



OREGON  
WATERSHED  
ENHANCEMENT BOARD

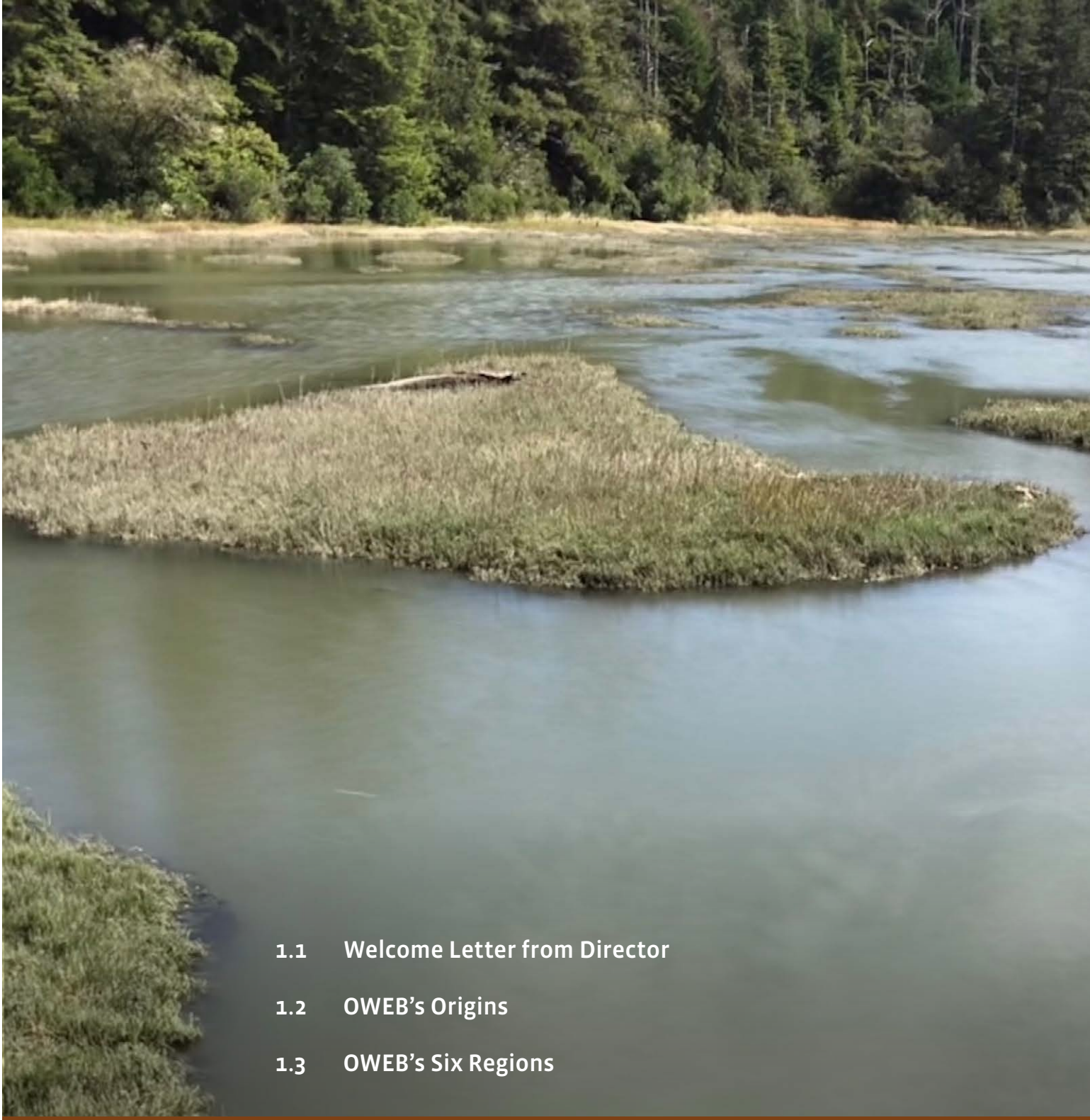
# OWEB BOARD MANUAL

UPDATED July 2022



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# 1.0 INTRODUCTION



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Photos: Linda Repplinger, OWEB



## 1.0 INTRODUCTION

### 1.1 Welcome Letter from Director

Dear Board Member:

Welcome to service with the Oregon Watershed Enhancement Board (OWEB). Every one of our eighteen board members brings a diverse background and experience to the board. We are excited to build on the strength of the organization with your help.

The OWEB Board provides an incredible opportunity for you to help Oregonians invest Lottery, Federal and Salmon Plate dollars in high quality conservation, restoration, and protection projects across Oregon. Through your service, you'll get to travel to and learn more about every conceivable geography in the state. You'll meet dedicated local professionals who implement projects on the ground, connect landowners and land managers and others on whose property this outstanding restoration work occurs.

Our constitutional funding through the Oregon Lottery was approved by voters in every county in Oregon. Our approach is unique, and our investments are recognized as among the best in the region and nation. We encourage you to ask questions, connect with, fellow board members, staff and local organizations and learn more about this 'uniquely Oregon' approach.

Your service on this public board also requires that you take responsibility to learn how the board operates, the types of grants we provide, and the culture of the organization. You are entrusted with guiding the organization's investment portfolio and overseeing a biennial spending plan. We will schedule time for you to meet the staff and learn more about the organization. We have also provided this Board Book to give additional materials for your reference.

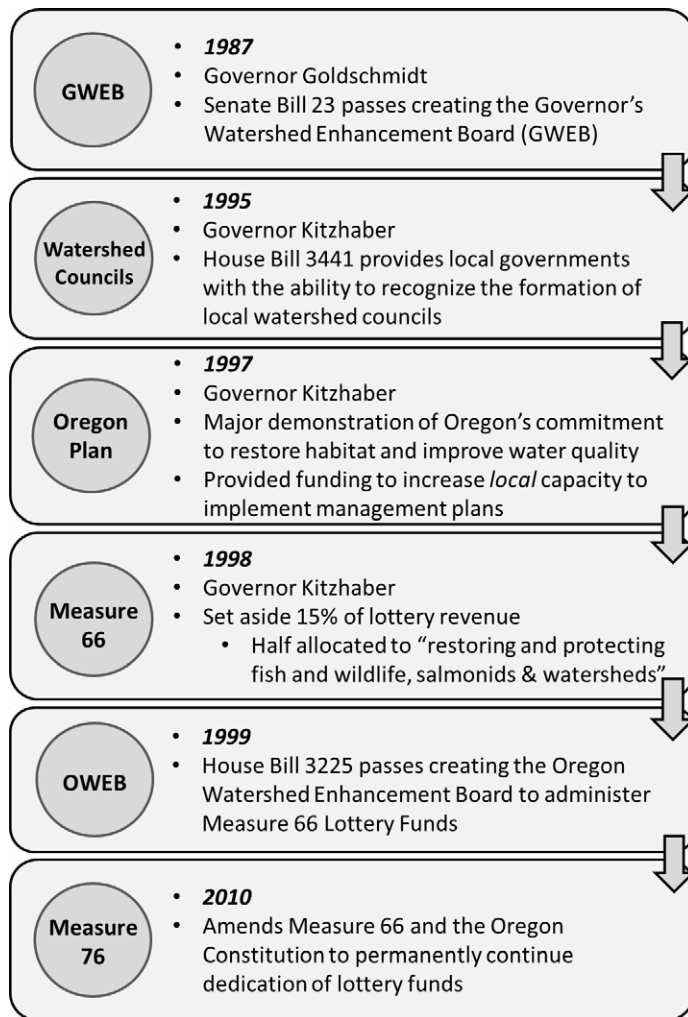
We hope the included materials help you get up to speed more quickly on our programs and investments, as well as the statutes and policies that guide our organization. The OWEB staff are available to answer questions and provide additional information at any time.

Thank you again for your service,

A handwritten signature in black ink, reading "Lisa Charpilloz Hanson". The signature is fluid and cursive, with the first name "Lisa" being the most prominent.

Lisa Charpilloz Hanson  
Executive Director  
Oregon Watershed Enhancement Board

## 1.2 OWEB's Origins & the History of Oregon's Watershed Approach to Resource Enhancement (1985 – 2010)



In the early 1980s, Mother Nature had served notice with several consecutive years of drought that many of the state's resources and land uses were not sustainable without adequate water resources. With higher flood events, degraded streams, dropping water tables, and vanishing species it was clear the way Oregon conducted business had to change. Whose problem was it? Everyone's.

In 1986, Governor Goldschmidt hosted a conference to discuss the fragmented nature of natural resource management in Oregon. The group of industry, environmental, and agency representatives developed the notion of creating a program that emphasized watershed management through demonstration projects and educational activities, in large part modeled after the Oregon Watershed Improvement Coalition (OWIC). The 1987 Legislature passed Senate Bill 23 sponsored by the Governor creating the Governor's Watershed Enhancement Board (GWEB) within the Water Resources Department.

### GWEB

The Governor's Watershed Enhancement Board was designed to share the responsibility for demonstrating that the State's natural resource agencies can work together across bureaucratic and geographic boundaries to achieve better total "watershed" management. The five voting members of the board included a member of the Environmental Quality Commission, Board of Forestry, Water Resources Commission, Soil and Water Conservation Commission and the Fish and Wildlife Commission. Non-voting members included the Bureau of Land Management, Oregon Department of Agriculture, OSU Extension Service, the Natural Resources Conservation Service, and the U.S. Forest Service.

From 1987 to 1995 GWEB conducted workshops on restorative land use practices. Topics ranged from juniper management, grazing management, agricultural practices, bioengineering stream-bank stability, in-stream habitat improvement, and water friendly urban landscaping. They assisted in the development of educational materials to teach watershed processes to schools and landowners. But primarily GWEB managed a statewide fund of \$1M or less per biennium to provide funding for educational and "technical" projects where new land management practices could benefit watershed functions. In those early years the emphasis was on "demonstration" projects to show how small changes in land management can make changes in watershed resources and on the development of educational programs to inform the public of alternative futures.



At the close of the 1993 Legislature, Senator Bradbury and Representative Norris proposed a trial effort focusing resources on the northeast and southwest portions of the state. House Bill 2215 embodied the concepts of watershed councils and dedicated funds through the Water Resources Department for a trial in two parts of the state. Following controversies over the role of the state in local watershed council make-up and representation, the 1995 Legislature passed House Bill 3441 which provided local governments with the ability to recognize the formation of local watershed councils and eliminated the state's role in watershed council recognition. Under HB 3441 GWEB received responsibility for supporting locally established watershed councils when their efforts aligned with the state's interest in improving watershed resources.

## The Oregon Plan

The Oregon Plan, soon to be named in the fall of 1997 as the Oregon Plan for Salmon and Watersheds, was comprised of the Oregon Coastal Salmon Restoration Initiative (a comprehensive, multi-interest and multi-agency effort to restore the coastal Coho salmon population to sustainable population levels), the Steelhead Supplement (a funding initiative to enhance monitoring efforts of steelhead) and the Healthy Streams Partnership (an effort to integrate resources and knowledge to improve the health and function of aquatic systems and enhance beneficial uses of water for future generations).

*“Watershed councils, soil and water conservation districts and other grassroots efforts are vehicles for getting work done.”*

-OCSRI

In 1997, NOAA determined listing the coastal Coho salmon as threatened was warranted but there were sufficient local management actions in place to avoid a listing decision. The determination was appealed, and the court ruled in favor of the appellant primarily because NOAA did not have any criteria for the acceptance of local recovery plans. The result was that Coho were listed as threatened in 1999.

## Measure 66

In 1998 a group of conservation organizations drafted Ballot Measure 66 and collected enough signatures to get it before the voters. It required setting aside 15% of the state lottery revenue to benefit State Parks and native fish and wildlife to be administered by a “single agency” each receiving 7.5%. The ballot measure passed by nearly 70% of the voters. The ballot measure provisions dedicated the 15% of lottery revenues for a period of 15 years, to sunset or be re-approved by the voters by the end of 2014.

Following the creation of a funding program, the State Legislature was faced with a decision of which “single agency” would handle the dedicated funds for fish and wildlife habitat protection and restoration. After lengthy and difficult debate and compromise, the 1999 Legislature passed House Bill 3225. This bill created OWEB as an independent state agency. While it retained the basic provisions of previous legislation regarding the importance of watershed restoration and use of state funding to support local restoration plans and priorities, it did provide a few changes.

In 2001, the newly expanded OWEB Board adopted a strategy for achieving healthy watersheds in Oregon. The strategy was guided by this mission statement: To help create and maintain healthy watersheds and natural habitats that support thriving communities and strong economies.

## Measure 76

In anticipation of the upcoming sunset provision, a coalition of conservation groups drafted a ballot measure that would eliminate the sunset and make changes to the funding distribution approach for OWEB. In November of 2010, the Oregon voters approved Ballot Measure 76, which made the 15% allocation of lottery revenue for State Parks and Salmon and Watersheds a permanent part of the State Constitution. The measure passed in every county of the state with 69% of the vote.

### Provisions of House Bill 3225 include:

...providing for the acquisition of determinate interests in land or water to protect watershed resources.

...providing for expenses of assessment, research, design, or other technical requirements for the implementation of a project.

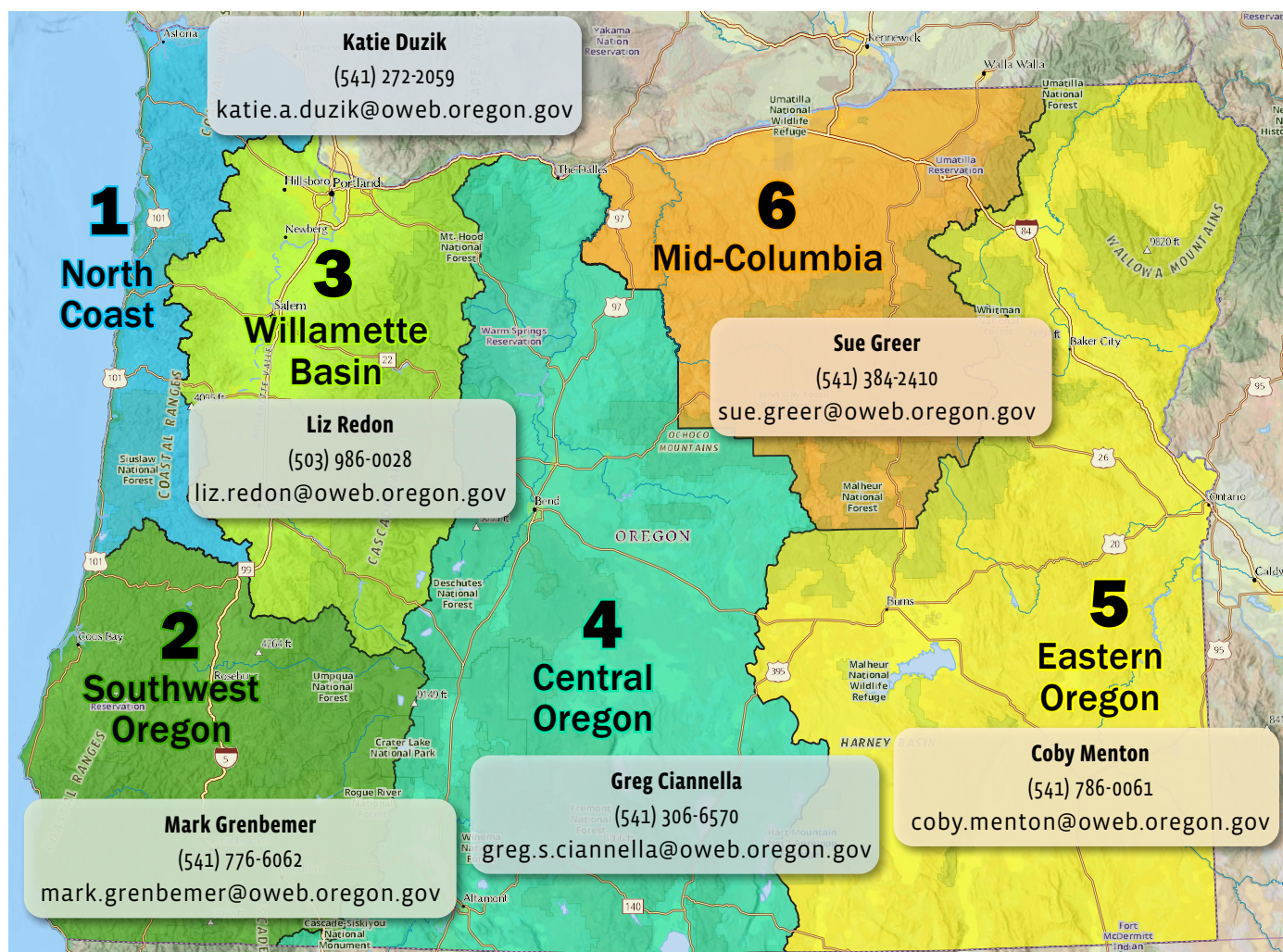
...adding six public member voting positions to be appointed by the Governor and confirmed by the Senate to the OWEB board.

...adding non-voting positions of the OSU Extension director or designee, the United States Environmental Protection Agency, and the National Marine Fisheries Service.

...enabling the Board to allocate funds to be used for staff of soil and water conservation districts (in addition to watershed councils).



## 1.3 OWEB's Six Regions



### 1.3.1 North Coast

The North Coast Region includes the North Coast basins and the western portion of the Lower Columbia River basin. In the Lower Columbia River basin, several relatively small streams drain onto floodplains and into the tidal reaches of the Columbia River. These streams generally have heavily forested hillsides in headwater areas and steep valleys. Nearly the entire Columbia River floodplain has been diked to protect farms and urban areas. Un-diked areas of the floodplain support high species diversity.

The North Coast basin is composed of eight modestly sized, unobstructed tributaries to the Pacific Ocean. Rivers in this basin are underlain by basalt or sandstone geology with lush forest cover and are primarily privately owned and managed with some state-owned public forest land as well. The Douglas fir and Western hemlock forests of the Coast Range support a strong forest industry. The estuaries support recreational fishing, and some are a home base for commercial fishing fleets. Anadromous fish species listings under the federal Endangered Species Act include Coho, chum and Chinook salmon, and steelhead.

Maritime shipping, commercial fishing, forestry, tourism, and wood processing are key elements of the economy in this region. A targeted effort to address the limiting factors affecting salmon and steelhead has significantly improved habitat through instream habitat improvement and up-slope road removal. And in recent years, there has been a significant effort to restore tidal flooding to estuaries in several of the North Coast and Lower Columbia River basins.

Major restoration issues in this region include loss of floodplain and estuarine habitats, flow changes due to management of hydroelectric projects, change of tidal inundation in tide-gated areas. Other issues include urban encroachment, water availability and fine sediments inputs from farm and forest road.



### **1.3.2 Southwest Oregon**

The Southwest Region of the state includes the Umpqua, Rogue and South Coast river basins. The Umpqua River is one of only two Oregon rivers that have headwaters in the Cascade Mountains and cut through the Coast Range to the Pacific Ocean. Douglas fir forests of the Umpqua basin are legendary for their productivity and provide a foundation for the timber industry, local economies, and communities in this basin. Spring Chinook and summer steelhead runs to the North Umpqua River are relatively healthy and support world famous fisheries. Lowland meandering interior valleys support considerable ranching activity. Whitetail deer have recovered and have been delisted from the federal Endangered Species Act. The Umpqua River enters the Pacific Ocean in the heart of Oregon's sand dune country near Reedsport.

The headwaters of the Rogue River originate in Crater Lake National Park in the Southern Cascade Mountains; this basin has a complex geologic structure and corresponding vegetation patterns. From the lava and pumice of the southern Cascade volcanoes, the Rogue River flows through the relatively populated Medford-Ashland area with its orchards and irrigated agriculture and expanding urban base. Forestry is also a significant economic sector in the basin with some mining occurring as well. Fisheries for Chinook salmon and steelhead in the Rogue are world famous. Coho salmon in the Rogue are identified as part of the Southern Oregon/Northern California Evolutionary Significant Unit and listed as "threatened" under the Federal Endangered Species Act. The Wild and Scenic Rogue River cuts through the Coast Range and enters the Pacific Ocean at Gold Beach, where mail boat tours take visitors upriver and salmon fishing is a yearly ritual.

Two types of drainages lie in the South Coast basin. At the north end of the basin, the medium-sized Coos and Coquille rivers have headwaters in the Coast Range and flow to the ocean through Coos Bay. Further south, several relatively smaller streams (Floras, Sixes, Elk, Winchuck, and Hunter creeks and Chetco and Pistol rivers) have origins in the Klamath Mountains. The southern portion of this basin is also in the Southern Oregon/Northern California Evolutionarily Significant Unit for Coho salmon that are listed as "threatened." Forestry, ranching, agriculture, commercial and recreational fishing, and tourism are significant factors in the economy of communities in the basin. Significant portions of ancient marine terraces in this basin have been converted to cranberry and lily production. The Coos and Coquille valleys historically were large timber producers along with cattle and dairy industries. Several of the watersheds in the southern part of this basin have been affected by large and severe wildfires in the past decade.

Major restoration issues in this region of the state include fish hatchery influences, sediment delivery from forest fires and roads, and loss of estuarine, low gradient floodplains and wetlands along the coast.



### **1.3.3 Willamette Basin**

The Willamette Region of the state includes the Willamette River basin and the eastern portion of the Lower Columbia River basin. The Willamette River basin is bounded on the west by the Coast Range and on the east by the Cascade Range, with the Willamette Valley and surrounding forested foothills. Streams that flow from the Coast Range to the Willamette River are lower gradient and rainfall-dependent systems that support native cutthroat trout, lamprey, and winter steelhead. Streams that drain from the Cascades are higher gradient rain and snowmelt-fed systems that support native cutthroat, rainbow and bull trout, and lamprey, spring Chinook salmon, and winter steelhead.



Large dams on most Cascade tributaries control valley flooding, but significantly alter fish passage and streamflow regimes throughout the basin. Much of the Willamette basin was originally bottomland riparian hardwood forests, wet prairies, oak savannas, and oak woodlands. Extensive agricultural areas, urbanization, and fire suppression have greatly reduced these habitats. Today, the basin supports concentrated areas of high technology, diverse agricultural production, forestry, and wood products industries, and roughly three-quarters of Oregon's human population.

Major restoration issues in this region of the state include loss of floodplain connectivity, loss of oak savanna, oak woodlands and prairie habitats, significant nutrient and chemical inputs which result in water quality degradation, impacts from hydropower infrastructure, urbanization, and a legacy of floodplain and channel alteration.



#### **1.3.4 Central Oregon**

The Central Region of the state includes the Hood, Deschutes, Klamath, and Lake's river basins. Draining directly from Mt. Hood's glaciers, the Hood River and Fifteenmile Creek are the primary Oregon waterways entering the spectacular Columbia River Gorge. The Gorge attracts thousands of visitors annually and is world famous for its windsurfing. The western Hood River Valley is known for its pears and other orchard crops and the river supports a significant salmon and steelhead fishery. The Fifteenmile Basin is the edge of wheat country and is a major cherry producing area. Fifteenmile Creek also sustains the easternmost population of wild winter steelhead. Agriculture, forestry, and tourism support the economy of this basin.

Hood River and The Dalles are the major communities along this present day and historic travel and trade route between inland regions and the coast. The removal of Powerdale Dam on the Hood River, and development of a unique flat fish screen by the Hood River based Farmer's Cooperative Alliance, have helped address factors affecting salmon populations in the Hood River. A comprehensive program of addressing upland runoff in the Fifteenmile Creek watershed is paying off in improved water quality and returning fish runs.

Bordered by the Cascade Range to the west, the Deschutes River basin includes the high Cascade lakes, wild and scenic waterways, and a rapidly growing human population. Tourism, agriculture, forestry, ranching, and a high technology industry dominate the economy of the basin. Fed by snowfields of the Cascade and Ochoco ranges, the basin's headwaters flow from springs through high elevation wet meadows and lava plains before dropping through scenic canyons and shrub steppe. The Deschutes River hosts world famous trout and steelhead fisheries. Bull trout and steelhead are listed under the federal Endangered Species Act. The Confederated Tribes of Warm Springs operate Kah-Nee-Ta Lodge, a lumber mill, and other tribal enterprises. Several dams generate electricity and block fish runs to the upper basin. With the relicensing of the Pilton-Round Butte dam complex, fish passage has been provided recently to the upper basin. With the reintroduction of anadromous fish, a strong partnership has developed focused on land and water conservation and habitat enhancement to maximize the likelihood of success of the reintroduction.

The Klamath River basin has been the focus of national attention following the drought of 2001. Flowing south from Crater Lake National Park and the Gearhart Wilderness Area, the streams and springs that form Upper and Lower Klamath lakes exit Oregon into California as the Klamath River. Extensive lakes and wetlands along the Scan, Sprague, Williamson, and Wood rivers dominate the basin. Numerous bald eagles and large numbers of waterfowl overwinter in the basin. Irrigated agriculture, ranching, forestry, and recreational tourism are key elements of the economy in the basin. Significant restoration activity has taken place to recover rearing habitat for the listed Lost River and short nose sucker fish.

