acquired with OWEB water acquisition grant funds shall be consistent with the purposes specified in section ~~4(b)~~ 4b Article XV of the Oregon Constitution. If significant compliance issues cannot be resolved to the full satisfaction of the Director, the Director, after informing the Board and providing reasonable written notice to the

recipient of the grant, may in his or her discretion initiate any and all legal remedies available to OWEB, including recovery of the OWEB grant funds that were used to purchase the water interest, and reasonable interest and penalties at the option of the Director.

(2) OWEB, its grantees, contractors and cooperating agencies must be provided sufficient legal access to property to which the water interest acquired with OWEB funds is appurtenant, for the purpose of monitoring to certify that the water interest is being used and managed consistent with Section 4(b), 4b, Article XV of the Oregon Constitution.

~~Stat. Auth.:~~ [Statutory/Other Authority:](#) ORS 541.906

~~Stats:~~

[Statutes/Other Implemented:](#) ORS 541.932(9) ~~History:~~

[History:](#)

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0225

~~695-046-0225~~

Subsequent Conveyances

A water interest acquired with OWEB grant funds shall not be conveyed to another party unless the conveyance is approved by the Board, and may not be conveyed for the purpose of consumptive uses.

~~Stat. Auth.:~~ [Statutory/Other Authority:](#) ORS 541.906

~~Stats:~~

[Statutes/Other Implemented:](#) ORS 541.932(9) ~~History:~~

[History:](#)

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0230

~~695-046-0230~~

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 46 for individual grant applications, not including mandatory [constitutional or](#) statutory requirements, when doing so is reasonably calculated to result in more efficient or effective implementation of the Board's water acquisition grant program. Any waiver must be in writing and included in the grant file to which the waiver applies. The administrative rules for water acquisition grants shall be periodically reviewed by the Board and revised as necessary and appropriate.

~~Stat. Auth.:~~ [Statutory/Other Authority:](#) ORS 541.906

~~Stats:~~

[Statutes/Other Implemented:](#) ORS 541.932(9) ~~History:~~

[History:](#)

OWEB 2-2013, f. & cert. ef. 6-19-13

Chapter 695

Division 46

WATER ACQUISITION GRANTS

695-046-0010

Purpose

In accordance with Section 4b of Article XV of the Oregon Constitution and ORS 541.956, OWEB may consider grant applications that propose to acquire from willing sellers interests in water that result in Legally Protected Instream Flow to maintain or restore streamflows for the benefit of watersheds and habitats for native fish or wildlife. This division supplements the OWEB Grant Program rules under OAR 695-005 and provides specific requirements for the OWEB water acquisition grant program. In the event of any conflict between these requirements and requirements identified in OAR 695-005, the water acquisition grant requirements in this division will take precedence. OWEB does not itself hold an interest in water rights in grants authorized under these rules, but rather allocates funding for Water Acquisition Projects to other entities, which may result in the State of Oregon or other entities holding the interest in water rights.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

OWEB 2-2005, f. & cert. ef. 2-1-05

695-046-0020

Definitions

- (1) "Conserved Water" means that amount of water that results from conservation measures, measured as the difference between:
 - (a) The smaller of the amount stated on the water right or the maximum amount of water that can be diverted using the existing facilities; and
 - (b) The amount of water needed after implementation of conservation measures to meet the beneficial use under the water right certificate.
- (2) "Conserved Water Project" means a project that conserves water pursuant to Oregon's Conserved Water Act, ORS 537.455 to 537.500.
- (3) "Delegated to the Director" means the grant funds that the Board has authorized to the Director to award and enter into appropriate agreements.

- (4) "Instream Lease" means the conversion of all or a portion of an existing water use subject to transfer to an instream water right for a specified time-period as authorized by ORS 537.348(2).
- (5) "Legally Protected Instream Flow" means the amount of water secured through a Water Acquisition Project that includes Instream Leases, Split-Season Use Instream Leases, Time-limited Instream Transfers, Conserved Water Projects, Permanent Instream Transfers, and other Water Use Agreements.
- (6) "Permanent Instream Transfer" means the permanent conversion of all or a portion of an existing water use subject to transfer to an instream water right as authorized by ORS 537.348(1).
- (7) "Split-Season Use Instream Lease" means an Instream Lease in which the water right can be exercised in the same season defined by the water right in the same calendar year for both the existing purpose of the water right and for an instream purpose, provided that the water is not used for the existing purpose during the period in which water is to be protected instream as authorized under ORS 537.348(3).
- (8) "Technical Review Teams" means a team of designated personnel with regional knowledge and interdisciplinary expertise drawn from agencies represented on the Board and other entities organized to evaluate water acquisition grant applications.
- (9) "Time-limited Instream Transfer" means an instream transfer authorized under ORS 537.348(1) that is not permanent and under which the water right will revert back to its original use:
 - (a) Without further action by the Oregon Water Resources Department at the end of the period of time specified in the final order approving the instream transfer; or
 - (b) On a determination by the Department that other conditions, specified in the final order approving the instream transfer, for termination have been met.
- (10) "Water Acquisition Project" means a voluntary transaction that results in a Legally Protected Instream Flow through Oregon Water Resources Department or other legally recognized agreements.
- (11) "Water Use Agreement" means a legal agreement between a water right holder and an eligible grant applicant to conserve water or curtail the beneficial use of water under a water right subject to transfer during specified periods or under specified conditions to achieve Legally Protected Instream Flow

695-046-0035

Eligibility

- (1) The Board will only consider Water Acquisition Projects involving legal water rights not subject to forfeiture that will result in Legally Protected Instream Flows to address:
 - (a) The identified conservation needs of habitats and species as determined by the Oregon Department of Fish and Wildlife and in consideration of needs identified by other federal or tribal fish and wildlife agencies; or
 - (b) Improving water quality in a water-quality-limited area, as defined in OAR 340-041-0002(70) and determined by the Oregon Department of Environmental Quality.
- (2) The Board will also only consider projects that include written notice to irrigation districts where the proposed Water Acquisition Project is within the boundary of an irrigation district.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

OWEB 2-2005, f. & cert. ef. 2-1-05

695-046-0185

Use of Grant Funds

Water acquisition grant funds may be applied toward reasonable costs, as determined by OWEB, related to the implementation of Water Acquisition Projects, including:

- (1) The purchase price and the purchase option fees associated with acquisition of an interest in water.
- (2) The monetary interest on bridge loans needed to secure the interest in water prior to when funding will be available for distribution through the program.
- (3) The staff costs incurred as part of acquiring the interest in water.
- (4) The cost of outreach activities necessary for the funded Water Acquisition Project.
- (5) The cost of due diligence activities, including appraisal or valuation of the interest to be acquired, title report, assessment of the timing and extent of water use and regulation associated with the interest in water, and other customary due diligence activities.
- (6) The closing fees related to the acquisition of an interest in water.
- (7) The cost of monitoring the Water Acquisition Project to certify that the water interest is being used and managed consistent with Section 4b, Article XV of the Oregon Constitution.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0190

