

**APPROVED BY THE BOARD MARCH 15, 2011**  
**Oregon Watershed Enhancement Board**  
**January 19, 2011**  
**OWEB Board Meeting**  
**Corvallis, Oregon**

**Minutes**

**OWEB Members Present**

Miles Brown  
Dan Carver  
Dan Heagerty  
Alan Henning  
Debbie Hollen  
John Jackson  
Jim Johnson  
Kim Kratz  
Meta Loftsgaarden  
Will Neuhauser  
Dan Thorndike  
Karl Wenner  
Ken Williamson

**OWEB Staff Present**

Bonnie Ashford  
Lauri Aunan  
Ken Bierly  
Tom Byler  
Rick Craiger  
Renee Davis-Born  
Carolyn Devine  
Wendy Hudson  
Miriam Hulst  
Melissa Leoni  
Ashley Seim  
Tom Shafer  
Courtney Shaff  
Greg Sieglitz

**Others Present**

Liz Vollmer-Buhl  
Liz Redon  
Megan Kleibacker  
Lisa Seales  
Andy Kittel  
Thom Whittier  
Jennifer Ayotte  
Kendra Smith  
Wayne Phillips  
Stacy Vynne  
David Zielinski  
Karen Fleck-Harding  
Christine Hurst  
Tom O'Brien  
Nan Evans  
Jerry Nicolescu

**Members Not Present**

Skip Klarquist  
Eric Quaempts  
Patricia Smith

Board Co-Chair Daniel Heagerty announced that this would be the last meeting for Board member Miles Brown from BLM and thanked him for his service on the Board. His replacement will be Michael Haske, Deputy State Director, Resource Planning, Use and Protection, BLM. Will Neuhauser was introduced as a new public-at-large member of the Board replacing Diane Snyder.

**A. Board Member Comments**

Representatives on the OWEB Board commented on recent activities and issues facing their respective agencies and areas.

**B. Minutes**

Minutes of the September 14-15, 2010, Board meeting in Garibaldi were unanimously approved.

**C. Executive Director Update**

Executive Director, Tom Byler, briefly reported on the following program updates:

1. Biennial Conference

OWEB's 11<sup>th</sup> Biennial Conference was held November 15-17, 2010, at the Pendleton Convention Center. OWEB staff received positive feedback on the conference. A survey

has gone out to attendees and staff will report back to the Board on the final evaluation. Highlighted at the conference were interactions with the Confederated Tribes of the Umatilla Indian Reservation at a reception and a First Foods dinner at the Longhouse. As explained in a presentation by Board member Eric Quaempts, the First Foods approach connects primary foods with the culture and traditions of the Tribes.

## 2. Oregon Plan Biennial Report

To meet our statutory requirement, OWEB staff distributed a four-page Oregon Plan Biennial Report Executive Summary to the Governor and legislative natural resource committee members. A more detailed report is available on OWEB's web site allowing it to be updated easily and continuously.

## 3. Secretary of State Audits Update

The Secretary of State's Audits Division has conducted three separate audits on OWEB activities.

### Lottery Funds Fiscal Audit

This audit was concluded prior to OWEB's September 2010 meeting and a final report was distributed to Board members.

### Performance Audit

The Secretary of State's office began interviewing OWEB Board members, staff, grantees, watershed councils, SWCDs, state and federal agencies, and others in April 2010. Staff expect to receive the final audit report shortly after the Board meeting.

### Environmental Management Fund Audit

For the first time, OWEB was included in the annual audit of the statewide Comprehensive Annual Financial Report – Environmental Management Fund. OWEB's review has been completed, and staff are waiting for a meeting to discuss the audit and any potential findings.

The Board asked for time at the March Board meeting to reflect on the audit reports.

## 4. October 18, 2010 Grant Cycle Update

A total of 202 grant applications were submitted to OWEB for its October 18 grant cycle. Staff have communicated with applicants our desire to fund the October 2010 grant cycle as fully as possible at the March 2011 Board meeting. We have let them know that there are still significant uncertainties around non-capital funding for the October cycle. Applicants have also been notified that worst case scenario could occur resulting in non-capital Board awards (Technical Assistance, Monitoring, and Education/Outreach) for the October cycle being delayed until the agency is given a budget for 2011-2013.