Waters that flow in the desert country of Lake, southern Harney, and southwestern Malheur counties share both this region and the Eastern Oregon region. These waters drain toward lakes such as Malheur, Albert, Silver, Summer, Goose, and Warner. These waterbodies and associated wetlands are remnants of ancient Pleistocene lakes that filled the basin. Scenic mountains rise abruptly from the valley floors. Streams that drain the uplifted ranges support Lahontan cutthroat trout, redband trout, Tui chub, Alvord chub, Warner Lake suckers, Modoc suckers, and Borax Lake chub. Hart Mountain and Malheur National Wildlife Refuges and the Steens Mountain Wilderness Area provide wildlife viewing and scenic vistas. Fort Rock and the Alvord Desert are home to antelope and sage grouse. Diamond Craters, the historic Round Barn of the P Ranch, and the Burns Paiute Reservation are in this basin. Ranching and forest products support the basin's communities.

Major restoration issues in this region of the state include altered and overstocked forest stands, increased sediment in natural streams, juniper encroachment, loss of lake fringe wetlands and floodplain connectivity, sage-grouse habitat decline, and habitat restoration for reintroduction of anadromous fish.



### **1.3.5 Eastern Oregon**

The Eastern Region of the state includes the Grande Ronde, Powder and Malheur and Owyhee river basins. The Wallowa, Grande Ronde, and Imnaha Rivers flow from the majestic Wallowa Mountains to the Snake River. The Wallowa Mountains frame the Grande Ronde Valley. Mountain headwater streams in subalpine forests transition through deep canyons and meander through agricultural communities in the lowlands before flowing through deep canyons. This basin is the historic homeland of the Chief Joseph band of the Nez Perce Tribe. Ranching, agriculture, and forest products are key to the economy in this basin. Nestled between the Imnaha and Grande Ronde rivers, Zumwalt Prairie supports the highest density of raptors in Oregon. Bull trout, spring Chinook salmon and summer steelhead in this basin are listed as “threatened” under the federal Endangered Species Act. Significant efforts to restore the Wallowa River have improved habitat for these species.

Draining south and east from the Blue Mountains, the Powder and Burnt Rivers flow to the middle Snake River. This ranching country contains remnants of the original Oregon Trail traveled by settlers in covered wagons. Mining is still important in this basin, but agriculture and ranching are the key elements of the economy. Bull trout in this basin are listed as “threatened” under the federal Endangered Species Act.

The upper Owyhee and Malheur River drainage is a very sparsely populated portion of the state. The lower portions of both basins, the western edge of the Treasure Valley, support rich irrigated row-crop agriculture. Cattle ranching is the dominant use of the upper Owyhee basin that includes the stark beauty of Leslie Gulch and the Jordan Craters. The upper Malheur basin includes cattle ranching, large winterfeeding operations, and other agricultural activities. Bull trout in this basin are listed as “threatened” under the federal Endangered Species Act. Recent efforts to use irrigation water more efficiently in the Willow Creek drainage, a tributary to the Malheur River, has sediments and water use in the basin. These activities have made significant progress towards addressing the factors that affect water quality in the Willow Creek drainage. The largest wildfire recorded in Oregon occurred in this basin in 2012.

Major restoration issues in this region of the state include loss of late summer flows, altered fire regime, bacteria inputs from livestock production, groundwater quality degradation from agricultural activities, loss of sagebrush steppe habitat, juniper encroachment, unscreened irrigation diversions and effects of historic dredge mining.



### 1.3.6 Mid-Columbia

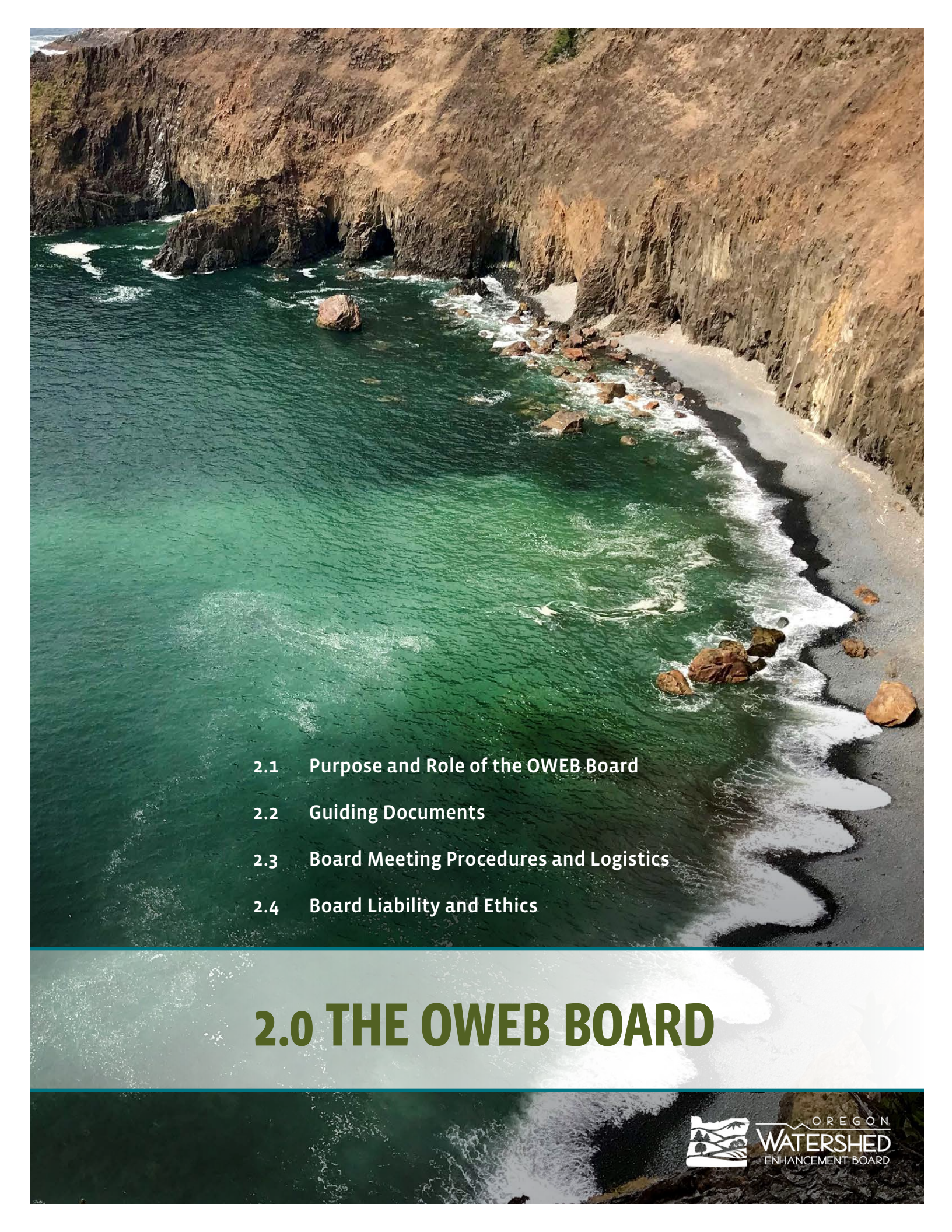
The Mid-Columbia Region of the state includes the John Day and Umatilla river basins. The John Day River is one of the most significant undammed stream systems in the West and the basin contains the Painted Hills, John Day Fossil Beds National Monument, and Strawberry Mountain Wilderness Area of the Blue Mountains. The economy is dependent on natural resource industries, forest products, farming, ranching, recreation, and mining. Summer steelhead and bull trout are listed under the federal Endangered Species Act; however, the John Day River system has one of the strongest native stocks of summer steelhead in the Northwest.

Ponderosa pine and Douglas-fir forests in the Ochoco and Blue mountains dominate the headwaters, while the north and middle forks of the John Day River meander through open meadow and prairie ranch land. The mainstem of the river below the community of Clarno flows through an incised canyon that bisects shrub-steppe and wheat ranches in the uplands before flowing into the Columbia River at the eastern edge of the Columbia River Gorge. Local restoration partners have eliminated more than 100 fish passage barriers in the main stem of the John Day River, and a concentrated restoration and monitoring effort in the Middle Fork John Day River is providing information about the effectiveness of different restoration treatments.

The Umatilla River basin includes the Umatilla and Walla Walla rivers, and Rock Creek drainages. Ranching, forest products, wheat, and cattle ranching dominate the economy. The Confederated Tribes of the Umatilla Indian Reservation is in this basin and the tribe is active in fish and wildlife resource management. The Umatilla basin is the site of successful reintroduction of spring Chinook, which were extirpated for more than 75 years. The Umatilla and Walla Walla rivers spring from the forested hillsides of the Blue Mountains. Headwater areas of these rivers support remarkably high numbers of native species. Downstream reaches of these rivers flow through highly productive wheat farms, fruit orchards, vineyards, and other irrigated agriculture.

Major restoration issues in this region of the state include loss of shrub steppe habitat, incised stream channels, flow augmentation, lowering of groundwater aquifers, degraded floodplain conditions, loss of cold-water habitats, unscreened irrigation diversions and significant temperature increases in the Lower John Day River.



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- 2.1 Purpose and Role of the OWEB Board
  - 2.2 Guiding Documents
  - 2.3 Board Meeting Procedures and Logistics
  - 2.4 Board Liability and Ethics

## 2.0 THE OWEB BOARD



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## 2.0 THE OWEB BOARD

### 2.1 The Purpose and Role of the OWEB Board

#### 2.1.1 Board Membership

OWEB is led by an 18-member board. The board has 11 voting members, including five public-at-large members, five members from other state natural resource boards/commissions, and a member from tribal government. In addition, seven non-voting members serve on the board representing Oregon State University's Extension Service and six federal natural resource and regulatory agencies.

Current members are listed on the following webpage: <https://www.oregon.gov/oweb/about-us/Pages/board/members.aspx>

#### Public at Large Members

The Governor appoints six members from the public at large, one of whom represents tribal governments in Oregon. These voting members are appointed to serve four-year terms and are subject to Senate confirmation. The public members come from different parts of the state and offer diverse perspectives and experiences to Board discussions and decisions.

#### Agency Members

Each of the following five state natural resource agency boards or commissions has a representative to the OWEB Board: Board of Forestry, Board of Agriculture, Environmental Quality Commission, Fish and Wildlife Commission, and Water Resources Commission. These members are voting members and serve an important role as a communication link between the OWEB Board and their respective board or commission.

#### Non-Voting Members

There are seven non-voting members on the board who represent the Oregon State University Extension Service and six federal natural resource agencies: US Forest Service, Bureau of Land Management, Natural Resources Conservation Service, US Environmental Protection Agency, US Fish and Wildlife Service, and National Marine Fisheries Service. These agency representatives add value to board discussions by sharing their perspectives on issues before the board and updating the board on the watershed management activities of their agencies. They are invited to participate fully in the deliberation of policy by OWEB.

#### 2.1.2 The Primary Roles of the Board

The Oregon Watershed Enhancement Board (OWEB) is the policy body responsible for assisting in setting the priorities of the agency, rulemaking, and for the distribution of grant funds. Measure 76 Lottery Funds placed in the Restoration and Protection subaccount of the Parks and Natural Resources Fund. Oregon law directs the board to establish a framework for locally based integrated watershed planning and management process designed to assist watershed councils and soil and water conservation districts.

This direction and framework include guidance for watershed assessment and watershed action planning. The board has the authority to review other agency programs, develop regional goals and priorities, and support development of natural resources information.

The primary function of the board is to make informed decisions on the allocation of grant funds to support local watershed restoration efforts. The primary mechanism developed for this purpose is through competitive grant programs. The board adopts rules governing the grant programs and directs the policy emphasis of the agency in accordance with its enabling legislation.

The board also has significant responsibility in participating in efforts to implement the Oregon Plan for Salmon and Watersheds. The Oregon Plan is a framework for addressing Oregon's natural resources challenges in a coordinated, sustainable manner. It brings together a wide range of governmental and non-governmental entities to implement conservation strategies and actions that support recovery of listed fish species, water quality improvements, and restoration of watersheds that support the economy and quality of life in Oregon. The three key elements of the Oregon Plan include:

1. Agency actions — regulatory, management and technical assistance programs by state and federal agencies.
2. Voluntary actions — local restoration on public and private lands and other conservation-related actions conducted with a variety of private and public funds.
3. Monitoring— an interdisciplinary effort to evaluate status and trends of selected fish populations, water quality, habitat and other environmental conditions that affect watershed health.

OWEB is an integral part of the Oregon Plan. OWEB funds contribute to all three elements of the Oregon Plan, and agency staff work closely to coordinate efforts with other state and federal partners.

### **2.1.3 The Board and the Agency**

The board is the primary policy body for the agency. The board makes decisions on distributing grant funds and adopts administrative rules to guide agency priorities and processes. The board elects a chair or co-chairs to plan and lead board meetings and to be the primary contact with the agency.

Day-to-day operations and management of the agency are the responsibility of the Executive Director. The Executive Director works with an executive team to implement grant programs and policy direction set by the Board. The Executive Director is a member of the Governor's Natural Resources Cabinet and works closely with executive branch agencies to follow the requirements of the State of Oregon. The authority to enter into agreements and contracts is the responsibility of the Executive Director.

### **2.1.4 Board Committees**

The board frequently uses committees to work with agency staff to further vet issues, identify opportunities, and prepare policy discussions for the full board. Committees typically meet virtually once per quarter unless the timelines for a specific topic warrant more frequent meeting.

Board committees strengthen communication between board members and staff while building familiarity with the agency programs and services. The use of committees also allows board and staff to discuss complex issues and explore opportunities. By using this process, staff better prepare the board for policy and funding discussions and decision at board meetings.

There are three current committees:

- Grants
- Climate and Water
- DEI and Environmental Justice



## 2.2 Guiding Documents

### 2.2.1 Agency Mission

OWEB's mission is to help protect and restore healthy watersheds and natural habitats that support thriving communities and strong economies.

To accomplish this mission, the agency works with other state, tribal, and federal partners, watershed councils, soil and water conservation districts, local governments, private landowners, and others to implement watershed restoration actions throughout the state. OWEB operates grant programs that award grants each year in support of local, voluntary partnerships to restore and protect fish and wildlife, improve water quality, and enhance watershed health.

### 2.2.2 Long-Term Investment Strategy for Conservation

As a result of the passage of Measure 76 in 2010, OWEB's primary source of funding was no longer time-limited in the Oregon Constitution. From that point forward, OWEB has been reviewing and updating its priorities, policies, programs, and practices with the purpose of best positioning the agency as an effective and successful long-term funder of conservation in Oregon. All of OWEB's investments in ecological outcomes also help build communities and support the local economy.

In June of 2013, the OWEB Board approved its Long-Term Investment Strategy Framework (LTIS) with four major areas of investment: Operating Capacity, Open Solicitation, Focused Investments, and Effectiveness Monitoring. The LTIS is nested within the agency's mission and strategic plan goals and touches on nearly all aspects of OWEB's responsibilities.

### Guiding Principles

As the board developed the Long-term Investment Strategy, they did so under established principles for how any changes in OWEB's programs would operate.

1. Build on accomplishments. The commitment and work of our local partners have resulted in a nationally and internationally recognized approach with unmatched environmental accomplishments. OWEB will build on this foundation.
2. Effective communication. OWEB is committed to active, two-way communication of ideas, priorities, and results with its staff, partners, potential partners, and the public as a means for developing and maintaining a strong investment strategy and successful cooperative conservation.
3. Transparency. OWEB values transparency and develops its Long-Term Investment Strategy through an open, transparent process that involves input and dialogue with stakeholders and staff.
4. Maximize service, minimize disruption. The board considers how OWEB's grant portfolio impacts partner organizations and staff resources to maximize effectiveness without adversely affecting service delivery.
5. Responsive. The Long-Term Investment Strategy will adjust to changes in revenue and be responsive to changes in ecological priorities from the Governor, Legislature, the board, and local partners.
6. Adapt based on monitoring and evaluation. OWEB's staff and board monitor and evaluate the

effectiveness and implementation of the Long-Term Investment Strategy. The board shall adapt and modify the strategy as needed to meet its desired goals and outcomes and to improve overall investment success.

7. Phase-in Change. OWEB's Long-Term Investment Strategy will guide future efforts, is designed to accommodate changes and adjustments made by stakeholders and OWEB staff and will be periodical.

### **2.2.3 2018 Strategic Plan**

In June 2018, after extensive public input over the preceding 18 months, the OWEB Board adopted a strategic plan consisting of seven key priorities, each with a set of corresponding strategies developed to implement the priority. The strategic priorities for the agency are:

1. Broad awareness of the relationship between people and watersheds.
2. Leaders at all levels of watershed work reflect the diversity of Oregonians.
3. Community capacity and strategic partnerships achieve healthy watersheds.
4. Watershed organizations have access to a diverse and stable funding portfolio.
5. The value of working lands is fully integrated into watershed health.
6. Coordinated monitoring and shared learning to advance watershed restoration effectiveness.
7. Bold and innovate actions to achieve health in Oregon's watersheds.

The strategic plan will provide direction to the agency over the next 10 years, with strategies staged to be implemented during different times throughout this period.

### **2.2.4 Key Performance Measures**

As part of the agency's Annual Performance Plan Report to the Oregon Legislature, OWEB reports on several Key Performance Measures, or KPMs. These metrics are part of an approach to measure performance and outcomes of state government. Measures must:

- Gauge progress toward agency's goals and mission,
- Use standard terminology and definitions,
- Be few in number,
- Identify performance targets to be achieved during the two-year budget cycle,
- Use accurate and reliable data sources,
- Measure customer satisfaction,
- Assign an organizational unit responsible for achieving the target, and
- Address comparable information, where possible.

During the budget process of each legislative session, the Legislature will approve, disapprove, or change/update each agency's proposed biennial performance measures.

## **2.3 Board Meeting Procedures and Logistics**

### **2.3.1 Schedule of Meetings**

The grant application and award cycle significantly influence the timing and agenda of board meetings. Field tours, a board planning session and occasional conference call meetings may occur during the biennium.

Please refer to the following webpage for a complete listing of board meeting times and locations:

<https://www.oregon.gov/oweb/about-us/Pages/board/meetings.aspx>

### **2.3.2 Board Meeting Logistics**

OWEB meetings are public meetings and follow Oregon Public Meeting Laws. They are recorded for a formal record of the business of the agency. The board is chaired by members selected from among the voting members.

The Executive Director prepares a meeting agenda in consultation with the board chair(s). Prior to each board meeting, staff provides public notice of the meeting. The agenda, staff reports, and other briefing materials are sent to board members two weeks in advance of each meeting. The Executive Director or lead staff manager is available to answer any questions concerning issues in the staff report.

### **2.3.3 Voting Requirements**

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 act on grant awards, and affirmative votes of at least 6. 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. This is what it means in practice:

- If 8 voting members are present, it takes 6 yes votes to approve a grant.
- If 9 voting members are present, it takes 7 yes votes (or 6 yes and an abstention) to approve a grant.
- If 10 voting members are present, it takes 8 yes votes (or at least 6 yes and no more than 2 abstentions) to approve a grant.
- If 11 voting members are present, it takes 9 yes votes (or at least 6 yes and no more than 3 abstentions) to approve a grant.

### **2.3.4 Reimbursement Rules and Forms**

As an OWEB Board Member, you are reimbursed for any travel or other expenses related to the official responsibilities of your position. The OWEB Executive Assistant coordinates reimbursement and will provide you with a Travel Reimbursement Package at each board meeting or other board-related event. After each



OWEB-related function, record your travel, meals, lodging, and other expenses on the worksheet. Be sure to sign the worksheet and the other two attached travel forms and return it (in person or via email, fax, or mail) to the OWEB Executive Assistant. OWEB will complete the official forms based on the information you provide in the worksheet and submit them for reimbursement. A State of Oregon reimbursement check will be mailed directly to you, or will be direct-deposited, soon after you report your expenses.

Please contact the OWEB Executive Assistant with any questions:

Phone: (971) 345-7001

Email: [april.mack@OWEB.oregon.gov](mailto:april.mack@OWEB.oregon.gov)

It is the policy of the State of Oregon that all travel shall be allowed only when the travel is essential to the normal discharge of State responsibilities. All travel shall be conducted in the most efficient and cost-effective manner resulting in the best value to the State. The travel must comply with all the requirements set forth in this section and must be for Official State business only. Personal expenses shall not be authorized at any time.

Travel expenses shall be reimbursed only in accordance with rates approved by the Department of Administrative Services and in effect at the time the expense was incurred.

The rates are subject to change and govern reimbursement of any travel expenses incurred after the date of the change. OWEB will notify board members of any change in the approved rates for mileage and in-state meals. Reason or purpose for all travel expense reimbursement requests must be identified.

**Mileage:** Mileage for travel in a private automobile, while board members are acting within the course and scope of his/her duties and driving over the most direct and usually traveled route, will be reimbursed at the established rate. To qualify for mileage reimbursement, board members must hold a valid, current driver's license for the class of vehicle to be driven and carry personal automobile liability insurance in the amounts not less than those required by (i) the Oregon Financial Responsibility Law (ORS 806.060) or (ii) the jurisdiction in which the vehicle is being operated, whichever is greater. No mileage reimbursement will be paid for the use of motorcycles or mopeds. Individual Dates, From/To Destinations, and number of miles per trip must be shown for reimbursement.

**Meals:** In-State per diem rate for meals is established by county, with some counties having higher rates. Out-of-State per diem for meals is the specified federal per diem rate for the locality. Except in the event of necessary overnight travel as provided below, breakfast and dinner expenses shall be reimbursed only if the board members, while acting within the course and scope of his/her duties, are required to travel more than (2) hours: (a) before the start (for breakfast reimbursement); or (b) after the end (for dinner reimbursement), of the board member's regular workday (Example: Regular work hours 8am to 5pm. Must leave office by 6am for breakfast reimbursement or must return to office after 7pm for dinner reimbursement). Lunch expense is reimbursable only if board members, while acting within the course and scope of his/her duties, are required to travel overnight and begins or ends the journey, respectively, before or after 11 am. Breakfast and dinner expenses are reimbursable during the board member's necessary overnight travel while acting within the course and scope of his/her duties. Dates, as well as Begin and End work times, must be shown to receive reimbursement.

**Lodging:** State will reimburse board members for their actual lodging cost up to the specified federal per diem lodging rates for the locality. Reimbursement rates for lodging are NOT considered "per diem" and receipts are required for reimbursement.

**Other Travel Expenses:** In addition to meals and lodging, out-of-state travel expenses will be reimbursed for airfare and rental vehicles only if board members are acting within the course and scope of his/her duties. Receipts are required for all out-of-state expenses. Any flights need to be coordinated with the OWEB Executive Assistant. All board members will fly “coach class,” unless the board member pays the difference. All Board members will be limited to an economy or compact size rental vehicle unless the board member pays the difference.

**Per Diem Rates:** Oregon law requires agencies to pay per diem compensation and expenses for “qualified members”, defined as members who are (1) not in full-time public service, and (2) have an adjusted gross income for the previous tax year of less than \$50,000, or less than \$100,000 reported on a joint income tax return. The only exception to the requirement is if the qualified member declines compensation. New members are required to fill out a Compensation Self-Attestation Form verifying income or declining compensation.

OWEB’s Executive Assistant will provide board members with current per diem rates.

Any Exceptions to the expense items listed above need to be discussed with either the OWEB Executive Director or Executive Assistant, prior to incurring any expense for which reimbursement will be sought.

For Out-of-State Travel rates please refer to: <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

## 2.4 Board Liability and Ethics

As appointed members of the OWEB Board, you are public officials under what is called government ethics law.

The following summaries of Oregon's Government Ethics Law are very general. Keep in mind that the requirements of the law are actually very detailed, and their application will depend upon the facts of each circumstance. A complete guide created by the Oregon Government Ethics Commission can be found at the following webpage:

<https://www.oregon.gov/racing/Documents/Oregon%20Government%20Ethics.pdf>

If in doubt, call the Oregon Government Ethics Commission at (503) 378-5105. Where the application of the law to a particular situation is unclear, only the Commission can provide guidance upon which you can safely rely (i.e., only the Commission has the authority to apply government ethics law).

### 2.4.1 Ethics Summary

DISCLAIMER: THIS IS ONLY A GENERALIZED SUMMARY AND IS NOT INTENDED TO BE LEGAL ADVICE. PLEASE REVIEW ORS CHAPTER 244 AND CONSULT AN ATTORNEY OR THE ETHICS COMMISSION FOR ADVICE ABOUT YOUR SPECIFIC SITUATION.

#### Gifts

**Receiving Gifts:** As a public official, you may not receive gifts worth more than \$50 total per calendar year from a source with any administrative or legislative interest in your decision or vote [ORS 244.025(1) & ORS 244.020(9)].

