Agenda Item: 9b  Action
Topic: Request to adopt rulemaking – Heritage Grant programs (OAR 736-057-0000 to 736-057-0160)
Presented by: Katie Gauthier and Chrissy Curran

Background: Two longstanding grant programs within OPRD’s Heritage Division have operated without guidance in administrative rule. Proposed rules would establish procedures and criteria for application processes, eligibility determination and grant awards for the Certified Local Government grants and Preserving Oregon Grant programs.

The Certified Local Government (CLG) program offers matching grants to cities and counties that have been "certified" as historic preservation partners with both the state and the federal governments. These grants can be used for a wide-range of preservation projects, including National Register nominations, historic resource surveys, preservation education, preservation code development, building restoration, and preservation planning. Between roughly $65,000 - $200,000 is available per year, depending on federal allocation and state priorities. Funding for this program comes from federal National Park Service.

The State Historic Preservation Office (SHPO) offers matching grants for rehabilitation work that supports the preservation of historic resources listed in the National Register of Historic Places or for significant work contributing toward identifying, preserving and/or interpreting archaeological sites. Currently, $250,000 per biennium is available, and grant funds may be awarded for amounts up to $20,000. This program is funded with lottery proceeds.

Public comment on the proposed rule change was opened on October 1 and closes October 31, 2019. Comments are accepted via mail, email, or a website. Staff will present a summary of any comments received at the Commission meeting.

Prior Action by Commission: In September 2019, the Commission approved opening rulemaking.

Action Requested:
Staff requests approval to add OAR 736-057-0000 to 736-057-0160 to add guidelines around grant eligibility, application and evaluation for Certified Local Government and Preserving Oregon Grant programs. The proposed rule has been reviewed by Assistant Attorney General Steve Shipsey. A copy of the proposed rules is included in Attachment A.

Prepared by: Katie Gauthier

Attachments:
Attachment A – proposed rule amendments- clean copy
Attachment B- proposed rule amendment- marked copy
Heritage Grants Clean Copy

736-057-0000
Purpose

This division establishes the State Parks and Recreation Department procedures and criteria for distributing federal Historic Preservation Fund monies to Certified Local Governments and awarding the Preserving Oregon Grant Program Funds to qualified applicants.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0010
Federal Requirements

The National Historic Preservation Act of 1966 (NHPA) established the Historic Preservation Fund (HPF) to help fund the programs intended to preserve historical and archaeological sites in the United States of America. All HPF-assisted activities must meet standards set by the Secretary of the Interior, including those provided in the HPF Manual (June 2007 Release).

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

[Publications: Publications referenced are available from the agency.]

736-057-0020
Definitions

As used in this division, unless the context requires otherwise, the following definitions apply:

(1) "Department" means the Oregon Parks and Recreation Department.
(2) "Grant" means an award from the Preserving Oregon Grant or Certified Local Government Grant Program.
(3) "Grantee" means an eligible applicant legally capable of executing and which has executed a grant agreement for a project awarded a grant.
(4) "Grant Review Committee" means the committee that reviews Preserving Oregon Grant Program applications and makes funding recommendations to the State Advisory Committee on Historic Preservation.
(5) "Project completion" means a department determination, after review, inspection, or both, that all requirements of a grant agreement are satisfied.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0030
Certified Local Government Qualifications
The National Parks Service certifies a city or county to carry out the purposes of the NHPA. At a minimum, in accordance with federal standards, a certified local government must:

(a) Have a historic preservation commission of interested and qualified members. To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.

(b) Have a preservation ordinance that provides how the local government will address historic preservation issues.

(c) Participate in updating and expanding the state's historic building inventory program.

(d) Review and comment on and allow for public comment on any National Register of Historic Places nominations of properties within the local government boundaries.

(e) Fulfill its obligation to enforce state preservation laws.

(f) Maintain the certification at audits under section (2).

Every four years, the State Historic Preservation Office will audit an Oregon Certified Local Government to determine whether the city or county has maintained National Parks Service certification as provided in section (1). The State Historic Preservation Office audit will deem an Oregon Certified Local Government as either:

(a) Approved, or

(b) Approved with conditions.