## 5. 2007-2009 Small Grant Program Report

Board members were provided with the Small Grant Program Biennial Report that provides background information about the program and summarizes Small Grant Program awards for the biennium.

## 6. OWEB Partnerships Update

Board members were provided with an update on the following partnerships:

- Willamette SIP
- Deschutes SIP
- Whole Watersheds Restoration Initiative
- Conservation Reserve Enhancement Program

#### 7. 2010 Coastal Wetlands Grants

Board members were provided an update on the following 2010 Coastal Wetlands Grants awarded by the U.S. Fish and Wildlife Service:

- Coquille Valley Wetland Conservation and Restoration
- Miami Wetlands Conservation and Restoration Project
- Tillamook Bay Wetlands Acquisition and Restoration

The next step is for OWEB to complete the review of pending applications and consider the award of state funding. These projects will be added to the backlog of applications awaiting review by OWEB staff in the Acquisitions Program. See Agenda Item S.

#### **D. Legislative and Budget Overview**

Tom Byler, Executive Director, provided an update on OWEB's 2009-2011 budget, the status of 2011-2013 budget process, and on the 2011 Oregon Legislature, including proposed legislation.

##### 2009-2011 Budget

Decreased Lottery Fund revenues resulting from the economic downturn forced OWEB, along with other agencies that received dedicated Lottery Funds to develop plans to rebalance their 2009-2011 budgets. The next revenue forecast will be on February 15, 2011. OWEB's managers will continue to consider adjustments to our budget rebalance plan in response to this revenue forecast.

Although OWEB was awarded \$15 million in PCSRF for Federal Fiscal Year 2010, we have not yet requested expenditure limitation from the Legislature. If additional expenditure authority is not obtained, or if other remaining unallocated non-capital funds are "swept" to build other agency budgets for the 2011-2013 biennium, it is possible that the March 2011 Board awards may be delayed until funding is available. The Governor's Recommended Budget is scheduled to be released on February 1, 2011, so we will know more then on how to proceed. Staff intend to keep NMFS informed on legislative allocations of PCSRF funds should they propose to use some of the funds for other agencies.

##### 2011-2013 Budget Process

OWEB's Agency Request Budget was submitted the end of August for consideration and possible inclusion in the Governor's Recommended Budget for the 2011-2013 biennium. The Governor's Recommended Budget is scheduled to be released on February 1, 2011. The Legislatively Adopted Budget is finalized in June 2011.

##### 2011 Legislature

Melissa Leoni, Senior Policy Coordinator, is also OWEB's Legislative Coordinator. Ballot Measure 71 passed and will change the schedule of the 2011 legislative session. That measure requires the legislative assembly to meet each year, limits regular sessions to 160 calendar days in odd-numbered years, and 35 calendar days in even number years, and allows

regular session to be extended by five days with an affirmative vote of two-thirds of the members of each chamber. The Legislature met for a three-day organizational session January 10-12, 2011, and will return on February 1 for the 160-day session. The anticipated end of the session will be June 30, 2011.

The November election results have impacted the composition of membership in the House and Senate. The Senate is controlled by the Democrats, but the House is evenly divided between the Republicans and Democrats.

Director Byler and Melissa Leoni, Senior Policy Coordinator, will schedule time with members of the natural resources legislative committees to brief them on OWEB, and the implementation of Ballot Measure 76. The Co-Chairs will also meet with legislative committee members later in the spring. OWEB will likely be engaged in more policy discussions during the upcoming session than it has since the early years of the agency because of the passage of Ballot Measure 76 and the recommendations that came out of the Ecosystem Services work group process. (See also Agenda Items E and M.)

#### **E. Ballot Measure 76**

Melissa Leoni, Senior Policy Coordinator, provided Board members with a presentation showing the specifics of Ballot Measure 76 as compared to Ballot Measure 66. OWEB was created by the 1999 Legislature in response to the passage of Ballot Measure 66 in November 1998.

OWEB will work with the Governor, 2011 Legislature, and stakeholders on legislation to implement Measure 76. OWEB has been asked to participate in a Measure 76 work group formed by Senator Jackie Dingfelder to work on the statutory changes necessary to implement the measure. Senate Bill 342 was introduced to implement the revised constitutional language. When the work group amendments, which will be the version of SB 342 discussed by Senator Dingfelder's committee, are available, staff will forward a copy to the Board.