- Note: This rule applies regardless of whether you are paid for your service on a board or commission.
- People you live with as well as your immediate relatives are bound by this rule and cannot receive gifts worth more than \$50 total per calendar year from a source with any administrative or legislative interest in your decision or vote.
- "Legislative or administrative interest" means an economic interest, distinct from that of the public, in any matter subject to your decision or vote acting in your official capacity as a public official [ORS 244.020(9)].

**Giving Gifts:** gift limit does not apply when you are giving gifts to persons who are not public officials (or their relatives or members of household).

**Relative Exception:** gift limit does not apply to gifts you receive from people you live with or certain relatives (including your spouse, children, siblings and parents, spouses' parents, spouses of siblings, any individual for whom you have a legal support obligation, any individual for whom you provide benefits arising from your employment or from whom you receive benefits arising from that individual's employment) [ORS 244.020(15)].

**Political Contribution Exception:** Limit does not apply to political contributions.

**Food & Drink:** Generally, gift rules and exceptions apply to food and drink. Reception Exception: you may enjoy incidental food and drink that is free to everyone at receptions (does not include sit-down dinners).

Government/Membership/Nonprofit Exception: you may enjoy food or drink at an official meeting or convention, or on a fact-finding mission if paid for by:



- Federal, state or local government;
- Tribal government;
- Membership organization to which your board or commission pays dues; or
- 501(c)(3) nonprofit organizations [ORS 244.020(6)(b)(F)]

**Travel:** Generally, gift rules and exceptions apply to gifts of travel. All travel paid for by a 3rd Party should be pre-approved by your board or commission.

Carpool Exception: You can travel together with another public official to an in-state event you are attending in your official capacity without splitting the cost of travel.

Government/Membership/Nonprofit Exception: travel and reasonable expenses to attend an official meeting or convention, or on a fact-finding mission if paid for by:

- Federal, state or local government;
- Tribal government;
- Membership organization to which your board or commission pays dues; or
- 501(c)(3) nonprofit organizations

Economic Development Exception: certain travel to engage in trade or fact-finding missions.

**Entertainment:** Incidental Entertainment Exception: you may enjoy incidental entertainment at an otherwise permissible event (e.g., the guitarist in the corner).

First Pitch Exception: acting in an official capacity for a ceremonial purpose (i.e., first pitch, ribbon cutting).

## 2.4.2 Conflicts of Interest and Lobbying

There are two types of conflicts of interests defined by Oregon Government Ethics Law: 1) actual conflicts of interest and 2) potential conflicts of interest. An “actual conflict of interest” is any action, decision, or recommendation made by a board member that would financially benefit the board member, the board member’s relative, or business that the board member or board member’s relative is associated. A “potential conflict of interest” is any action, decision, or recommendation made by a board member that could financially benefit the board member, the board member’s relative, or business that the board member or board member’s relative is associated.

Under Oregon Government Ethics law, a business includes nonprofit corporations that are tax-exempt under section 501(c) of the Internal Revenue Code. However, under the law, conflicts of interests arise only for paid employment with nonprofit corporations. If an OWEB Board member is also an unpaid board member of a nonprofit corporation, the board member would be exempt from the requirement to announce a conflict of interest when considering items before the board related to the nonprofit corporation.

If a board member is faced with an actual or potential conflict of interest, the board member must announce or disclose the nature of a conflict of interest. Following the public announcement of a potential conflict of interest, the board member may participate in actions on the issue that brought up the conflict of interest. Following the public announcement of an actual conflict of interest, the board member must refrain from any discussion or debate on the issue that gave rise to the conflict of interest.

In the unusual circumstance where all voting board members are present and multiple actual conflicts of interest amongst board members would prevent the board from taking official action due to quorum

requirements, the board members declaring actual conflicts of interest may vote. However, the board members declaring actual conflicts of interest may not participate in the discussion leading to the vote.

## **Definitions [ORS Chapter 244]**

Certain terms have meanings under the government ethics law. They include the following:

- “Relative” means your spouse, domestic partner, children of public official or spouse, siblings or parents of public official or spouse, or any individual you legally support [ORS 244.020(15)].
- “Business” also includes any nonprofit for which you work for pay. It does not include a government entity [ORS 244.020(2)].
- You are “associated” with a private business if you or your relative is a director, officer, owner or employee, or agent, or if you or your relative owns or has owned at least \$1,000 in stock or other equity interest at any point in the preceding calendar year [ORS 244.020(3)(a)].
- You are “associated” with a publicly held corporation if you or your relative is a director or officer, or if you or your relative owns or had owned \$100,000 or more in stock or other form of equity interest at any point in the preceding calendar year [ORS 244.020(3)(b)].
- Any publicly held corporation in which you or your relative is a director or officer [ORS 244.020(3)(c)].

## **Conflicts of interest and avoidance of financial gain or detriment**

This is a two-step analysis which deals with two legally independent requirements:

### **Conflicts of interest**

When faced with a particular matter of concern before the board, start by considering whether the matter poses a “conflict of interest” for you. With limited exceptions, you must take specific actions to deal with actual or potential conflicts of interest.

Caution: declaring a potential or actual conflict does not shield you from the other prohibitions under the government ethics law (concerning using office to obtain financial gain, using confidential information, etc.).

Example A: OWEB considers a grant application from The Snail Conservancy, a nonprofit organization for which you serve on the board of directors. This is not a conflict of interest because the government ethics law excludes interests that arise from membership in or membership on the board of directors of a 501(c) nonprofit.

Example B: OWEB considers a grant application from the Mildew Valley Watershed Council. You are a paid employee of the Council. Because award of the grant would financially benefit the Council, this poses an actual conflict of interest. You must declare and describe the conflict on the record before the board votes on the application plus refrain from voting on that application.

Example C: OWEB considers an amendment to its administrative rules which set a standard for grant-making decisions. Your cousin, who represents drainage districts, testifies before OWEB in favor of the amendment because the amendment would tend to make it easier for the districts to obtain grants. Because adoption of the amendment potentially could (but wouldn’t necessarily) affect the financial interests of the districts (and in turn your cousin), you should declare this on the record as a potential conflict of interest. You may then go ahead and vote on the proposed amendment.

Example D: OWEB considers a grant application from the Skunk cabbage Watershed Council for riparian fencing in the Sauerkraut Valley. Your parents own a farm that abuts a stream in Sauerkraut Valley. This is not a conflict of interest. Although as riparian landowners your parents may eventually benefit financially from this project, they would benefit merely as members of the “class” of riparian landowners in Sauerkraut Valley.

### **Financial gain or detriment [ORS 244.040(1)]**

Even if you have dealt with a conflict of interest, you must still be sure not to use your position on the OWEB Board to obtain financial gain or avoid financial detriment for yourself, any of your relatives, or for any business with which you or your relatives are associated.

**Gifts:** With limited exceptions, you and your relatives cannot solicit or receive gifts with a combined value over \$50 in a calendar year from any one entity (person, company, organization) that has an economic interest, distinct from that of the public, in an OWEB rule, grant decision, policy, etc. (See the definition of gifts and further guidance in the Ethics section.) [ORS 244.025]

**Honoraria:** You may not accept an honorarium (a payment or something of economic value given in exchange for a speech, etc.) related to your official duties as a member of the OWEB Board [ORS 244.042].

**Awards for Professional Achievement:** Public officials may accept an award, if the public official has not solicited the award, and the award is offered to recognize a professional achievement of the public official [ORS 244.040(2)(d)].

**Gift Exception:** You can accept an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25.

**Confidential information:** You cannot try to further your own personal gain by using confidential information you obtained as an OWEB Board member [ORS 244.040(4)].

**Future employment.** You cannot solicit or receive (directly or indirectly) any promise of future employment based on any understanding that your vote, official action, or judgment as an OWEB member would be influenced by the promise [ORS 244.040(3)].

**Lobbying:** In your official capacity as an OWEB member, you are entitled to lobby in support of or in opposition to legislative bills that affect OWEB’s work. Depending upon how much time and money you spend on lobbying, you may need to register as a lobbyist with the Government Ethics Commission. Statute provides a registration threshold, which means that if a lobbyist spends over 24 hours lobbying or spends \$100 or more on lobbying activities in a calendar quarter, the lobbyist must register. However, you must not support or oppose ballot measures while on state time, while using state resources or in your official capacity as an OWEB member.

**Example B revisited:** You properly declared your conflict of interest in OWEB’s consideration of the grant application from the Mildew County Watershed Council, refrained from discussing the application at the meeting and refrained from voting on the application. However, during breakfast before the OWEB meeting you gave each of your fellow OWEB members a glossy packet of materials praising the project which the Council’s grant application proposes to fund talked about it with your fellow members. This is a close call; however, it could be argued that you violated the law by using your position as an OWEB member to obtain financial gain for the Council. As an OWEB member, you had access to the members at breakfast before the meeting and “had their ear” as a respected colleague, two advantages not available to the public at large.



### 2.4.3 Liability as an OWEB Board Member

**Tort liability generally:** As a member of the OWEB Board, you are covered by the Oregon Tort Claims Act (OTCA) for actions you take within the scope of your official OWEB duties. If someone sues you or OWEB for money damages, claiming that a particular OWEB decision injured them in some way, the Department of Justice will defend you and the OTCA will shield you from liability (provided what you did was within the scope of your official OWEB duties).

How can you be sure that you are acting within the scope of your official OWEB duties? If in doubt, ask the Assistant Attorney General assigned to OWEB for advice. If you rely on advice from the Department of Justice, you will be protected from liability even if the advice turns out to be in error. But if you fail to seek or heed legal advice when a reasonable person would have done so, the Department of Justice may choose not to defend you and you may end up personally liable.

Another angle concerning liability for public officials relates to the type of action at issue. The law does not allow tort lawsuits against government agencies or public officials where the challenged action was simply a matter of a public official making a fundamental policy choice (for example, to adopt a particular type of rule governing grant-making standards). This is called “discretionary immunity”. Most of what OWEB does will fall into this category. For one, you will adopt, amend, and repeal rules governing OWEB’s programs. Also, you will decide whether to grant applications (in legal terms, you will issue an order as to each grant decision). Therefore, most of what you do on the OWEB Board is protected from tort lawsuits. If a citizen disagrees with a rule or order the OWEB Board adopts, the citizen may challenge that rule or order under the Administrative Procedure Act. However, the citizen may not seek money damages from OWEB or OWEB Board members because of that rule or order.

**Strict liability for loss of public funds:** As an OWEB Board member, you are expected to handle public funds carefully. When planning to expend public money, you must make sure that the expenditure is for a legitimate purpose and within the scope of legal authority given by the legislature through statute. If you do not, you could be personally liable for the return of unlawful payments. However, if you obtain legal advice from the Department of Justice, follow it in good faith and receive no personal benefit from the transaction, you will be shielded from liability.

### 2.4.4 Public Records

Oregon public records law requires OWEB Board Members to retain all records they receive as part of their official OWEB duties. This includes letters, e-mails and other correspondence members received from people interested in OWEB issues. These records are subject to disclosure if someone makes a public records request.

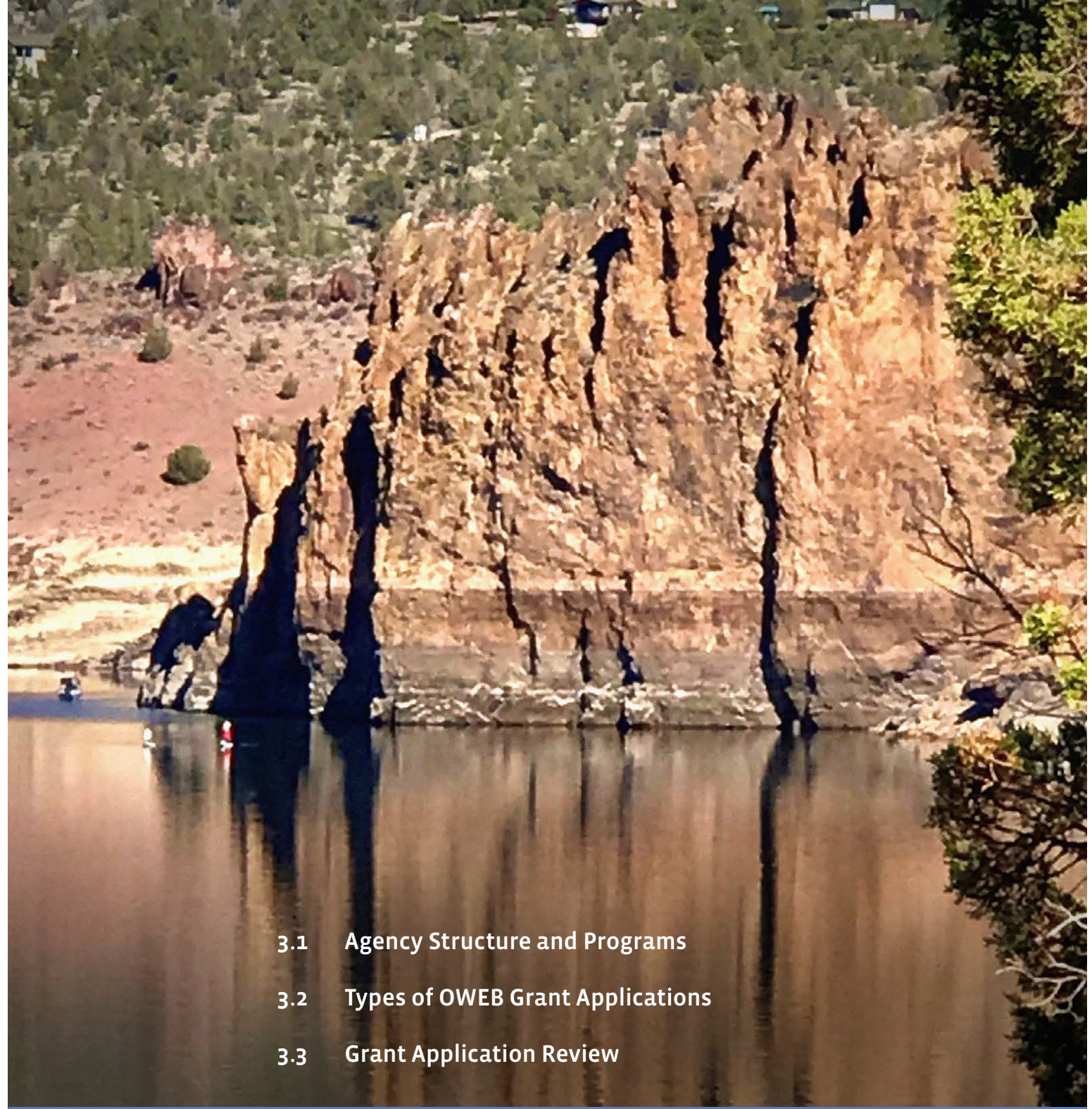
When you receive correspondence regarding your position, an OWEB grant or grant application, or any other OWEB-related issue, email/mail a copy to the OWEB Executive Assistant at the address below.

All correspondence Board Members receive must be retained and filed with OWEB records.

Oregon Watershed Enhancement Board  
775 Summer Street NE, Suite 360  
Salem, OR 97301-1290  
Phone: (971) 345-7001  
Email: [april.mack@oweb.oregon.gov](mailto:april.mack@oweb.oregon.gov)

For additional information regarding Public Records and Public Meetings Law, please refer to the Attorney General’s Public Records and Meetings Manual which can be found on the Oregon Department of Justice’s website at: [http://www.doj.state.or.us/pdf/public\\_records\\_and\\_meetings\\_manual.pdf](http://www.doj.state.or.us/pdf/public_records_and_meetings_manual.pdf)



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- 3.1 Agency Structure and Programs
  - 3.2 Types of OWEB Grant Applications
  - 3.3 Grant Application Review

## 3.0 THE OWEB AGENCY



OREGON  
**WATERSHED**  
ENHANCEMENT BOARD

## 3.0 THE OWEB AGENCY

### 3.1 Agency Structure and Programs

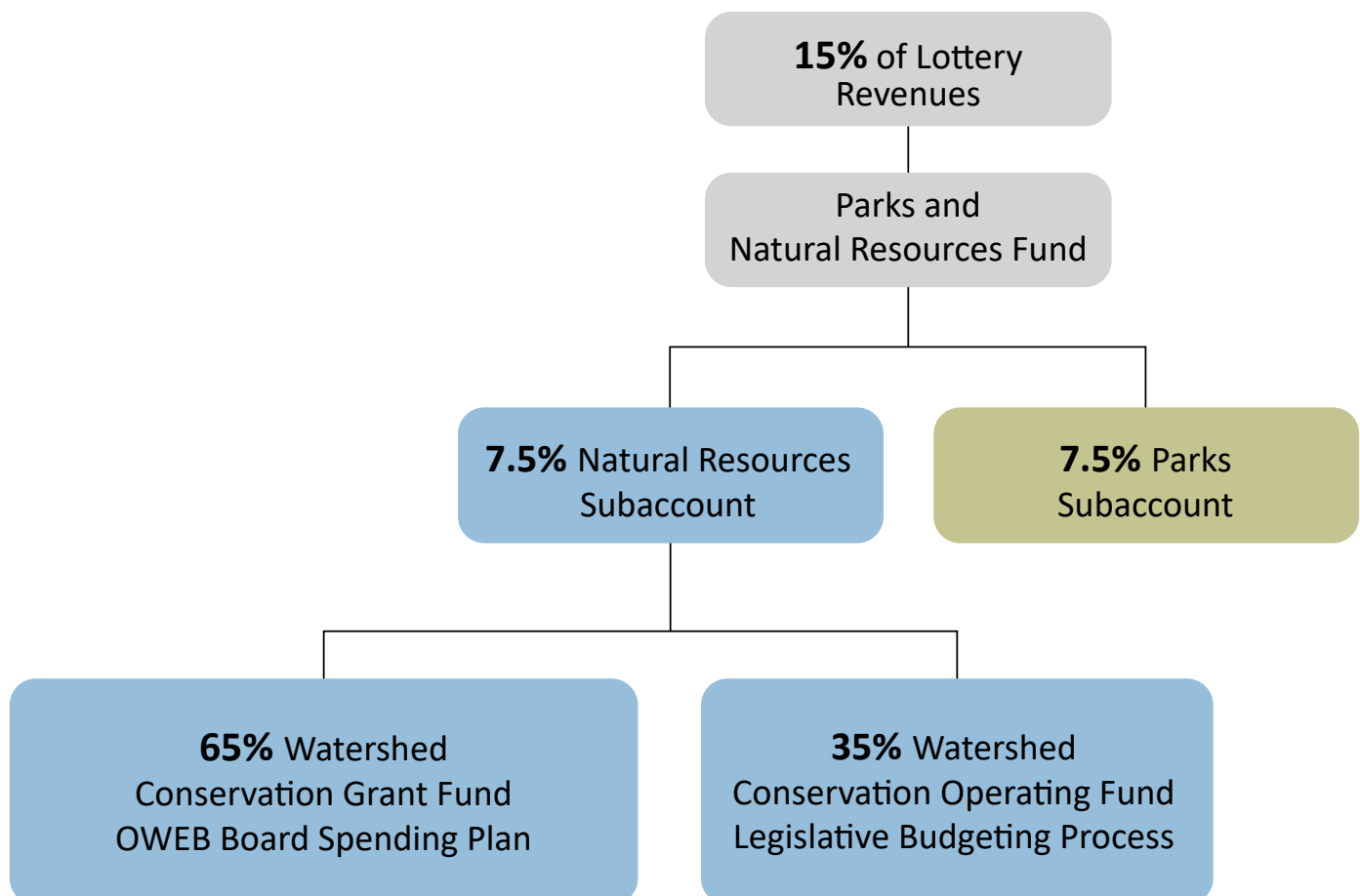
#### 3.1.1 Agency Budget

##### A. Funding Sources

OWEB funding sources include Measure 76 Lottery Funds, federal funds, general funds, and other funds including, but not limited to, salmon license plate revenue. Measure 76 funds comprise approximately two-thirds of OWEB's budget in a typical year. PCSRF funding varies but has recently accounted for approximately one-third of OWEB's budget. From time-to-time OWEB also administers grant funding from various other Federal Agencies and funders. Salmon license plate revenue makes up a smaller but significant portion of the budget.

##### Measure 76 Lottery Funds

This constitutional measure dedicates in perpetuity 7.5% of lottery receipts to the Restoration and Protection Subaccount for watershed protection and restoration. Of those funds, the Constitution directs 65% to the "Watershed Conservation Grant Fund." The other 35% is placed in the "Watershed Conservation Operating Fund."





## Federal Funds

The primary source of federal funds available to OWEB is Pacific Coastal Salmon Recovery Funds (PCSRF). These funds are congressionally appropriated to NOAA Fisheries and awarded as grants to the states. The Congressional Report concerning the funds identified OWEB as the state agency to receive the PCSRF funds. OWEB must obtain Legislative permission to apply for the federal funds and if successful, expenditure limitation for the awarded funds. Since 2000, PCSRF funds have accounted for approximately one-third of OWEB's total funds (grants and operations).

The maximum amount of PCSRF funds that can be requested in the annual grant cycle is \$25 million. In recent years, Oregon has generally received \$12-\$13 million. A portion of these funds are legislatively directed to be transferred to the Oregon Department of Fish and Wildlife (ODFW). There are limitations on eligible uses of the available PCSRF funds based on NOAA recovery priorities and grant types (restoration, technical assistance, and monitoring are all allowed). PCSRF funds are also used for OWEB and ODFW staff.

PCSRF is essential for progress toward the recovery of salmon and steelhead stocks. In Oregon, OWEB invests PCSRF in competitive grants in support of local conservation actions which provide ecological benefits above and beyond outcomes achieved through traditional regulatory programs.

In addition to PCSRF, OWEB may, with permission from the Legislature, apply for other federal grant funds. In the past OWEB has successfully competed for funds from the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Bureau of Land Management, and the USDA-Natural Resources Conservation Service.

## Other Funds

### ***Salmon license plates***

OWEB receives half of the revenues from the sales of Salmon License Plates – the remaining half is dedicated to the Oregon Parks and Recreation Department. For the purposes of state budgeting and spending, these funds are classified as Other Funds. Over the last three biennia, this Other Fund revenue has averaged approximately \$500,000 per biennium.



The 2015 Legislature tightened the use of Salmon License Plate revenues through passage of House Bill (HB) 3333, which restricts the funds to specific types of restoration projects. Specifically, HB 3333 directs OWEB to use Salmon License Plate revenues only to fund projects to protect or restore native salmon habitat or restore natural watershed or ecosystem functions by removing artificial obstructions to native salmon migration.

In 2015, the board adopted a policy that in each Open Solicitation grant cycle, every region will recommend a representative restoration project that will protect or restore native salmon habitat or restore natural watershed or ecosystem functions by removing artificial obstructions to native salmon migration. With board approval, Salmon License Plate revenues will be distributed amongst those identified projects.

## ***Oregon Agricultural Heritage Program***

During the 2022 regular legislative session, OWEB received a \$5 million investment for the Oregon Agricultural Heritage Program. The Oregon Legislature allocated general funds to the Oregon Agricultural Heritage Account with the State Treasurer. Once these general funds were allocated to the account, they become Other Funds that can be carried over to future biennia. These funds are available to support Oregon Agricultural Heritage Program grants and to support staff who administer the program.

Similarly, the Oregon Legislature allocated \$10 million in general funds to the Flexible Incentives Account with the State Treasurer. Once these funds were allocated to the account, they become Other Funds. These funds were allocated to support water acquisition grants and to support the staff who operate the water acquisition grant program.

## ***Forest Collaboratives***

OWEB receives funding from the Oregon Department of Forestry to issue grant awards for Forest Collaboratives. These funds are also classified as Other Funds. The funds come from state dollars legislatively allocated to increase restoration efforts on federal forest lands.

## **General Funds**

During the 2021-2023 biennium OWEB was provided general funds to establish emergency funding to address post-fire recovery and drought relief issues. This was an unusual circumstance for the agency. There is no way to predict if OWEB will continue to receive general funds in the future.

## **Carry Forward Funds**

OWEB must routinely include substantial “carry forward” funds in the agency budget from one biennium to the next for grants committed but not yet spent.

## **B. Legislatively Adopted Budget**

The Oregon Legislative Assembly convenes in January of every odd-numbered year to adopt a two-year budget for state government operations. State agency budgets begin on July 1 of each odd-numbered year (e.g., July 1, 2017) and end on June 30 of the following odd-numbered year (e.g., June 30, 2019). OWEB’s operations budget is determined through the legislative budget process. The legislature makes decisions on distributing Measure 76 Lottery Funds and federal PCSRF funds.

After the Oregon Legislature approves OWEB’s budget at the beginning of each biennium, the board considers and approves a spending plan for the distribution of grant funding. The OWEB Spending Plan guides the agency’s grant investments for the biennium. Available funding for the board to distribute includes Measure 76 Lottery, federal, and salmon license plate funds, with the bulk from Measure 76 and PCSRF.

