

Legislative Fiscal Office

Oregon State Capitol
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503-986-1828



Joint Committee on Ways and Means

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To: Natural Resources Subcommittee

From: Paul Siebert, Legislative Fiscal Office

Date: June 7, 2021

Subject: HB 5037 & HB 5038 – Oregon Watershed Enhancement Board
Work Session Recommendations

Oregon Watershed Enhancement Board – Agency Totals

	2017-19 Actual	2019-21 Legislatively Approved	2021-23 Current Service Level	2021-23 LFO Recommended
General Fund	161,750			
Lottery Funds	79,589,459	90,857,290	77,321,533	94,460,738
Other Funds	2,023,581	19,070,646	2,263,984	14,863,984
Federal Funds	27,968,015	45,427,240	32,677,681	48,127,768
Total Funds	\$109,742,805	\$155,355,176	\$112,263,198	\$157,452,490
Positions	33	41	32	33
FTE	33.00	35.75	32.00	33.00

The 2021-23 Legislative Fiscal Office recommended budget for the Oregon Watershed Enhancement Board is \$157,452,490 Total Funds (\$94,460,738 Lottery Funds, \$14,863,984 Other Funds, and \$48,127,768 Federal Funds) and 33 positions (33.00 FTE).

OWEB's Operations Lottery Funds support is slightly above current service level. Reductions in revenues caused by the pandemic were mostly restored due to increases in the most recent Lottery Revenue Forecast. Dedicated lottery funds support for six-year capital grants totals \$85,470,033, which is 4% higher than the 2019-21 legislatively approved budget.

HB 5037 LFO Recommendations

Adjustments to Current Service Level

See attached "Work Session Presentation Report."

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

Performance Measures

See attached “Legislatively Proposed 2021-23 Key Performance Measures.”

Recommended Changes to HB 5037

LFO recommends a two-year budget total of \$8,990,705 Lottery Funds, \$14,863,984 Other Funds, \$48,127,768 Federal Funds and 33 positions (33.00 FTE), which is reflected in the -1 amendment to HB 5037.

HB 5037 is also the Measure 76 Lottery Funds allocation bill for the 35% constitutionally dedicated to Watershed Enhancement Operating Fund. The -1 amendment allocates Measure 76 Lottery Funds to the Oregon State Police, Oregon Department of Agriculture, Department of Environmental Quality, and Department of Fish & Wildlife.

HB 5037 Final Subcommittee Action

LFO recommends that HB 5037, as amended by the -1 amendment, be moved to the Ways and Means Full Committee.

HB 5038 LFO Recommendations - Capital Projects:

HB 5038 provides six-year expenditure limitation for monies from the Watershed Enhancement Grant Fund, which comprises 65% of the non – Parks dedicated Lottery Funds, to allow time for grants to be fully expended. Providing six-year expenditure limitation avoids large carryforward amounts being added to the OWEB budget every biennium.

Recommended Changes to HB 5038

Based on the constitutionally mandated split of Measure 76 Lottery Funds, LFO is recommending a budget of \$85,470,033 Lottery Funds, which is reflected in the -1 amendment to HB 5038.

HB 5038 Final Subcommittee Action

LFO recommends that HB 5038, as amended by the -1 amendment, to be moved to the Ways and Means Full Committee.

Carriers for both bills

Full Committee: _____

House Floor: _____

Senate Floor: _____

LFO102 - Work Session Presentation Report
2021-23 Biennium

Version: L - 01 - LFO Analyst Recommended
Cross Reference: 69100-000-00-00-00000
Or Watershed Enhancement Brd