Matching Contributions

- (1) All applicants shall demonstrate at least 25% of the Water Acquisition Project cost is being sought as match, with the grant applicant required to provide matching funds and efforts necessary to complete the purchase. The following costs and activities will qualify as match:
 - (a) All costs listed under OAR 695-046-0185, including in-kind contributions of those costs.
 - (b) Funding commitments made by others as a result of grant applicant efforts (including funding to be secured from other funders as part of a Board-prescribed process conducted in cooperation with other funders).
 - (c) Any donated portion of the interest in water.
- (2) OWEB funds shall not qualify as matching contributions.
- (3) The Director retains the discretion to determine whether matching costs are reasonable and will be recognized as qualifying matching costs.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0195

Coordinating and Partnering with Other Funders

In accordance with Section 4b of Article XV of the Oregon Constitution, OWEB may consider grant applications in partnership with other funders for the purposes of creating operational efficiencies and coordinating investments in projects designed to result in legally protected water instream and to do one or both of the following:

- (1) Address the conservation needs of habitats and species as determined by the Oregon Department of Fish and Wildlife and in consideration of needs identified by other federal, or tribal fish and wildlife agencies; or
- (2) Improve water quality in a water-quality-limited area as defined in OAR 340-041-0002(70) and determined by the Oregon Department of Environmental Quality.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-1

695-046-0196**Evaluation Criteria**

Water acquisition grant applications will be evaluated on the extent to which the application describes:

- (1) The significance of the projected ecological outcomes, including how the proposed Water Acquisition Project:
 - (a) Achieves or helps to achieve any professionally accepted flow target during the period of use;
 - (b) Addresses limiting factors identified in professionally accepted conservation plans for habitat conservation needs or water quality;
 - (c) Provides benefits to impacted species and life stages;
 - (d) Monitors and tracks project impacts over time, as appropriate for the transaction type and duration;
 - (e) Monitors project compliance, as appropriate for the transaction type and duration; and
 - (f) Contributes to climate change resiliency.
- (2) The alignment of proposed costs with the work necessary to accomplish the objectives described in the application, including:
 - (a) The ownership, use, validity, and reliability of the water right;
 - (b) How the proposed cost of the Legally Protected Instream Flow is consistent with local or regional market conditions; and
 - (c) How the term of the proposed Water Acquisition Project is appropriate to meet the habitat, species, or water quality needs.
- (3) How the proposed activities are part of a strategic effort or long term vision for restoring instream flows in the watershed, including how the proposed Water Acquisition Project:
 - (a) Complements other habitat conservation actions and needs;
 - (b) Will lead to future expansion of instream flow restoration; and
 - (c) Addresses Oregon Department of Fish and Wildlife, or other federal or tribal fish and wildlife agency priorities for aquatic habitat, Oregon Department of Agriculture or Oregon

Department of Forestry priorities for water quality, or Oregon Department of Environmental Quality water quality management or implementation plans, if established.

- (4) The capacity and qualifications of the applicant, including staff or consultants to be retained, to accomplish the proposed Water Acquisition Project activities described in the application and to sustain the projected ecological outcomes over the project term.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0200

Application Evaluation Process

- (1) For Water acquisition applications seeking grant funds that require the Board to make a funding decision:
 - (a) A Technical Review Team will be convened to review water acquisition grant applications.
 - (b) Prior to the Technical Review Team meeting, the Technical Review Team shall evaluate each application based on the information provided and the evaluation criteria as described in OAR 695-046-0196.
 - (c) At the Technical Review Team meeting, the Technical Review Team shall:
 - (A) Review and evaluate each project individually based on how well the proposed project meets the criteria as described in OAR 695-046-0196.
 - (B) Recommend the project as:
 - (i) Do fund;
 - (ii) Do fund with conditions:
 - (iii) Do not fund; or
 - (iv) Defer to staff or the Board with an explanation, if there is a policy issue or budget issue that needs to be addressed by the Board prior to a funding decision; and
 - (C) Rank order all projects recommended for funding based on how well the project meets the criteria established in OAR 695-046-0196.
 - (d) The project description, summary evaluation, and funding recommendation for all projects, and the rank order of projects recommended for funding shall be forwarded from the Technical Review Team to Board staff for their consideration. This information will be provided to all applicants and to the Board.

- (4) For Water acquisition grant applications seeking grant funds that have been Delegated to the Director;
 - (a) A Technical Review Team will be convened to review grant applications.
 - (b) The Technical Review Team shall review and evaluate each project based on how well the proposed project meets the criteria in OAR 695-046-0196 and provide feedback and recommendations to OWEB staff.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

History:

695-046-0201

Staff Funding Recommendation Process

- (1) For water acquisition grant applications seeking grant funds that require the Board to make a funding decision:
 - (a) Staff shall review the recommendations from each Technical Review Team and make a statewide funding recommendation to the Board based on available resources for the grant offering and type. The recommendation shall include any conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation, as represented in the staff report to the Board, shall be made available to applicants and members of the Technical Review Teams at least two weeks before the Board meeting where funding decisions are to be made.
 - (b) Applicants may provide written or oral comment to the Board on the staff recommendation prior to the Board decision.
- (2) For grant applications seeking grant funds that have been Delegated to the Director, staff shall review the recommendations from each Technical Review Team and make a funding recommendation to the Director based on available resources for the grant offering and type. The recommendation shall include any conditions placed on individual projects and may include proposed budget adjustments. The staff recommendation shall be made available to the applicants.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

History:

695-046-0202**Funding Decision**

- (1) For water acquisition grant applications seeking grant funds that require the Board to make a funding decision:
 - (a) After considering recommendations from staff, and any community impacts from the proposed Water Acquisition Project, the Board may fund a project in whole or in part.
 - (b) Projects not funded may be resubmitted during future application submission periods.
- (2) For water acquisition grant applications seeking grant funds that have been Delegated to the Director:
 - (a) After considering recommendations from staff, and any community impacts from the proposed Water Acquisition Project, the Director may fund a project in whole or in part.
 - (b) Projects not funded may be resubmitted during future application submission periods.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890-541.969

History:

695-046-0205**Public Involvement**

The public shall be provided with opportunities to comment on grant applications for Water Acquisition Projects being considered by the Board. OWEB will provide written notice through its website of the Board's intent to consider water acquisition grant applications. The Board will accept:

- (1) Comments made at public hearings, as described in ORS 271.735, held on grant applications seeking funding for Permanent Instream Transfers;
- (2) Written comments received at least 14 days before the Board meeting at which the application is to be considered by the Board; and
- (3) Oral comments made at the Board meeting at which the grant application is considered.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0210**Board Approval and Delegation of Authority**

The Board shall conditionally approve grants with funding conditions made available to the public. The Director is delegated the responsibility of ensuring that funding conditions required by the Board are fully satisfied by the grant applicant.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0215

Director's Funding Approval and Distribution of Funds

- (1) The Director may approve the distribution of grant funds when:
 - (a) The funding conditions, if any, imposed by the Board are met to the full satisfaction of the Director;
 - (b) The legal and financial terms of the proposed Water Acquisition Project transaction are approved by the Director;
 - (c) A grant agreement is executed by the Director and the grant applicant; (d) The Director has reconciled conditionally approved funding with actual Water Acquisition Project costs; and
 - (d) The grant applicant has satisfied the match requirements under 695-046-0190.
- (2) For grants established under these rules, the Director is authorized to reimburse the grant applicant for allowable costs identified in OAR 695-046-0185 and to recognize matching contributions under OAR 695-046-0190 that were incurred no earlier than 18 months before the applicable grant application deadline.
- (3) Notwithstanding OAR 659-046-0215(1)(a), funds may be distributed prior to Water Acquisition Project transaction closing for due diligence activities specified in OAR 659-046-0185(5) and included in the application budget.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0220

Compliance and Enforcement

- (1) The ongoing use of the water interests acquired with OWEB water acquisition grant funds shall be consistent with the purposes specified in section 4b Article XV of the Oregon Constitution. If significant compliance issues cannot be resolved to the full satisfaction of the Director, the Director, after informing the Board and providing reasonable written notice to the recipient of the grant, may in his or her discretion initiate any and all legal remedies available to OWEB, including recovery of the OWEB grant funds that were used to purchase the water interest, and reasonable interest and penalties at the option of the Director.

- (2) OWEB, its grantees, contractors and cooperating agencies must be provided sufficient legal access to property to which the water interest acquired with OWEB funds is appurtenant, for the purpose of monitoring to certify that the water interest is being used and managed consistent with Section 4b, Article XV of the Oregon Constitution.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0225

Subsequent Conveyances

A water interest acquired with OWEB grant funds shall not be conveyed to another party unless the conveyance is approved by the Board and may not be conveyed for the purpose of consumptive uses.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13

695-046-0230

Waiver and Periodic Review of Rules

The Director may waive the requirements of Division 46 for individual grant applications, not including mandatory constitutional or statutory requirements, when doing so is reasonably calculated to result in more efficient or effective implementation of the Board's water acquisition grant program. Any waiver must be in writing and included in the grant file to which the waiver applies. The administrative rules for water acquisition grants shall be periodically reviewed by the Board and revised as necessary and appropriate.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.932(9)

History:

OWEB 2-2013, f. & cert. ef. 6-19-13



Agenda Item N supports OWEB's Strategic Plan priority # 6: Coordinated Monitoring and Shared Learning.

MEMORANDUM

TO: Oregon Watershed Enhancement Board
FROM: Audrey Hatch, Conservation Outcomes Coordinator
Renee Davis, Deputy Director
SUBJECT: Agenda Item N – *Telling the Restoration Story* Grants Update
April 21, 2020 Board Meeting

I. Introduction

Telling the Restoration Story is a targeted grant offering that helps OWEB and grantees better communicate the ecological outcomes of restoration funded by OWEB. At each board meeting, staff will briefly highlight *Telling the Restoration Story* project outcomes, drawing on projects that have occurred in the region where the board meeting is hosted.

II. Background

Telling the Restoration Story grants support compilation, analysis, and/or interpretation of existing data from a watershed restoration project or projects, and production of outreach materials that describe outcomes from that work. Outreach products aim to reach a broad audience, including board members and legislators. Grantees also identify specific audiences, so the materials developed can be used to communicate with landowners, restoration practitioners, and natural resource managers working to restore similar landscapes in Oregon.

Eight projects have been funded under this offering so far. An online map provides short summaries and links to completed products as they become available:

<https://geo.maps.arcgis.com/apps/webappviewer/index.html?id=7bc381f4422944778431a65f2b9b7fd6>

III. *Telling the Restoration Story: Coyote Creek South*

Coyote Creek South is a 116-acre project area within a complex of protected land in the West Eugene Wetlands and Fern Ridge Wildlife Area in the southern Willamette Valley. OWEB-funded restoration aims to restore agricultural wetlands to a mosaic of wet prairie and vernal pool habitat that supports diverse native plant species and sensitive wildlife, including the red-legged frog and Streaked Horned Lark (federally listed as threatened under the Endangered Species Act). Monitoring efforts have focused on surveys of site hydrology, native vegetation, and avian and amphibian species. The resulting data informs effective strategies for restoring habitat for sensitive species, and is of great interest to restoration practitioners working in oak-prairie habitat throughout the Willamette Valley-Puget Trough-Georgia Basin ecoregion. While

OWEB restoration and monitoring grants have funded Coyote Creek South data collection, a strong need remained to share results with restoration practitioners working in similar landscapes.

Telling the Restoration Story funded Long Tom Watershed Council to compile amphibian and avian survey data and to produce a suite of outreach products. OWEB staff advised the grantee on communication product design, high-quality graphics, and online mapping technology to create an in-depth online StoryMap.

Outreach products include 1) a site brochure with map (Attachment A), 2) a poster for display within the Eugene community, and 3) a short fact sheet for potential project landowners (Attachment B).

The StoryMap is available online:

<https://storymaps.arcgis.com/stories/bc3ffd9f95fb4d9b828e85b7351f3a7c> and highlights are presented in Attachment C. The StoryMap describes the cultural and ecological context for wet prairie restoration, including the importance of the habitat for Kalapuya peoples. The StoryMap provides detailed information about vegetation monitoring results, showing specific seed mixtures used at different locations throughout the restoration site. Hydrology monitoring results are available through an interactive map showing changing water depth and pool surface area, capturing important characteristics for wildlife in response to restoration.

Two additional products were produced for restoration practitioners: 1) a six-page fact sheet and 2) a technical appendix, providing additional data and documentation on restoration methods and results.

IV. Next steps

OWEB staff continue to work with *Telling the Restoration Story* grantees on communication product development for ongoing projects under this offering. Two applications are currently under review. Staff continue to identify new project opportunities, and anticipate that several additional projects will be developed during the 2019-2021 biennium.