## **C. OWEB Decision on Budget Allocations**

The board is authorized to distribute funds in accordance with criteria established in state law. The “grant funds” available from Measure 76 dedication of lottery receipts are available for “grants to entities other than state or federal agencies for projects” to achieve defined outcomes. “Operating funds” are available for allocation by the Oregon Legislature for natural resource program support for similarly defined purposes.

Staff provides a description of the budget at the first board meeting on odd-numbered years following legislative adoption of the agency's budget.

### **3.1.2 Agency Overview**

#### **Agency Programs**

OWEB's budget is divided into two separate programs:

- Agency Operations
- Grant Program

#### **Agency Operations**

Sixty-five percent of Measure 76 Lottery Funds is constitutionally directed to be used for conservation grants, with the remaining 35% of funds available to support agency operation and other related conservation activities. OWEB's Operations Program is primarily funded by Measure 76 Lottery Funds. OWEB and other agencies share this funding to support programs protecting and enhancing watersheds and fish and wildlife habitat.

OWEB's Operations Program unit is now the budget for administration of the agency. Administration represents the resources necessary to support the agency and is divided into four administrative program areas: a) Technical Services; b) Grant Management; and c) Business Operations; and d) Director's Office. OWEB's operations funding supports delivery of grants that help local community organizations across Oregon to implement, track and monitor science-based projects with private landowners that restore land, water and fish and wildlife habitat, and create local Oregon jobs.

OWEB's staff effectively deliver grants, manage the operations of an 18-member board and stay abreast of emerging funding opportunities while reporting accomplishments to the sources of OWEB funding – both federal and state. Staff and support costs for OWEB's programs comprises approximately 10% of OWEB's full budget based on a ratio of annual operations costs to total agency revenue. OWEB's operations funding is based on a model that has been successful in both agency and foundation settings – combining both staff and contracted services to deliver services effectively and efficiently. The agency utilizes staff for those positions that need strong institutional knowledge and mission focus. Contracted services are recommended where specific expertise is needed to quickly address key needs.

Regional staff works closely with local citizens, watershed councils, and other agencies to coordinate restoration work and manage grants. Agency staff also track restoration activities and provide guidance for local watershed assessments, monitoring, and restoration planning. The agency has a network of six regional offices statewide, with the Willamette regional office and agency headquarters located in Salem.

#### **Grant Program**

The Natural Resources Fund established by Measure 76 constitutionally dedicates 65 percent of the Lottery Funds dedicated to OWEB's mission to grants. In addition, this budget unit is funded with federal Pacific Coastal Salmon Recovery Funds (PCSRF) and Salmon License Plate revenues. These funds provide grants to support watershed councils and soil and water conservation districts, and technical assistance, monitoring, outreach, assessment, restoration, and protection grants relating to habitat for native fish and wildlife, improving water quality and benefiting natural watershed functions.

### **3.1.3 Director's Office**

The Director's Office is staffed by the Executive Director, Deputy Director, the Executive Assistant, and policy staff. The Executive Director oversees the daily operations of the agency, supervises agency program managers, and leads the agency management team. The Director's Office coordinates board activities, oversees interactions with state and federal agencies, and is the primary contact with legislators, other elected officials, and the media. The Director's Office coordinates legal matters with the Oregon Department of Justice. The Executive Director is a member of the Governor's Natural Resources Cabinet and coordinates with all executive branch agencies. The Director's Office is also responsible for the development of the agency's budget, and works closely with the board, the Governor's Office, and the Legislature to adopt and implement a budget each biennium.

### **3.1.4 Technical Services**

OWEB's Technical Services Program has primary responsibility for monitoring results of funded projects; collaborating with state, federal, tribal, and local monitoring efforts; tracking and reporting performance; maintaining databases; overseeing database functions in support of all agency programs; establishing data and information management systems; and distributing data and information. The Technical Services Program participates in the review of grant applications for and the management of monitoring grants. The program operates within the board's Long-Term Investment Strategy, designing and implementing effectiveness monitoring of the agency's various types of investment (i.e., Open Solicitation, Focused Investment, Operating Capacity). The Technical Services Program also leads OWEB's data management and information systems efforts that enable the tracking and reporting of performance associated with OWEB's investments.

### **3.1.5 Grant Management Program**

OWEB's Grant Management Program has primary responsibility for soliciting, reviewing, awarding, and managing grants with local partners. The Grant Management Program oversees grants for restoration, technical assistance, monitoring, assessments, outreach, land and water acquisitions, and local capacity for watershed restoration. The program operates within the board's Long-Term Investment Strategy, managing investments through open solicitation, focused investments, monitoring, and capacity. The Grant Management Program also serves as OWEB's primary contact in the field with grantees and other OWEB stakeholders.

### **3.1.6 Business Operations**

The Business Operations program includes two programs. The Administrative Services Group provides programmatic grant support as well as general administrative services to all agency staff, grantees, OWEB stakeholders, and responds to public requests. The Program also includes the Fiscal Services Group that processes all payments, reviews contracts, trains grantees on fiscal administration, develops and executes the agency budget, and is the primary contact on state and federal audit and fiscal related issues. The Business Operations group also provides computer hardware and software support for the agency.

### **3.1.7 Continuous Improvements**

OWEB has adopted a Continuous Improvement (CI) approach to create adaptive, human-centered, and high-performance service excellence. OWEB's CI uses a Lean-Kaizen process to assess agency processes, identify



waste, and redesign process steps in program delivery that increase efficiency and focus on value added for customers. Lean-Kaizen provides tools that (1) promote people effectiveness by providing opportunities to develop decision-making and problem-solving skills that address inefficiencies; (2) build organizational adaptiveness through exposing problems, testing solutions, and validating outcomes in a process of reflection and learning respectfully to promote innovation; and (3) enable staff to recognize urgency for incremental improvements that increase effectiveness in achieving OWEB's mission.

CI relies on a performance measurement system that provides information to inform decisions regarding planning, budgeting, management, and evaluation of services. A good performance measurement system can indicate whether you are making progress towards organization goals and how you got there. Performance measures should be designed and used for learning and improvement by providing information on how and why a process, program or service is working; not just to audit whether it worked. By focusing on why and how, unintended consequences of CI can be identified, and this information can lead to innovations that more effectively align policies, strategies, and services.

## 3.2 Types of OWEB Grant Applications

### 3.2.1 Open Solicitation Grants

OWEB solicits grant applications for the following grant types:

#### A. Restoration

Restoration grants are OWEB's primary method of delivering support for watershed projects that restore watershed functions. Restoration grants are offered twice per year, April, and October, through a competitive granting program.

Restoration grants that aid landowners to restore watershed health locally have been part of OWEB's history since its beginning in 1987 as the Governor's Watershed Enhancement Board. Initial investments were modest and focused on restoration demonstration projects. The number of projects and level of investment quickly increased as the Oregon Legislature and the public supported OWEB through Measures 66 then 76. At the same time, organizational capacity within watershed councils, Districts, and other groups to plan and implement projects grew, and landowners became engaged in implementing voluntary projects. Since 1999, approximately 43% of grants awarded have been restoration grants.

Restoration accomplishments in Oregon, including those funded by OWEB, have been reported through the Oregon Watershed Restoration Inventory (OWRI) since 1995. The OWRI receives information from projects voluntarily reported by private timber companies, state forestry, ODOT, county public works and other restoration practitioners. OWRI also collects data via mandatory reporting requirements for certain grants and permits; especially OWEB restoration grants, ODFW Restoration & Enhancement habitat improvement grants, ODFW Fish Screens & Passage program, DEQ 319 program and DSL permits.

#### B. Technical Assistance

Technical assistance grants are offered twice per year, April, and October, through a competitive granting program. Technical assistance grants through the open solicitation process are capped at \$75,000 per grant.

Since 1999, approximately 3% of grants awarded have been technical assistance grants. These grants play a key role in developing future restoration grant proposals and increase the capacity of OWEB's local partners to engage in project development, planning, design, coordination and permitting. There are three types of technical assistance grants offered:

- Organizational Technical Assistance Grants are grants for groups of collaborating organizations seeking to improve organizational effectiveness to support actions that are necessary for carrying out eligible programs that lead to development of eligible restoration and acquisition project.
- Resource Assessment and Planning Grants are grants to support the development of information about existing water quality or habitat conditions and processes at an identified scale and relates those conditions and processes to actions that will directly lead to desired future conditions within a specified timeframe.
- Technical Design and Engineering Grants are grants to support the development of project feasibility reports, designs, or engineering materials that directly lead to site-specific restoration or acquisition projects within a specified timeframe.

## C. Monitoring

Open Solicitation Monitoring Grants are offered once per year in the Fall grant cycle. Grants can be used to help local partnerships assess watershed conditions to determine the quality of the existing environment; identify the causes for declines in habitat, fish and wildlife populations, and water quality; and develop locally integrated action plans for watersheds that will achieve protection and restoration objectives. This funding also helps local partnerships monitor to ensure implementation of integrated watershed action plans using an adaptive management approach and make appropriate changes to action plans and goals, as needed.

Grantees can also request Effectiveness Monitoring funding as a part of their restoration applications. In this case, funding is provided to determine if the restoration project is effective at meeting its biological and ecological objectives. These Effectiveness Monitoring “splits” are funded out of the available funds for restoration grants. However, they are reported to reflect total funds allocated to perform monitoring activities. Effectiveness monitoring is not a specific requirement of any OWEB grant and is above and beyond compliance monitoring. This information is helpful to assist the restoration practitioner and OWEB in determining if restoration actions were effective, and to learn from the restoration actions and incorporate that knowledge in future treatment design.

Senate Bill 945 (2001) directs OWEB to develop and implement a statewide Monitoring Program in coordination with state natural resource agencies for activities conducted under the Oregon Plan for Salmon and Watersheds. These monitoring grants assist OWEB in meeting its responsibility for three interrelated monitoring functions:

- strategic guidance and support for cooperative monitoring activities
- accountability for restoration investments
- reporting on the progress of the Oregon Plan

Programmatic Effectiveness Monitoring involves OWEB-led initiatives that evaluate specific types of restoration actions at a larger geographic and temporal scale rather than at the project scale. These initiatives consist of evaluating the effectiveness of OWEB-funded watershed restoration and enhancement projects and programs. Staff also participates in cross-agency teams to evaluate programs and projects that share common goals and objectives. These can be funded from a variety of state and federal sources.

Capacity Effectiveness Monitoring will evaluate other OWEB-funded initiatives that support restoration actions on the ground such as the council capacity funding.

## D. Stakeholder Engagement

Stakeholder Engagement grants are offered once per year in the Fall grant cycle. Grants are awarded for stakeholder engagement activities that are necessary to protect or restore native fish and wildlife habitat, water quality, or stream flows.

Since 1999, approximately 3% of grants awarded have been for grants of this type. Measure 76 changed the constitutional language regarding education and outreach grant offerings. Due to these changes, OWEB has changed the name of the grant program to “Stakeholder Engagement” and only offers grants that are necessary for activities to protect or restore native fish and wildlife habitat, water quality, or stream flows. Grants that are for education only are not allowed under Measure 76 in the grant program.

## **E. Land and Water Acquisition**

The Oregon Constitution specifies that OWEB may fund projects involving the acquisition of interests in land and water from willing sellers for the purpose of maintaining or restoring watersheds and habitat for native fish or wildlife. OWEB-funded interests in land and water may be held by a variety of entities—including local, state, and federal agencies, tribes, not-for-profit conservation organizations, and land trusts—as long as the entity continues to use the land or water for the purposes specified in the constitution. OWEB funds the purchase of property in fee simple, conservation easements, permanent water rights, and water leases.

**Land Acquisition:** The board began making land acquisition grants in 1998. Several grants were awarded during the first few years of the program. In 2000, interest in the program began growing significantly. In 2014 and 2019, OWEB updated the land acquisition program, including revised administrative rules and refined application and review processes. Land Acquisition grants are offered annually in the Fall.

**Water Acquisition:** The board awarded its first water acquisition grant in 2001. Until 2010, only five grants were awarded, with a relatively small award amount for each project (i.e., less than \$40,000). Beginning in 2010, interest in water acquisition grants began to grow. This growth is largely attributed to two issues: 1) increased organizational capacity in select areas of the state to carry out water acquisition projects and programs and 2) increased concern about instream flow issues. As was the case with the land acquisition program, during the 2011-2013 biennium OWEB updated its administrative rules and program guidance for water acquisitions. In 2020, program rules were revised to better describe alternatives for protecting instream water. In addition to instream leases and transfers regulated by the Oregon Water Resources Department, the rules authorize grants for contractually protected instream flow. To date, funding requests to OWEB have come from three primary locations in the state: the Deschutes, Klamath, and mid-Columbia basins. These awards have supported a range of activities from permanent transfers and temporary leases of instream water rights to voluntary curtailments by irrigators. Water Acquisition grants are also offered in the Fall.

In 2022, the Oregon Legislature allocated \$10 million in General Funds to OWEB in the Flexible Incentives Account with the State Treasurer for water acquisitions. Normally, General Funds must be used by the end of the biennium. However, the allocation of these funds to the Flexible Incentives Account converts them to Other Funds, and they are allowed to be carried over in this account and used in future biennia.

Overall, the land and water acquisition programs currently account for approximately 8-10% of OWEB's biennial spending plan. However, with the \$10 million allocated to water acquisitions in the February 2022 legislative session, this percentage could increase.

## **F. Weed Grants**

The prevention and control of invasive noxious weed species is a critical element of watershed protection and enhancement. Noxious weeds have direct impacts on water quality and fish and wildlife species. To address this issue, the Oregon Department of Agriculture (ODA) and OWEB partner to support implementation of high-priority noxious weed control statewide, which often is a first step in restoring watershed health.

The Oregon State Weed Board (OSWB), which is staffed by ODA, receives funding from OWEB each biennium to support noxious weed control grants (Weed Grants). The OSWB Grant Program started during the 1999-2001 biennium, after the passage of Measure 66.



With the passage of Measure 76, a new fiscal partnership between OWEB and ODA was established. The ballot measure changed the language within the constitution, designating OWEB as the single granting agency for State Lottery funds designated for watershed restoration. To maintain a streamlined program, the two agencies developed a process to jointly administer Weed Grants. ODA maintains technical oversight over the grants and works with grantees on project implementation (e.g., approves reports, reviews invoices, monitors projects, and approves payments). OWEB approves budgets, approves the grants that are recommended for funding, enters into grant agreements, completes the final review of all reports and receipts, and issues payments.

## **G. Small Grants**

In 2002, the board adopted administrative rules establishing a Small Grant Program with the goal of supporting implementation of the Oregon Plan for Salmon and Watersheds by funding small, straightforward restoration projects. OWEB Small Grant Program funds are awarded biennially to cooperative partnerships of watershed councils, soil and water conservation districts and tribes. Small grants are less than \$15,000, and in some cases are the first grant a landowner may implement, leading to future restoration investments through the regular grant program.

There are 28 small grant teams in the state that prioritize and implement smaller scale watershed restoration projects for their geographic area (see map on following page). Small Grant Teams may be comprised of representatives from local watershed councils, soil and water conservation districts, and tribes. Individual teams are guided by self-defined operating procedures and a list of watershed priorities and eligible project types, revisited biennially. Priority concerns include fish passage; urban impact reduction; water quality and quantity/irrigation efficiency; road impact reduction; and instream, riparian, wetland, and upland process and function. Projects must be implemented using established techniques with guidance from one of eight approved technical guidance source documents.

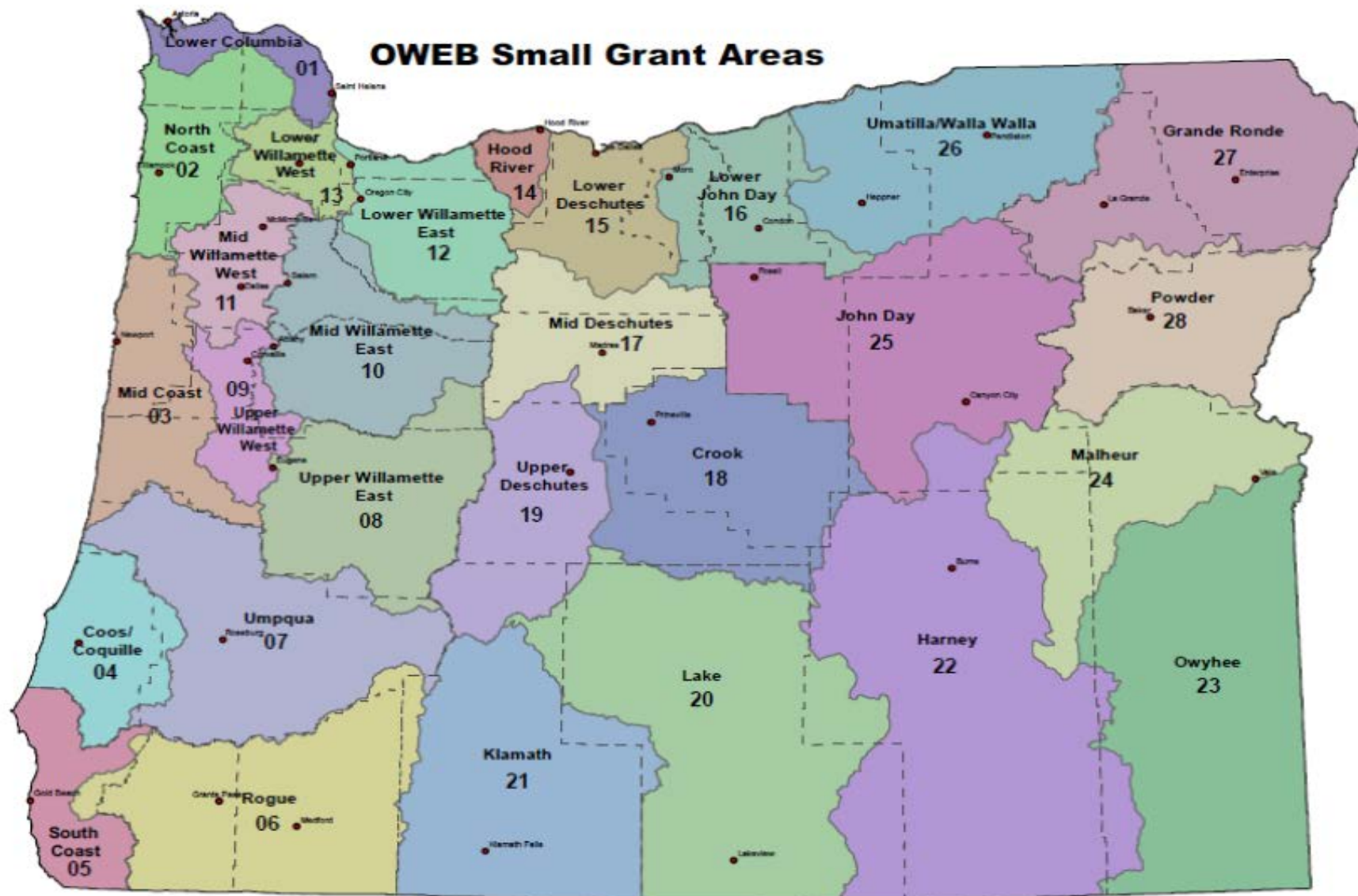
## **H. Quantifying Outputs and Outcomes**

These grants fund effectiveness monitoring at a large scale, rather than at the project level. This program-level monitoring and evaluation is different from open solicitation monitoring grants, which are proposed by local partners and considered through OWEB's responsive grant program.

Examples of large scale or programmatic effectiveness monitoring funded with these grants include:

- Telling the Restoration Story' grants, which helps local partners compile and report existing data to highlight progress towards meeting ecological outcomes and communicate lessons learned.
- Monitoring of restoration approaches to achieve Stage 0 conditions.
- Coordinated Streamside Management/Strategic Implementation Area (SIA) monitoring – these grants provide monitoring funding to evaluate water quality conditions over time in SIAs. SIAs are
- small watersheds where local partners collaborate with state agencies to address agricultural
- water quality conditions.

## OWEB Small Grant Areas



 Small Grant Areas

 Counties

• County Seats

0 12.5 25 50 Miles



Oregon Watershed Enhancement Board  
775 Summer St, NE Suite 360  
Salem, OR 97301-1290  
(503) 986-0178  
<http://oregon.gov/OWEB/>

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Software: ESRI ArcMap 9.2  
OWEB- A. Salin, November 2007

### **3.2.2 Focused Investments**

Focused Investment Partnership grants are awarded each biennium to partnerships with a governance structure in place and a Strategic Action Plan developed in accordance with OWEB specifications. FIP awards can be up to \$4 million per biennium for 3 consecutive biennia and must address landscape-scale restoration in one of 7 board-designated priorities. The board also allocates funds in the spending plan for FIP program effectiveness monitoring.

#### **A. FI Partnership Implementation**

The OWEB Board has established a process for identifying and updating a set of Focused Investment Priorities that have clear significance to the state. The first set of priorities was approved in April of 2015 (see list below). OWEB's first Focused Investment Partnerships were awarded in January 2016. A FIP is an OWEB investment that:

- Addresses a board-identified Focused Investment Priority of significance to the state
- Achieves clear and measurable ecological outcomes
- Uses integrated, results-oriented approaches as identified through a strategic action plan
- Is implemented by a high-performing partnership

OWEB began its current partnership investments in 2006 with the Whole Watersheds Restoration Initiative, a multi-agency, cooperative funding grant program to restore salmon habitat. This investment was followed by several Special Investment Partnerships (SIPs) in the Deschutes, Klamath, and Willamette basins.

In October of 2013, OWEB initiated a nine-month process to develop the definition, criteria, and program design (including solicitation approach and process) for the Focused Investment Partnership category in the Long-Term Investment Strategy. This was followed by initiation of an 18-month process to set priorities and solicit investments within the program. At its April 2015 meeting, the board adopted the following seven Focused Investment Partnership Priorities:

##### **1) Sagebrush/Sage-steppe Habitat**

The OWEB Board will consider proposals for investment in sagebrush/sage-steppe habitat for initiatives that address habitat conservation and restoration needs to achieve ecological outcomes over time at the landscape scale.

OWEB's Focused Investment Priority for sagebrush/sage-steppe habitat guides voluntary actions that address primary ecological threats and limiting factors related to the quality of this habitat type. These actions also will support and/or improve ecosystem functions and processes, including those required by Greater sage-grouse, which is an indicator species for this habitat type. These actions will be guided by the habitat and population objectives set forth in the State's sage-grouse strategy and the combined ecological and social outcomes described in the State's "Oregon Sage Grouse Action Plan".

Why it is significant to the state- Sagebrush/sage-steppe habitat is an imperiled habitat that supports a range of species. These areas are associated with an economically and socially important ranching and agricultural industry in communities throughout a large portion of the state. The state of Oregon is developing an "Oregon Sage Grouse Action Plan" to outline the actions necessary to conserve sage-grouse in Oregon to proactively avoid ESA- listing of the species. The plan has broad support by state and federal agencies, the ranching industry, and conservationists.

## **2) Oregon Closed Lakes Basin Wetlands Habitat**

The OWEB Board will consider proposals for investment in the Closed Lakes Basin wetland habitats for initiatives that address habitat conservation and restoration needs to achieve ecological outcomes over time at the landscape scale.

OWEB's Focused Investment Priority for Closed Lakes Basin wetland habitats guides voluntary actions that address primary limiting factors related to the quality of this habitat type. These actions also will support and/or improve watershed functions and processes. These actions will be guided by the habitat, limiting factors, ecological outcomes, and conservation approaches outlined in the Oregon Conservation Strategy and the Intermountain Joint Venture's (IWJV) Habitat Conservation Strategy Implementation Plan.

Why it is significant to the state- Closed Lakes Basin wetlands are ecologically unique high-desert wetlands that provide critical habitat for numerous migratory and resident bird species. This region has international importance as habitat for migratory birds, including ESA-listed species. Oregon's Closed Lakes Basin wetlands habitat are a significant portion of the greater SONEC complex of wetlands that are so critical to the millions of birds that travel the Pacific Flyway each year. The Intermountain West Joint Venture recognizes the SONEC region as one of two priority areas in the Intermountain West for wetland-dependent birds. Greater sage-grouse depend on these wetland habitats for foraging habitat for brooding (see related priority). ESA-listed Warner and Modoc sucker fish also are found in this habitat, as referenced above.

The region also fosters an historic and vitally important ranching community and associated economy that depends on the ecological health of these wetland habitats. In addition, Malheur National Wildlife Refuge and other wildlife areas in the Closed Lakes Basin are critical recreational and economic resources for these rural counties. The U.S. Fish and Wildlife Service has documented over 65,000 annual visitors to the Malheur National Wildlife Refuge alone.

Finally, the implications of climate change in this region may lead to a reduction in water availability, further altering the natural hydrologic regime, which could lead to higher salinity levels in lakes and wetlands. This issue lends added urgency to the importance of conservation efforts concerning this unique habitat.

