

DIVISION 10
OREGON INVASIVE SPECIES CONTROL ACCOUNT

[Note: These rules guide the Oregon Invasive Species Council in determining whether to provide funding from the Oregon Invasive Species Control Account for projects that will eradicate or control new infestations or infections of Invasive Species in Oregon.]

609-010-0100
Definitions

As used in this division of administrative rules, unless the context requires otherwise:

- (1) "Agreement" means a document describing an understanding between the Council and a recipient of Funds, including but not limited to a grant, loan, or memorandum of understanding.
- (2) "Council" means the Oregon Invasive Species Council.
- (3) "Emergency" means that one or more Invasive Species that is new to the state, or that exhibits a substantial range expansion within the state, threatens the health and integrity of Oregon's native flora and fauna.
- (4) "Funds" means money in or disbursed from the Invasive Species Control Account.
- (5) "Invasive Species" has the meaning given that term in ORS 570.755.
- (6) "Invasive Species Emergency" means a declaration by the Council that an Emergency exists or is imminent, and that the Emergency is of such magnitude that Funds are needed to terminate or lessen the threat.

Stat. Auth.: ORS 570.800
Stats. Implemented: ORS 570.800 & 570.810

609-010-0110
Purpose

The purpose of this division of rules is to provide criteria and procedures for administration of the Oregon Invasive Species Control Account.

Stat. Auth.: ORS 570.800
Stats. Implemented: ORS 570.800 & 570.810

609-010-0120
Eligible Applicants

- (1) A person, state or local government, unit of state or local government, an Indian tribe, or a unit of the federal government, may request that the Council declare an Invasive Species Emergency and release Funds.

(2) The request must be sent to the Council in writing and include a response plan with the following elements:

- (a) A risk assessment for the Invasive Species;
- (b) Information about efforts implemented to control or eradicate the Invasive Species in other locales;
- (c) Methodology proposed to eradicate or control the infestation;
- (d) Budget to respond to the infestation;
- (e) Timeline for activities associated with response to the infestation; and
- (f) Methods to evaluate control or eradication success.

(3) Requests not meeting review standards may be returned for correction or completion, or may be denied further consideration.

Stat. Auth.: ORS 570.800

Stats. Implemented: ORS 570.800 & 570.810

609-010-0130

Standards to Determine Eligibility for Release of Funds

(1) The Council may release Funds only after declaring an Invasive Species Emergency and determining that the action items that are described in the response plan:

- (a) Are economically, scientifically, and environmentally defensible and sound;
- (b) Contribute to the effective control or eradication of Invasive Species populations or infections;
- (c) Achieve a favorable cost/benefit ratio relative to other options considered; and
- (d) Respond to an Invasive Species that the Council has deemed to be a high risk to Oregon's economy and environment.

(2) The following expenditures are not eligible for funding through the Oregon Invasive Species Control Account:

- (a) Operational costs of managing Invasive Species that are widely established in Oregon; and
- (b) Any cost that the Council deems is not necessary to respond to an Emergency.

(3) Outreach, education, and research related to Invasive Species are not generally eligible, but in a specific Emergency they might be part of an appropriate response plan and may be approved by the Council.

Stat. Auth.: ORS 570.800

Stats. Implemented: ORS 570.800 & 570.810

609-010-0140

Process for Declaration and Release of Funds

- (1) Council members will review the request to declare an Invasive Species Emergency.
- (2) During the review process, the Council may consider technical and other information obtained from sources other than the applicant, including, but not limited to, the Governor's Natural Resources Cabinet.
- (3) If the Council declares an Invasive Species Emergency, the Council may enter an agreement with a person, state or local government, unit of state or local government, Indian tribe, or federal government that will be responsible for implementing a portion or all of the response plan. The agreement must include all terms required by law and include provisions for the following:
 - (a) Incorporation of the response plan.
 - (b) The maximum amount of Funds to be disbursed.
 - (c) Disbursement of the Funds according to a payment schedule that is incorporated as an integral part of the agreement.
 - (d) The recipient of Funds shall submit one or more interim reports for evaluation by the Council. The recipient of Funds shall submit the reports either on a schedule that is incorporated into the agreement or upon the request of the Council. Each report must include:
 - (A) Documentation of project results to date;
 - (B) Projections of short-range and long-range results;
 - (C) Any modifications to the response plan;
 - (D) Budget status; and
 - (E) An update on the likelihood of successful eradication.
 - (e) In the event an interim report is deemed unsatisfactory by the Council, the Council reserves the right to cancel the agreement and stop payments.
 - (f) Within six months of the official close of the action items designated in the agreement, the Fund recipient shall submit a final report to the Council. This report will provide the most current and detailed information on project benefits as compared with the original criteria.
 - (g) In the event that a Fund recipient cannot complete any project within the agreement timelines, the Fund recipient shall inform the Council and request a formal extension for use of the Funds.
 - (h) The Fund recipient shall return all unexpended Funds to the Council for deposit in the Invasive Species Control Account.

Stat. Auth.: ORS 570.800

Stats. Implemented: ORS 570.800 & 570.810