V. Recommendation

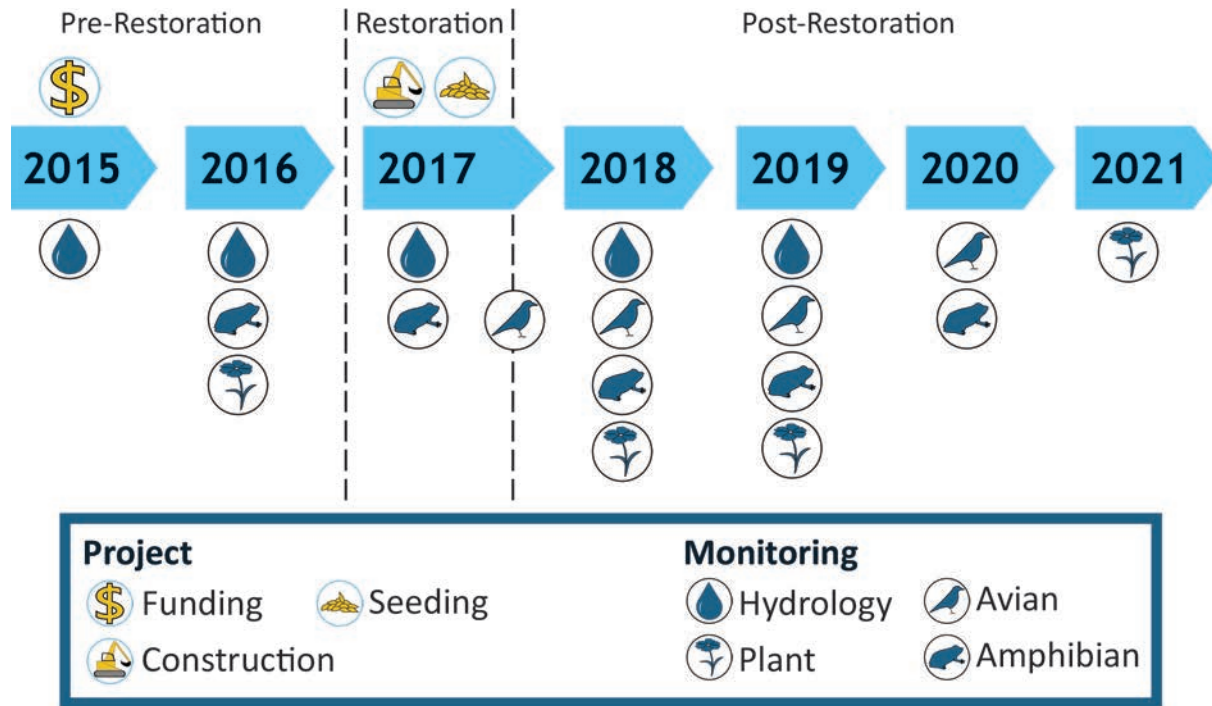
This is an informational item only.

Attachments

- A. Coyote Creek South Brochure with Map
- B. Coyote Creek South Two-Page Fact Sheet
- C. Coyote Creek South StoryMap Highlights

OUR TIMELINE

MONITORING TO MEASURE BENEFITS TO WILDLIFE FROM WET PRAIRIE RESTORATION



RESTORATION TECHNIQUES

The site was previously under cultivation for grass seed. Drainage ditches were installed and soil was leveled to reduce standing water, benefiting crops, but disrupting the natural movement of water and severely limiting habitat for many species. Starting in 2015 with funding from the Oregon Watershed Enhancement Board and Bonneville Power Administration's Willamette Wildlife Mitigation Program, Long Tom Watershed Council and ODFW restored the historic hydrologic function of the ecosystem across 116 acres using the following techniques:

- **SITE PREP:** removing agricultural grasses with herbicide to prepare for seeding native species
- **EARTHWORK:** creating shallow berms and depressions to hold water on site seasonally
- **SEEDING:** native plant mixes designed for eight different microhabitats through broadcast and drill seeding
- **MONITORING:** amphibian, plant, and bird surveys; seasonal pool depth and surface area

BENEFITS OF RESTORATION

HYDROLOGIC FUNCTION: Vernal (seasonal) pools are special features of wet prairies that provide valuable habitat for a diversity of plants and animals.

- Some pools hold water into June or July for amphibians to complete their reproductive cycle.
- Other pools dry in time for streaked horned larks to begin nesting in May.

HABITAT FOR RARE BIRDS: Welcome back streaked horned lark! 2018 saw larks establishing in the area. In 2019, five nests with fledgling birds were identified at Coyote Creek South. These birds create nests in bare ground that is exposed when shallow pools dry.

HABITAT FOR AMPHIBIANS: In 2018, native amphibians found on the site included rough skinned newt, long toed salamander, and Pacific chorus frog. Native amphibian presence significantly increased in 2019. The threatened Red-legged frogs have not yet been found on site, but they are nearby and expected to travel.

PLANT DIVERSITY: Over 60 species of plants were seeded to the site. Overall the plant establishment is quite successful. 89 plant species were counted in 2019.



A lark nest discovered at Coyote Creek South in summer 2019. Photo by Lara Jones

COYOTE CREEK SOUTH WET PRAIRIE RESTORATION



99% of wet prairies in the Willamette Valley are gone. Only 8 square miles remain.

Coyote Creek South is a 309 acre property managed by the Oregon Department of Fish & Wildlife (ODFW). Historically maintained as part of the Kalapuya people's prairie horticulture system in the Willamette Valley, Coyote Creek South is part of a complex of more than 8,500 acres of protected lands around Fern Ridge Reservoir that include the largest remaining acreage of wet prairie in the valley.

Many of the plant and animal species associated with wet prairie habitats have become threatened or endangered because of habitat loss, including the streaked horned lark (pictured below) and the red-legged frog. In 2015, ODFW and the Long Tom Watershed Council partnered to create a plan to restore more of the original hydrology and native plant composition through years of site preparation, earthwork, and seeding.



Thirteen federally-recognized species of concern call the wet prairie of Coyote Creek South home.

LEARN MORE AND DONATE TO SUPPORT RESTORATION PROJECTS AT:
WWW.LONGTOM.ORG/CCS



LEARN MORE AT:
WWW.LONGTOM.ORG/CCS

COME VISIT!

Coyote Creek South is a unique opportunity to see the results of a conservation project. Its proximity to the Fern Ridge Reservoir and nearby urban centers such as Eugene and Veneta makes it a convenient location to visit. As state-managed land, the Oregon Department of Fish and Wildlife welcomes on-foot, low-impact recreation on the site to observe and enjoy the outcomes of restoration actions.