## **3) Dry-Type Forest Habitat**

The OWEB Board will consider proposals for investment in dry-type forest habitat for initiatives that address habitat conservation and restoration needs to achieve ecological outcomes over time at the landscape scale.

OWEB's Focused Investment Priority for dry-type forest habitat guides voluntary actions that address primary limiting factors related to the quality of this habitat type. These actions also support and/or improve watershed functions and processes. These actions will be guided by the habitat, limiting factors, ecological outcomes, and conservation approaches outlined in the Oregon Conservation Strategy and other plans.

Why it is significant to the state- Dry-type forests cover vast acreages in Oregon and are at critical risk for uncharacteristically intense wildfires. These forest systems support a diverse range of aquatic and terrestrial species, including federally listed fish and bird species. Properly functioning dry-type forests are also critical to maintaining healthy watershed function and process for the rivers and other water bodies existing within their habitat range. Dry-type forests are iconic in Oregon, of cultural significance to Native American tribes, and have economic importance related to natural resource-based economies in rural communities. In addition, these areas support an increasingly important recreation-based economy in many areas throughout Oregon.



#### **4) Oak Woodland and Prairie Habitat**

The OWEB Board will consider proposals for investment in oak woodland and prairie habitats for initiatives that address habitat conservation and restoration needs to achieve ecological outcomes over time at the landscape scale.

OWEB's Focused Investment Priority for oak woodland and prairie/chaparral habitat guides voluntary actions that address primary limiting factors related to the quality of this habitat type. These actions also will support and/or improve watershed functions and processes. These actions will be guided by the habitat, limiting factors, ecological outcomes, and conservation approaches outlined in the Oregon Conservation Strategy and other plans and strategies.

Why it is significant to the state- In a national assessment, oak and associated prairie and chaparral habitats are one of the most endangered ecosystems in the U.S. due to land conversions and altered fire regimes. Yet, these habitats are home to roughly 30 bird, terrestrial, and plant species addressed in the Oregon Conservation Strategy. Maintaining the connectivity of oaks and their associated prairie and chaparral habitats is crucial to support species utilization of greater habitat range, but also to facilitating the gradual movement of species to the north from California in response to climate change. Many species dependent on oak habitats may be considered for ESA-listing in the future; thus, an increase in habitat connectivity, complexity and acreage will benefit these vulnerable species. In addition, these habitat types are iconic and culturally important to the Native American tribes.

#### **5) Coho Habitat and Populations along the Oregon Coast**

The OWEB Board will consider proposals for investment in Oregon's coastal Coho habitats and populations, including estuaries, freshwater water bodies, and associated riparian and upland habitats, for initiatives that address habitat conservation and restoration needs to achieve ecological outcomes over time at the landscape scale.

OWEB's Focused Investment Priority for Oregon's coastal Coho habitats and populations guides voluntary actions that address primary limiting factors related to the protection and restoration of the watershed functions and processes that support Coho habitat and the health of Coho populations. These actions will be guided by the habitat, limiting factors, ecological outcomes, and conservation approaches outlined in the Oregon Coastal Coho Conservation Plan, NOAA Fisheries Southern Oregon Northern California Coast Coho Recovery Plan, and Oregon Department of Fish and Wildlife's limiting factors document.

Why it is significant to the state- The presence of robust and sustainable populations of Coho salmon are an indicator of properly functioning coastal ecosystems and can provide significant social, cultural, economic, and ecological benefits to coastal communities. Because water quality has been significantly degraded and instream habitat impacted in areas along the coast, the populations of these fish have declined, thus requiring a federal ESA listing.

Several significant planning efforts have been underway to focus efforts on coho conservation. Oregon has developed a Coho conservation plan (Oregon Coast Coho Conservation Plan) and NOAA Fisheries has developed federal recovery plans for the SONCC and OCC ESUs. In addition, Oregon has been preparing for the reintroduction of coho salmon to the upper Klamath basin through reintroduction and implementation plans.

The improvement in conditions and complexity for coastal coho habitat will also lead to improved water quality. Many of Oregon's coastal streams are designated on the federal 303(d) list as "water quality limited,"

which affects landowners and communities and creates economic impacts. Additionally, recreational, and commercial fisheries are also severely impacted by the ESA listing of these fish. Restoring ecosystem function for coastal stream habitats will benefit coho populations, which may help support fisheries over time.

## **6) Aquatic Habitat for Native Fish Species**

The OWEB Board will consider proposals for investment in initiatives that address habitat conservation and restoration needs for inland aquatic habitat for native fish species that are addressed in the following: 1) A federal recovery plan and/or 2) a state conservation plan. Habitat conservation and restoration needs to achieve ecological outcomes over time at the landscape scale.

OWEB's Focused Investment Priority for Inland Aquatic Habitat for Native Fish Species guides voluntary actions that address limiting factors related to the protection and restoration of the watershed functions and processes in this habitat type. Initiatives under this Priority will identify the primary limiting factors outlined in associated federal and state recovery and conservation plans that the initiative is aiming to address and will be guided by the habitat and population objectives and conservation approaches set forth in these plans.

Why it is significant to the state – Inland aquatic habitat supports an incredible number of Oregon's native fish and wildlife species. The extent of biodiversity in an aquatic habitat reflects the native fish, plants, and other aquatic species present there. All require water, and high-quality aquatic systems provide essential habitat to many at-risk species, including important spawning and rearing habitat for salmonids and other native fishes.

Sustaining aquatic biodiversity is essential to the health of our environment and to the quality of human life. Healthy aquatic ecosystems are imperative for continuing to contribute to Oregon's communities and economy, including fisheries and recreation. Because native fish communities are central to the structure, function, and process within aquatic habitats, they serve as ideal indicator species of the overall health of these habitats.

An excellent example of a successful focused investment effort is the recently de-listed Oregon chub. This fish species, which is endemic to the Willamette Valley, is the first fish species to be removed from the federal ESA due to species recovery. Since 1993, significant conservation efforts, partnerships, and funding have addressed Oregon chub habitat, which contributed to the recovery of the fish and the ESA de-listing in March 2015.

## **7) Coastal Estuaries in Oregon**

The OWEB Board will consider proposals for investment in Oregon's coastal estuaries. The focal area for this Priority is coastal estuaries, including both the current and historical habitat range and associated riparian and upland habitats, which support a multitude of fish and wildlife species. Proposals should outline initiatives that address habitat conservation and restoration needs to achieve ecological outcomes over time at the landscape scale.

OWEB's Focused Investment Priority for Oregon's coastal estuaries guides voluntary actions that protect and/or restore estuarine habitat at a scale that ensures watershed functions and processes that support fish and wildlife dependent on this habitat type. Actions will address the habitat, limiting factors, ecological outcomes, and conservation approaches that yield the greatest productivity across species. The importance of estuaries is noted in several plans.

Why it is significant to the state – Estuaries are significant to the state of Oregon for a wide range of reasons. First, in terms of planning efforts, Oregon’s Statewide Planning Goal 16, titled “Estuarine Resources”, strives: “To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity, and benefits of Oregon’s estuaries.” Further, the Lower Columbia River estuary and Tillamook Bay estuaries are each designated as an “estuary of national significance” by the U.S. Environmental Protection Agency (two of 28 National Estuary Programs managed under the Clean Water Act). Many Oregon estuaries have Total Maximum Daily Loads developed for water quality in these habitats, as estuaries play an important role in filtering sediment, nutrients, pathogens, and other contaminants from aquatic environments.

Second, estuaries are a necessary habitat that is integral to the existence and success of various ESA listed fish and wildlife species. There are numerous species that are adapted to the unique habitat conditions that estuaries provide and are thus dependent on this habitat type. For example, nearly one-third of the west coast’s nesting seabird colonies are located off Oregon’s south coast. Additionally, the Klamath Bird Observatory maintains a list of 39 “Important Aquatic Bird Sites,” with 24 of these sites located along the Oregon coast in and around estuary habitat.

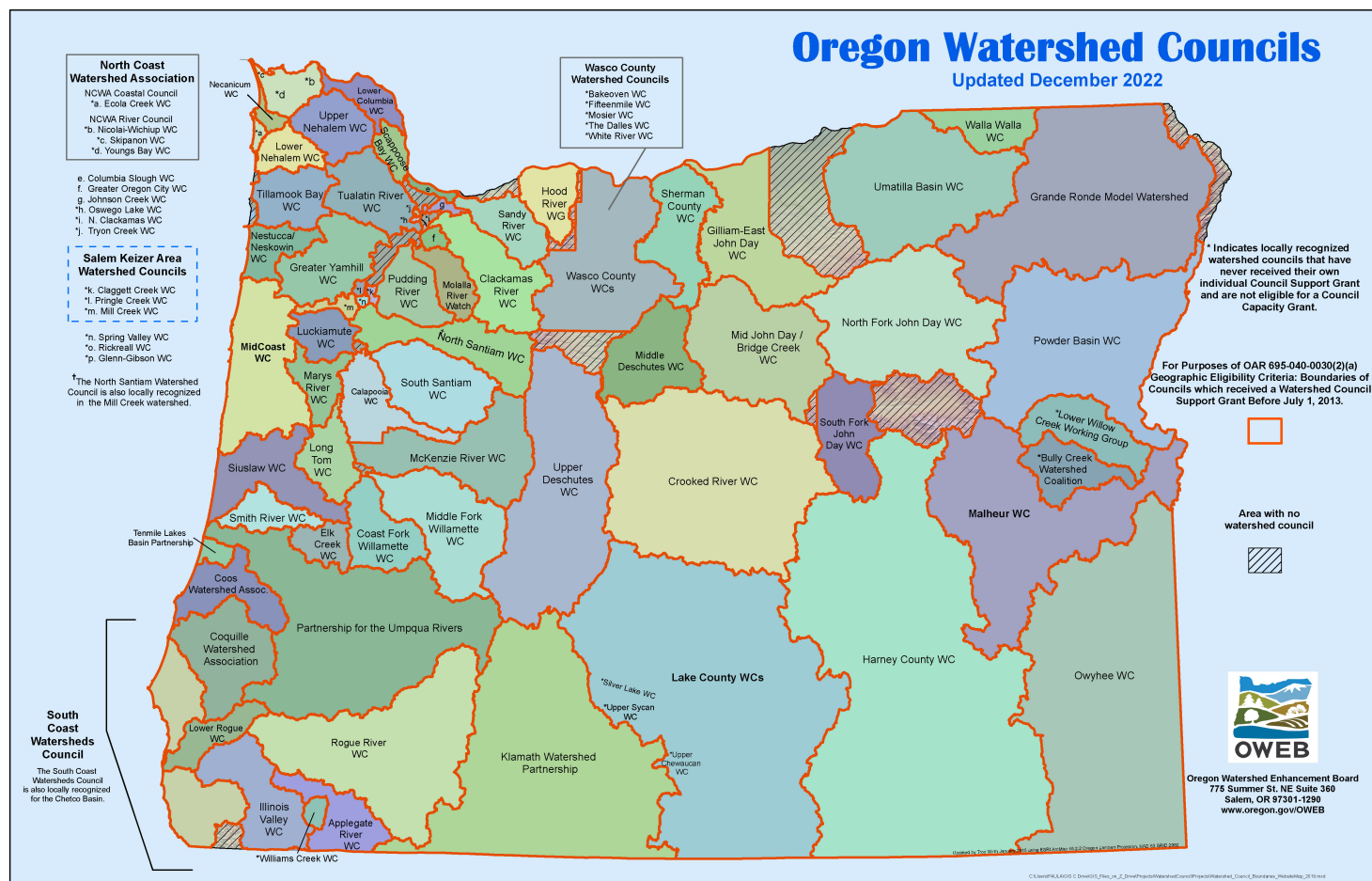
Lastly, estuaries provide critical services for the people of Oregon. For example, estuaries serve to buffer storm wave damage and help stabilize shorelines from erosion.

## C. FI Effectiveness Monitoring

Focused Effectiveness Monitoring involves evaluating the focused investment concept of dedicating funding to specific actions in a particular geographic area such as the Special Investment Partnerships or future Focused Investment Partnerships.

### 3.2.3 Operating Capacity

#### A. Council Capacity Grants



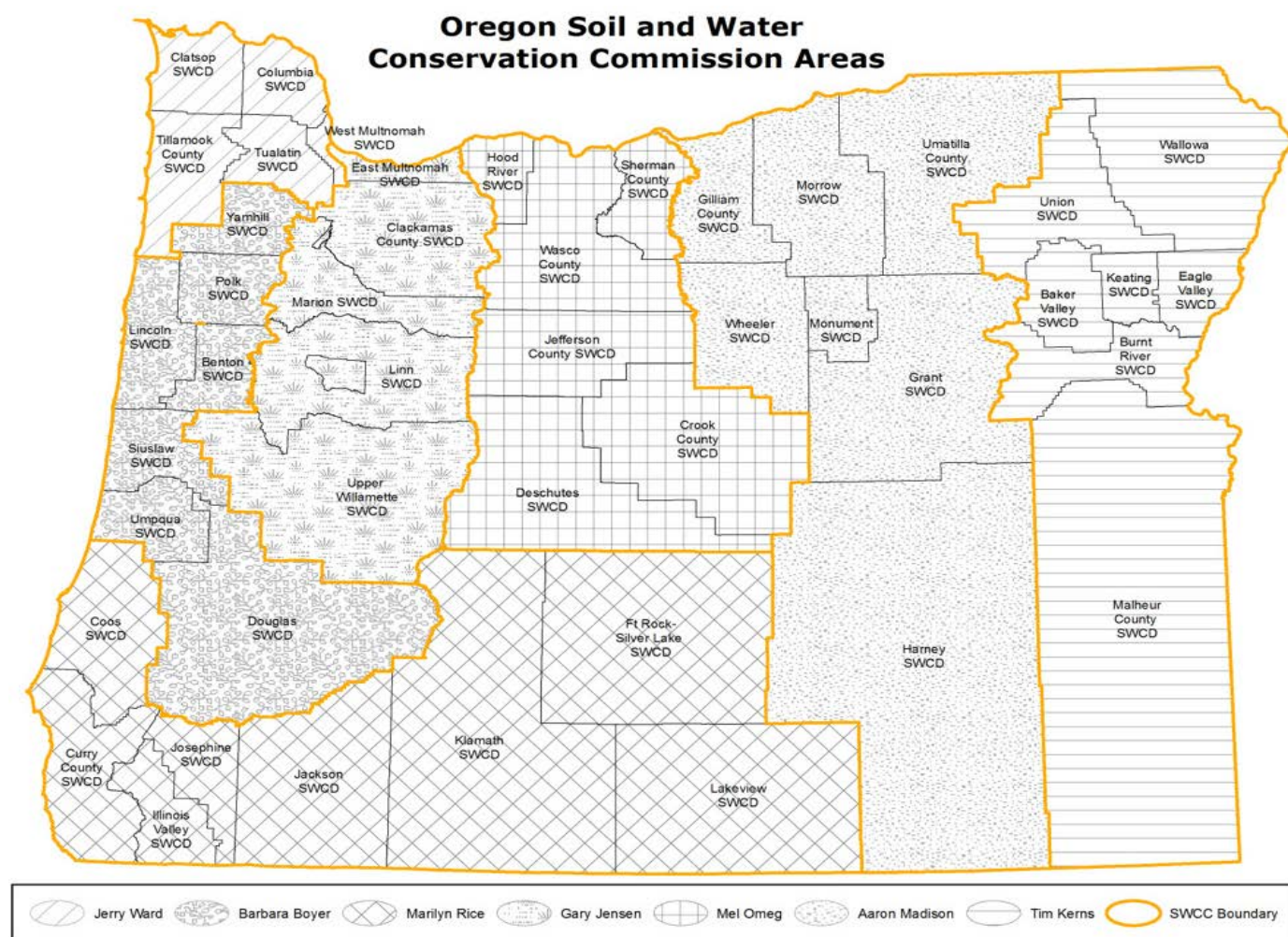
For more than 20 years, OWEB has provided capacity grants to a total of 64 watershed councils (see map on page 60). Watershed councils are locally based, voluntary, and under Oregon law, “designated by a local government group convened by a county governing body, to address the goal of sustaining natural resource and watershed protection, restoration and enhancement within a watershed” (ORS 541.890(15)). The board’s policy direction, adopted in June 2013, is to cap the number of individual capacity grants at no more than 64. Councils’ geographic areas can change, but OWEB will not fund councils with areas smaller than currently recognized geographies that have received individual support grants.

Eligibility criteria define how OWEB will determine whether a council is eligible to apply for a Council Capacity grant. The eligibility criteria do not limit or control the existence or creation of councils. Councils may form according to ORS 541.910 and 541.890(15); however, OWEB will not accept an application for a Council Capacity grant unless OWEB determines the council or group of councils meets the eligibility criteria.



Council Capacity Grants are awarded biennially and help support the operations of effective watershed councils that engage people and communities in their watershed to participate in collaborative, voluntary restoration and protection of native fish or wildlife habitat and natural watershed functions to improve water quality or stream flows.

OWEB does not create or oversee watershed councils. OWEB has discretion to provide capacity grants to councils that represent a balance of interests in their watersheds and demonstrate the potential to protect and enhance the quality of their watersheds. Councils also are expected to assure a high level of citizen involvement in the development and implementation of watershed action programs (ORS 541.910).



## **B. District Capacity Grants**

Soil and Water Conservation District (SWCD) Capacity Grants provide funding for 45 SWCDs (see map on page 61) to work with landowners and partners to conserve natural resources. This work is vital in protecting and improving Oregon's water quality. The funding is divided into two funds for each SWCD:

- 1) The Scope of Work Fund supports working with landowners and partners to protect and conserve natural resources; specifically, providing technical assistance and community engagement for the restoration and protection of native fish and wildlife, watersheds, and water quality through implementation of Agricultural Water Quality Management Area Plans and the Oregon Plan for Salmon and Watersheds.
- 2) The District Operations Fund supports the capacity of the SWCDs to comply with Oregon Revised Statute (ORS) requirements, conduct business, and aid landowners and partners.

SWCDs have a 75-year history in Oregon. The Oregon Legislature passed legislation to establish conservation districts in 1939 to protect local renewable natural resources. South Tillamook became the first official Soil Conservation District on February 10, 1940. In 1963 the Oregon Legislature added the "and Water" to the name of Soil Conservation Districts. SWCDs are political subdivisions of state government but are not state agencies. SWCDs are considered municipal corporations, a form of local government that is required to follow most of the same laws that govern state agencies. They are governed by specific enabling legislation under ORS 568. The members of SWCD Board of Directors are elected officials and serve on either a five- or seven-member board.

## **C. Conservation Partnership**

The Conservation Partnership includes the Network of Oregon Watershed Councils (NOWC), Oregon Association of Conservation Districts (OACD), Coalition of Oregon Land Trusts (COLT), and Oregon Conservation Education and Assistance Network (OCEAN) which support the work of councils, districts, and land trusts which have complementary restoration and conservation objectives across the landscape, through technical training, capacity building, and networking opportunities.

NOWC is dedicated to supporting the work of the approximately 90 watershed councils throughout the state by increasing council capacity, improving key relationships, and promoting public awareness of watersheds and watershed councils.

OACD represents, supports, and strengthens Oregon's 45-member Conservation Districts through member services, program development, training, leadership development, public education, and government relations.

COLT serves as a statewide service center and the central voice of the land trust community. COLT focuses on improving and advancing land conservation in the state through increased land trust capacity and coverage, engagement of stakeholders, defending and developing new and larger sources of funding, and supportive policies.

OCEAN is a membership organization to provide conservation district employees with capacity building, education, and professional development opportunities to solve natural resource conservation issues that districts face throughout the state.

Since 2007, the OWEB Board has approved grants in a variety of fashions for these organizations, recognizing that they provide a vital link between OWEB's programs and successful on-the-ground project implementation. In addition, in previous biennia, each organization has been successful in receiving statewide outreach grants from OWEB. OWEB's funding has supported various deliverables in past biennia, including conferences, trainings, one-on-one work with local organizations, and youth activities.

#### **D. Organization Collaboration Grants**

OWEB announced this grant offering in July 2013. The funding is intended to support new, or expand existing, strategic collaborations to build resilient, sustainable, local organizations that achieve ecological outcomes and engage communities. Organization Collaboration grants may support the following activities:

- 1) Evaluating the operational structure of multiple collaborating organizations to improve service delivery or reach under-served communities/geographies, which may result in sharing of staff and services among the organizations.
- 2) The merger/consolidation of organizations.

#### **E. Partnership TA**

These grants support the operations of existing partnerships, or collaborating groups of organizations, in enhancing partnership capacity, developing a strategic action plan, stakeholder engagement related to strategic action plan development, and partnership capacity to support strategic action plan coordination and implementation. OWEB first announced this grant program at the start of the 2019-2021 biennium.

### **3.2.4 Other Programs**

#### **A. Conservation Reserve Enhancement Program (CREP)**

The Oregon Conservation Reserve Enhancement Program (CREP) is a cooperative venture between the State of Oregon and the Farm Services Agency (FSA), with support from local partners including Soil and Water Conservation Districts, watershed councils, and resource conservation and development councils. The purpose of this long-standing program is to restore, maintain, and enhance streamside areas along agricultural lands to benefit fish, wildlife, and water quality. Landowners enrolled in CREP receive annual rental payments and financial incentives (cost-share) to install conservation measures such as planting trees and shrubs, installing fencing, livestock watering facilities, and other approved conservation measures. The State of Oregon's cost-share contribution is provided by OWEB in the form of direct payments to landowners. The Oregon CREP agreement with FSA requires Oregon to pay for 20% of the overall program costs, which results in Oregon's investment leveraging significant federal funding for important riparian restoration work around the state.

In 1998, Oregon CREP was established as the fifth such program in the country. CREP supports implementation of approved conservation practices aimed at improving riparian function on private lands throughout Oregon. Oregon contributes 25% of the eligible cost-share for establishing approved conservation practices, 75% of eligible cost-share (minus available federal cost-share) for certain water developments, and 100% of costs for heavy-duty tree protectors. FSA contributes federal cost-share, rental payments, incentive bonuses, and administrative oversight. The Natural Resources Conservation Service

(NRCS) and the Oregon Department of Forestry provide most of the necessary technical assistance, along with other in-kind technical assistance from Oregon Water Resources Department, Oregon Department of Agriculture, and others. Since 1998, Oregon CREP has grown from a relatively small, experimental program into a robust program that covers the entire state and provides important financial incentives unique to the program nationwide and continues to be a leader nationwide in enrollments. In 2014, a cumulative total of 41,920 acres were enrolled in the program.

CREP Technical Assistance (TA) grants are statewide, competitive grants offered every two years. These grants cover costs for the staffing, travel, training, and outreach activities needed to develop private landowner interest in Oregon CREP, develop conservation plans, and oversee the implementation of the conservation practices aimed at restoring riparian function for the benefit of fish, wildlife, and water quality.

## **B. Oregon Plan/Governor's Priorities**

The Oregon Plan-Governor's Priorities spending plan line item in OWEB's budget supports work within the sideboards of Measure 76 that further priority programs and initiatives related to restoration in Oregon. Typically, these investments address landscape-scale or emerging issues related to restoration needs of importance identified either through the Oregon Plan for Salmon and Watersheds or by the Governor's Office. Grant investments are targeted and catalyze broad-scale, multi-organizational work.

Under Measure 76, OWEB's funding has flexibility to address a range of needs that ultimately lead to on-the-ground restoration work. This, combined with Oregon's approach to addressing broad-scale initiatives through multi-organizational partnerships, has resulted in the use of OWEB funding as a catalyst to support emerging or particularly complex natural resource challenges and opportunities.

These investments have varied over time and include:

- Support for initial work of forest-health collaboratives, including statewide coordination, technical support for local collaboratives, and planning and implementation support for these groups.
- Partnerships with the National Fish and Wildlife Foundation (NFWF) to support on-the-ground investments in Salmon Stronghold projects.
- Support for Oregon's Sage-Grouse Plan, including convening partners to develop strategies for successful restoration programs, as well as GIS and other data gathering and analysis.
- Support for development of a partnership of federal, state, and local agencies, as well as non-profit organizations with a focus on clean water. The partnership will include a comprehensive framework that will directly support implementation of riparian restoration projects, including development of baseline information, implementation of projects in priority areas, monitoring and adaptive management.

## **C. Oregon Agricultural Heritage Program**

Oregon's well-managed agricultural lands are the cornerstone of the state's rural communities. They support valuable fish and wildlife habitat and enhance other natural resources. Yet farms and ranches are increasingly challenged by fragmentation of farmland, conversion of farmland to non-farm uses, complex regulations, and planning for generational transfers.