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	-	90,535,226	3,070,646	45,304,270	-	-	138,910,142	34	34.00
2019-21 Ebds, SS & Admin Act	-	322,064	16,000,000	122,970	-	-	16,445,034	7	1.75
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	-	90,857,290	19,070,646	45,427,240	-	-	155,355,176	41	35.75
2019-21 Leg Approved Budget (Base)	-	90,535,226	3,070,646	45,304,270	-	-	138,910,142	34	34.00
Summary of Base Adjustments	-	258,384	-	288,316	-	-	546,700	(2)	(2.00)
2021-23 Base Budget	-	90,793,610	3,070,646	45,592,586	-	-	139,456,842	32	32.00
010: Non-PICS Pers Svc/Vacancy Factor	-	42,668	-	30,225	-	-	72,893	-	-
020: Phase In / Out Pgm & One-time Cost	-	(82,270,192)	(900,000)	(15,000,000)	-	-	(98,170,192)	-	-
030: Inflation & Price List Adjustments	-	285,414	93,338	2,054,870	-	-	2,433,622	-	-
060: Technical Adjustments	-	68,470,033	-	-	-	-	68,470,033	-	-
2021-23 Current Service Level	-	77,321,533	2,263,984	32,677,681	-	-	112,263,198	32	32.00
070: Revenue Reductions/Shortfall	-	(1,095,037)	-	17,109	-	-	(1,077,928)	(3)	(3.00)
Adjusted 2021-23 Current Service Level	-	76,226,496	2,263,984	32,694,790	-	-	111,185,270	29	29.00
Total LFO Recommended Packages	-	18,234,242	12,600,000	15,432,978	-	-	46,267,220	4	4.00
2021-23 Legislative Actions	-	94,460,738	14,863,984	48,127,768	-	-	157,452,490	33	33.00
Net change from 2019-21 Leg Approved Budget	-	3,603,448	(4,206,662)	2,700,528	-	-	2,097,314	(8)	(2.75)
Percent change from 2019-21 Leg Approved Budget	0.0%	4.0%	(22.1%)	5.9%	0.0%	0.0%	1.4%	(19.5%)	(7.7%)
Net change from 2021-23 Adj Current Service Level	-	18,234,242	12,600,000	15,432,978	-	-	46,267,220	4	4.00
Percent change from 2021-23 Adj Current Service Level	0.0%	23.9%	556.5%	47.2%	0.0%	0.0%	41.6%	13.8%	13.8%

LFO102 - Work Session Presentation Report
2021-23 Biennium

Version: L - 01 - LFO Analyst Recommended
Cross Reference: 69100-010-00-00-00000
Operations

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	-	8,304,034	17,926	2,467,204	-	-	10,789,164	34	34.00
2019-21 Ebds, SS & Admin Act	-	322,064	521,033	122,970	-	-	966,067	7	1.75
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	-	8,626,098	538,959	2,590,174	-	-	11,755,231	41	35.75
2019-21 Leg Approved Budget (Base)	-	8,304,034	17,926	2,467,204	-	-	10,789,164	34	34.00
Summary of Base Adjustments	-	258,384	-	288,316	-	-	546,700	(2)	(2.00)
2021-23 Base Budget	-	8,562,418	17,926	2,755,520	-	-	11,335,864	32	32.00
010: Non-PICS Pers Svc/Vacancy Factor	-	42,668	-	30,225	-	-	72,893	-	-
020: Phase In / Out Pgm & One-time Cost	-	(39,000)	-	-	-	-	(39,000)	-	-
030: Inflation & Price List Adjustments	-	285,414	771	37,825	-	-	324,010	-	-
2021-23 Current Service Level	-	8,851,500	18,697	2,823,570	-	-	11,693,767	32	32.00
070: Revenue Reductions/Shortfall	-	(1,095,037)	-	17,109	-	-	(1,077,928)	(3)	(3.00)
Adjusted 2021-23 Current Service Level	-	7,756,463	18,697	2,840,679	-	-	10,615,839	29	29.00
Total LFO Recommended Packages	-	1,234,242	-	298,478	-	-	1,532,720	4	4.00
2021-23 Legislative Actions	-	8,990,705	18,697	3,139,157	-	-	12,148,559	33	33.00
Net change from 2019-21 Leg Approved Budget	-	364,607	(520,262)	548,983	-	-	393,328	(8)	(2.75)
Percent change from 2019-21 Leg Approved Budget	0.0%	4.2%	(96.5%)	21.2%	0.0%	0.0%	3.4%	(19.5%)	(7.7%)
Net change from 2021-23 Adj Current Service Level	-	1,234,242	-	298,478	-	-	1,532,720	4	4.00
Percent change from 2021-23 Adj Current Service Level	0.0%	15.9%	0.0%	10.5%	0.0%	0.0%	14.4%	13.8%	13.8%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 070 Revenue Shortfalls

