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July 20, 2024

Eric Hartstein, Senior Policy Coordinator
Oregon Watershed Enhancement Board
775 Summer St NE #360
Salem OR 97301

RE: Focused Investment Partnership Grants Division 47 Rules Advisory Committee

Dear Eric:

The proposed rule language has significantly streamlined the process and clarified roles and responsibilities for the FIP grant program. The staff and RAC have done a good job moving the process forward.

I would like to offer two suggestions for the RAC's consideration. First, a proposal to clarify the role of what has been identified as "core partners". I am suggesting an approach that more clearly identifies the role of the partner(s) that will have direct responsibilities for coordination and fiscal management. I recognize that other partners may be involved especially in the review process but have also proposed language to facilitate that.

Second, it is my strong belief that the choice of funding lies with the Board and Board Committee, the staff should be in the role of supporting but should not be in the position of making independent recommendations. This plays out in what "ranking" means. I believe since it is a critical term it should be in the definitions and (In my opinion) restricted to fund- not ready to fund- and prioritized only among the same ecological priority when there are multiple submittals for a given ecological priority. This would allow the Board Committee and the Board to make the critical distribution among ecological priorities.

I hope the attached proposed language can be given due consideration.

Sincerely,

A handwritten signature in blue ink that reads "Kenneth F. Bierly". The signature is written in a cursive style with a long, vertical tail on the letter 'y'.

Kenneth F. Bierly

Comments on Division 47 FIP Draft Rules

OAR 695-047-0020 Definitions

(7) “Core Partners” The definition is vague and unclear as to how it is to be applied. It is a little like designating your favorite child. I would suggest you delete “Core Partners” and add “Fiscal and Management Partner(s)” defined as:” the specific organization(s) responsible for coordinating the efforts of the partnership and the primary contact with OWEB”. This approach makes it clearer what the role of the named entities are and the roles that they play both for OWEB and the partnership.

This would require changing “Core Partners” to “Fiscal and Management Partner(s)” in OAR 695-047-0080 (see below) OAR 695-047-0100, and 695-047-0110 and could be added to 695-047-0130 to clarify the responsibility for reporting.

OAR 695-047-0070 FIP Initiative Review Process

The proposed language retains the concept of “ranking” as a result of the Expert Review Team. If the concept is ranking as a “consider for funding” or “not ready to consider for funding” or “of the specific ecological priority submittal this one is better than that one” it would be a reasonable role for the expert review team. I strongly believe that the OWEB Board subcommittee should be the group that decides which of the fundable projects should be selected to address ecological priorities of concern. This idea could be remedied by defining “ranking” under OAR 695-047-0020 as “the determination by the expert review Team that the project merits funding and has priority over other projects addressing a specific ecological priority”. Such a change would allow a change to OAR 695-047-0080 as below.

OAR 695-047-0080 FIP Initiative Funding Recommendation Process

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“(1) For Focused Investment Partnership Implementation Initiatives:

(a) OWEB staff shall provide the Expert Review Team review to applicants and the Board committee.

(b) The Board committee shall interview Fiscal and Management Partners proposing an Initiative.

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(d) OWEB staff shall present the funding recommendation to the Board.”

This proposal takes the staff out of making decisions that I believe lay with the Board on how they wish to apply their funds to accomplish their ecological priorities. The staff has the responsibility to work with the Board committee to recommend how proposed projects can meet budget priorities set by the Board but should not be in the position of ranking or prioritizing projects.