BIRDWATCHING: Overwintering waterfowl, seasonally migrating shorebirds, as well as grassland birds such as meadowlarks and streaked horned larks.

WILDFLOWERS: Enjoy the colorful display of flowers, from popcorn flower, monkey flower, and blue-eyed Mary in the spring, to the culturally significant gumweed and tarweed in later summer.

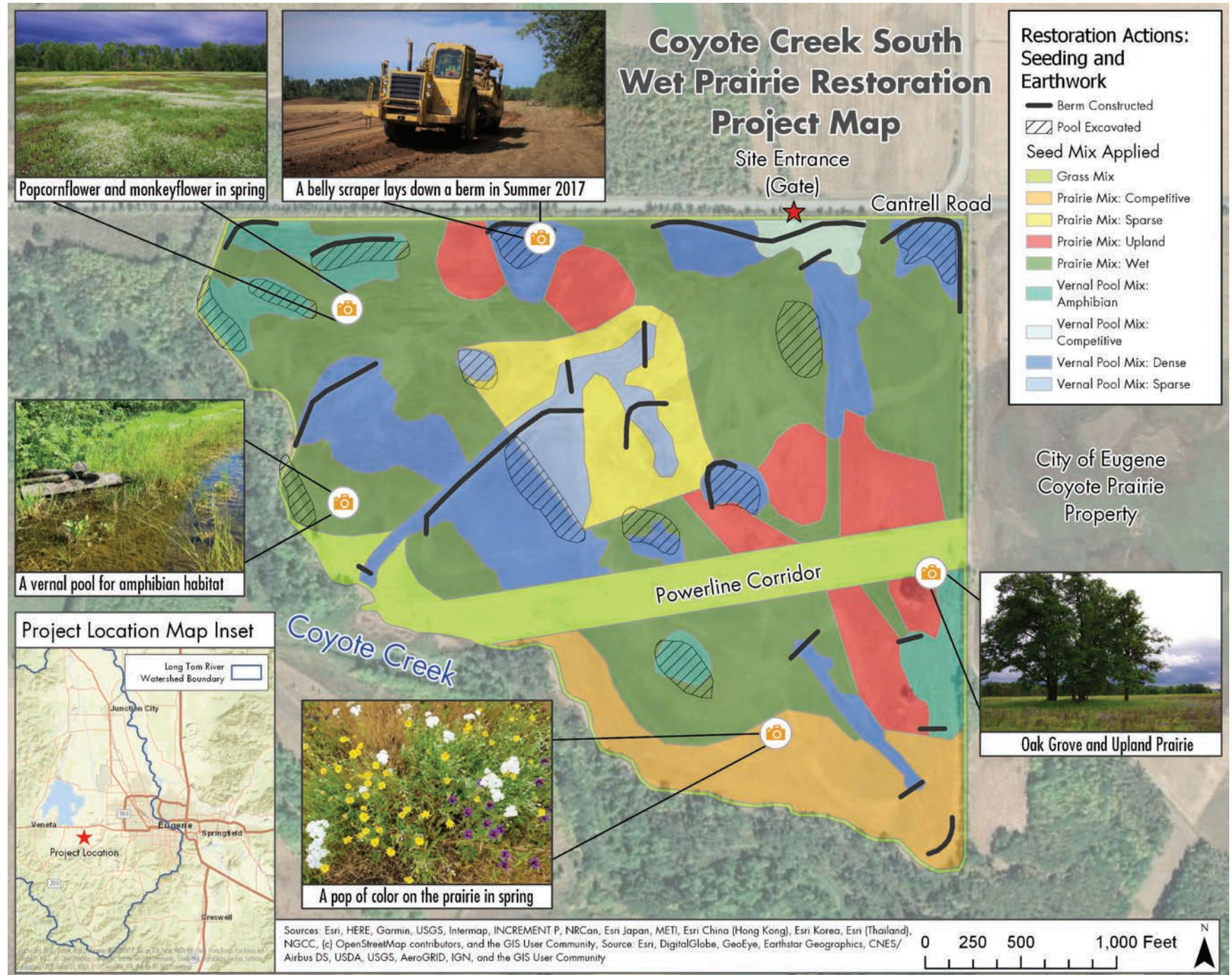
VERNAL POOLS: See how the water level changes dramatically throughout the year. Take a closer look at the teeming aquatic life.



VISIT THE SITE:

Seasonal closure are posted at the site entrance on Cantrell Road. More information on site access and regulations can be found at:

myodfw.com/fern-ridge-wildlife-area-visitors-guide



*In one square meter of wetland,
you can find up to 30 native plant species.*

LEARN MORE AT:
WWW.LONGTOM.ORG/CCS



COYOTE CREEK SOUTH — WET PRAIRIE RESTORATION

116 acres restored to benefit rare native plants, birds, and amphibians

Coyote Creek South wet prairie restoration site. *Photo by Aaron Zettler-Mann*

LANDSCAPE CHANGES

The Willamette Valley floodplain was historically maintained as a dominantly open prairie-savanna landscape by the Kalapuya peoples. Since Euro-American colonization in the 1850s, the majority of the valley bottoms have been converted to agriculture and residential/urban development. Combined with the exclusion of fire and control of flooding, the resulting habitat loss and fragmentation has imperilled a number of native species that depend on these ecosystems to live.



99% of wet prairies in the Willamette Valley are gone. Only 8 square miles remain.

WHAT'S IN A PRAIRIE

Wetland prairies are formed in poorly drained lowlands where seasonal rainwater collects, saturating the soil and leaving vernal (seasonal) pools that hold standing water into April or May. The pattern of natural flooding also creates complex landscape features, with small mounds (pedestals) and banks (berms) protruding above braided channels. This network of microtopography in wetland prairies support a high diversity of plant species—approximately 350—many of which will not grow in other places.

In one square meter of a wetland you can find up to 30 native plant species.

SENSITIVE SPECIES

Wet prairies host a diversity of species, some of which are at risk due to habitat loss. For example, the Streaked Horned Lark (federally listed threatened bird) depends on large expanses of sparsely vegetated grassland—such as those left by drying vernal pools in wet prairies—for nesting. It is estimated that there are only 1600 larks remaining. Red-Legged Frogs (federally listed species of concern) depend on seasonal pools with emergent plants for egg laying.



Essential habitat for waterfowl.



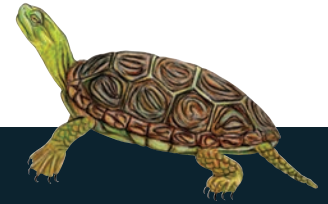
A pop of spring color.