OWEB staff have convened an internal Measure 76 Implementation Team to prepare for the transition to administer Measure 76 funds in July 2011.

#### **F. Introduction to New Administration**

Because Governor Kitzhaber had not yet appointed his Natural Resources Advisor, this agenda item was postponed.

#### **G. Public Comment**

- Dave Hansen, Megan Kleibacker, and Sam Chan (Oregon Sea Grant, OSU Extension Service) provided comments on education opportunities as implementation of Measure 76 proceeds.
- Nan Evans, The Nature Conservancy, discussed the implementation of Measure 76 and changes made to improve the draft legislation. She also commented on her support of OWEB's acquisition program.
- Tom O'Brien, Network of Oregon Watershed Councils, talked about Measure 76, asked to be involved in conversations about watershed assessments, urged OWEB to press for legislative approval for federal funds, and gave an invitation for a March 11 event in the gallery at the Capitol with watershed councils and soil and water conservation districts.

- Andy Kittel, Alsea Watershed Council, encouraged the Board to revisit how they look at watershed council support.

## **H. OWEB Policy and Budget Discussion**

Tom Byler, Executive Director, identified this Agenda Item as a starting point for Board discussion concerning numerous policy, budget, and process challenges and opportunities facing OWEB in the coming year. OWEB's strategic direction will be influenced by the priorities of the new Governor and Legislature; however with Ballot Measure 76 implementation OWEB has the opportunity to refocus its strategic direction with a long-term horizon for conservation investments.

Director Byler updated Board members on current activities, complimenting the Fiscal section on the positive Secretary of State audits. He also noted the completion of OWEB's Strategic Plan, containing five goals, nine strategies, and 33 actions. Other program areas OWEB has focused on are watershed council support, restoration/acquisition priorities, ecosystem services, and communications. The Legislature will convene February through June. OWEB has Board meetings in March, June, and September, with a possible Board retreat this summer. There are two grant cycles, October-March, and April-September, and the 2011-2013 biennium starts on July 1, 2011.

OWEB's current priorities are Ballot Measure 76 implementation and any new work that comes from the Legislature. An Acquisitions Work Group has been formed to discuss and address issues associated with OWEB funding for acquisition projects. The 2013-2015 and 2015-2017 council support application and review process will require additional efforts. The goals in the strategic plan will also direct staff work.

Staff will continue to discuss policy and budget considerations at future board meetings, a board retreat, through board subcommittees, and through stakeholder involvement. We will be in the new biennium at the September Board meeting which is typically the meeting to decide on the biennial spending plan. That also might be a good time to evaluate Board subcommittees and consider reconfiguring them to reflect the new policy issues.

Board member questions/comments following Director Byler's presentation are below:

- What did the public vote for with Ballot Measure 76?
- We should stay as flexible as possible and not over-react to challenges
- Measure 76 passed in every county, and statewide by over two-thirds of the votes.
- Would it be premature to revise the strategic plan now?
- The strategic plan needs to be revisited.
- We should continually bring back the strategic plan.
- New ideas are difficult and the strategic plan will give context.
- Is there anything in the strategic plan that runs counter to Measure 76?
- Public perceived that Parks was the reason to sign Measure 76 petitions, not OWEB.
- Voters like conservation, not just parks.
- Acquisition is kind of like a park you can't go to.
- At the March and June board meetings, we should delve deep into the topic areas of the strategic plan.

Director Byler said this was a great discussion and thanked board members for their comments.

### **I. April 2011 Grant Cycle Offerings**

Lauri Aunan, Grant Program Manager, told Board members that although the agency is unsure of the availability of funding for the remainder of the biennium, the agency was taking a “business as usual” approach for the April 2011 grant cycle. For the April 18, 2011, application deadline, she asked Board members to add a technical assistance application solicitation.

*Board members unanimously approved a revision to the 2009-2011 grant cycle schedule to add the solicitation of Technical Assistance applications to the April 18, 2011, grant application deadline as shown in Attachment A of the staff report.*

### **J. Watershed Council Support**

Lauri Aunan, Grant Program Manager, and Courtney Shaff, Grant Program Coordinator, updated Board members on the 2011-2013 Watershed Council Support process. By the January 18, 2011, application deadline, OWEB received 64 council support applications requesting \$9.1 million. No new councils submitted applications.

Ms. Shaff presented a timeline of the process with council support application workshops held in November 2010, council support advisory committee trainings the end of January, Board consideration of council support funding awards at the June 14-15, 2011, Board meeting, and grant agreements signed and mailed to grantees by July 8, 2011.

Ms. Aunan reported on the Watershed Council Listening Session follow-up at the Biennial Conference. The session was attended by eight councils representing four regions and both urban and rural councils. In addition to the Network of Oregon Watershed Councils, Board members Debbie Hollen and Alan Henning attended the session. The session was also available by videoconference. Two areas of general agreement were noted: 1) simplifying and streamlining the council support application; and 2) support for a baseline level of council support funding.

The Board Council Support Subcommittee (Jim Johnson, Dan Thorndike, Alan Henning, and Debbie Hollen) has been discussing the future of local capacity and the watershed council support program. On December 9, 2010, Meta Loftsgaarden facilitated a brainstorming discussion that included “landscape changes” that affect the capacity relationship between councils and OWEB; specific principles and desired outcomes for OWEB’s council support program; identifying potential roles for partners in council support; and tools, priorities, and timeframes for implementing adjustments to council support provided by OWEB. Three categories of recommended actions came out of that meeting: 1) Board leadership and priorities, 2) Funding adequacy and capacity, and 3) Application process and criteria.

OWEB staff have worked with the Board Subcommittee to develop draft Watershed Council Support Principles. Principles 1-3 are process principles for OWEB. Items 4-6 are “outcomes” for councils, and Item 7 is a funding principle for OWEB. The purpose of the principles is to:

- Define what OWEB wants to see as the results of the OWEB council support program, i.e., what outcomes are intended from the investment.
- Provide a framework for answering recurring policy questions (e.g., funding new councils; approving or denying requests for solo funding)

- Provide the basis for potential future administrative rule changes (align OWEB council support program rules with the principles)

OWEB staff requested feedback from Board members and stakeholders on the recommended actions in Attachment C, and the draft Watershed Council Support Principles in Attachment D of the staff report.

During the Board discussion, Board members requested additional information regarding the purpose of OWEB funding for council capacity, the level of OWEB's council support and project investment in councils, and results from the investments. For the March Board meeting, staff will prepare an overview of the purpose of capacity funding, investment levels and results, and a timeline of the long-term and short-term decision points as we work to evaluate and adjust the watershed council support grant program as contemplated by OWEB's Strategic Plan.

#### **K. Willamette Model Watershed Program Presentation**

Ken Bierly, Deputy Director, provided a brief overview of the Willamette Model Watershed Program and introduced the following who provided Board members with a presentation.

- Kendra Smith, Bonneville Environmental Foundation
- Liz Redon, North Santiam Watershed Council
- Xan Augerot, Marys River Watershed Council
- Tara Davis, Calapooia Watershed Council

*At the conclusion of the day's meeting, OWEB Board members and staff attended an informal reception in the lobby of the LaSells Stewart Center showcasing OWEB-funded research projects. The reception, sponsored by Oregon State University's natural resource departments and programs, was held for local area councils, districts, and local officials.*

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**OWEB Staff Present**

Bonnie Ashford  
Lauri Aunan  
Ken Bierly  
Tom Byler  
Rick Craiger  
David Hammer  
Wendy Hudson  
Miriam Hulst  
Melissa Leoni  
Bobbi Riggers  
Shannon Schmidt  
Tom Shafer  
Greg Sieglitz

**Others Present**

Joe Moll  
Jeff Baldwin  
Tom Fontaine  
Kristen Larson  
John Vial  
Craig Harper  
Charlie Boyer  
Steve Wondzell  
Jerry Nicolescu

**Members Not Present**

Skip Klarquist  
Jennifer Phillippi  
Eric Quaempts  
Patricia Smith

**L. Deferred Acquisitions**

Miriam Hulst, Acquisitions Specialist, briefed Board members on a fee title acquisition application (Waite Ranch, Application #211-102) in the Suislaw Estuary, which was previously deferred by the Board. Due diligence has been completed and the application is ready for funding consideration. The McKenzie River Trust (MRT) requested \$595,000 to purchase the 217-acre agricultural property in the Suislaw River estuary in Lane County. The property will be restored to estuarine intertidal connection.

*Board members unanimously approved an award of \$595,000 for the Waite Ranch acquisition project (#211-102), contingent upon:*

- A. MRT's agreement to remove all farm infrastructure in accordance with the Environmental Site Assessment and all applicable laws and regulations; and*
- B. MRT's agreement to complete the required habitat documentation in accordance with staff's feedback on the draft document.*

**M. Ecosystem Services Update**

Renee Davis-Born, Ecosystems Services Coordinator, provided an update on the SB 513 process. The official SB 513 process is complete. The Working Group met nine times and the Ad Hoc

Group four times, to deliberate on the challenges to and opportunities for ecosystem services approaches and markets to help the state meet its restoration and conservation goals. The final report and recommendations were approved by the Oregon Sustainability Board on December 10, 2010, and submitted to the members of the Legislature on December 29, 2010. The full report is available online at [www.oregon.gov/OWEB/SB513.shtml](http://www.oregon.gov/OWEB/SB513.shtml). Staff also prepared an Executive Summary identifying ten policy proposals included in the report that, if implemented, would promote the development of an integrated ecosystem marketplace in Oregon. The Office of Legislative Counsel is drafting a bill as a follow-up to the SB 513 process.

Renee Davis-Born also updated the Board about the Willamette Ecosystem Services Pilot Project. OWEB had an opportunity to partner with the Willamette Partnership and The Freshwater Trust on a proposal to the 2010 USDA Conservation Innovation Grant program of the NRCS. The proposed project requested funding to implement a pilot market for ecosystem services in the Willamette Basin by encouraging private investors to fund restoration work that results in ecosystem services credits that could be sold in marketplace. At the September 2010 Board meeting, staff reported that NRCS had declined the proposal. Since then, staff from The Freshwater Trust and the Willamette Partnership have been exploring alternative funding sources. The USDA recently announced a reorganization of the oversight and management of the Department's ecosystem services initiatives, along with concentration areas for on-the-ground testing of ecosystem services concepts. One area of concentration is a Northwest Market Initiative being developed by The Freshwater Trust and the Partnership. They resubmitted a CIG pre-proposal in late December for consideration during the 2011 grant cycle. They are also meeting with municipalities and local restoration practitioners in the Willamette Basin to generate interest in using riparian restoration projects as a natural infrastructure solution for water-quality offsets. In response to a Board member question about any changes that had been made to the pre-proposal prior to resubmission, Bobby Cochran, Executive Director of the Willamette Partnership, noted that some aspects of the proposal (e.g., development of metrics and crediting protocols for ecosystem services) were expanded to broader regional scope.

Greg Sieglitz, Monitoring and Reporting Program Manager, introduced Steve Dettman, Ecotrust, and Kim Titus and Mark Brown from BLM, who briefed Board members on Eastern Oregon Soil Carbon Project. Ecotrust secured funding from BLM to develop and lead an Oregon Rangeland Ecosystem Function Project. OWEB is a collaborating partner in the effort. The project will quantify the links between recommended management practices and the improvement in the functions and delivery of ecological services. Field sampling for this project is being coordinated by Dr. David Hammer, visiting scientist on loan to OWEB from the U.S. EPA.

Now that the SB 513 activities are winding down, staff initiated a discussion with the Board about possible directions for OWEB's Ecosystem Services Program in the future. Renee Davis-Born outlined for Board members current and potential new ecosystem services projects in which OWEB already is or could be involved. Greg Sieglitz described how these opportunities connect to OWEB's programmatic areas and strategic plan priorities and are important for the agency to consider pursuing in the near-term and into the future.

Board members discussed OWEB's potential role in Ecosystem Services. Some expressed concern about the tough budget climate, and noted that prioritizing ecosystem services activities could ensure that the agency is maximizing the ecological return on its financial investments. Areas of interest noted by Board members include metric development to measure important

ecosystem services (e.g., water temperature, nutrient reductions) and facilitating streamflow restoration work in collaboration with other agencies and stakeholders (e.g., the Integrated Water Resources Strategy). Board members also discussed how a potential Klamath SIP could incorporate ecosystems services components as part of a proposal being developed by the Klamath Watershed Partnership, EPA and others. The Board encouraged staff to prepare for a more detailed discussion of ecosystem services programmatic development, especially as it relates to activities in the Klamath, at the March Board meeting.

#### **N. OWEB Research Program Reports**

Greg Sieglitz, Monitoring and Reporting Program Manager, briefed Board members on nine research projects funded by OWEB in 2007. In March 2009 a narrower set of research priority focus areas was adopted by the Board, including climate change and local watershed impacts, climate change and salmon returns from the ocean environment, economic evaluations of the role OWEB investment play in local economies and communities, modeling water availability under a changing climate, and terrestrial considerations of invasive species and wildfires.

Steve Wondzell, Pacific Northwest Research Station, informed the Board of his research project. David Hulse, University of Oregon, informed Board members of a joint University of Oregon and Oregon State University study on the floodplains of the Willamette River.

#### **O. Public Comment**

- Joe Moll, McKenzie River Trust, updated Board members on the Willamette SIP, and invited them for a tour of Green Island.
- Kendra Smith, Bonneville Environmental Foundation, expressed limitations and concerns about ecosystem services and cautioned the Board to “keep it simple.”

#### **P. Climate Change Adaptation Framework Report**

Richard Whitman, Director, Department of Land Conservation and Development, and Kathie Delo, Oregon Climate Change Institute, briefed Board members on the Oregon Climate Change Adaptation Framework document and described work anticipated in 2011. In late 2009, Governor Kulongoski instructed state agencies to develop an Oregon Climate Change Adaptation Plan, and identified key agencies including OWEB to be involved in a work group to develop the Plan. The effort was organized by DLCD.

In December 2010, the Oregon Climate Change Research Institute, Oregon Climate Assessment Report, and the Framework products developed by the state work group were presented to the Senate Interim Committee on Environment and Natural Resources and the House Interim Committee on Environment and Water. Director Whitman anticipated that the reports may be incorporated into the Governor’s office policy considerations as well as the Legislature during its session.

#### **Q. Lawsuit Settlement Affecting Floodplain Regulation**

Richard Whitman, Director, Department of Land Conservation and Development, described a recent FEMA/ESA settlement agreement and the implications for local communities throughout Oregon.

## **R. Gold Ray Dam Removal Presentation**

John Vial, Director, Jackson County Roads and Parks, gave a presentation on the removal of Gold Ray Dam.

## **S. Other Business**

### Addressing Critical Acquisition Program Needs

Ken Bierly, Deputy Director, briefed Board members on acquisition program needs. OWEB currently has one technical staff position, and one part time temporary clerical position to handle land acquisitions. OWEB's acquisition workload has increased significantly in the past few years due to the following:

- OWEB receives more applications from conservation interests each grant cycle.
- Land acquisition applications are also coming to OWEB through the SIP efforts in the Willamette and Deschutes basins.
- OWEB has been successful in obtaining federal funds for land acquisitions along the Oregon coast and in the Willamette Valley.

The result is a current backlog of more than 19 grant applications involving nearly 30 properties with a new round of grant applications coming in April of 2011.

During stakeholder discussions about Measure 76 implementation, issues surrounding the manner in which OWEB handles land acquisitions has been raised. OWEB staff and stakeholders have proposed forming a work group to have a facilitated discussion about the program.

In order to address the current critical need, OWEB has proposed hiring a temporary staff position to assist in the processing of applications; and would hire a facilitator to assist in the work group conversation with stakeholders interested in the OWEB acquisition program. Funding would come from previously allocated funds that have not been expended or committed by contract or grant.

*Board members unanimously approved:*

- A. An addition to the purposes of the \$180,000 of non-capital funds (210-921) allocated by the Board in September 2009 for restoration and protection priorities coordination work to include the support of a temporary acquisition staff position at OWEB and acquisition work group facilitation services; and*
- B. Delegate to the Executive Director the authority to distribute the funds awarded in Section III.A. through appropriate grant agreements, contracts, interagency agreements or other means consistent with the purposes identified in this report.*

Having no further business, the meeting was adjourned.