The State Historic Preservation Office will provide a written plan to meet Certified Local Government certification to any city or county approved with conditions.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0040
Eligible Certified Local Government Grants Projects

The State Historic Preservation Office will consider Certified Local Government Grant applications for any project eligible for funding through the Historic Preservation Fund for the purpose of the preservation of historic properties. To be eligible, all work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties and other Historic Preservation Fund Grants Manual requirements. Types of eligible projects include, but are not limited to:

(1) An historic property survey, including archaeology.

(2) Preparing nominations for local landmark designation and the National Register of Historic Places.

(3) Development projects on properties listed in the National Register of Historic Places.

(4) Creating or funding an incentive programs for historic preservation.

(5) Preparing preservation plan, structural plans, feasibility studies and design plans for historic properties.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)
Certified Local Government Grants Application Procedure and Process

(1) The State Historic Preservation Office shall announce to Certified Local Governments the availability of, procedures for, deadlines, and other information for applying for Certified Local Government Grants.
(2) To apply for Certified Local Government Grants, applicants must submit their applications in a format prescribed by the department by the specified deadline.
(3) Applications for historic property projects of the Certified Local Government Grant must meet the requirements of the Historic Preservation Fund and the Certified Local Government program.
(4) Certified Local Governments are eligible for funding once in a two-year period and are not awarded two consecutive years.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

Evaluation of Certified Local Government Grants Applications

The State Historic Preservation Office shall:
(1) Provide review criteria in grant guidelines or manual and application for each new grant cycle.
(2) Evaluate all applications that it receives by the announced deadlines.
(3) Review applications for:
   (a) Adherence to the Historic Preservation Funds Grant Manual, Certified Local Government Program requirements, State Historic Preservation Office Guidelines, and state and federal law.
   (b) Ability to complete the project during the grant period specified in the grant guidelines or application, including reasonable budget estimates.
(4) Award grants to all eligible projects as provided in OAR 736-057-0070.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

Award of Certified Local Government Grants

(1) The State Historic Preservation Office shall award the grants.
(2) The State Historic Preservation Office will establish maximum and minimum grant award limitations and publish award limitations in grant guidelines or manual and application for each new grant cycle.
(3) All grant awards will be subject to binding grant agreements between the department and grantee.
(4) Grant agreements shall specify the terms and conditions of the grant award, generally including:
(a) The total project costs, the match or share grantee is to provide, and the amount of the grant;
(b) A statement of work grantee is to accomplish;
(c) The products grantee is to deliver;
(d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;
(e) The process and schedule for grantee to submit reimbursement requests for grant funds distribution;
(f) The measures of project impact at project completion; and
(g) The requirement that grantee comply with applicable local, state, and federal law and obtain all necessary permits.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0080
Disbursement of Certified Local Government Grants Grant Funds

(1) The State Historic Preservation Office will distribute grant funds to grantees on a reimbursable basis after grantee submits billings on approved schedules specified in grant agreements.
(2) When requested by the State Historic Preservation Office, grantees shall supply additional information to substantiate billings.
(3) The State Historic Preservation Office, at its sole discretion, may disburse grant funds in advance if grantees can demonstrate a compelling need.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0090
Suspension or Termination of Agreement and Recovery of Certified Local Government Grants Grant Funds

(1) The State Historic Preservation Office shall send a notice of suspension or termination of grant agreement by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for grantee to remedy project deficiencies.
(2) The State Historic Preservation Office shall require a grantee that has received funds in advance but is unable to complete approved projects to the State Historic Preservation Office’s satisfaction or within the timeframe specified in the grant agreement to return all unexpended grant funds.
(3) A grantee shall maintain records adequate for audit purposes for a period of not less than five years after project completion.
(4) A grantee shall reimburse the State Historic Preservation Office for any costs disqualified through audit findings after submission of billings on approved schedules specified in grant agreements.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)
Preserving Oregon Grant Types