Package Description This package reduces Lottery Funds by \$1,095,037, increases Federal Funds by \$294,241, and eliminates three positions (3.00 FTE) due to assumed shortfalls in lottery revenues beginning in the 2019-21 biennium and anticipated to continue into the 2021-23 biennium. The reductions made in this package are in alignment with the September 2020 lottery revenue forecast. Specifically the reductions are as follows:

- Reclassify a Business Operations Manager (PEM E) to a supervisory Fiscal Analyst 3.
- Eliminates an Administrative Manager (PEM A).
- Eliminates a Federal Funded Grant Support Specialist (Procurement & Contract Assistant) and 40 percent of the Executive Director is shifted from Lottery Funds to Federal Funds.
- Eliminates a vacant Office Specialist 2 position.
- 40 percent of the Capacity Coordinator (OPA 4) is shifted from Lottery Funds to Federal Funds.
- Reduces Lottery Funds for professional services.

LFO Recommendation Approve

LFO Recommended	-	(1,095,037)	-	17,109	-	-	(1,077,928)	(3)	(3.00)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation Approve

LFO Recommended	-	(16,549)	-	(7,435)	-	-	(23,984)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Program Continuity

Package Description Continues one of two limited duration positions from the 2019-21 biennium. The position continued is a limited duration Natural Resource Specialist 4 serving as the Partnerships Coordinator that is managing work associated with the Focused Investment Partnership (FIP) program. In addition, \$15,988 Lottery Funds and \$6,999 Federal Funds is added to cover Office 365 and State Data Center charges. Both of these are new charges which have not been previously budgeted. Finally, an existing NRS3 position is reclassified to an ISS5 because the primary role of the position has evolved through time, and now focuses the agency's business needs related to information systems and technology. This results in no net budget change. The second position not continued is a limited duration Natural Resource Specialist 3 serving as the Conservation Outcomes Specialist assisting with monitoring and reporting on watershed restoration. This position was not continued due to revenue concerns, The agency will determine if enough revenue will be available to request the second position during the 2022 Regular Legislative Session.

LFO Recommendation Approve

LFO Recommended	-	267,883	-	8,739	-	-	276,622	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 110 Water Vision and Climate Change

Package Description This packages increases Lottery Funds by \$326,653 and adds one limited duration position (1.00 FTE) to provide staff and contracting resources to assist with coordination of Oregon’s 100-year Water Vision and the Governor’s climate initiative outlined in Executive Order 20-04. The limited duration position, a Water/Climate Coordinator (Operations & Policy Analyst 4) will plan and implement water and climate related initiatives while also considering issues of equity and environmental justice through engagement with impacted communities.

LFO Recommendation Approve

LFO Recommended	-	326,653	-	-	-	-	326,653	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 120 NRCS Tidegate Program

Package Description This package increases Federal Funds by \$297,174 and adds one limited duration position (1.00 FTE). Using Federal funding secured by OWEB in 2020 through a partnership with the Natural Resources Conservation Service, OWEB is proposing to create a new limited duration Tide Gate Coordinator (Natural Resource Specialist 4) position that will assist landowners with the planning, design, permitting, and implementation of tide gate repair and replacement projects on the Oregon Coast and Lower Columbia River Basin.