Color-banded fledgling streaked horned lark. Photo by Lara Jones

PROJECT PROFILE: COYOTE CREEK SOUTH

Coyote Creek South, within the homelands of the native Kalapuya peoples, is managed by the Oregon Department of Fish and Wildlife (ODFW). The property was purchased in 2013 through the Bonneville Power Administration's Willamette Wildlife Mitigation Program, and is part of more than 8,500 acres of protected lands around Fern Ridge Lake that comprise the largest remaining acreage of wet prairie in the entire Willamette Valley.



VISIT THE SITE:

ODFW welcomes low-impact recreation. Foot traffic only, leave no trace, keep dogs on leash.

Seasonal closures are posted at the site entrance on Cantrell Road. More information on site access and regulations can be found at:

myodfw.com/fern-ridge-wildlife-area-visitors-guide

REVIVING A FUNCTIONAL LANDSCAPE

Low-lying, seasonally wet agricultural lands—both productive and degraded fields—are crucial sites for wetland prairie restoration. Coyote Creek South offers an example of how such sites can be reclaimed to provide critical habitat for rare species and revive the seasonal patterns of wet and dry that support a functioning ecosystem for all life.

RESTORATION TECHNIQUES

The site was previously under cultivation for grass seed. Drainage ditches were installed and soil was levelled to reduce standing water, benefitting crops, but disrupting the natural movement of water and severely limiting habitat for many species. Starting in 2015 with funding from the Oregon Watershed Enhancement Board (OWEB) and Bonneville Power Administration, the Long Tom Watershed Council and ODFW restored the historic hydrologic function of the ecosystem across 116 acres using the following techniques:

- **SITE PREP:** removing agricultural grasses with herbicide to prepare for seeding native species
- **EARTHWORK:** creating shallow berms and depressions to hold water on site seasonally
- **SEEDING:** native plant mixes designed for eight different microhabitats through broadcast and drill seeding
- **MONITORING:** amphibian, plant, and bird surveys; seasonal pool depth and surface area

BENEFITS OF RESTORATION

HYDROLOGIC FUNCTION: Vernal (seasonal) pools are special features of wet prairies that provide valuable habitat for a diversity of plants and animals.

- Some pools hold water into June or July for amphibians to complete their reproductive cycle.
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RARE AMPHIBIANS: Since 2018, native amphibians found on the site included rough skinned newt, long toed salamander, and Pacific chorus frog. Native amphibian presence significantly increased in 2019. The threatened Red-legged frogs have not yet been found on site, but they are nearby and expected to travel.

PLANT DIVERSITY: Over 60 species of plants were seeded to the site. Overall the plant establishment is quite successful. 89 plant species were counted in 2019.



Essential habitat for amphibians.



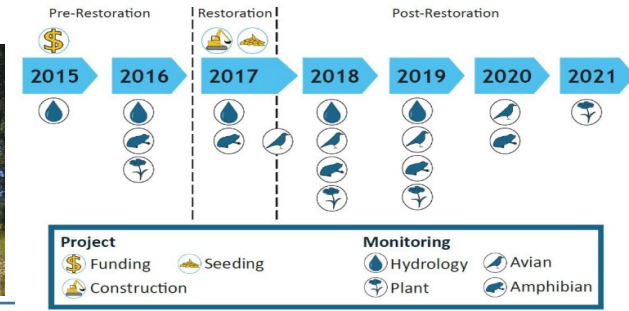
For 21 years the LTWC has worked on behalf of its *community* to build a culture of neighbors helping neighbors to do the right thing for *land* and *water* in the *home* we share through voluntary habitat restoration.

WWW.LONGTOM.ORG/COYOTE-CREEK-SOUTH

Highlights from Coyote Creek South Wet Prairie Restoration StoryMap

<https://storymaps.arcgis.com/stories/bc3ffd9f95fb4d9b828e85b7351f3a7c>

Produced by Long Tom Watershed Council in support of OWEB
Telling the Restoration Story Grant #218-7000-16571



Coyote Creek South Wet Prairie Restoration

The map at right shows the project location, nearby conservation lands, and the West Eugene Conservation Opportunity Area. Pan, zoom, and click to explore the project location and conservation lands (in green).

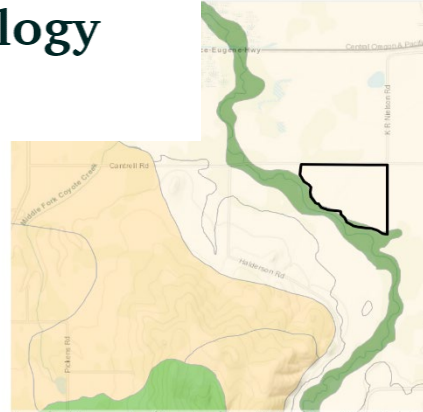
- Provides an interactive overview of the restoration site, owned by ODFW and located within the West Eugene Wetlands complex

Context: Ecology and Culture

- Describes the history of prairie and floodplains in the ecoregion, and role of Kalapuya peoples



The Kalapuyans were known to have used prairies intensively for food production and utilized at least 50 species of plants. The illustration above depicts a Kalapuyan camas harvest (*Camassia* spp.).



- Describes role of wet prairie habitat restoration for Streaked Horned lark, red-legged frog and other wildlife



A streaked horned lark nest with eggs at Coyote Creek South (Photo Credit: Lara Jones)

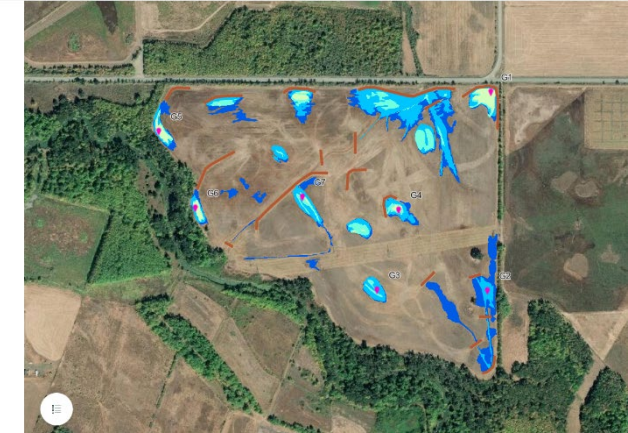


Northern red-legged frog. Photo credit: Heidi Rockney

Hydrology Monitoring

Since completion of the earthwork (construction of berms and pools) in 2017, we've been monitoring the changing depth and surface area extent of pools across the site as water slowly recedes. Monitoring hydrology will help us track the degree to which we are meeting objectives for:

- Winter waterfowl: Winter pools and food plants
- Lark and other grassland birds: Broad pools at the center of the site persisting through April and drying in time for May breeding (and hopefully creating dry, but sparsely-vegetated zones available for nesting)