The State Legislature established the Oregon Agricultural Heritage Program (OAHP) in 2017 to help address these challenges. The program provides funding for conservation easements, development and implementation of conservation management plans, and succession planning. These voluntary programs are designed to help farmers and ranchers maintain or enhance both agriculture and natural resources such as fish and wildlife on agricultural lands. OAHP was developed by a collaborative of organizations representing natural resource conservation and agriculture, including farmer and rancher representatives. (See House Bill 3249 in Section 4 “Guidance”).

In 2022, the Oregon Legislature allocated \$5 million in General Funds to OWEB through the Oregon Agricultural Heritage Fund with the State Treasurer. General funds must typically be spent by the end of the current biennium but allocating these funds to the OAHP account converts them to Other Funds, and they are allowed to be carried over and spent in future biennia. OWEB also received staff positions to administer the program and is currently preparing to launch grant offerings later in 2022.

## **D. Strategic Implementation Areas**

Strategic Implementation Areas (SIAs) are watersheds where local partners collaborate with a group of state agencies to improve conditions on agricultural lands. The Oregon Department of Agriculture works with landowners and managers in SIAs to meet the requirements of agricultural water quality rules. Local partners offer voluntary technical and financial assistance to landowners and managers to go above and beyond the rules and provide additional water quality and habitat benefits. OWEB, DEQ, and ODFW provide technical support to local partners and identify priority areas in the state for focused work.

The SIA grants established by OWEB provide local partner capacity support to work with landowners and managers on voluntary projects to provide additional water quality benefits above and beyond ODA’s rules.

### **3.2.5 General Fund Programs**

In 2021 and 2022, OWEB received funding allocations for several disaster resilience and recovery programs from the Oregon Legislature. The Legislature committed General funds for drought resiliency and post-wildfire recovery grants and approved staffing at OWEB to administer these grants.

Post-wildfire recovery grants include riparian and upland restoration and floodplain restoration and reconnection grants. These grants are available for areas affected by 2020 and 2021 wildfires.

Several of the drought programs were legislatively allocated for specific areas of the state, particularly Jefferson and Klamath Counties. The drought programs support soil stewardship and invasive weed control in Jefferson County; drought resilience projects in Jefferson and Klamath Counties; off-stream livestock watering in Klamath County; and irrigation modernization grants, including one grant allocation for North Unit Irrigation District and one allocation available statewide.

### **3.2.5 Other Funds Distributed by OWEB**

#### **A. Transfers to Other Agencies**

Historically, both the Legislature and Governor have directed OWEB to provide funding in support of various State programs and initiatives. OWEB also receives funds from state and federal sources that need board approval for the distribution of funds through OWEB’s grant program to other entities.

Historically, the Legislature has directed OWEB through its budget to distribute Pacific Coast Salmon Recovery Funding (PCSRF) to ODFW in support of the following programs: Fish Screening and Passage, Oregon Plan Monitoring, Western Oregon Stream Restoration, and Oregon Plan Implementation and Technical programs. Through OWEB's grant program, the Governor Office has supported OWEB funding the Lower Columbia Estuary Partnership (LCEP) and the former OSU Inter-Multidisciplinary Science Team (IMST) program.

OWEB also receives funding from a variety of state and federal sources to distribute through OWEB's grant programs. These funds vary from year to year and board approval is necessary to distribute the funds. For example, OWEB has received funds every year since 2007 from the Pacific States Marine Fisheries Commission (PSMFC) to distribute for the North Fork John Day Intensively Monitored Watershed Project.

As part of the 2020 post-wildfire recovery funding allocation, the Oregon Legislature allocated funding to OWEB for a transfer to the Eugene Water and Electric Board (EWEB) for a land acquisition.

## **B. USFWS- Coastal Wetlands**

OWEB has been designated as an eligible state agency to submit applications to the National Coastal Wetlands Conservation Grant Program (NCWCGP). The NCWCGP was established by Congress to acquire, restore, and enhance wetlands in coastal States through competitive matching grants to state agencies, with a primary long term goal of conserving coastal wetland ecosystems. Applications from local implementers can only be submitted by a state agency, and OWEB is established as a trusted partner with the program. Any Oregon agency submitting a grant application for federal funding must receive legislative approval to submit the application and may also be required to obtain legislative authorization to receive and expend the funds if the grant is successful.

## **C. ODF-Forest Collaboratives**

OWEB administers grant programs in coordination with ODF for Forest Collaboratives and Rangeland Fire Protection Associations (RFPAs). Forest Collaboratives are groups that identify local forest health priorities through a community-based process, develop landscape-scale forest restoration plans, and develop agreement on active management and restoration approaches. Collaboratives bring together representatives from federal, state, and local government, conservationists, timber interests, tribes and other local groups to develop a clearly defined vision and strategic goals for cooperative restoration. Several existing and emerging collaboratives include participation by watershed councils and soil and water conservation districts.

## **D. Pacific States Marine Fisheries Commission- Intensively Monitored Watershed**

The Pacific States Marine Fisheries Commission (PSMFC) provides funds to OWEB in support of the Upper Middle Fork John Day Intensively Monitored Watershed Project (IMW). Over the span of the IMW, 2007-present, the board has provided additional funding to critical aspects of this large study that are not funded with the PSMFC contributions due to their limited availability. The board's investment has allowed priority monitoring work for answering important watershed scale questions to continue to meet the study objectives.

## **E. Lower Columbia Estuary Partnership (LCEP)**

LCEP is a public-private program that works between the states of Oregon and Washington. The partnership was created in 1995 when the lower Columbia River was designated an ‘estuary of national significance’. LCEP is one of 28 National Estuary Programs and focuses work on the lower 146 miles of the Columbia River. OWEB funding supports engaging students and community volunteers in riparian restoration projects in LCEP’s focus areas.

## **3.3 Grant Application Review**

### **3.3.1 Typical Grant Schedule**

OWEB establishes a two-year schedule for the open solicitation grant program at the beginning of each biennium. Restoration, Stakeholder Engagement, and Technical Assistance grant applications are solicited twice per year. Monitoring, and Land and Water Acquisitions are offered once per year. Other grant programs have varying solicitation schedules.

### **3.3.2 Technical Review Teams**

The primary function of OWEB is to review grant applications, award deserving applications, and administer grants awarded until completion of the project. In the open solicitation program, grant applications received by the scheduled deadlines are reviewed for eligibility and completeness by staff and processed for review. Review for the open solicitation grant program is conducted by Regional Review Teams (RRTs) consisting of 12-20 individuals from each of the six OWEB regions. Members of the teams are selected by the OWEB Regional Program Representatives, who are tasked with recruiting team members, maintaining a balance of interests and good relations among the team, training members, and leading review team meetings. Team members include natural resource staff from state and federal natural resource agencies, tribal representatives, and others. Members are chosen to represent discipline knowledge (hydrology, fisheries, wildlife, agriculture, forestry, etc.) and geographic knowledge of the region.

Each RRT evaluates every application from their region using its collective experience, knowledge, and the criteria, preferences, and priorities stemming from OWEB rules. The evaluation focuses on the details of need, design, method and practice, timing, partnerships, match funding, line-item costs, the appropriateness of the suggested use(s) of OWEB funds, and other factors. Prior to the RRT meeting, RPRs and RRT members attend site visits of project sites, where they have an opportunity to see the proposed project in-person and ask questions of the applicants. During the RRT meeting, members identify and assess project strengths and weaknesses, which inform their group decision to recommend a project for funding. The RRT produces a ranked list of projects recommended to OWEB staff for funding. This application review analysis is summarized in an evaluation sent to the board, as well as the applicant.

Technical review teams are also formed to review applications for programs including FIP, Acquisitions, Council Capacity, and other grant offerings.

### **3.3.3 Staff Recommendations**

The OWEB Management Team, in consultation with regional staff, reviews the RRT recommendations in the open solicitation grant program. This review takes into consideration available funding, the significance

and timing of individual applications, the distribution of projects among the basins, and how key issues and priorities are being addressed. The result is a written recommendation to the board showing both the OWEB staff recommendations and those from the RRTs.

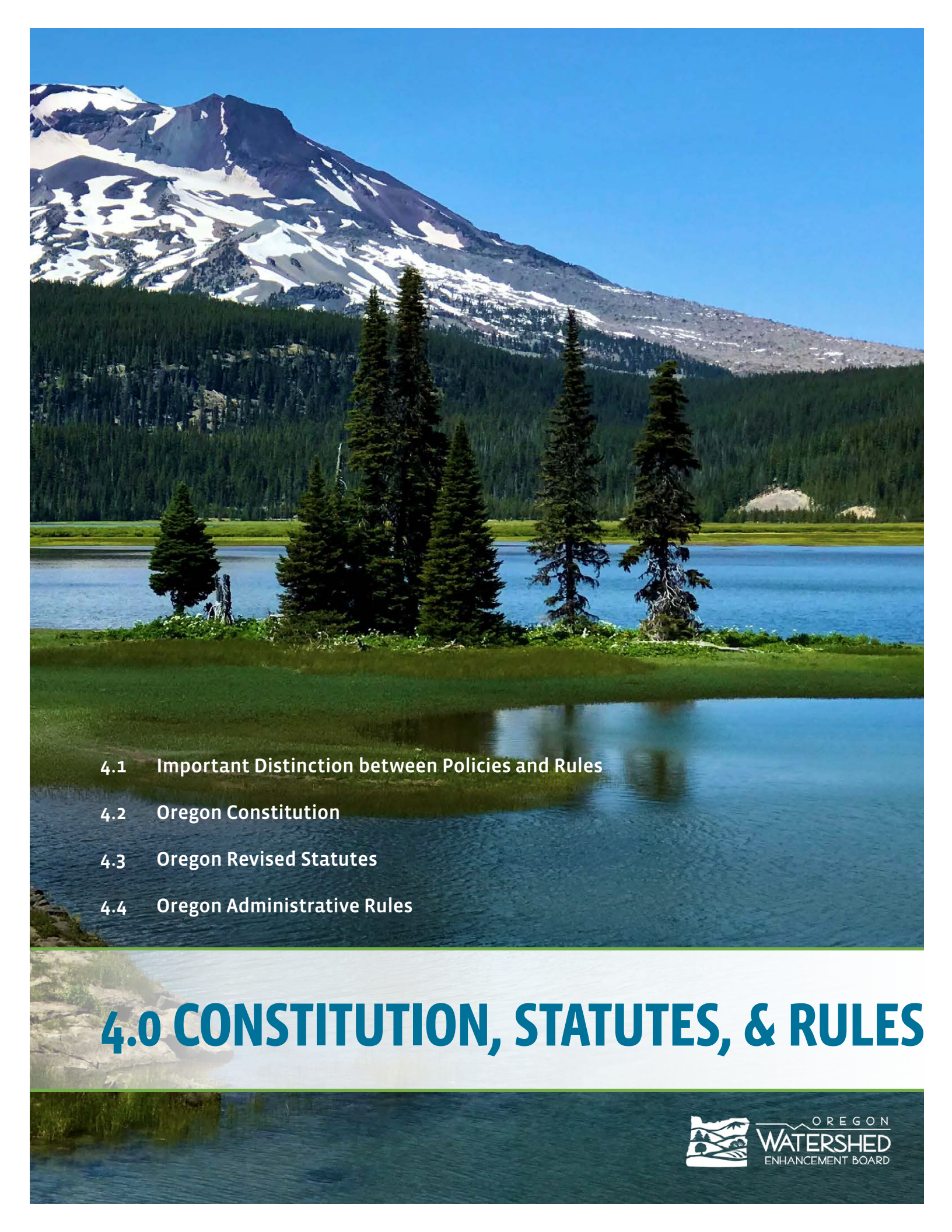
### **3.3.4 Board Review of Applications**

In advance of each board meeting where open solicitation grants will be considered, the board is provided an electronic copy of each application, the review comments from the RRTs, and a staff report showing the staff recommendations for funding. Also provided are any comment letters received from applicants prior to a certain deadline. Board members are welcome – but are not required – to attend regional RRT meetings. Many board members have employees from their organizations serving on the RRTs and conversation within these agency groups is encouraged.

Approximately two weeks prior to the board meeting, members are requested to identify for staff any proposal they have questions about. Staff will attempt to answer these questions prior to the board meeting, but members may also wish to have certain applications “pulled” for special discussion at the meeting. At any board meeting where grant awards will be made, a time for public comment is on the agenda ahead of when the board votes on awards.

The board ultimately makes grant award funding decisions as they see fit given budget limitations, priorities of the agency, and the needs of OWEB’s watershed stewardship constituency. When the time to vote arrives it is important to make clear motions that specify which projects and what conditions, if any, apply. It is also important to be clear which projects are not funded. Staff reports are designed to present these decisions in an orderly manner. Board grant award decisions must also clarify any changes from the staff recommendation, and any conditions that apply to specific projects.



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- 4.1 Important Distinction between Policies and Rules
  - 4.2 Oregon Constitution
  - 4.3 Oregon Revised Statutes
  - 4.4 Oregon Administrative Rules

## 4.0 CONSTITUTION, STATUTES, & RULES



OREGON  
WATERSHED  
ENHANCEMENT BOARD

## 4.0 CONSTITUTION, STATUTES, AND RULES

### 4.1 Important Distinction between Policies and Rules

OWEB has both policies and administrative rules that are used to guide the work of staff and board members. However, there are important distinctions between policy and rule and their appropriate use in decision making. These distinctions will become clearer as the board discusses the development of “policy guidance” for projects. A brief explanation of the difference between rule and policy is presented below.

#### Rule

A “rule” is a directive, standard, regulation or statement of general applicability that implements, interprets, or prescribes law or policy or describes the agency’s procedure or practice requirements. In other words, if it sets a standard for how OWEB’s work will affect the public, then it must be done by rule under the rule-making procedures of the Administrative Procedure Act (described in previous section). For example, a standard that specifies those circumstances in which OWEB would make grants for the purpose of acquiring land or interests in land would be considered a rule.

#### Policy

On the other hand, a “policy” (which does not have to be adopted as a rule) is an interagency or internal statement that doesn’t substantially affect the interests of the public. For example, an internal agency management directive (governing how agency staff must do their jobs) would be considered a policy and does not need to be adopted as a rule. It can be done informally by whatever procedure OWEB wants to use. As another example, a plan for increasing public involvement and outreach activities on behalf of OWEB would also be considered a policy.

#### Order

An “order” doesn’t fall into either category above. An order is an agency action directed to a named person or persons (other than an agency or agency staff). When OWEB approves a particular grant, it is technically an “order.”

Clearly, rules and policies have distinct and important roles in guiding agency action. Whether a particular agenda item is a ‘rule’ or ‘policy’ often will depend upon the facts of the situation. The Assistant Attorney General representing OWEB can provide guidance on situations where the need for a rule, policy or order is unclear.



## 4.2 Oregon Constitution

### OREGON CONSTITUTION

#### ARTICLE XV

Under Measure 76, 15% of Lottery proceeds go to the Parks and Natural Resources Fund; half of that 15% is deposited in a Parks Subaccount, and half deposited in a Natural Resources Subaccount.

Section 4b of Article XV contains language that affects the natural resources half of the lottery dedication (this section is shown in yellow highlighted text below). Section 4b is divided into three subsections guiding the use of the dedicated funds. Subsection 1 describes the overall uses of the dedicated lottery funds, including the outcomes that are supposed to be achieved through the grant fund. Subsection 2 describes the percentage of the subaccount dedicated to grants, limits the grant fund distribution to one agency, and defines eligible grant uses. Subsection 3 describes the activities that can be supported by the Legislature with the remaining funds.

All sections of Article XV are available at the following website: <http://bluebook.state.or.us/state/constitution/constitution15.htm>

Section 4. Regulation of lotteries; state lottery; use of net proceeds from state lottery. (1) Except as provided in subsections (2), (3), (4), (8) and (9) of this section, lotteries, and the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws.

(2) The Legislative Assembly may provide for the establishment, operation, and regulation of raffles and the lottery commonly known as bingo or lotto by charitable, fraternal, or religious organizations. As used in this section, charitable, fraternal, or religious organization means such organizations or foundations as defined by law because of their charitable, fraternal, or religious purposes. The regulations shall define eligible organizations or foundations, and may prescribe the frequency of raffles, bingo, or lotto, set a maximum monetary limit for prizes and require a statement of the odds on winning a prize. The Legislative Assembly shall vest the regulatory authority in any appropriate state agency.

(3) There is hereby created the State Lottery Commission which shall establish and operate a State Lottery. All proceeds from the State Lottery, including interest, but excluding costs of administration and payment of prizes, shall be used for any of the following purposes: creating jobs, furthering economic development, financing public education in Oregon, or restoring and protecting Oregon's parks, beaches, watersheds and native fish and wildlife.

(4)(a) The State Lottery Commission shall be comprised of five members appointed by the Governor and confirmed by the Senate who shall serve at the pleasure of the Governor. At least one of the Commissioners shall have a minimum of five years' experience in law enforcement and at least one of the Commissioners shall be a certified public accountant. The Commission is empowered to promulgate rules related to the procedures of the Commission and the operation of the State Lottery. Such rules and any statutes enacted to further implement this article shall insure the integrity, security, honesty, and fairness of the Lottery. The Commission shall have such additional powers and duties as may be provided by law.

(b) The Governor shall appoint a Director subject to confirmation by the Senate who shall serve at the pleasure of the Governor. The Director shall be qualified by training and experience to direct the operations of a state-operated lottery. The Director shall be responsible for managing the affairs of the Commission. The Director may appoint and prescribe the duties of no more than four Assistant Directors as the Director

deems necessary. One of the Assistant Directors shall be responsible for a security division to assure security, integrity, honesty, and fairness in the operations and administration of the State Lottery. To fulfill these responsibilities, the Assistant Director for security shall be qualified by training and experience, including at least five years of law enforcement experience, and knowledge and experience in computer security.

(c) The Director shall implement and operate a State Lottery pursuant to the rules, and under the guidance, of the Commission. The State Lottery may operate any game procedure authorized by the commission, except pari-mutuel racing, social games, and the games commonly known in Oregon as bingo or lotto, whereby prizes are distributed using any existing or future methods among adult persons who have paid for tickets or shares in that game; provided that, in lottery games utilizing computer terminals or other devices, no coins or currency shall ever be dispensed directly to players from such computer terminals or devices.

(d) There is hereby created within the General Fund the Oregon State Lottery Fund which is continuously appropriated for the purpose of administering and operating the Commission and the State Lottery. The State Lottery shall operate as a self-supporting revenue-raising agency of state government and no appropriations, loans, or other transfers of state funds shall be made to it. The State Lottery shall pay all prizes and all of its expenses out of the revenues it receives from the sale of tickets or shares to the public and turnover the net proceeds therefrom to a fund to be established by the Legislative Assembly from which the Legislative Assembly shall make appropriations for the benefit of any of the following public purposes: creating jobs, furthering economic development, financing public education in Oregon or restoring and protecting Oregon's parks, beaches, watersheds and native fish and wildlife. Effective July 1, 1997, 15% of the net proceeds from the State Lottery shall be deposited, from the fund created by the Legislative Assembly under this paragraph, in an education stability fund. Effective July 1, 2003, 18% of the net proceeds from the State Lottery shall be deposited, from the fund created by the Legislative Assembly under this paragraph, in an education stability fund. Earnings on moneys in the education stability fund shall be retained in the fund or expended for the public purpose of financing public education in Oregon as provided by law. Except as provided in subsection (6) of this section, moneys in the education stability fund shall be invested as provided by law and shall not be subject to the limitations of section 6, Article XI of this Constitution. The Legislative Assembly may appropriate other moneys or revenue to the education stability fund. The Legislative Assembly shall appropriate amounts sufficient to pay lottery bonds before appropriating the net proceeds from the State Lottery for any other purpose. At least 84% of the total annual revenues from the sale of all lottery tickets or shares shall be returned to the public in the form of prizes and net revenues benefiting the public purpose.

(5) Notwithstanding paragraph (d) of subsection (4) of this section, the amount in the education stability fund created under paragraph (d) of subsection (4) of this section may not exceed an amount that is equal to five percent of the amount that was accrued as revenues in the state's General Fund during the prior biennium. If the amount in the education stability fund exceeds five percent of the amount that was accrued as revenues in the state's General Fund during the prior biennium:

(a) Additional net proceeds from the State Lottery may not be deposited in the education stability fund until the amount in the education stability fund is reduced to less than five percent of the amount that was accrued as revenues in the state's General Fund during the prior biennium; and

(b) Fifteen percent of the net proceeds from the State Lottery shall be deposited into the school capital matching fund created under section 4, Article XI-P of this Constitution.



(6) The Legislative Assembly may by law appropriate, allocate or transfer any portion of the principal of the education stability fund created under paragraph (d) of subsection (4) of this section for expenditure on public education if:

(a) The proposed appropriation, allocation or transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly and the Legislative Assembly finds one of the following:

(A) That the last quarterly economic and revenue forecast for a biennium indicates that moneys available to the state's General Fund for the next biennium will be at least three percent less than appropriations from the state's General Fund for the current biennium.

(B) That there has been a decline for two or more consecutive quarters in the last 12 months in seasonally adjusted nonfarm payroll employment; or

(C) That a quarterly economic and revenue forecast projects that revenues in the state's General Fund in the current biennium will be at least two percent below what the revenues were projected to be in the revenue forecast on which the legislatively adopted budget for the current biennium was based; or

(b) The proposed appropriation, allocation or transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly and the Governor declares an emergency.

(7) The Legislative Assembly may by law prescribe the procedures to be used and identify the persons required to make the forecasts described in subsection (6) of this section.

(8) Effective July 1, 1999, 15% of the net proceeds from the State Lottery shall be deposited in a parks and natural resources fund created by the Legislative Assembly. Of the moneys in the parks and natural resources fund, 50% shall be deposited in a parks subaccount and distributed for the public purposes of financing the protection, repair, operation, and creation of state, regional and local public parks, ocean shore and public beach access areas, historic sites and recreation areas, and 50% shall be deposited in a natural resources subaccount and distributed for the public purposes of financing the restoration and protection of native fish and wildlife, watersheds and water quality in Oregon. The Legislative Assembly shall not limit expenditures from the parks and natural resources fund, or from the parks or natural resources subaccounts. The Legislative Assembly may appropriate other moneys or revenue to the parks and natural resources fund.

(9) Only one State Lottery operation shall be permitted in the State.

(10) The Legislative Assembly has no power to authorize, and shall prohibit, casinos from operation in the State of Oregon. [Constitution of 1859; Amendment proposed by H.J.R. 14, 1975, and adopted by the people Nov. 2, 1976; Amendment proposed by initiative petition filed April 3, 1984, and adopted by the people Nov. 6, 1984 (paragraph designations in subsection (4) were not included in the petition); Amendment proposed by H.J.R. 20, 1985, and adopted by the people Nov. 4, 1986; Amendment proposed by H.J.R. 15, 1995, and adopted by the people May 16, 1995; Amendment proposed by initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Amendment proposed by H.J.R. 80, 2002 (3rd s.s.), and adopted by the people Sept. 17, 2002; Revision proposed by H.J.R. 13, 2009, and adopted by the people May 18, 2010; Amendment proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Note: The amendments to section 4, as adopted by the people in Measure No. 66, 1998, incorrectly set forth the text of section 4 as it existed at the time the measure was submitted to the people. The text of the measure, as approved by the voters, was printed here.

Note: The amendments to section 4, as adopted by the people in Measure No. 76, 2010, at the Nov. 2010 general election did not set forth the text of section 4 as it was revised by the people in Measure No. 68, 2010 (H.J.R. 13, 2009), at the May 2010 primary election. The text of section 4, as revised by Measure No. 68, 2010, and amended by Measure No. 76, 2010, is printed here.

Section 4a. Use of net proceeds from state lottery for parks and recreation areas. (1) In each biennium the Legislative Assembly shall appropriate all of the moneys in the parks subaccount of the parks and natural resources fund established under section 4 of this Article for the uses allowed in subsection (2) of this section, and to achieve all of the following:

- (a) Provide additional public parks, natural areas or outdoor recreational areas to meet the needs of current and future residents of the State of Oregon;
- (b) Protect natural, cultural, historic and outdoor recreational resources of state or regional significance;
- (c) Manage public parks, natural areas, and outdoor recreation areas to ensure their long-term ecological health and provide for the enjoyment of current and future residents of the State of Oregon; and
- (d) Provide diverse and equitable opportunities for residents of the State of Oregon to experience nature and participate in outdoor recreational activities in state, regional, local or neighborhood public parks and recreation areas.

(2) The moneys in the parks subaccount shall be used only to:

- (a) Maintain, construct, improve, develop, manage and operate state parks, ocean shores, public beach access areas, historic sites, natural areas and outdoor and recreation areas;
- (b) Acquire real property, or interests therein, that has significant natural, scenic, cultural, historic, or recreational values, for the creation or operation of state parks, ocean shores, public beach access areas, outdoor recreation areas and historic sites; and
- (c) Provide grants to regional or local government entities to acquire property for public parks, natural areas, or outdoor recreation areas, or to develop or improve public parks, natural areas, or outdoor recreation areas.