From: oregon-gov-web-services@egov.com
To: [BETTINARDI Nicole * OWEB](#)
Cc: [REPPLINGER Linda * OWEB](#)
Subject: Public Comment
Date: Monday, July 22, 2024 2:36:39 PM

First and Last Name	Daniel Newberry
Phone Number	971-917-4525
Email Address	daniel@jcwc.org
I wish to provide (select one):	written comment
If you are providing VERBAL comment, how do you plan to attend the meeting (select one):	
I want to provide comment at (select one):	OWEB Rulemaking Advisory Committee (FIP Program Division 47)
Agenda Topic / Item Letter	Monitoring
Type Comment Here (comments may also be uploaded below):	<p>I am one of the founding members of the Clackamas Partnership, a FIP recipient in cohort 2, currently in the third biennium. As you know, monitoring is built in to the funding of FIPs. What we've experienced is that it wasn't until into year 4--after we had analyzed 3 years of monitoring--that we had accumulated enough monitoring information to even start to evaluate the effectiveness of the restoration projects and techniques, a prerequisite for doing adaptive management. I applaud OWEB's introduction of a one-year supplemental monitoring grant program to help continue monitoring for a much-needed extra year. Please consider building a fourth biennium into FIPs that would be only for monitoring, to include a deliverable that would be a larger analysis to cover the entire four bienniums. I think this format would be superior to the supplemental monitoring program, as it would build funding into the initial FIP agreement and not require additional budgeting decisions and a</p>

	separate grant program. Thank you for this consideration. Daniel Newberry, Executive Director Johnson Creek Watershed Council
Request physical, language, or other accommodations	

Submission ID: db3dfacf-9300-47e1-9665-7c6bc1286e9a

Record ID:

From: oregon-gov-web-services@egov.com
To: [BETTINARDI Nicole * OWEB](#)
Cc: [REPLINGER Linda * OWEB](#)
Subject: Public Comment
Date: Wednesday, July 24, 2024 12:29:40 PM

First and Last Name	David Kruse
Phone Number	541-848-4261
Email Address	dbkruse57@gmail.com
I wish to provide (select one):	written comment
If you are providing VERBAL comment, how do you plan to attend the meeting (select one):	
I want to provide comment at (select one):	OWEB Rulemaking Advisory Committee (Small Grant Program Division 35)
Agenda Topic / Item Letter	Grants fior Shovel Ready projects
Type Comment Here (comments may also be uploaded below):	We now that a majority of riparian restoration projects for Beavers fail. Please consider the truly 'shovel ready' projects that the Oregon Natural Desert Association has for the South Fork Crooed River. Jefferson Jacob is an expert for these projects.
Request physical, language, or other accommodations	

Submission ID: 1eafac84-c152-4cfa-97b3-5b900438d5d0

Record ID:

From: Gary Young
To: [HARTSTEIN Eric * OWEB](#)
Subject: Water Protection, Enhancement, Regeneration, Resilience
Date: Friday, July 26, 2024 10:37:05 AM

Hi Eric,

I sent this to the public comment website but not sure if it was received as I have no copy saying it was sent. Please make sure this reaches anyone that would be interested.

Thank You,

Gary

Start by acknowledging no real difference between “ground water” and “surface water”. The sooner we do the better off we will be. If they are not connected then the water table is too low and raising should be the goal. The unconfined aquifer is the water table. The water table is the instream flow.

The only pathway to permanently protecting water in any watershed is by maximally recharging the aquifers and preventing development over recharging areas prioritizing the top of the watershed.

The only real Water Bank is the unconfined aquifer which is the water table/streamflow.

Aquifer recharge puts water into storage and cannot be over-appropriated because as the water table rises springs and gravity will determine appropriate storage level.

Need to enlarge, enhance and protect from development natural storage and recharge areas (floodplains, forest, wetlands, snowpack), prioritizing the top of each watershed.

Maximally recharging our aquifers is the most efficient and effective way to improve/maintain ecological health, nourishing microbes (bacteria, fungi) and plant life, photosynthesis soil building and carbon storage, preventing desertification.

The water table of the unconfined aquifer is the measurement for instream flow. To increase instream flow, raise the water table

The top of each watershed should always be the highest priority to saturate the unconfined aquifer which is the water table/streamflow.

Need to balance Instream Water Rights with effort to create the most healthy functioning landscape possible, focusing on recharging

excessive drainage during spring thaw and other high/destructive flow events.