Since initiating restoration in 2017:

- Monitoring the changing depth and surface area extent of pools across the site, important for wildlife (data from Spring 2019)
- Water gauges shown on an interactive map
- Each gauge has a graph of water depth and pool extent



Vegetation monitoring results can be viewed for each transect, showing the specific seed mixture used for each habitat type:



Vegetation Monitoring

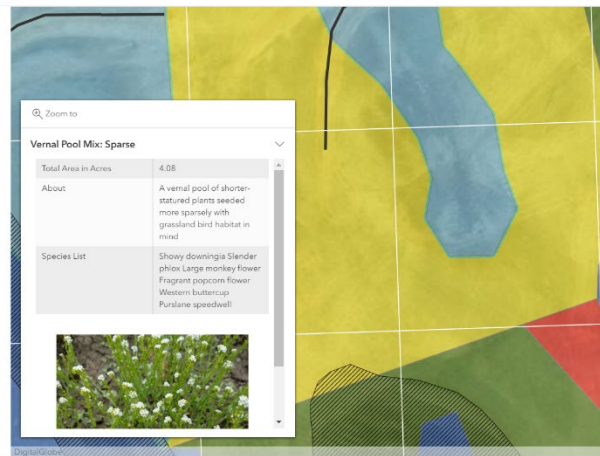
Vegetation monitoring at Coyote Creek South is designed to ensure the project is meeting objectives for grassland bird habitat, and overall diversity and native species cover.

Surveys that visually estimated the relative cover of seeded plant species were conducted in the spring of 2018 to assess how seed mixes were establishing and identify needs for supplemental seeding.



- 75% of the site has native plant cover
- Nearly 10% of the site remains unvegetated (habitat for lark)
- 40 of 59 seeded species were observed on site in 2019
- 11 native species that were not seeded (volunteers) were observed, including the two most abundant natives (*Juncus bufonius* and *Alopecurus geniculatus*)

Complete methods and results can be found in the 2019 vegetation monitoring report.



Avian and Amphibian Monitoring Results:

- Summarizes data
- Describes the role of vernal pools to wildlife habitat conservation

Streaked Horned Lark Survey Results			
	2017	2018	2019
# Nests found	0	0	3
# Fledglings	4	12	14
# Breeding pairs	3	4-5	5-6

A summary of streaked horned lark observations during monitoring in 2017, 2018, and 2019.

OWEB Staff Remarks:

- Long Tom Watershed Council incorporated OWEB staff communications, graphic design, and geospatial expertise into the StoryMap and other grant deliverables
- StoryMap provides context to restoration practitioners working in similar landscapes (e.g., Cascadia Oak Partnership) and can easily be shared online
- StoryMap provides ideas and information for site visitors

Looking for more information or further resources about the project? Check out our factsheets and full technical appendix (addendum to the technical factsheet) below:

[Project Factsheet](#)

[Technical Factsheet](#)

[Full Technical Appendix](#)



Committee Members

Ron Alvarado, Bruce Buckmaster, Alan Henning, Paul Henson, Gary Marshall, Jason Robison

Background

The Focused Investment Committee focuses on issues related to the Focused Investment Program (FIP).

Summary of Focused Investment Committee Work this Quarter

The Committee met on March 13, 2020; Committee members and staff discussed:

- 2021 Implementation FIP Solicitation, including: the solicitation calendar; the importance of the November 2020 Committee interviews of each applicant partnership; plans to fine-tune application evaluations based on the 2019 experience; and the need to provide ample time for Committee member review, particularly if there is a heavy application load.
- 2020 FIP Gathering – the event was planned for late April and has been postponed. Alternatives for postponement include selecting dates later in the year based on social restrictions and availability of facilities or adapting to a webinar format.
- 2019 FIP Progress Updates – staff provided the current status of the five recently awarded FIPs, including technical review team meetings held, and obligation of project funds.

The Committee met jointly with the Monitoring Committee on March 13, 2020 to discuss the concept of post-FIP monitoring. The initial six-year investment period is coming to close in 2021 and there is interest in tracking and reporting progress toward measurable outcomes beyond the investment period. The Committees discussed possible frameworks for post-FIP monitoring investment, taking into account inherent differences among FIPs, differences between post-FIP monitoring and the type of work eligible under Open Solicitation and the Partnership Technical Assistance offering, and level of interest from the six FIP partnerships. To the extent possible, the effort will strive for consistency of content and format, and to develop a system that can be incorporated into new FIPs upon initiation. Staff will prepare to have further discussions with the Committees in advance of next year's spending plan discussions.

The Focused Investment Committee will reorganize based on new board member assignments and develop a new quarterly meeting schedule.

To be presented at the April 2020 Board Meeting as a written report only.

Staff Contact

Eric Williams, Grant Program Manager
eric.williams@oregon.gov or 503-986-0047

Committee Members

Chair Alan Henning, Stephen Brandt, Debbie Hollen, Molly Kile, Jason Robison

Background

The Monitoring Committee oversees work associated with several areas of OWEB's investments in monitoring: Quantifying Conservation Outputs and Outcomes, Focused Investment Partnership (FIP) monitoring, and the monitoring of OWEB's capacity investments.

Summary of Monitoring Committee Work this Quarter

The committee met on January 14 and March 2, 2020. During the January meeting, staff from the Oregon Department of Environmental Quality (DEQ) provided a briefing to the committee about DEQ's Ambient Water Quality Monitoring System (AWQMS), a data management system for water-quality data. Following the briefing, the committee discussed related topics including: how data and results from AWQMS can be shared during the OWEB grant review process; how AWQMS results can inform future grant-making priorities; the importance of DEQ staff to assist monitoring grantees; and ideas for training in data management for local monitoring grantees. The committee also heard an update about revising the monitoring grant administrative rules, and discussed status updates for ongoing OWEB monitoring initiatives.

During the March meeting, committee members and staff discussed:

- Upcoming monitoring related topics to be discussed at the April 2020 board meeting, including: request for board adoption of the revised administrative rules for monitoring grants; an update on the retrospective evaluation of watershed council and soil and water conservation district capacity investments; a request for supplemental monitoring funding for the second cohort of Implementation FIPs; and the next 'Telling the Restoration Story' update;
- Progress on ongoing initiatives, including "Telling the Restoration Story" investments, Conservation Effectiveness Partnership, the Middle Fork John Day Intensively Monitored Watershed, FIP supplemental monitoring funding, FIP progress tracking reports, Conservation Reserve Enhancement Program performance tracking, the retrospective evaluation of capacity investments, outreach about the tide gate report recommendations, tide gate restoration programmatic effectiveness monitoring, and monitoring of and shared learnings from Stage 0 restoration projects; and
- The upcoming joint meeting with the Focused Investment Committee on March 13, 2020 to discuss the concept of post-FIP progress tracking reporting (see Focused Investment Committee report for a summary of this discussion).