(3) In each biennium the Legislative Assembly shall appropriate no less than twelve percent of the moneys in the parks subaccount for local and regional grants as authorized under paragraph (c) of subsection (2) of this section. However, if in any biennium the amount of net proceeds deposited in the parks and natural resources fund created under section 4 of this Article increases by more than fifty percent above the amount deposited in the 2009-2011 biennium, the Legislative Assembly shall appropriate no less than twenty-five percent of the moneys in the parks subaccount for local and regional grants as authorized under paragraph (c) of subsection (2) of this section. The grants shall be administered by a single state agency. The costs of the state agency in administering the grants shall not be paid out of the portion of the moneys in the park's subaccount appropriated for local and regional grants. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Amendment proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Section 4b. Use of net proceeds from state lottery for fish and wildlife, watershed, and habitat protection.

(1) In each biennium the Legislative Assembly shall appropriate all of the moneys in the natural resources subaccount of the parks and natural resources fund established under section 4 of this Article for the uses allowed in subsections (2) and (3) of this section, and to accomplish all of the following:

- (a) Protect and improve water quality in Oregon's rivers, lakes, and streams by restoring natural watershed functions or stream flows;
  - (b) Secure long-term protection for lands and waters that provide significant habitats for native fish and wildlife;
  - (c) Restore and maintain habitats needed to sustain healthy and resilient populations of native fish and wildlife;
  - (d) Maintain the diversity of Oregon's plants, animals and ecosystems;
  - (e) Involve people in voluntary actions to protect, restore and maintain the ecological health of Oregon's lands and waters; and
  - (f) Remedy the conditions that limit the health of fish and wildlife, habitats, and watershed functions in greatest need of conservation.
- (2) In each biennium the Legislative Assembly shall appropriate no less than sixty-five percent of the moneys in the natural resources subaccount to one state agency, and that agency shall distribute those moneys as grants to entities other than state or federal agencies for projects that achieve the outcomes specified in subsection (1) of this section. However, if in any biennium the amount of net proceeds deposited in the parks and natural resources fund created under section 4 of this Article increases by more than fifty percent above the amount deposited in the 2009-2011 biennium, the Legislative Assembly shall appropriate no less than seventy percent of the moneys in the natural resources subaccount to one state agency, and that agency shall distribute those moneys as grants to entities other than state or federal agencies for projects that achieve the outcomes specified in subsection (1) of this section. In addition, these moneys shall be used only to:
- (a) Acquire from willing owners' interests in land or water that will protect or restore native fish or wildlife habitats, which interests may include but are not limited to fee interests, conservation easements or leases;
  - (b) Carry out projects to protect or restore native fish or wildlife habitats;
  - (c) Carry out projects to protect or restore natural watershed functions to improve water quality or stream flows; and
  - (d) Carry out resource assessment, planning, design and engineering, technical assistance, monitoring and outreach activities necessary for projects funded under paragraphs (a) through (c) of this subsection.
- (3) In each biennium the Legislative Assembly shall appropriate that portion of the natural resources subaccount not appropriated under subsection (2) of this section to support all of the following activities:
- (a) Develop, implement or update state conservation strategies or plans to protect or restore native fish or wildlife habitats or to protect or restore natural watershed functions to improve water quality or stream flows;
  - (b) Develop, implement or update regional or local strategies or plans that are consistent with the state strategies or plans described in paragraph (a) of this subsection;
  - (c) Develop, implement or update state strategies or plans to prevent, detect, control or eradicate invasive species that threaten native fish or wildlife habitats or that impair water quality;
  - (d) Support local delivery of programs or projects, including watershed education activities, that protect or restore native fish or wildlife habitats or watersheds;
  - (e) Pay the state agency costs of administering subsection (2) of this section, which costs shall not be paid out of the moneys available for grants under subsection (2) of this section; and

(f) Enforce fish and wildlife and habitat protection laws and regulations. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Amendment proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Section 4c. Audit of agency receiving certain net proceeds from state lottery. The Secretary of State shall regularly audit any state agency that receives moneys from the parks and natural resources fund established under section 4 of this Article to address the financial integrity, compliance with applicable laws, efficiency, and effectiveness of the use of the moneys. The costs of the audit shall be paid from the parks and natural resources fund. However, such costs may not be paid from the portions of such fund, or the subaccounts of the fund, that are dedicated to grants. The audit shall be submitted to the Legislative Assembly as part of a biennial report to the Legislative Assembly. In addition, each agency that receives moneys from the parks and natural resources fund shall submit a biennial performance report [sic] the Legislature [sic] Assembly that describes the measurable biennial and cumulative results of activities and programs financed by the fund. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Amendment proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Note: Added as section 4c to the Constitution but not to any Article therein by initiative petition (Measure No. 66, 1998) adopted by the people Nov. 3, 1998.

Section 4d. Subsequent vote for reaffirmation of sections 4a, 4b and 4c and amendment to section 4. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Repeal proposed by initiative petition filed Dec. 22, 2009, and adopted by the people Nov. 2, 2010]

Section 4e. Transfer of moneys in school capital matching subaccount to school capital matching fund created under section 4, Article XI-P. [Created through H.J.R. 13, 2009, and adopted by the people May 18, 2010; Repealed Jan. 2, 2011, as specified in text of section adopted by the people May 18, 2010]



### **4.3 [Oregon Revised Statutes](#)**

**Oregon Watershed Enhancement Board**

**Oregon Laws – Chapter 541**

**WATERSHED MANAGEMENT AND ENHANCEMENT**

### **4.4 [Oregon Administrative Rules filed through June 2022](#)**

**[Oregon Watershed Enhancement Board](#)**

**Oregon Laws – Chapter 695**

**[Oregon Agriculture Heritage Program](#)**

**Oregon Laws – Chapter 698**

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- 5.1 Biennial Reports
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## 5.0 OTHER DOCUMENTS



OREGON  
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## 5.0 OTHER DOCUMENTS

### 5.1 Biennial Reports

OWEB is charged with the responsibility to prepare and submit a report to the Governor and Oregon Legislature assessing the implementation and effectiveness of the Oregon Plan by January 15 of each even numbered year. The Oregon Plan is an initiative where all Oregonians can join to help restore healthy watersheds that support the economy and quality of life in Oregon. The Oregon Plan combines the natural resources management programs of state and federal agencies and local governments with voluntary restoration by private landowners and others.

Pursuant to ORS 541.972, OWEB is directed to report to the Governor and legislature on the progress of the Oregon Plan every two years. The Executive Summary of the full biennial report highlights priority areas, key accomplishments over the past two years, and new focus areas for the next biennium. Previous reports and executive summaries can be found online. The full online report for the 2015-2017 biennium can be found at:

<http://www.oregon.gov/OPSW/Pages/br.aspx>

It includes information about each region of the state, more detailed information about the activities and accomplishments described therein, and online resources and tools.

### 5.2 Economic Impact of OWEB Investments

OWEB's investments in watershed restoration projects generate significant economic activity and create jobs throughout the state. Research has shown that grantees spend approximately 80% of OWEB funds within their local county, and that 90% of funds are spent within Oregon. In a 2009 study, researchers at the University of Oregon's Ecosystem Workforce Program found that \$40 million of proposed spending by OWEB on restoration projects would create or retain nearly 600 jobs and generate over \$72 million in total economic activity in Oregon and would leverage up to \$50 million in additional funding from other public and private sources that would create or retain additional jobs and generate additional economic activity.

Briefing papers produced by the Ecosystem Workforce Program discussing the economic impact of watershed restoration in Oregon and other topics of interest can be found at: <http://ewp.uoregon.edu/publications/briefing>.

### 5.3 Rulemaking Procedures

Oregon Administrative Rules, Chapter 137, provides procedural rules that have been adopted by OWEB. These rules guide agency rulemaking and are summarized below.

#### Public Notice

Prior to the adoption, amendment or repeal of any rule, OWEB must give notice of its intended action (as directed by ORS 183.335).

#### Advisory Committees

To assist in rulemaking, OWEB may appoint an advisory or collaborative rulemaking committee made

up of board members and/or interested parties and citizens. If an advisory committee is appointed, the committee's members should represent the interests of those likely to be affected by the rule. Facilitators may be used to assist committees and committee meetings must be open to the public.

#### Board Approval

Draft rule language is often discussed at the relevant board committee. When a final rule draft is ready, it is brought before the board for adoption. Rules can only be effective on or after the date of board adoption.

#### Periodic Public Review

OWEB must review rules adopted since January 1, 2006 at least once every five years. The review must determine:

- Whether the rule has had the intended effect.
- Whether the anticipated fiscal impact was underestimated or overestimated.
- Whether subsequent changes in the law require the rule to be repealed or amended; and
- Whether there is continued need for the rule.

Public comment on proposed rule changes is part of the review and notice of proposed rule changes must be given in advance.

## **5.4 Membership Handbook for Boards and Commissions**



## 5.5 State/Tribal Government to Government Relations

	<p>Oregon Watershed Enhancement Board OWEB Revised Statement of State-Tribal Relations Policy Effective: March 26, 2018 Approved By: <u>Meta Loftsgaarden</u> Meta Loftsgaarden, Executive Director</p>
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### Purpose

Oregon Revised Statutes (ORS) 182.162 to 182.168 requires state agencies to promote relations with Tribes. State agencies are to develop and implement policies to include Tribes in the development and implementation of state programs that affect Tribes. The Oregon Watershed Enhancement Board (OWEB) first established its Tribal Policy in 2007. This revised policy replaces the original policy and provides additional clarity on how OWEB will involve and include Tribal members and governments in the development and implementation of policies and programs administered by the agency. OWEB recognizes and respects the sovereign status of the Tribes and their respective authorities on reservation, Tribal, ceded lands and established usual and accustomed areas and their co-management authorities over certain resources on non-Tribal lands. The goal of this policy is to maximize Tribal relations and collaborative efforts and to resolve potential concerns by enhancing exchange of information, ideas, and resources.

### Definitions

**A. Annual Report**

The annual report by OWEB to the Governor and to the Legislative Commission on Indian Services on Tribal relations as required by ORS 182.166.

**B. Authorities**

The Oregon Administrative Rules and Regulations and ORS that govern the actions and responsibilities of OWEB.

**C. Legislative Commission on Indian Services (LCIS)**

The Commission created by statute in 1975 to improve services to Indians in Oregon. Its 13 members are appointed jointly by the Senate President and the Speaker of the House to a two-year term. LCIS members select their own officers to serve one-year terms of office. LCIS serves as the main forum in which Indian concerns are considered. It serves as a conduit through which concerns are channeled to the appropriate entity, as a point of access for finding out about state government programs and Indian communities, and a catalyst for making reforms when change is needed.

**D. Natural Resources Workgroup**

The Tribal-State workgroup established during meetings under Governor Kitzhaber's Executive Order 96-30. That Executive Order was later codified by Senate Bill 770 in 2001 as ORS 182.162 to 182.182. The Natural Resource Workgroup was created in order to improve communication between the State of Oregon and Tribes regarding natural resources protection and management. The workgroup consists of key state agency contacts, a representative from each of Oregon's nine federally recognized Tribes, and a representative from the Governor's Office.

**E. Tribes**

An Oregon Tribal Government, their Tribal Council, Board of Directors, and/or other authorized representatives that are recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation. The 9 federally recognized Tribes in Oregon are:

- Burns Paiute Tribe;
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians;
- Confederated Tribes of Grand Ronde Community;
- Confederated Tribes of Siletz Indians;
- Confederated Tribes of the Umatilla Indian Reservation;
- Confederated Tribes of the Warm Springs Reservation of Oregon;
- Coquille Indian Tribe;
- Cow Creek Band of Umpqua Tribe of Indians; and
- Klamath Tribes.

OWEB also works with the federally recognized Nez Perce Tribe of Idaho based on that Tribe's ceded lands in Northeast Oregon.

#### **F. Programs**

The programs that OWEB implements to execute Oregon Administrative Rules.

#### **G. Tribal Liaison**

The OWEB employee who is responsible for facilitating, promoting, and ensuring communication between OWEB's program managers and Tribes.

### **Statutory Authorities**

OWEB is a state agency with statutory authority to administer constitutionally dedicated funds for the purpose of protecting and enhancing Oregon's fish and wildlife habitats. The responsibilities of the agency include:

- Managing a grant program for watershed protection and enhancement;
- Assisting in the development and implementation of watershed scale restoration efforts; and
- Coordinating the efforts of watershed councils throughout the state.

OWEB is led by a policy oversight and decision-making board. Board members represent the interests of the public at large, Tribes, state natural resource agency boards and commissions, Oregon State University Extension Service, and federal land management and natural resource agencies. The Board Tribal Representative is recommended by the governor and approved by the Senate. In advising the governor on the Tribal appointment, OWEB will reach out broadly to Tribes to seek interested volunteers to participate on the Board. The Tribal Representative seat on the Board is not intended to represent all of the Tribes' interests nor is it intended to replace the obligation OWEB has to include Tribes in the decision-making process.

OWEB provides grants and services to citizen groups, organizations, Tribes, and agencies working to restore healthy watersheds in Oregon. OWEB actions support the Oregon Plan for Salmon and Watersheds, created in 1997. Funding comes from the Oregon Lottery as a result of citizen initiatives in 1998 and 2010, sales of salmon license plates since 1997, federal salmon recovery funds, and other sources.

### **Mission**

The mission of OWEB is "To help protect and restore healthy watersheds and natural habitats that support thriving communities and strong economies."

## **Approach and Priorities**

Created in 1999, OWEB has embraced a community-based problem-solving approach to carry out statutory responsibilities. This has occurred in response to the need to maximize the use of available resources and identify ways to achieve environmental gains in the most efficient manner. The agency has four operational programs: Board and Policy, Grant Management, Business Operations, and Technical Services. Each program is headed by a manager responsible for honoring the relationships between OWEB and Tribes.

## **Tribal Government Participation in OWEB Policy Development and Implementation**

It is the policy of OWEB to:

- Involve the appropriate level of Tribal decision-maker in the notification and decision-making process;
- Provide timely, accurate information regarding agency activities to Tribes including legislative, administrative, policy, and technical data and actions; and
- Promote innovations in communication by employing a Tribal Liaison and seeking early Tribal involvement in the design of a policy, program, and/or process implicating Tribal interests;

OWEB will provide to key Tribal contacts notice of policy and planning efforts, and communicate with Tribes in considering and addressing identified issues of concern. Examples of specific involvement by Tribes include, but are not limited to, solicitation of information concerning proposed land or water acquisitions, participation in grant review teams, and adoption of or changes to administrative rules.

## **Tribal Relations Protocol**

The following OWEB commitments describe the approach to be taken to create and maintain strong Tribal relations:

- OWEB will maintain a Tribal Liaison who will be responsible for facilitating Tribal relations with Tribes;
- The OWEB Director, Tribal Liaison, and Board Tribal Representative will meet at least annually to discuss any known issues;
- The OWEB Tribal Liaison will actively participate as a member of the State Agency Tribal Natural Resources Workgroup and other Tribal State Workgroups or Clusters as deemed appropriate;
- OWEB will maintain organization information and contact sources and will provide updates annually to the key Tribal contacts;
- OWEB will support the exchange of relevant information and data collected by its staff or by a Tribal government to maximize relations and collaborative efforts and to resolve potential concerns;
- OWEB will ensure that all staff are aware of the sovereign nature and authorities of Tribes, their consequent self-governing attributes, and the basic organizational structure of Tribal governments;
- OWEB will provide training and other information exchange appropriate for agency staff to improve their capacity to promote collaboration with Tribes and execute the provisions of this Policy;
- OWEB will support and participate in cooperative efforts among the Tribal, federal, state, and local governments as well as non-governmental parties environmental and related concerns that may cross jurisdictional boundaries;
- OWEB will seek representatives from Tribes to participate on advisory committees and review teams; and
- OWEB will consider and utilize advice, guidance and recommendations when appropriate from the LCIS, the Board Tribal Representative, and staff on Tribal government matters, affairs and issues pertaining to them.



OREGON  
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# 2021 Annual Tribal Report

Oregon Watershed Enhancement Board  
775 Summer Street NE, Suite 360, Salem, OR 97301-1290





## Agency Overview

### Key Contact

Lisa Charpilloz Hanson, Executive Director

971-345-7022

[lisa.charpilloz-hanson@oweb.oregon.gov](mailto:lisa.charpilloz-hanson@oweb.oregon.gov)

### Tribal Liaison

Ken Fetcho, Effectiveness Monitoring Coordinator

971-345-7108

[ken.fetcho@oweb.oregon.gov](mailto:ken.fetcho@oweb.oregon.gov)

The Oregon Watershed Enhancement Board (OWEB) is a state agency with statutory authority to administer constitutionally dedicated funds for the purpose of protecting and enhancing Oregon's watersheds and native fish and wildlife habitats. The responsibilities of the agency include:

- Managing a grant program for watershed protection and enhancement;
- Assisting in the development and implementation of watershed-scale restoration efforts; and
- Coordinating and supporting local infrastructure throughout the state to achieve voluntary cooperative conservation outcomes.

OWEB works with the nine federally recognized tribes in Oregon to address watershed scale restoration needs. OWEB operates grant programs that tribes can apply for to fund a variety of watershed management, protection, and restoration projects. Tribes can leverage those funds to meet their natural and cultural resource restoration goals and objectives.

OWEB is led by an 18-member policy oversight and decision-making board. Board members represent the public at large, federally recognized tribes, five state natural resource agency boards and commissions, Oregon State University Extension Service, and six federal land management and natural resource agencies. The agency provides grants and services to citizen groups, organizations, and agencies working to restore healthy watersheds in Oregon. OWEB actions support the Oregon Plan for Salmon and Watersheds, created in 1997. Funding comes from the Oregon Lottery because of citizen initiatives in 1998 and 2010, sales of salmon license plates since 1997, federal salmon recovery funds, and other sources.

## Tribal Policy

In 2018, OWEB revised its tribal policy with LCIS and tribal input. In 2021, OWEB's tribal liaison and director continued to work together to communicate the intent of OWEB's Tribal Policy and how staff can work effectively with tribes.

## Summary of Programs and Process for Involving Tribes

OWEB works closely with tribes and involves them in programs and decision-making processes at all levels of the organization. The following sections describe the agency's interactions during 2021 with the nine federally recognized tribes in Oregon and the Nez Perce Tribe that occupies lands in Idaho and Oregon.

### OWEB Board and Grant Programs Tribal Participation

#### Executive Director

In September 2021, OWEB's former Executive Director, Meta Loftsgaarden resigned to take a new position as the Forest Supervisor at the Mt. Hood National Forest. Lisa Charpilloz Hanson was appointed by Governor Brown and confirmed by the Senate in November 2021 to become OWEB's new Executive Director. Prior to joining OWEB, Director Charpilloz Hanson served as Deputy Director of the Oregon Department of Agriculture (ODA) since 2005. At ODA, she worked collaboratively with partner agencies and stakeholders to solve complex and controversial natural resource issues. Director Charpilloz Hanson is honored to have been offered the position and inspired by the work of OWEB and its partners. She looks forward to working with the federally recognized tribes in Oregon in the coming years.

#### Board Membership

The Governor appoints a tribal representative as a voting member of the OWEB Board. The position recently went through Senate confirmation and Kelly Coates, Water and Environmental Resources Program Manager of the Cow Creek Band of Umpqua Tribe of Indians is our new tribal representative on the OWEB Board.

The tribal representative helps identify opportunities for collaboration and ensures the OWEB board and staff is aware of their responsibilities to involve and consider tribal interests. Coates is fully engaged in the onboarding process and will soon be participating in quarterly meetings and on various committees to provide input on the agency's initiatives.



**Photo 1.** Upper Fox Creek, in the John Day Basin, before and after photos of a culvert replacement and bridge installation project completed by the Confederated Tribes of Warm Springs.

## Grant Program

### Grant Applicants

OWEB grants are available to a broad range of entities, including tribes [ORS 541.375(1)]. **Since 2006, OWEB has awarded just over \$9,300,000 in grants to tribal governments.** In addition to eligibility on their own, tribes are often members of, or partners with, local watershed councils. Oregon statute describing watershed councils (ORS 541.388) specifically identifies “federally recognized Indian Tribes” as potential members of local watershed councils. Tribes are a critical partner in watershed restoration in Oregon and often contribute vital match funds to grants that our grantees such as watershed councils and SWCDs receive. In 2021, there were 30 completed grants that included tribal contributions. **Across all grant programs, tribes provided \$1,398,753 in cash and \$229,271 of in-kind support to OWEB grants in 2021.**

### Small Grant Program

In OWEB’s Small Grant program (OAR Chapter 695, Division 35), tribes are eligible to be members of Small Grant Teams in each of the state’s 28 Small Grant areas. These Small Grant Teams have access to \$100,000 per biennium to recommend grants of up to \$15,000 for watershed restoration projects. Other team members include watershed councils and soil and water conservation districts. Tribes were invited to participate in the small grant areas with reservation, tribal, ceded lands, or usual and accustomed areas located partially or entirely within the team’s area. For the teams that have reorganized to date, representatives of all nine federally recognized tribes in Oregon serve on 18 of the 28 Small Grants Teams. There are some tribes that sit on several small grant teams and some small grant teams that have more than one tribe participating together.

### Open Solicitation Grant Program

OWEB solicits grant applications twice a year through the Open Solicitation Grant Program also known as the Regular Grant Program. During 2021, five grants totaling approximately \$716,000 were awarded to tribes: two grants totaling \$347,488 to the Confederated Tribes of the Umatilla Indian Reservation, two grants totaling \$307,975 to the Confederated Tribes of Grand Ronde, and one grant totaling \$60,555 to the Confederated Tribes of Siletz Indians. Tribal agencies have also submitted two applications in the most recent grant cycle, for which awards have not yet been made.

OWEB’s Regional Program Representatives (RPRs) have regular contact with appropriate tribal staff. They meet with interested tribes prior to grant application submission and throughout the life of each grant to ensure tribes can meet their goals and objectives. In addition, tribes often partner with watershed councils and soil and water conservation districts (SWCDs) by helping manage the projects and at times receive funding to implement projects as contractors. In 2021, approximately 27% of the applications that were submitted had tribal participation. Tribes participate in applications in several ways such as, applicants, providing cash match, the landowner, contractor for project implementation, partner, or supporter (such as providing a letter of support), technical

team member for applicant or having a tribal Board member of the applicant organization. In 2021, applications with tribal participation have a 68% success rate (are funded) compared to applications without tribal participation which have a 58% success rate.

### **Open Solicitation Grant Program – Regional Review Teams**

Applications received through OWEB's Open Solicitation Grant Program are reviewed by one of six Regional Review Teams, comprised of state, federal, and tribal natural resource professionals. All six regional review teams have at least one tribal natural resource professional participating in the review process. In 2021, seven tribal agency representatives participated on OWEB Regional Review Teams, including representatives from the Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, Cow Creek Band of Umpqua Tribe of Indians, and the Confederated Tribes of Grand Ronde.

### **Land Acquisition Grant Program**

OWEB's land acquisition grant program provides funding for projects that acquire an interest in land from a willing seller to address the conservation needs of priority habitat and species. OWEB notifies all tribes after a land acquisition application is received to solicit input in the decision-making process. In addition, OWEB notifies tribes once a recommendation has been made allowing tribes to provide additional input prior to the OWEB Board's funding decision.

### **Water Acquisition Grant Program**

OWEB's water acquisition grant program provides funding for programs or projects that acquire an interest or interests in water from a willing seller for the purpose of increasing instream flow. Like the land acquisition grant program, OWEB notifies tribes after a water acquisition grant application is received and once a recommendation has been made to allow multiple opportunities to provide input in the decision-making process.





**Photo 2.** Wallowa River side channel restoration project, is part of a 320 acre parcel belonging to the Wallowa Band Nez Perce Trail Interpretive Center, Inc. (the Homeland Project). The local non-profit organization, chartered in 1995, is supported regionally by private citizens, local government, and representatives from the Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation and Confederated Tribes of the Colville Reservation.

### Focused Investment Partnership Program

In 2021, tribes continued to participate in the Focused Investment Partnership (FIP) Program. The OWEB Board made the initial awards in the program in 2016. Implementation funding provides opportunities for tribes and others to work collaboratively on ambitious, long-term, and landscape-scale programmatic restoration initiatives. These initiatives create measurable outcomes within priority areas that were identified by the OWEB Board.

OWEB invested in five new Implementation FIPs in 2019. Among these, the Clackamas Partnership includes the Confederated Tribes of Warm Springs; and the John Day Basin Partnership includes the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation, and the Burns Paiute Tribe. The technical review team for the John Day Basin Partnership FIP includes representatives from the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation.