Two subcategories exist in the Preserving Oregon Grant Program.
(1) A grantee may use a Preserving Oregon Grants for:
(a) Rehabilitation work on properties listed in the National Register of Historic Places, or
(b) Significant work contributing to identifying, preserving, or interpreting archaeological sites, or any combination thereof.
(2) A grantee may use a Diamonds in the Rough Grants for restoration or reconstruction of the facades of buildings that have lost historic character.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

Eligible Preserving Oregon Grant Program Projects

(1) In order to be eligible for a Preserving Oregon Grant, projects must:
(a) Be listed on the National Register of Historic Places; or
(b) Be field-based research projects concerning the documentation, study, designation, or preservation of archaeological sites, structures, and artifacts are eligible; and
(c) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.
(d) Remodeling, new additions and solely cosmetic efforts are not eligible.
(2) In order to be eligible for a Diamonds in the Rough Grant, projects must:
(a) Be a structure 50 years of age or older; and
(b) Have lost historic character or no longer conveys historic associations; and
(c) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

Preserving Oregon Grant Program Application Procedure and Process

(1) The department shall announce through a variety of media the availability of, procedures for, deadlines, and other information for applying for a grant from the Preserving Oregon Grants Program.
(2) To apply for a grant under OAR 736-057-0100, an applicant must submit their application in a format prescribed by the department by the specified deadline.
(3) Applications for historic property projects of the Preserving Oregon Grant must demonstrate the following:
(a) The proposed project is significant to the structure’s integrity,
(b) The proposed project preserves character defining features,
(c) The proposed project will meet the Secretary of the Interior’s Standards for Rehabilitation of Historic Properties,
(d) The applicant is capable of carrying out the proposed project, and
(e) The proposed property is historically significant.
(4) Applications for archaeology projects of the Preserving Oregon Grant must demonstrate the following:
(a) The proposed project is significant to the field of archaeology,
(b) The proposed project demonstrates technically sound methodology,
(c) The proposed project includes a principle investigator who is a professional archaeologist,
(d) The proposed project disseminates results effectively,
(e) The site of the proposed projects is historically significant, and
(f) The applicant is capable of carrying out the proposed project.
(5) Applications for Diamonds in the Rough grants of the Preserving Oregon Grant programs must demonstrate the following:
(a) The level of preservation of character-defining features,
(b) That the applicant has a well-developed work plan, a description of the work, and the corresponding cost estimates,
(c) That the project is ready and the applicant has the matching dollar share in-hand commitment, and
(d) That there is a community need for and benefit from the project.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0130
Evaluation of Preserving Oregon Grant Program Applications

(1) The department shall provide review criteria in grant guidelines or manual and application for each new grant cycle.
(2) The department shall evaluate applications that it receives by the announced deadlines.
(3) The department will establish a Grant Review Committee to review grant applications and provide recommendations for funding to the State Advisory Committee on Historic Preservation. The committee may include representatives of the State Advisory Committee on Historic Preservation, historic preservation specialists or other appropriate experts.
(4) The Grant Review Committee shall score the applications based on the evaluation criteria and then rank applications in order of priority based on a formula considering:
(a) For properties listed in the National Register of Historic Places projects of the Preserving Oregon Grant:
   (A) Giving higher priority to publicly owned resources and private nonprofit resources, and properties that offer the greatest public benefit through visual access and interpretive or educational value;
   (B) Properties that are not publicly owned or nonprofit-owned must have exceptional significance or extraordinary public benefit to compete;
   (C) Geographic distribution; and
(D) Additional evaluation will be based on demonstrated project readiness and the matching dollar share in-hand commitment.
(b) For archaeology projects of the Preserving Oregon Grant:
(A) Projects that discover or study previously untold perspectives and histories of people frequently excluded from historic interpretation;
(B) Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates;
(C) Geographic diversity;
(D) Project readiness, including matching dollar share in-hand; and
(E) Shows that it is part of a larger project or has far reaching results and uses beyond the submission of the product to the State Historic Preservation Office.
(c) For the Diamonds in the Rough Grant of the Preserving Oregon Grant Program:
(A) Prioritize commercial or public buildings in Certified Local Government communities, designated Main Street areas, or local or National Register historic districts;
(B) Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates;
(C) Projects that will generate dramatic "before-and-after" results, a high level of transformation;
(D) Geographic diversity; and
(E) Project readiness, including matching dollar share in-hand.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0140
Award of Preserving Oregon Grant Program Grants

(1) The State Advisory Committee on Historic Preservation shall award the grants.
(2) The department will establish maximum and minimum grant award limitations. The department will publish award limitations in grant guidelines or manual and application for each new grant cycle.
(3) All grant awards will be subject to binding grant agreements between the department and grantee.
(4) Grant agreements shall specify the terms and conditions of the grant award, generally including:
(a) The total project costs, the match or share grantee is to provide, and the amount of the grant;
(b) A statement of work grantee is to accomplish;
(c) The products grantee is to deliver;
(d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;
(e) The process and schedule for grantee to submits reimbursement requests for grant funds distribution;
(f) The measures of project impact at project completion; and
(g) The requirement that grantee comply with applicable local, state, and federal law and obtain all necessary permits.
Disbursement of Preserving Oregon Grant Program Grant Funds

(1) The department will distribute grant funds to grantees on a reimbursable basis after grantee submits billings on approved schedules specified in grant agreements.
(2) When requested by the department, grantees shall supply additional information to substantiate billings.
(3) The department may disburse grant funds in advance if grantees can demonstrate a compelling need.

Suspension or Termination of Agreement and Recovery of Preserving Oregon Grant Program Grant Funds

(1) The department shall send a notice of suspension or termination of grant agreement by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for grantee to remedy project deficiencies.
(2) The department shall require a grantee that has received funds in advance but is unable to complete approved projects to the department's satisfaction or within the three-year timeframe, to return all unexpended grant funds.
(3) A grantee shall maintain records adequate for audit purposes for a period of not less than five years after project completion.
(4) A grantee shall reimburse the department for any costs disqualified through audit findings.
736-057-0000
Purpose

The purpose of this division is to establish the State Parks and Recreation Department the procedures and criteria that the State Parks and Recreation Department will use when for distributing federal Historic Preservation Fund monies to Certified Local Governments and awarding the Preserving Oregon Grant Program Funds to qualified applicants.

Statutory/Other Authority: ORS 358.617, 390.124, 358.475, 358.605, 358.612(2) and (12)
Statutes/Other Implemented: 390.124ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0010
Federal Requirements

The National Historic Preservation Act of 1966 (NHPA) established the Historic Preservation Fund (HPF) Act of 1966, as amended, was established is to help fund the programs engendered by the National Historic Preservation Act (NHPA). The National Historic Preservation Act (NHPA; Public Law 89-665; 16 U.S.C. 470 et seq.) is legislation intended to preserve historical and archaeological sites in the United States of America. All HPF-assisted activities must meet standards set by the Secretary of the Interior, including those provided in the HPF Manual (June 2007 Release).

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

[Publications: Publications referenced are available from the agency.]

736-057-0020
Definitions

As used in this division, unless the context requires otherwise, the following definitions apply:

(1) "Department" means the Oregon Parks and Recreation Department (OPRD).
(2) "Grant" means an award from the Preserving Oregon Grant or Certified Local Government Grant Program.
(3) "Grantee" means an eligible applicant legally capable of executing and which has executed a grant agreement for a project awarded a grant Preserving Oregon Grant or Certified Local Government Grant Program.
(4) "Grant Review Committee" means the committee that reviews Preserving Oregon Grant Program applications and makes funding recommendations to the State Advisory Committee on Historic Preservation.
(5) "Project completion" means a department determination, after review, inspection, or both, that satisfaction of all requirements of a grant agreement are satisfied as determined after review or inspection by the department.
Certified Local Government Qualifications to be a Certified Local Government

(1) The National Parks Service certifies a city or county to carry out the purposes of the NHPA. At a minimum, in accordance with federal standards, a certified local government must:

Certification requirements include, but are not limited to:

(1a) Have a historic preservation commission of interested and qualified members.
(2) To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.
(3b) Have a preservation ordinance that outlines how the local government will address historic preservation issues.
(4c) Participation in updating and expanding the state's historic building inventory program.
(5d) Review and comment on and allow for public comment on any National Register of Historic Places nominations of properties within the local government boundaries.
(6e) Fulfill its obligation to enforce existing state preservation laws.
(7f) Maintain the certification as reviewed at audits every four years under section (2).

(2) Every four years, the State Historic Preservation Office will audit an Oregon Certified Local Government to determine whether the city or county has maintained National Parks Service certification as provided in section (1). The State Historic Preservation Office audit will deem an Oregon Certified Local Government as either:

(a) Approved, or
(b) Approved with conditions.

(3) The State Historic Preservation Office will provide a written plan to meet Certified Local Government certification to any city or county approved with conditions.

Eligible Certified Local Government Grants Projects

The State Historic Preservation Office will consider Certified Local Government Grant applications for any project eligible for funding through the Historic Preservation Fund for the purpose of the preservation of historic properties. To be eligible, all work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties and other Historic Preservation Fund Grants Manual requirements. Types of eligible projects include, but are not limited to:

(1) Historic property survey, including archaeology.
(2) Preparing nominations for local landmark designation and the National Register of Historic Places.
(3) Development projects on properties listed in the National Register of Historic Places.
(4) Creating or funding incentive programs for historic preservation.
(5) Preparing preservation plan, structural plans, feasibility studies and design plans for historic properties.
(6) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0050
Certified Local Government Grants Application Procedure and Process

(1) The department, State Historic Preservation Office, shall announce to Certified Local Governments the availability of, procedures for, deadlines, and other information for applying for Certified Local Government Grants.
(2) To apply for Certified Local Government Grants, applicants must submit their applications in a format prescribed by the department by the specified deadline.
(3) Applications for historic property projects of the Certified Local Government Preserving Oregon Grant must meet the requirements of the Historic Preservation Fund and the Certified Local Government program.
(4) Certified Local Governments are eligible for funding once in a two-year period and are not awarded two consecutive years.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0060
Evaluation of Certified Local Government Grants Applications

The State Historic Preservation Office shall:
(1) Provide review criteria in grant guidelines or manual and application for each new grant cycle. Eligible applications received by the announced deadlines shall be evaluated by the department.
(2) Evaluate all applications that it receives by the announced deadlines. The department shall include review criteria in grant guidelines, manual, or application for each new grant cycle.
(3) Review applications will be reviewed for:
(a) Adherence to the Historic Preservation Funds Grant Manual, Certified Local Government Program requirements, State Historic Preservation Office Guidelines, and state and federal law.
(b) Ability to complete the project during the grant period specified in the grant guidelines or application, including reasonable budget estimates.
(4) Grants are awarded to all eligible applications as provided in OAR 736-057-0070.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0070
Award of Certified Local Government Grants

(1) The State Historic Preservation Office shall award the grants.

(2) The department will establish maximum and minimum grant award limitations and publish them in grant guidelines, or manual and application for each new grant cycle.

(3) All grant awards will be subject to binding grant agreements between the department and grantee.

(4) Grant agreements shall specify the terms and conditions of the grant award, generally including:

(a) The total project costs, the match or share of the grantee is provided, and the amount of the grant;

(b) A statement of work to be accomplished;

(c) The products to be delivered;

(d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;

(e) The process and schedule for grantee to submit to complete reimbursement requests for grant funds distribution;

(f) The measures of project impact at project completion; and

(g) The requirement that grantee comply with applicable local, state, and federal law and obtain all necessary permits.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0080
Disbursement of Certified Local Government Grants

(1) The department will distribute grant funds to grantees on a reimbursable basis after submission of billings on approved schedules specified in grant agreements.

(2) When requested by the department, grantees shall supply additional information to substantiate billings.

(3) The department may disburse grant funds in advance if grantees can demonstrate a compelling need.

Statutory/Other Authority: ORS 358.617, 390.124
Suspension or Termination of Agreement and Recovery of Certified Local Government Grants

(1) The State Historic Preservation Office shall send a notice of suspension or termination of grant agreement shall be sent by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for grantee to remedy project deficiencies.

(2) If the State Historic Preservation Office shall require a grantee that have received funds in advance but are unable to complete approved projects to the State Historic Preservation Office’s satisfaction or within the three-year timeframe specified in the grant agreement, the department shall require the grantees to return all unexpended grant funds.

(3) Grantees shall maintain records adequate for audit purposes for a period of not less than five years after project completion.

(4) Grantees shall reimburse the State Historic Preservation Office department for any costs disqualified through audit findings after submission of billings on approved schedules specified in grant agreements. When requested by the department, grantees shall supply additional information to substantiate billings. The department may disburse grant funds in advance if grantees can demonstrate a compelling need.

Preserving Oregon Grant Types

(1) Two subcategories exist in the Preserving Oregon Grant Program.

(a) Rehabilitation work on properties listed in the National Register of Historic Places, or

(b) Significant work contributing to identifying, preserving, or interpreting archaeological sites, or any combination thereof.

(2) Diamonds in the Rough Grants are to be used for restoration or reconstruction of the facades of buildings that have lost historic character.

Eligible Preserving Oregon Grant Program Projects

(1) In order to be eligible for a Preserving Oregon Grant, projects must:

(a) Be listed on the National Register of Historic Places; or

(b) Be field-based research projects concerning the documentation, study, designation, or preservation of archaeological sites, structures, and artifacts are eligible; and
(c) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.
(d) Remodeling, new additions and solely cosmetic efforts are not eligible.

(2) In order to be eligible for a Diamonds in the Rough Grant, projects must:
   (a) Be a structure historic 50 years of age or older; and
   (b) Have lost historic character or no longer conveys historic associations; and
   (c) All work must meet the Secretary of the Interior's Standards for Treatment of Historic Properties.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0120
Preserving Oregon Grant Program Application Procedure and Process

(1) The department shall announce through a variety of media the availability of, procedures for, deadlines, and other information for applying for a grant from the Preserving Oregon Grants Program.

(2) To apply for a grant under OAR 736-057-0100 Preserving Oregon Grants, an applicants must submit their applications in a format prescribed by the department by the specified deadline.

(3) Applications for historic property projects of the Preserving Oregon Grant must demonstrate the following:
   (a) The proposed project is significant to the structure's integrity,
   (b) The proposed project preserves character defining features,
   (c) The proposed project will meet the Secretary of the Interior's Standards for Rehabilitation of Historic Properties,
   (d) The applicant is capable of carrying out the proposed project, and
   (e) The proposed property is historically significant.

(4) Applications for archaeology projects of the Preserving Oregon Grant must demonstrate the following:
   (a) The proposed project is significant to the field of archaeology,
   (b) The proposed project demonstrates technically sound methodology,
   (c) The proposed project includes a principle investigator who is a professional archaeologist,
   (d) The proposed project disseminates results effectively,
   (e) The site of the proposed projects is historically significant, and
   (f) The applicant is capable of carrying out the proposed project.

(5) Applications for Diamonds in the Rough grants of the Preserving Oregon Grant programs must demonstrate the following:
   (a) The level of preservation of character-defining features,
   (b) That the applicant has a well-developed work plan, is well developed and description of the work, and the corresponding cost estimates,
   (c) Demonstrated-That the project is readiness and the applicant has the matching dollar share in-hand commitment, and
   (d) Demonstrated-That there is a community need for and benefit from the project.

Statutory/Other Authority: ORS 358.617, 390.124
Evaluation of Preserving Oregon Grant Program Applications

(1) The department shall provide review criteria in grant guidelines or manual and application for each new grant cycle. Eligible applications received by the announced deadlines shall be evaluated by the department.

(2) The department shall include review criteria in grant guidelines, manual, or application for each new grant cycle. The department shall evaluate applications that it receives by the announced deadlines.