The group tentatively is scheduled to meet again on May 19, 2020, pending composition decisions on the refined slate of board committees. At that meeting, the committee likely will begin 1) follow-up on ideas for grantee training based on the AWQMS briefing, 2) next steps on post-FIP reporting, and 3) exploration of other emerging monitoring needs (e.g., drones, social outcomes of OWEB's investments), among other topics.

To be presented at the April 2020 Board Meeting as a written report only.

Staff Contact

Renee Davis, Deputy Director
renee.davis@oregon.gov or 503-986-0203

MINUTES APPROVED BY THE BOARD

Oregon Watershed Enhancement Board (OWEB)

April 21, 2020 Board Meeting

Virtual Zoom Board Meeting

(Audio time stamps reference recording at: <https://www.youtube.com/watch?v=CU4LYDnKRD4>)

OWEB MEMBERS PRESENT

Ron Alvarado
Boyer, Barbara
Brandt, Stephen
Buckmaster, Bruce
Henning, Alan
Henson, Paul
Hollen, Debbie
Kile, Molly
Labbe, Randy
Labhart, Mark
Marshall, Gary
McAlister, Liza Jane
McComb, Brenda
McLeod-Skinner, Jamie
Murray, Eric
Reeves, Meg
Selle, Tony

OWEB STAFF PRESENT

Davis, Renee
Fetcho, Ken
Hartstein, Eric
Hatch, Audrey
Hudson, Bryn
Kirchner, Gretchen
Loftsgaarden, Meta
Mack, April
McCarthy, Jillian
Odoemelan, Onyema
Shaff, Courtney
Williams, Eric

ABSENT

Robison, Jason

The meeting was called to order at 8:14 a.m. by Executive Director Meta Loftsgaarden.

A. Review and Approval of January Meeting Minutes (Audio = 0:15:15)

The minutes of the January 22-23, 2020 meeting in Jacksonville were presented to the board for approval.

Randy Labbe moved the board approve the minutes from the January 22-23, 2020 meeting in Jacksonville. Mark Labhart seconded the motion. The motion passed unanimously.

B. Co-Chair Election (Audio = 0:16:58)

The current term of Oregon Watershed Enhancement Board Co-Chair Randy Labbe ends in April 2020. Board members voted to elect one board Co-Chair position for a new two-year term.

Co-Chair Randy Labbe nominated Liza Jane McAlister. Gary Marshall moved the board elect Liza Jane McAlister as Co-Chair of the OWEB board. Jamie McLeod-Skinner seconded the motion. The motion passed unanimously.

C. Public Comment (Audio = 0:24:46)

Three written comments were provided in lieu of oral comments:

Mid-Coast Watersheds Council requested the board make limited open solicitation grant awards at this meeting or closer to the May forecast.

Long Tom Watershed Council requested the board fully fund a Focused Investment Partnership project grant agreement at the June meeting (currently paused).

Oregon Conservation Partnership provided an update on the work of the partnership through the Covid-19 crisis.

D. Monitoring Grants Administrative Rules (Audio = 0:41:41)

Deputy Director Renee Davis, Effectiveness Monitoring Coordinator Ken Fetcho, and Senior Policy Coordinator Eric Hartstein presented monitoring grants administrative rule revisions for board consideration and approval.

Rule language changes proposed by Jamie McLeod-Skinner to add “including indigenous knowledge” in 695-025-0090(7) and “including historical data and indigenous knowledge” in 695-025-0140 (3).

Jamie McLeod-Skinner motioned the board move to approve the changes to the Monitoring Grants Administrative Rule revisions with the two amendments. Brenda McComb seconded the motion. The motion passed unanimously.

F. Board Committee Structure (Audio = 2:05:13)

Senior Policy Coordinator Eric Hartstein presented the new board committee structure and board membership.

G. Director’s Update (Audio = 2:24:38)

Executive Director Meta Loftsgaarden and OWEB staff updated the board on agency business and late-breaking issues.

A. G-1: Legislative -- Water (Audio = 2:26:13)

Executive Director Meta Loftsgaarden provided the board an update on the conversation series around the state regarding Oregon’s 100-year water vision, as well as requests in the 2020 legislative session.

B. G-2: Legislative -- Climate (Audio = 2:44:32)

Deputy Director Renee Davis reviewed the executive order from Governor Brown directing agencies, including OWEB, to take actions to reduce and regulate greenhouse gas emissions and mitigate climate change impacts.

C. G-3: Strategic Plan (Audio = 3:04:07)

This report was provided to the board in written form only.

D. G-4: Oregon Agricultural Heritage Program (Audio = 3:04:07)

This report was provided to the board in written form only.

E. G-5: M76 Performance Audit (Audio = 3:02:45)

Executive Director Meta Loftsgaarden shared that OWEB, along with other Measure 76 Lottery funded agencies, is currently working with the Secretary of State on a performance audit for Measure 76 funding.

E-6: Budget (Audio = 3:04:26)

Executive Director Meta Loftsgaarden provided an agency budget update in light of the COVID-19 pandemic, which includes a pause on all new grant awards until after the State revenue forecast in May.

M. Water Acquisition Grants Administrative Rules (Audio = 3:28:25)

Grant Program Manager Eric Williams, Partnerships Coordinator Jillian McCarthy, and Senior Policy Coordinator Eric Hartstein presented administrative rule revisions for the water acquisition grant program for board consideration and approval.

Rule language changes: At Meg Reeves’s suggestion, staff proposed limiting the definition of “Legally Protected Instream Flow” to flow protected through OWRD programs, and adding a new definition for “Contractually Protected instream Flow,” for other types of eligible projects. Brenda McComb suggested changing “resiliency” to “adaptation” in OAR695-046-0196(1)(f) .

Barbara Boyer motioned the board approve the Water Acquisition Grants Administrative Rule revisions as amended. Jamie McLeod-Skinner seconded the motion. The motion passed unanimously.

N. Telling the Restoration Story (Audio = 4:48:32)

Deputy Director Renee Davis and Conservation Outcomes Coordinator Audrey Hatch provided an update to the board on the ‘Telling the Restoration Story’ targeted grant offering, and provided an example from Coyote Creek in the Long Tom watershed. Website update: Longtom.org/coyotecreeksouth.

O. Committee Updates (Audio = 4:57:16)

This report was provided to the board in written form only.

The meeting was adjourned at 12:52 p.m. by Co-Chair Randy Labbe.