

Division 601 Best Practices in Community Engagement

October 2024, 11am-12:30pm



This document is a summary of Division 601 Rules Advisory Committee (RAC) meeting number one held over Zoom on October 30, 2024, from 11am to 12:30pm. For more information, see the Meeting Presentation, Draft Rules, and other Meeting Materials, available on our [rulemaking website](#).

[Video Recording RAC 2](#)

Meeting Attendees

RAC Members in attendance: Kimberley Priestley, Christopher Hall, Cheyenne Holiday, Donna Beverage, Adam Denlinger, April Snell, Harmony Burrig, Peggy Lynch, Michael Martin.

Agency observers in attendance: Deb Mailander (DEQ), Becky Anthony (ODFW), Chris Marko (DEQ), Kristen Larson (BizOR), Nicole Alafara (OHA), Alexa Schmidt (OWEB).

Oregon Water Resources Department (OWRD) staff in attendance: Charlotte Regula-Whitefield, Kim Fritz-Ogren, Margo Mashkovskaya.

Attributed comments are summarized for length and clarity. If a RAC member does not believe the summary is reflective of their comment they are encouraged to reach out to Charlotte Regula-Whitefield or Margo Mashkovskaya for correction of the summarizing document.

Welcome and Introductions

Oregon Water Resources Department staff, RAC Members, and agency observers introduced themselves. RAC members were reminded that they are invited to each RAC meeting to express their viewpoints, treat others respectfully, remain muted when not speaking if online, and to use the “raise hand” feature to request to speak.

RAC 1 Feedback & Draft Rule Update (Charlotte Regula-Whitefield)

[Updated draft rules with redline edits](#)

Modifications made include the following sections:

- Purpose 690-601-0001
- Definitions 690-601-0002
 - Meaningful Involvement
 - Community Engagement Plan Grantee
 - Community Engagement Plan Applicant
 - Water Project
 - Best Practices
 - Local Government
 - Local Organization

- Best Practices of Water Projects for use in Community Engagement Plans 690-601-0004
- Best Practices of Water Projects for Use in Community Engagement Plans 690-601-0005
- Application Requirements 690-601-0005
- Funding Agreements and Reporting on Community Engagement Plans 690-601-0006

Additional Notes on application and funding requirements (Charlotte Regula-Whitefield):

- Community engagement funding will be separate/additional set application questions from the main water project application. The main application will also be required as part applying for community engagement funding. This does not mean that an applicant needs to have project funding, but applicants must be eligible for that funding opportunity.
- Water project developers or applicants do not need to be the primary applicant to the community engagement plan funding, but should be involved in the development and implementation of the engagement
- Funding from 690-693 and 690-600 have a range of eligible applicants allowing a variety of applicants also being able to take advantage of funding for community engagement.
- Division 601 is focused specific water project community engagement which is different from other OWRD programs e.g. place-based planning.

Draft rules Discussion

RAC Member (Christopher Hall): Efforts to clarify the rules made them more ambiguous. Suggests striking eligibility requirements or refine in way that does not require oversight by water project developer.

RAC Member (Cheyenne Holliday): Entities that apply for the community engagement fund, do they have to have apply for the water project funds as well or only need to be eligible?

WRD Response (Charlotte Regula-Whitefield): They need to be eligible to have applied, eligibility is broad. Applicants do not need to have to have applied for main water project funding already.

WRD Response (Kim Fritz-Ogren): Two funding programs referenced in rule (690-693 and 600) have a broad list of eligible applicants, including developers and not for profits. See recording at 30 minute mark for more information.

RAC Member (Harmony Burrigh): Tough to understand how this will play out. Most critical junctures for community engagement are analyzing alternatives, project identification, and the timeliness of community engagement at those junctures. Cannot tell extent to which this facilitates that engagement before project development has begun.

WRD Response (Charlotte Regula-Whitefield): This depends on the project type. Projects that are focused and finite versus the more general probing projects. Spectrum for community engagement exist within projects to conduct engagement during those critical junctures.

RAC Member (Harmony Burrig): OWRD response furthers concern, because by the time people are applying for the loan's programs, they know what the project is, where was the step to determine the necessity of the project? Now committed to doing the project and not open to reconsideration of whether to do the project. Concern this can perpetuate perfunctory community engagement.

WRD Response (Kim Fritz-Ogren): Feasibility study grants can be used whether or how the projects should be pursued. When someone proposes doing community engagement for the project the Department can conduct investigation at the application and development stage to evaluate meaningful involvement of the community. These rules allow Department to deny community engagement funding where it will not result in meaningful community engagement. Department does require community engagement, but applicants self-select in and when they do the best practices apply.