The FIP Program is another great opportunity for tribes to pursue and receive grant funding from OWEB. **In 2021, the Confederated Tribes of Warm Springs received one grant for a total of \$202,455 through the John Day Basin FIP.**

The OWEB Board approved the 2021-23 biennium spending plan at the July 27-28, 2021 meeting. OWEB has \$10 million available for the 2021-23 FIP solicitation and may award up to 3-5 new FIP initiatives during this biennium. OWEB hosted pre-application consultations with partnerships interested in submitting applications for this grant

program. Applications are due to OWEB on January 13, 2022 and will be awarded by the OWEB Board in July 2022. Seven of the 13 pre-application consultations that were held included tribes as core partners. A total of six tribes are involved in these partnerships. In addition, one partnership has the Inter-Tribal Ecosystem Restoration Partnership (ITERP) listed as a core partner. ITERP is a collaboration of regional tribes, tribal community leaders, federal and state agencies, and non-profit conservation organizations throughout Oregon and northern California that is operated by the Lomakatsi Restoration Project.

In 2019, the OWEB Board approved a new grant program, which evolved from the previously offered Development FIP grant program. The new Partnership Technical Assistance grants offer two tracks: 1) Partnership Development to produce or enhance a Strategic Action Plan and governance documents, and 2) Partnership Capacity to support strategic action plan coordination and implementation. Partnership Technical Assistance applications were received in October 2021 and will be awarded by the OWEB Board in 2022. Six of the twelve applications that OWEB received included tribes as partners. A total of five tribes are involved in these partnership applications. In addition, Lomakatsi Restoration is a key partner on one of the applications. While not a tribal government, they coordinate closely and often employ tribal members to implement restoration actions.

### **Post-Wildfire Immediate Response and Recovery**

In October 2020, the OWEB Board approved up to \$1 million in funding for a short-term Wildfire Response grant offering. This new grant program has two objectives: 1) invest in local organizations to respond to short-term fire recovery needs in a way that benefits long-term restoration; and 2) fill short-term gaps that aren't available through other funding sources while meeting OWEB's constitutional mandate. In 12 of the 13 fire areas, grants were awarded to one lead entity that works in cooperation with area partners. Partners in the Slater Fire area did not pursue a grant. To each of the 12 fire areas, \$83,333 was awarded per fire to fund short-term, high priority needs for a limited set of implementation, technical assistance, and stakeholder engagement activities.

At the July 2021 OWEB meeting, the board approved an allocation of \$300,000 under the Governor's Priorities line item in the 2021-2023 OWEB spending plan for wildfire recovery immediate response grants this biennium. These grants will build off experience gained by OWEB in 2020, to make available a limited grant offering to respond to gaps in wildfire recovery funding in the short term. Using parameters established for the 2020 fire grants, and a sliding scale for funding to reflect the amount allocated by the board for wildfire recovery immediate response grants for 2021-23, staff identified the following 2021 fires as being eligible for the OWEB immediate response grants: \$25,000 for Elbow Creek and Skyline Ridge fires; \$50,000 for Cougar Peak Fire; and \$75,000 for Bootleg fire. Grant applications currently are being accepted from these fire areas, with a deadline of 1/31/22.

In addition, during the 2021 Oregon Legislative Session, OWEB received a total of \$19.75 million in funding to provide grants to support natural resource recovery in areas impacted during the 2020 fire season. These grants are supported by General Funds and



have an explicit Legislative intent, per House Bill 5006 (2021). Funding was provided to support on-the-ground implementation activities focusing on upland and riparian replanting and floodplain restoration. Eligible applicants include tribes, among other entities. Applications are currently being accepted for the initial round of funding, with the first deadline being January 31, 2022. Applications will be reviewed in the winter of 2022 and funding decisions for the first round of grants will be made the Spring of 2022. At least one additional grant cycle is anticipated to open during Spring of 2022.

### **Other Grant Program Involvements**

The Upper Middle Fork John Day River Intensively Monitored Watershed (IMW) is a long-term, large-scale monitoring effort to evaluate watershed restoration projects. OWEB participates on the steering team and assists with securing funding for several aspects of the program. The Confederated Tribes of Warm Springs continues to be a key participant in the Upper Middle Fork John Day River IMW and received \$20,794 in additional funding this year to continue their important work in this long-term effort.

OWEB staff also participates in the Willamette Wildlife Mitigation Program (WWMP). The WWMP is the result of the State's 2010 agreement with Bonneville Power Administration for mitigation for the loss of fish and wildlife habitat due to the construction of 13 dams and reservoirs on major tributaries to the Willamette River from 1946-1964. Members from Confederated Tribes of the Warm Springs, Confederated Tribes of Grand Ronde, and Confederated Tribes of Siletz Indians participate in the WWMP, as they all have historic hunting, fishing, and trading areas in the Basin.



**Photo 3.** Chahalpam Crossing, site of future restoration funded by OWEB to restore floodplain function and fish

## Promotion of Communication between OWEB and Tribes

### **Tribal Liaison**

In conformance with OWEB's tribal policy, OWEB designated a staff person, Ken Fetcho, to operate as a tribal liaison for the agency. The tribal liaison is responsible for ensuring that OWEB's programs and policy development adheres to our tribal policy. This includes coordinating program and policy notices to tribal natural resource key contacts and providing training to staff as appropriate.

In 2021, OWEB's tribal liaison continued to emphasize the importance of OWEB's tribal policy to new employees and board members. Starting in 2019, each new employee and board member is briefed on the tribal policy and receives a copy of the current Annual Tribal Report.

The tribal liaison met with Calla Hagle, the Natural Resources Director of the Burns Paiute Tribe, in October to explore the potential for planning a training for OWEB staff that would occur in 2022. The tribal liaison proposed the concept of having the Burns Paiute Tribe help plan and deliver a training for OWEB staff. The purpose of the training would be to learn more about the Burns Paiute Tribe and learn how OWEB can be a better partner on areas of mutual interest. OWEB is interested in learning more about how the Burns Paiute Tribe government is structured, their cultural and natural resource priorities and how that might influence how they pursue our funding. This training is based off a similar approach that OWEB developed with the Cow Creek Band of Umpqua Tribe of Indians back in 2019. OWEB looks forward to continuing discussions with Burns Paiute Tribe to explore planning this training in 2022.

### **Recruitment of Tribal Representative on OWEB Board**

In March 2021, OWEB participated in outreach to assist in recruiting interested applicants to fill the vacant tribal representative seat on the OWEB Board. The Executive Director sent out emails to Tribal Council chairs announcing the vacancy and the opportunity for all the federally recognized tribes in Oregon. OWEB received interest from three different tribes and held consultations to learn more about the interested candidates and allow the tribes to ask questions to learn more about the role on the OWEB Board. Three interested candidates subsequently submitted formal applications to the Governor's Office. The Governor appointed Kelly Coates, who was confirmed by the Senate in November 2021.

### **Tribal Coordination on Natural and Cultural Resource Recovery**

Following the devastating 2020 wildfire season, the Natural and Cultural Resources Recovery Task Force (NCRRTF) was convened by the Governor's Natural Resources Office, and natural resources agency directors in coordination with the Oregon Office of Emergency Management (OEM). The task force was led by OWEB and the Oregon Departments of Forestry and Environmental Quality. In 2021, the group provided coordination and implementation for the State's recovery response to catastrophic wildfires that occurred in September 2020, based on activation of the Oregon Disaster Recovery Plan. Because of the broad scope of the NCRRTF, representation included state and federal natural resources agencies, along with the Legislative Commission on Indian Services (LCIS). Individual tribes also participated in the process.



The NCRRTF also convened a Tribal Work Group. This was in response to the recognition that while the task force had participation from the State Historic Preservation Office, the Bureau of Indian Affairs, and LCIS, a more focused conversation needed to occur with the state's nine federally recognized tribes. The work group focused on:

- 1) Reviewing assessments to determine if tribal cultural and natural resources are adequately reflected in the information provided;
- 2) Identifying preferred ways for tribes to participate in community-level conversations about fire recovery prioritization and investment; and
- 3) Identifying preferred ways to communicate broadly with tribes about upcoming work on federal/state lands so tribes can contribute meaningfully to decision-making on public lands.

### **Cultural Resources Protection**

OWEB continues to emphasize to grantees and grant project managers the importance of complying with regulations to protect cultural resources. OWEB grants pay for expenses to comply with cultural resource regulations to legally implement watershed improvement projects. In 2021, OWEB began communications with National Oceanic and Atmospheric Administration (NOAA) Fisheries regarding programmatic agreements to address the potential effects that the Pacific Coastal Salmon Recovery Fund (PCSRF) grant program may have on cultural resources.

Therefore, to meet Section 106 of the National Historic Preservation Act (NHPA) responsibilities for the PCSRF undertaking, NOAA Fisheries intends to develop a programmatic approach to consultation under Section 106. NOAA Fisheries will identify appropriate parties to play a role in Section 106 in Oregon and plans to draft a Programmatic Agreement to create a framework that will provide consulting parties an opportunity for consultation on the individual projects funded by the PCSRF grant program. The Programmatic Agreement that NOAA Fisheries is currently pursuing is with OWEB. OWEB anticipates meeting with NOAA in 2022 to continue to discuss their obligations to ensure Section 106 requirements are met when administering the PCSRF funds that OWEB receives from NOAA.

### **Annual Tribal Summit and Tribal Work Groups**

OWEB staff attended the Virtual Annual Tribal Summit and training hosted on December 1 and 2 to engage and listen to tribal representatives to understand the issues that are important to them. The tribal liaison also continued to serve as co-chair of the State/Tribal Natural Resources Workgroup meetings in 2021 along with his fellow co-chair Audie Huber, Intergovernmental Affairs Coordinator of the Confederated Tribes of the Umatilla Indian Reservation. Their shared roles help to plan and convene regular meetings to share information and to better understand key initiatives tribes and state natural resource agencies are working on that may be relevant to each other. This arrangement has helped OWEB's tribal liaison foster and develop a strong relationship with co-chair Huber. Together, they maintained solid participation from tribes and state agencies in the workgroup meetings in 2021. OWEB's tribal liaison's term as co-chair will end in 2021 and he is recruiting another state agency representative to replace him for 2022 and 2023.

## **Assessment of Grant Practices Impact to Tribes**

In July 2020, board members expressed interest in better understanding how OWEB can support federally recognized Tribes' ability to apply for and receive grant funding to meet their watershed enhancement goals and objectives. Staff initiated a partnership with a Portland State University graduate student to assist OWEB in performing a third-party review of its granting practices. Graduate student Alli Miller, a Master of Public Policy Candidate from PSU, began work on this project in November 2020 and completed the project in 2021. OWEB's Tribal Liaison and former Executive Director assisted with project planning and support.

The assessment focused on three OWEB grant programs and considered the level of engagement in these offerings by each Tribe. By looking at which tribes participate in each grant program, we can better understand how they choose to engage in OWEB's different programs. Since each grant program has its own unique features and requirements to access OWEB grant funds, it was important to consider participation and level of engagement in these three programs by all the tribes.

### **An analysis of OWEB's granting database was performed to quantify the following components:**

- Tribal success rate when applying for funds, compared to other applicants, such as watershed councils, soil and water conservation districts and universities.
- The number of grant applications that tribes submitted as the lead applicant.
- The number of grant applications that tribes partnered on but were not the applicant.

Following this quantitative analysis, tribal staff who are familiar with OWEB grant programs were interviewed by the PSU student to ask more detailed questions about OWEB's grant practices. The intent of these interviews was to better understand if aspects of OWEB's grant-making may create a disadvantage for tribes when applying for or receiving OWEB funding.

Results from this assessment are summarized in a final report and are available online at: <https://www.oregon.gov/oweb/Documents/2021-Oct-ItemO-Tribal-Granting-Practices-Assessment-Report.pdf>

The findings in the report were developed directly from the quantitative analysis of OWEB's granting database and the qualitative assessment of shared themes from interviews conducted with staff from each of the nine federally recognized tribes in Oregon, as well as the Nez Perce Tribe, which also pursues and receives funding from OWEB. The report's appendix includes information from the interviews but does not attribute comments to individuals or tribes to maintain confidentiality. Using these findings, the PSU student developed recommendations that OWEB may use to address barriers identified through the assessment. The tribes were provided the draft report and 30 days to submit comments to the PSU student. Every effort was taken to address the comments and perform edits to incorporate feedback that was received from the tribes.

## 5.6 OWEB Climate Resolution

### OWEB Resolution 01-2022

#### Background

WHEREAS, Oregon's watersheds will continue to experience the impacts of significant climate changes, including but not limited to increased water temperatures, altered streamflows (e.g., decreased summer flows, earlier timing of flows), increased extreme events (e.g., drought, heat, flooding), and increased wildfires.

WHEREAS, these changes will affect fish and wildlife populations and may lead to changes in species distribution; reduced population sizes; decreased extent, availability, and quality of habitat; displacement of native species by invasive species, and other impacts.

WHEREAS, the impacts of climate change are affecting the quality and quantity of ground and surface water that is critical for Oregon's watersheds, natural resources, people, and communities.

WHEREAS, the impacts of a changing climate may disproportionately affect 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.

WHEREAS, investments in fish and wildlife habitat and watershed restoration and health can aid in mitigating for and adapting to the impacts of climate change on our state, by sequestering and storing carbon, maintaining and improving water quality and quantity, and building resiliency in fish and wildlife populations, ecosystems, and communities.

WHEREAS, restoration project components, including fuels, equipment, materials, and transportation, among others, will generate greenhouse gas emissions which may require acceptable tradeoffs in order to achieve the desired long-term net gains for communities and ecosystems.

WHEREAS, Oregon state agencies have been directed by Governor Brown (Executive Order 20-04) to address climate change in a comprehensive and urgent manner and, to the full extent allowed by law, shall consider and integrate climate change, climate change impacts, and the state's greenhouse gas emissions reduction goals into their planning, budgeting, investing, and policy making decisions.

## Resolution

**Be it resolved** that the Oregon Watershed Enhancement Board will:

- Integrate climate mitigation and adaptation in their budgeting, investing and policy making decisions by:
  - Funding climate-smart adaptation and resilience for Oregon’s watersheds, natural resources, people, and communities.
  - Funding projects that include meaningful emissions reductions, carbon sequestration, and protection of carbon storage in enhancing watershed health and habitat restoration.
  - Valuing project co-benefits and assessing long-term sustainability of projects and acquisitions.
- Learn and apply diversity, equity, inclusion, and environmental justice principles when making funding decisions to address challenges arising from climate change to traditionally underrepresented and impacted communities.
- Engage traditionally underrepresented and impacted communities in processes to craft meaningful solutions that are integrated into funding decisions.

**It is further resolved** that the above resolutions will be implemented through applicable strategies within OWEB’s authorities. Strategies include but are not limited to:

- Rulemaking to include OWEB Climate Lens of climate-focused evaluation criteria
- Developing agency level goals and metrics for climate adaptation and mitigation to track progress
- Identifying opportunities for and collaborating with climate-focused partners and staff in other agencies to increase efficiencies and share expertise
- Supporting and assisting grantees and partners by providing funding for technical resources and guidance to improve understanding of climate considerations and criteria
- Supporting and funding continued learning and development of climate-smart strategies in watershed restoration and habitat improvement
- Employing a continuous improvement approach in the integration of climate considerations in the agency’s grant programs

## Definitions

**Adaptation:** the process of modifying and adjusting to a new or changing environment

**Climate lens:** project ranking criteria designed to determine the relative value of proposals according to how they address climate action

**Climate-smart:** the intentional consideration of climate change, and application of strategies that improve resilience, increase carbon sequestration, and/or reduce greenhouse gas emissions

**Mitigation:** a human intervention to reduce emissions or enhance greenhouse gas sequestration and storage

**Resilience:** the ability to prepare for, respond to, and recover from disruptions



## 5.7 OWEB Board Membership Listing

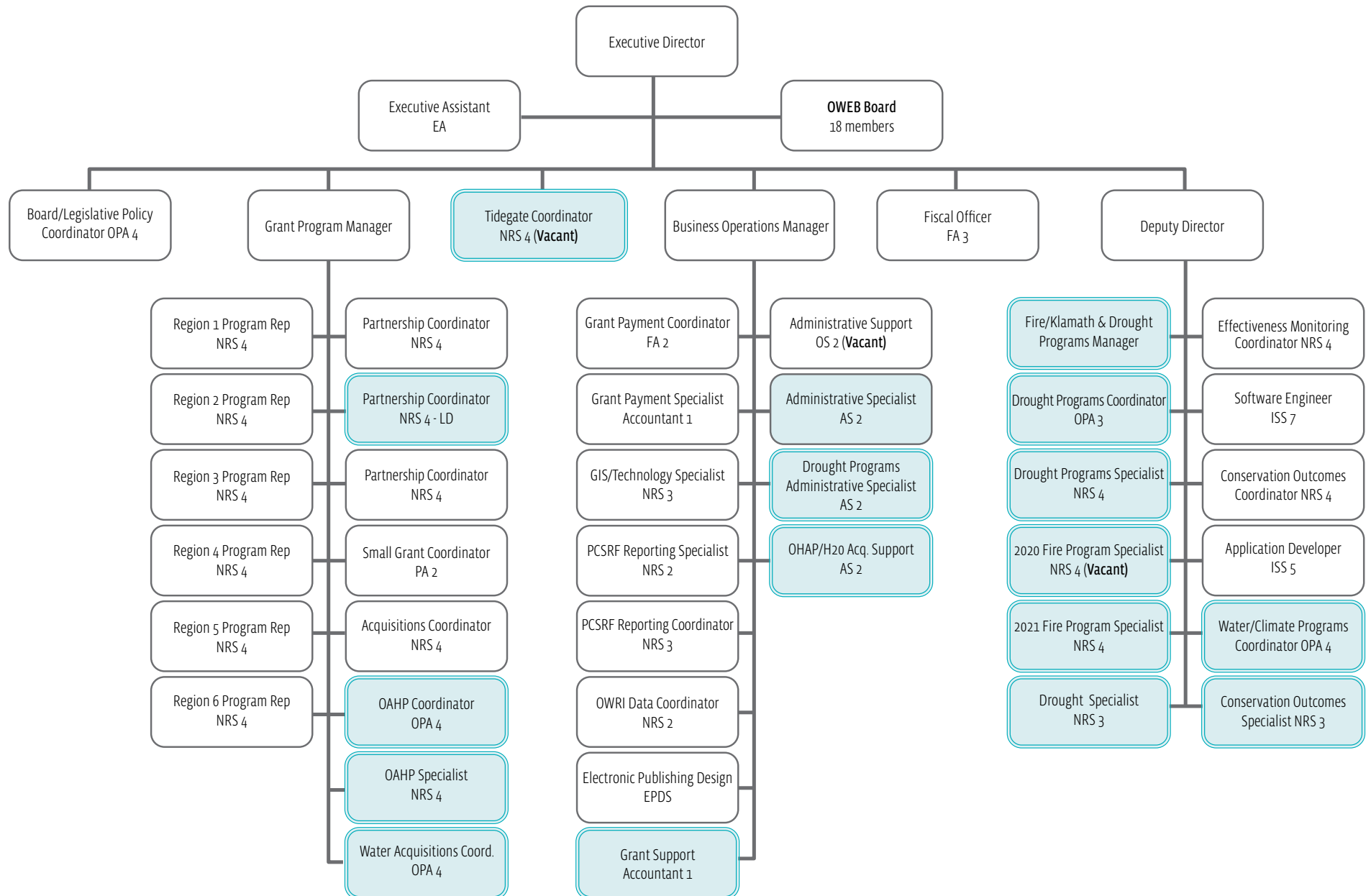
### Oregon Watershed Enhancement Board Membership

(Not for Public Distribution)

Public Members (Voting)	Contact Info	E-Mail	Term (Term #)
Lindsay McClary 680 Burley Hill Loop NW Salem, OR 97304	(989) 944-2999	<a href="mailto:lindsay.mcclary@grandronde.org">lindsay.mcclary@grandronde.org</a>	03/01/22 – 02/24/26
Kelly Coates Tribal Rep Cow Creek Government Office 40 S Central Medford, OR 97501	(541) 622-8577 - office (541) 671-0456 - cell	<a href="mailto:kcoates@cowcreek.com">kcoates@cowcreek.com</a>	11/2021 – 11/2025 (Term 1)
Gary Marshall PO Box 756 Hines, OR 97738	(541) 493-2494 (541) 589-0325	<a href="mailto:brokencirclecompany@gmail.com">brokencirclecompany@gmail.com</a>	11/16/15 – 11/16/19 (Term 1) 11/16/19 – 11/19/23 (Term 2)
Liza Jane McAlister Co-Chair 66799 Sunrise Drive Enterprise, OR 97828	(541) 398-0016	<a href="mailto:Lizajane@6ranch.com">Lizajane@6ranch.com</a>	11/17/17 – 11/16/21 (Term 1) 11/16/21 – 11/16/25 (Term 2)
Bruce Buckmaster PO Box 238 Astoria, OR 97103	(503) 738-2326	<a href="mailto:bbuckmaster@gmail.com">bbuckmaster@gmail.com</a>	05/08/19 – 11/16/21 (Term 1) 11/16/21 – 11/16/25 (Term 2)
Jamie McLeod-Skinner 12986 SW Wheat Grass Rd. Terrebonne, OR 97760	(541) 777-7797	<a href="mailto:jms.OWEB@gmail.com">jms.OWEB@gmail.com</a>	05/08/19 – 05/14/23 (Term 1)
NR Board/Commission Representatives (Voting)	Contact Info	E-Mail	Appointment Expires
Barbara Boyer / Board of Ag Co-Chair 12255 SE Boyer Road McMinnville, OR 97128	(503) 434-0651	<a href="mailto:gourmethay@onlinemac.com">gourmethay@onlinemac.com</a>	10/31/18 – 11/01/20 (Term 1) 11/01/20 – 2/23/24 (Term 2)
Greg Addington/ Env. Quality Comm. 10410 Matney Way Klamath Falls, OR 97603	(541) 892-1409	<a href="mailto:greg@addingtonconsulting.net">greg@addingtonconsulting.net</a>	5/15/22 – 6/30/23
Meg Reeves / Water Res Comm. 1260 NW Spring Street Corvallis, OR 97330	(541) 908-4551 - cell	<a href="mailto:meg.reeves2@gmail.com">meg.reeves2@gmail.com</a>	9/26/2016-6/30/2020 (Term 1) 7/1/2020-6/30-2024 (Term 2)
Mark Labhart / Fish & Wildlife Comm. PO Box 2018 Sisters, OR 97759	(503) 801-1704	<a href="mailto:marklabhart@gmail.com">marklabhart@gmail.com</a>	9/19-9/23 (Term 1)
Liz Agpaoa / Board of Forestry 24793 Hidden Valley Rd Philomath OR. 97370	(503) 798-7826 office (503) 231-6695 cell	<a href="mailto:liz.Agpaoa.odf.oregon.gov">liz.Agpaoa.odf.oregon.gov</a> <a href="mailto:lagpaoa005@gmail.com">lagpaoa005@gmail.com</a>	11/1/22 (Term 1)
Advisory Members (Non-voting)	Contact Info	Email	Agency (No term)
Cory Owens USDA NRCS 1201 NE Lloyd Blvd Ste 900 Portland, OR 97232	(503) 414-3261 – office (971) 712-6323 – cell	<a href="mailto:Cory.owens@usda.gov">Cory.owens@usda.gov</a>	USDA-NRCS

Stephen Brandt OSU - Dept. of Fisheries and Wildlife 104 Nash Hall Corvallis, OR 97331	(541) 737-3396 - office (541) 602-6025 - cell	<a href="mailto:stephen.brandt@oregonstate.edu">stephen.brandt@oregonstate.edu</a>	OSU Extension
Eric Murray NOAA Fisheries West Coastal Office 1201 NE Lloyd Blvd Suite 1100 Portland, OR 97232	(503) 231-2378 - office (503) 230-5442-Teresa	<a href="mailto:eric.murray@noaa.gov">eric.murray@noaa.gov</a> <a href="mailto:teresa.higuera@noaa.gov">teresa.higuera@noaa.gov</a> (travel)	NOAA – NMFS/
Dan Brown Forest Sector EPA 805 SW Broadway, Ste 500 Portland, OR 97205	(503) 326-6832 - office (617) 699-8226- cell	<a href="mailto:Brown.dan@epa.gov">Brown.dan@epa.gov</a>	US-EPA
Dan Shively USDA Forest Service PO Box 3623 Portland, OR 97208-3623	(503) 808-2955 - office (202) 680-8842 - cell	<a href="mailto:danielshively@usda.gov">danielshively@usda.gov</a>	USDA – USFS
Aaron Curtis Bureau of Land Management Portland, OR	(503) 808-6233	<a href="mailto:acurtis@blm.gov">acurtis@blm.gov</a>	BLM
Chris Allen USFWS 2600 SE 98th Avenue, Suite 100 Portland, OR 97266	503-231-6906 - office	<a href="mailto:chris_allen@fws.gov">chris_allen@fws.gov</a>	USFWS

## 5.8 OWEB Staff Organization Chart (2021-2023)



Position Reclassified

Position Established

Limited Duration - LD

Position Established - LD

46 - FTE  
46 - Positions