The extremes of climate change which could be cushioned by fully recharged aquifers throughout the watershed

Maximally recharging our aquifers and putting water into storage as high in the watershed as possible during high/destructive flow events is the most natural, efficient and effective way to protect minimum flows (ISWRs) with springs of colder perineal water

The most “beneficial use” of water is progressing towards maximally recharging our aquifers, nourishing microbes (bacteria, fungi) and plant life, photosynthesis soil building and carbon storage, preventing desertification.

John Wesley Powell suggested all political boundaries should be based on watersheds.

I believe we need policies and rules that encourage aquifer recharge and large natural filtration basins/floodplains in any available area, beginning at and prioritizing the higher elevations of our watersheds, leaving the maximum opportunities for more retention at each successively lower level.

Gravity and erosion will tend toward rapid and concentrated drainage of watersheds. Thankfully beaver and buffalo helped brake this process until they were considered more valuable skinned. Hooved grazing animals, constantly moving, herd trained by predators or otherwise, leave in their wake a lightly tilled and manured stubble, not excessively harvested, ideal for enhancing grass production and cover. Man-made means for spreading, retention and recharge are merely modern extension of the beaver's eco-knowledge.

Artificial waterway channelization, for various purposes of convenience, has been way overdone. Compared to the 19th century, we have very little healthy functioning floodplain where waterways are constantly changing course, spreading and slowing the water, recharging our aquifers.

I believe we need policies and rules that tend against rapid channelization and encourage the slowing and spreading of early spring thaw, as high in watersheds as possible. We can no longer depend on or expect a slow melt off of winter snow pack.

The concept of "carry water" (water saved, or supposedly “not lost”, using piping and other more efficient water management) has been discussed. This concept suggests this water should be considered “new” water subject to appropriation and/or conveyance for lower elevation uses.

In my opinion, this idea short-sightedly ignores the benefits to all levels of eco-systems that accrue by effecting maximum aquifer recharge at each watershed elevation. When water is allowed to saturate soils and replenish aquifers while slowly traveling to lower elevations it has the potential to address and improve

- desertification,
- depleting water tables,
- wells going deeper or dry,
- subsidence with resulting infrastructure damage,
- encroachment of salt water into fresh water,
- warm streams that should have cold spring-fed water mixing
- aquatic life disruption,
- intermittent streams that should be perennial,
- the extremes of climate change that could be cushioned by more ground and surface storage,
- nourishing of microbes and plant life,
- photosynthesis soil building
- carbon sequestration and storage,
- rapid drainage and soil erosion

Encouraging water users and water use decision makers to preserve priority water use at each natural level is a more purposeful and productive determination of efficient water management than whatever the cause, motive, legal pretext, or covering language is intended by "carry water".

Check out the water-concerns page on our website

<https://www.bluemtnranch.com/water-concerns>

Book recommendation: “Call of the Reed Warbler” by Charles Massy

Is it too late to regenerate the earth? Call of the Reed Warbler shows the way forward for the future of our food supply, our Australian landscape and our planet. This ground-breaking book will change the way we think of, farm and grow food. Author and radical farmer Charles Massy explores transformative and regenerative agriculture and the vital connection between our soil and our health. It is a story of how a grassroots revolution – a true underground insurgency – can save the planet, help turn climate change around, and build healthy people and healthy communities, pivoting significantly on our relationship with growing and consuming food.

Using his personal experience as a touchstone – from an unknowing, chemical-using farmer with dead soils to a radical ecologist farmer carefully regenerating a 2000-hectare property to a state of natural health – Massy tells the real story behind industrial agriculture and the global profit-obsessed corporations driving it. He shows – through evocative stories – how innovative farmers are finding a new way and interweaves his own local landscape, its seasons and biological richness.

At stake is not only a revolution in human health and our communities but the very survival of the planet. For farmer, backyard gardener, food buyer, health worker, policy maker and public leader alike, Call of the Reed Warbler offers a tangible path forward for the future of our food supply, our Australian landscape and our earth. It comprises a powerful and moving paean of hope.

Gary Young

Box 13

Paulina, Oregon 97751

541-279-7572

Sent from my iPad

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