RAC Member (Christopher Hall): Can you help me understand what this means: "(4) Community Engagement Plan Applicant" means eligible local governments or local organizations that apply to receive grants or loans from OAR 690-600 or OAR 690-093 for a water project Community Engagement Plan."

WRD Response (Charlotte Regula-Whitefield): A grantee is someone who has received funds for a community engagement plan and an applicant is applying for the fund to conduct a community engagement plan.

WRD Response (Kim Fritz-Ogren): Sounds like folks are asking why we are specifically calling out local governments and organizations in this. There are a broad set of folks on who can apply such as persons, with a broad definition, but the statute gives us the authority to require the best practices for local governments and organizations which is why they are called out in rule.

RAC Member (Christopher Hall): My question is specifically about the limitation "that apply to receive grants or loans from OAR 690-600 or OAR 690-093 for a water project Community Engagement Plan." Does this mean that anyone applying for a community engagement plan must also be an applicant for 600 or 093, so must they be a developer of a water project?

WRD Response (Charlotte Regula-Whitefield): No. Definition and wording may be altered for more clarity. But for someone applying for community engagement plan funding, they would need to apply through an application process of 600 or 093.

RAC Member (Christopher Hall): My concern is that members of disproportionately impacted communities can organize themselves under this program rather than be organized by water project developers.

RAC Member (Peggy Lynch): Project grant programs not required to have a pre community engagement plan to apply for 600 and 093 grant programs. Do applicants get extra points if they conduct engagement prior to applying for the community engagement plan funding?

WRD Response (Charlotte Regula-Whitefield): Water projects are not required to do community engagement planning.

WRD Response (Kim Fritz-Ogren): Community engagement plan funding applications will be a part of the main applications for 600 and 093. Conducting a community engagement plan is not a prerequisite to those grant programs and do not have the authority to do so via this statute. This additional funding incentivizes community engagement in water projects.

RAC Member (Adam Denlinger): Will there be technical support from the department with this funding?

WRD Response (Kim Fritz-Ogren): We are looking to provide technical support through guidance and sharing other resources on community engagement.

RAC Member (Kimberly Priestley): Agrees with Harmony's concerns and likes what Christopher said at the last meeting to prevent manufactured consent. Appreciates additions to sections 5,3, and 4 on how applications will be evaluated. Still missing clear language that says if this doesn't meet this then Department will say not. Would help Department to have clear language that says if not meet, will deny. Would be helpful for Department decisions making.

WRD Response (Charlotte Regula-Whitefield): These additions will be considered and clarified in guidance documentation.

RAC Member (Harmony Burrigh): The statute includes planning and technical assistance as eligible support that can be provided. I would encourage the inclusion of language regarding what that might look like or whether the Department plans to only focus on providing financial support.

Economic & Racial Impacts Statement (Charlotte Regula-Whitefield)

Discussion Questions:

- Would you expect to see additional reporting, recordkeeping, or administrative costs to comply with this draft rule?
- Would you expect to see additional costs of professional services, equipment, supplies, or labor to comply with this draft rule?

Economic and Racial Impact Discussion

RAC Member (Christopher Hall): Page 2 says no unintended consequences are expected from this rule. Water project developers may abridge impact equity concerns.

RAC Member (Peggy Lynch): Understands this is a voluntary program and may assist in getting additional grant dollars thus choosing to take it on. Economic impact is up to the applicant to take on.

RAC Member (April Snell): Agrees with Peggy's statement as far as this being a voluntary thing, that someone takes this on but once taken on becomes a requirement with additional costs and reporting. Costs not undue and have chosen to take on as an entity.

How does this rulemaking all fit together with Place-Based Planning (PBP), those may not need to be addressed now or in rule but is ongoing and questions depend on the funding source. Choosing to be optimistic in these questions being a missing piece in this rulemaking and PBP to be mindful of the negative outcome's others have highlighted and can improve the program as we learn more about how it plays out.

RAC Member (Michael Martin): Cities facing budgetary challenges which continue to grow, and community engagement is good but important to underscore the financial challenges experienced that if there is no incentive or funding then challenging to achieve goals of community engagement.

RAC Member (Peggy Lynch): All Oregonian's not just disproportionately impacted communities should be considered. Don't want to lose that everyone should be involved in engagement. Want to ensure that those that have had a voice continue having a voice along with those that have not had a voice in the past.

WRD Response (Kim Fritz-Ogren): The department is taking a careful look at balanced authority through the statute and what is discussed in guidance.

RAC Member (Harmony Burrright): Since these will be applications through the other existing funding programs is it safe to assume that they will have the same public comment opportunities through the grant review processes?

WRD Response (Kim Fritz-Ogren): Yes, the applications will have public comment opportunities.

Next Steps

Notice anticipated for publication December 1, 2025 with hearing information to follow.

Public Comment

No written or verbal comments were made.