LFO Recommendation Approve

LFO Recommended	-	-	-	297,174	-	-	297,174	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 125 070 Restoration Package

Package Description This package offsets some of the reductions made in package 070 thru establishing a new, permanent Administrative Specialist 2 to assist with work previously completed by three positions eliminated in POP 070 and restores \$504,682 Lottery Funds for Professional Services costs.

LFO Recommendation Approve

LFO Recommended	-	656,255	-	-	-	-	656,255	1	1.00
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LFO102 - Work Session Presentation Report
2021-23 Biennium

Version: L - 01 - LFO Analyst Recommended
Cross Reference: 69100-020-00-00-00000

Grants

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	-	82,231,192	3,052,720	42,837,066	-	-	128,120,978	-	-
2019-21 Ebds, SS & Admin Act	-	-	15,478,967	-	-	-	15,478,967	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	-	82,231,192	18,531,687	42,837,066	-	-	143,599,945	-	-
2019-21 Leg Approved Budget (Base)	-	82,231,192	3,052,720	42,837,066	-	-	128,120,978	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2021-23 Base Budget	-	82,231,192	3,052,720	42,837,066	-	-	128,120,978	-	-
020: Phase In / Out Pgm & One-time Cost	-	(82,231,192)	(900,000)	(15,000,000)	-	-	(98,131,192)	-	-
030: Inflation & Price List Adjustments	-	-	92,567	2,017,045	-	-	2,109,612	-	-
060: Technical Adjustments	-	68,470,033	-	-	-	-	68,470,033	-	-
2021-23 Current Service Level	-	68,470,033	2,245,287	29,854,111	-	-	100,569,431	-	-
Adjusted 2021-23 Current Service Level	-	68,470,033	2,245,287	29,854,111	-	-	100,569,431	-	-
Total LFO Recommended Packages	-	17,000,000	12,600,000	15,134,500	-	-	44,734,500	-	-
2021-23 Legislative Actions	-	85,470,033	14,845,287	44,988,611	-	-	145,303,931	-	-
Net change from 2019-21 Leg Approved Budget	-	3,238,841	(3,686,400)	2,151,545	-	-	1,703,986	-	-
Percent change from 2019-21 Leg Approved Budget	0.0%	3.9%	(19.9%)	5.0%	0.0%	0.0%	1.2%	0.0%	0.0%
Net change from 2021-23 Adj Current Service Level	-	17,000,000	12,600,000	15,134,500	-	-	44,734,500	-	-
Percent change from 2021-23 Adj Current Service Level	0.0%	24.8%	561.2%	50.7%	0.0%	0.0%	44.5%	0.0%	0.0%

Grants

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 200 Carryforward

Package Description This is the funding for OWEB's Measure 76 grant program, which seeks to improve and enhance Oregon's clean water, native fish and wildlife habitat and large, connected natural areas. Measure 76 constitutionally dedicates 65 percent of the natural resource Lottery Funds for watershed grants. This package provides limitation for grants committed in previous biennia, but not yet spent. As of July 2020, OWEB has committed the full \$15.0 million in Federal Funds through PCSRF requested in this package as well as \$0.6 million Other Funds also part of the request as carryforward from Salmon Plate grants, Intensively Monitored Watershed grants, and Forest Collaborative grants.

LFO Recommendation Approve

LFO Recommended	-	-	600,000	15,000,000	-	-	15,600,000	-	-
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Grants

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 210 Additional Grant Federal Funds

Package Description This package increases Federal Funds by \$134,500 allowing OWEB to receive and expend funding from Pacific Coast Salmon Recovery Funds to support the monitoring work by the Oregon Department of Fish and Wildlife in the Upper Klamath Basin. Each year, OWEB applies and receives PCSRF from NOAA in support of salmon recovery activities associated with implementing the Oregon Plan for Salmon and Watersheds.