(3) The department will establish a Grant Review Committee to review grant applications and provide recommendations for funding to the State Advisory Committee on Historic Preservation. The committee may include representatives of the State Advisory Committee on Historic Preservation, historic preservation specialists or other appropriate experts.

(4) The Grant Review Committee shall score the applications based on the evaluation criteria and then rank applications in order of priority based on a formula considering:

(aA) Giving higher priority will be given to publicly owned resources and private nonprofit resources, and properties that offer the greatest public benefit through visual access and interpretive or educational value.

(bB) Properties that are not publicly owned or nonprofit-owned must have exceptional significance or extraordinary public benefit to compete.

(cC) Geographic distribution; and

(dD) Additional evaluation will be based on demonstrated project readiness and the matching dollar share in-hand commitment.

(5a) For properties listed in the National Register of Historic Places projects of the Preserving Oregon Grant:

(aA) Giving higher priority will be given to publicly owned resources and private nonprofit resources, and properties that offer the greatest public benefit through visual access and interpretive or educational value.

(bB) Properties that are not publicly owned or nonprofit-owned must have exceptional significance or extraordinary public benefit to compete.

(cC) Geographic distribution; and

(dD) Additional evaluation will be based on demonstrated project readiness and the matching dollar share in-hand commitment.

(6b) For archaeology projects of the Preserving Oregon Grant:

(aA) Projects that discover or study previously untold perspectives and histories of people frequently excluded from historic interpretation.

(bB) Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates.

(cC) Geographic diversity.

(7c) For the Diamonds in the Rough Grant of the Preserving Oregon Grant Program:

(aA) Prioritize commercial or public buildings in Certified Local Government communities, designated Main Street areas, or local or National Register historic districts.

(bB) Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates.

(cC) Projects that will generate dramatic "before-and-after" results, a high level of transformation.

(dD) Geographic diversity; and

(eE) Project readiness, including matching dollar share in-hand.
Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0140
Award of Preserving Oregon Grant Program Grants

(1) The State Advisory Committee on Historic Preservation shall award the grants.
(2) The department will establish maximum and minimum grant award limitations. The department will be published award limitations in grant guidelines or application for each new grant cycle.
(3) All grant awards will be subject to binding grant agreements between the department and grantee.
(4) Grant agreements shall specify the terms and conditions of the grant award, generally including:
   (a) The total project costs, the match or share grantee is to be provided, and the amount of the grant;
   (b) A statement of work grantee is to be accomplished;
   (c) The products grantee is to be delivered;
   (d) A timeline that details when the grant-assisted project may begin, a schedule for accomplishing work, and deadlines for delivering products and completing the project;
   (e) The process and to schedule for grantees to submit reimbursement requests for grant funds distribution complete reimbursement requests;
   (f) The measures of project impact at project completion; and
   (g) The requirement that grantee comply with applicable local, state, and federal law and obtain all necessary permits.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0150
Disbursement of Preserving Oregon Grant Program Grant Funds

(1) The department will distribute grant funds to grantees on a reimbursable basis after grantee submission of billings on approved schedules specified in grant agreements.
(2) When requested by the department, grantees shall supply additional information to substantiate billings.
(3) The department may disburse grant funds in advance if grantees can demonstrate a compelling need.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)

736-057-0160
Suspension or Termination of Agreement and Recovery of Preserving Oregon Grant Program Grant Funds
(1) The department shall send a Notice notice of suspension or termination of grant agreement shall be sent by registered letter to grantee at address listed in the agreement. The notice shall include recourse (if any) for grantee to remedy project deficiencies.

(2) The department shall require if a grantees that have has received funds in advance but are is unable to complete approved projects to the department's satisfaction or within the three-year timeframe, the department shall require the grantees to return all unexpended grant funds.

(3) A Grantees shall maintain records adequate for audit purposes for a period of not less than five years after project completion.

(4) A grantee and shall reimburse the department for any costs disqualified through audit findings.

Statutory/Other Authority: ORS 358.617, 390.124
Statutes/Other Implemented: ORS 358.475, 358.605, 358.612(2) and (12)