LFO Recommendation Approve

LFO Recommended	-	-	-	134,500	-	-	134,500	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 220 Additional Grant Other Funds

Package Description This package provides additional \$6,000,000 other funds limitation for grant funding from PacifiCorp from the 2016 Klamath Hydroelectric Settlement Agreement. The funds are intended to address water-quality improvements in the Klamath River. \$1,000,000 from Idaho Power Company related to relicensing of the Hells Canyon dam complex. The funds are intended to address water-quality and salmonid habitat improvements in the lower sections of the Malheur and Owyhee river basins.

LFO Recommendation Approve

LFO Recommended	-	-	7,000,000	-	-	-	7,000,000	-	-
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Grants

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 230 OR Agricultural Heritage Grants

Package Description This package increases Other Funds by \$5,000,000 for the Oregon Agriculture Heritage Program (OAHP) grants. The OAHP will provide resources to help farmers and ranchers voluntarily keep their land in agriculture and maintain or improve fish and wildlife and other natural resources. Through OAHP grants will be offered for; conservation management plan management, working land conservation covenants and easements, technical assistance for organizations holding conservation plans, and to assist organizations that support agricultural owners and operators..

LFO Recommendation Approve

LFO Recommended	-	-	5,000,000	-	-	-	5,000,000	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description Updates the dedicated Lottery Funds amount for grants based on the May 2021 Lottery Forecast for the 2021-23 biennium. The June 2020 forecast amount was used during budget development. Also includes carry over expenditure limitation to accomodate 2019-21 ending balance estimates.

LFO Recommendation Approve

LFO Recommended	-	17,000,000	-	-	-	-	17,000,000	-	-
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Legislatively Proposed 2021 - 2023 Key Performance Measures

Published: 4/22/2021 9:19:10 AM

Agency: Watershed Enhancement Board

Mission Statement:

To help protect and restore healthy watersheds and natural habitats that support thriving communities and strong economies.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2022	Target 2023
1. OPERATIONS - The percentage of total funding used in agency operations.		Approved	8.79	11	11
2. FUNDING FROM OTHER SOURCES - The percent of funds contributed from other sources on OWEB funded restoration projects.		Approved	62.74%	51%	51%
3. GRANT-MAKING ACROSS OREGON - Percent of Oregon's 76 sub-basins (defined as 8-digit hydrologic unit code areas) within which Oregonians benefit from OWEB's grant programs.		Approved	93.42%	92%	92%
4. TIMELINESS OF GRANT-MAKING - The percent of open solicitation grant agreements executed within one month after Board award.		Approved	16.18%	75%	75%
5. FISH POPULATIONS - The percentage of monitored native fish species that exhibit increasing or stable levels of abundance.		Approved	84%	75%	75%
6. WATERSHED COUNCIL GOVERNANCE - Percent of OWEB funded watershed councils that demonstrate effective organizational governance and management using OWEB merit criteria.		Approved	100%	100%	100%
7. PAYMENTS - The percentage of complete grant payment requests paid within 24 days.		Approved	100%	100%	100%
8. STREAMSIDE HABITAT - The number of riparian stream miles restored or enhanced as a result of OWEB funded grants.		Approved	300.65	313	324
9. UPLAND HABITAT - Acres of upland habitat restored or enhanced as a result of OWEB funded grants.		Approved	44,685	58,003	53,660
10. NATIVE SPECIES HABITAT AND WATER QUALITY - Percent of restoration, acquisition or technical assistance funding invested to address habitat for threatened, endangered or species of concern, or water-quality concerns identified on 303(d) listed streams.		Approved	92.30%	90%	90%
11. NATIVE FISH HABITAT QUANTITY - Miles of fish habitat opened as a result of completed fish passage projects funded through OWEB grants.		Approved	73.17	91	91
12. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of information.	Availability of Information	Approved	81.30%	91%	91%
	Timeliness		89%	91%	91%
	Helpfulness		94.50%	91%	91%
	Overall		91.80%	91%	91%
	Expertise		91.80%	91%	91%
	Accuracy		94%	91%	91%

LFO Recommendation:

The Legislative Fiscal Office recommends approval of the proposed Key Performance Measures and targets.

SubCommittee Action: