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ARCHIVES DIVISION  
STEPHANIE CLARK  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 736  
PARKS AND RECREATION DEPARTMENT

**FILED**  
04/29/2021 9:43 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Land and Water Conservation Fund Grant Program State Rule Update

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/03/2021 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

CONTACT: Katie Gauthier  
503-510-9678  
katie.gauthier@oregon.gov

725 Summer St. NE  
Salem, OR 97303, OR 97301

Filed By:  
Katie Gauthier  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 05/26/2021

TIME: 6:00 PM

OFFICER: Katie Gauthier

ADDRESS: Virtual hearing  
zoom

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Advance registration required to participate in the hearing. Register at [https://zoom.us/webinar/register/WN\\_AC6nH4pESUm3cheBtG84XQ](https://zoom.us/webinar/register/WN_AC6nH4pESUm3cheBtG84XQ)

NEED FOR THE RULE(S):

The administrative rules for the Land and Water Conservation Fund Program (LWCF) were last updated in 1997. Since then, a number of rules have become outdated and no longer fit the current needs and practices of the program.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

LWCF Federal Financial Assistance Manual

<https://www.nps.gov/subjects/lwcf/upload/LWCF-FA-Manual-Vol-71-3-11-2021-final.pdf>

FISCAL AND ECONOMIC IMPACT:

The proposed changes will: update defined terms, propose updates to conform with LWCF federal requirements, expand program language to be inclusive of the Outdoor Recreation Legacy Partnership program which is a subset of LWCF, raise the minimum federal share on a project from \$12,500 to \$75,000, update the application form requirements, eliminate prescriptive timelines to provide flexibility in the program, and expand the organizations from

which the Department can seek nominations for membership to the grant advisory committee.

The proposed rule change could create an economic impact for organizations with smaller projects that would no longer be eligible to apply for LWCF grant funds without Director approval due to the increase in minimum federal share on a project. This proposed change could reduce the fiscal impact of long-term monitoring required by OPRD due to the reduction in smaller projects that would need to be regularly monitored.

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**COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

1. State agencies eligible to apply for LWCF grants including Oregon Parks and Recreation Department, Oregon Department of Fish and Wildlife, Oregon Department of Forestry, and Oregon Department of State Lands could be economically affected by the proposed rules. Additionally, local governments including cities, counties and port districts and federally-recognized Indian Tribes in Oregon could be economically impacted by the proposed rules.

2. Small businesses are not eligible applicants for LWCF grant funds. Potentially small businesses may be involved in writing grants as a consultant or working on project design. (b) The proposed rule would not increase expected reporting, record keeping or administrative activities or costs for small businesses. C. There is no additional cost for professional services, equipment supplies, labor or administration required for small businesses to comply with proposed rules.

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**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

The proposed rule does not impact small businesses.

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**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES**

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**RULES PROPOSED:**

736-008-0005, 736-008-0010, 736-008-0015, 736-008-0020, 736-008-0025, 736-008-0030, 736-008-0045, 736-008-0050, 736-008-0055

AMEND: 736-008-0005

RULE SUMMARY: Clarifies purpose for division of rules.

**CHANGES TO RULE:**

736-008-0005

Purpose of Rule **¶**

This ~~rule~~division establishes the procedures and requirements used by the Oregon Parks and Recreation Department, State Liaison Officer, when distributing federal Land and Water Conservation Fund monies to eligible:state agencies and ~~eligible~~ local governments, and the process for establishing the priority order in which projects shall be funded.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

REPEAL: 736-008-0010

RULE SUMMARY: Deletes statutory authority because it is now included at the end of each rule.

CHANGES TO RULE:

~~736-008-0010~~

~~Statutory Authority and Procedure~~

~~ORS 390.180 requires the Director of the State Parks and Recreation Department to adopt rules establishing procedures the State Parks and Recreation Department shall use when the Department allocates money to local governments or other state agencies.~~

~~Statutory/Other Authority: ORS 390.180~~

~~Statutes/Other Implemented: ORS 390.180~~

AMEND: 736-008-0015

RULE SUMMARY: Updates federal manual referenced and eliminates language that is unnecessary.

CHANGES TO RULE:

736-008-0015

Federal Requirements ¶

The Land and Water Conservation Fund Act of 1965, as amended, provides matching grants to states and local units of government for acquisition and development of public outdoor recreation areas and facilities. ~~Funds for the program are derived from entrance or admission fees to federal recreation areas, Outer Continental Shelf revenues from leasing oil and gas sites in coastal waters, federal surplus real property sales and a small portion of federal motorboat fuel taxes.~~ All applicants for federal funding assistance must also satisfy the requirements delineated in the "National Park Service's Land and Water Conservation Fund Grants Manual," ~~Parts 600 through 685~~ Volume 71 (March 11, 2021). ¶

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

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

AMEND: 736-008-0020

RULE SUMMARY: Updates definition language and eliminates definitions not utilized in the division.

CHANGES TO RULE:

736-008-0020

Definitions ¶¶

For ~~the purposes of OAR 736-008-0005 through 736-008-0055~~ this division the following definitions shall apply, unless the context clearly indicates otherwise:¶¶

(1) "Acquisition" - The gaining of property rights, including but not limited to fee title or easements, for public use by donation or purchase.¶¶

(2) "Conversion" - Property acquired ~~and/or~~, developed, or both with L&WCF assistance that has been wholly or partly converted to other than public outdoor recreation uses.¶¶

(3) "Current Park Master Plan" - A site-specific resource based plan guiding park acquisition, development, protection and management of park areas and facilities.¶¶

(4) "Department" - The ~~State~~Oregon Parks and Recreation Department.¶¶

(5) "Development" - The construction ~~or~~, rehabilitation, or expansion of facilities necessary for the use and enjoyment of public outdoor recreation resources.¶¶

(6) "Director" - The Director of the ~~State~~Oregon Parks and Recreation Department.¶¶

~~(7) "Eligible Project" - An acquisition, development, or major rehabilitation undertaking which satisfies the requirements of the federal Land and Water Conservation Fund Program.¶¶~~

~~(8) "Implementation Program" - A requirement of SCORP which identifies salient recreation issues to be addressed over a two-year period.¶¶~~

~~(98) "Land and Water Conservation Fund (L&WCF)" - Those funds made available to the state through the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).¶¶~~

~~(109) "Local Comprehensive Plan" - The comprehensive land use plan prepared by each local jurisdiction within the state, as required by ORS ~~C~~chapter 197.¶¶~~

~~(140) "Major Rehabilitation" - The repair, restoration, or reconstruction of eligible facilities which is necessitated by obsolescence, building code changes, accessibility standards, or normal wear and tear not attributed to lack of maintenance.¶¶~~

~~(121) "Oregon Application Procedures Manual" - A manual prepared by the Department containing state and federal policies, procedures and instructions to assist local government agencies wishing to participate in L&WCF assistance.¶¶~~

~~(132) "Oregon Outdoor Recreation Committee (OORC)" - The committee appointed by the Director to prioritize L &WCF project applications.¶¶~~

~~(143) "Project Authorization" - State/local agreement which authorizes the project, as signed by both the Department and project sponsor~~Outdoor Recreation Legacy Partnership Program (ORLAP)" means the complementary federal grant program to the LWCF state-side formula grants program which supports projects that will acquire land for or develop outdoor recreation spaces in urban areas.¶¶

~~(154) "Project Sponsor" - The recipient of the grant funds and the agency responsible for implementation of the project and the maintenance and operation of the site.¶¶~~

~~(16) "Reapportionment Account" - Those monies derived from project underruns, cancellations and reduction in project scope. Separate accounts will be kept for both state and local sponsors.¶¶~~

~~(175) "State Comprehensive Outdoor Recreation Plan" - Otherwise known as SCORP, the document used to identify and assess Oregon outdoor recreation needs.¶¶~~

~~(186) "State Liaison Officer (SLO)" - Designated by the Governor, the ~~State Parks and Recreation Department~~ Director and ~~his~~their designees who have the responsibility to administer the stateside L&WCF.¶¶~~

~~(197) "State/Local Agreement" - Agreement between the state and project sponsor which authorizes the project to begin.~~

Statutory/Other Authority: ORS 390.180  
Statutes/Other Implemented: ORS 390.180

AMEND: 736-008-0025

RULE SUMMARY: Updates process for apportioning funding and accounting for administrative costs.

CHANGES TO RULE:

736-008-0025

Apportionment of Monies Between State and Local Agencies ¶¶

(1) Monies apportioned annually by the Department of Interior to the state from the federal Land and Water Conservation Fund shall be ~~divided into three shares:~~¶

~~(a) An amount equal to one-half of the annual anticipated distributed, after covering~~ administrative costs of the office of the State Liaison Officer to operate the program;¶

~~(b)~~ Not less than 60 percent of the remainder to units of local government; and¶

~~(c)~~ Up to 40 percent of the remainder to eligible state agencies.¶

(2) Monies derived from project underruns, project cancellations, reduction in project scope ~~will~~ may be made available to the Director to redistribute to state or local projects, subject to the discretion of the Secretary of the Interior.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

AMEND: 736-008-0030

RULE SUMMARY: Adds requirements for properties seeking conversions.

CHANGES TO RULE:

736-008-0030

Assessment for Service Conversions ¶¶

~~(1) Each local government project sponsor shall be assessed a percentage of the total final project cost for services provided by the Department. This percentage assessment shall be established in the state/local agreement. The assessment shall be reviewed by the Department annually to insure that income does not exceed 50 percent of the administrative costs for grant distribution to units of local government. This assessment shall be made at the time of any project billing with the fee being withheld from the amount paid to the sponsor.¶¶~~

(2) Conversion Requirements: Property acquired or developed with LWCF and ORLP assistance shall be retained and used for public outdoor recreation in perpetuity. Any property so acquired, developed, or both shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the Department and of the National Park Service pursuant to the LWCF Act (54 U.S.C. section 200305(f)(3) and the regulations in of the LWCF Act, 36 CFR Part 59, and the regulations in the National Park Service's Land and Water Conservation Fund Grants Manual," Volume 71 (March 11, 2021).¶¶

(a) If the current lease is within 5 years of termination, the Department will require a letter of intent to renew the lease from the leasing agency. Project sponsors must insure that the land within the project boundary will be used only for park and recreational purposes, Project Sponsor controls or will control the land, and that the Project Sponsor will not change the use of, sell, or otherwise dispose of land within the LWCF boundary, except upon approval of the Department and the National Park Service.¶¶

(b) Project Sponsors that have not addressed or submitted documentation to the Department or the National Park Service for review and approval of an active conversion through the Land and Water Conservation Fund Program are not eligible to apply for LWCF funding assistance.¶¶

(c) Project Sponsors who have addressed a conversion at the local level and have submitted documentation to the Department, the National Park Service, or both for review and approval of the conversion through the LWCF program may apply for funding assistance.¶¶

(2) Assessment for Services. Any project sponsor requesting a conversion will may be required to pay an advance deposit to the Department. The deposit would cover staff salary and Other Payroll Expenses (OPE), and administrative fees to process the conversion. The advance deposit amount will be based on the appraised value of the property to be converted. If the advance deposit does not cover all costs, the project sponsor will be billed for the balance due. If the total costs are less than the deposit, the Department will reimburse the project sponsor for the unused deposit amount.¶¶

(a) Converted property appraised up to \$50,000 will require a \$1,000 deposit;¶¶

(b) Converted property appraised from \$50,001 to \$100,000 will require a \$2,000 deposit;¶¶

(c) Converted property appraised above \$100,000 will require a \$3,000 deposit.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180



AMEND: 736-008-0045

RULE SUMMARY: Updates the application documents and process.

CHANGES TO RULE:

736-008-0045

## Application Procedure ¶

The purpose of this ~~section~~ rule is to set forth requirements that ~~must be met by local government applicants~~ must meet in submitting an application for ~~Land and Water Conservation Fund~~ WCF or ORLP funding assistance. ¶

(1) ~~Applicant Eligibility for Funding Assistance~~. Public agencies eligible for L&WCF funding assistance are: ¶

(a) Local Governments: ¶

(A) City Park and Recreation Departments; ¶

(B) County Park and Recreation Departments; ¶

(C) Park and Recreation Districts; ¶

(D) Port Districts; ¶

(E) Indian Tribes in Oregon; ¶

(F) Metropolitan Service Districts. ¶

(b) State Agencies: ¶

(A) Oregon ~~State~~ Parks and Recreation Department; ¶

(B) Oregon Department of Fish and Wildlife; ¶

(C) Oregon Department of Forestry; ¶

(D) Oregon ~~Division~~ Department of State Lands. ¶

(2c) ~~Matching Requirements~~. The Land and Water Conservation Fund provides for up to 50 percent funding

~~assistanc~~ ORLP: In addition to the requirements in (a) and (b), an applicant must also meet the National Park Service population requirements and be located within an Urbanized Area. ¶

(2) Matching Requirements. Minimum match requirements are 50 percent of total eligible project costs. Match requirements may be reduced upon the discretion of the National Park Service. The eligible agency match may include local budgeted funds, donated funds, and value of private donated property, equipment, materials, labor, or any combination thereof. The minimum federal share shall be no less than \$12,500 (\$25,000 Engineering and administration costs and costs incurred prior to the State/Local Agreement cannot exceed 15 percent of the total project costs). ~~Section 6f of t.~~ ¶

(a) The L&WCF Act prohibits the use of other federal funds as matching share of a financial assistance in a project assisted with LWCF, except in those instances where the statutory provisions of a subsequent federal grant-in-aid program explicitly allows recipients to use such assistance to match another federal grant. ¶

(b) For L&WCF grant: The minimum federal share shall be no less than \$75,000 (\$150,000 total project costs), unless otherwise authorized by the Director. ¶

(c) For ORLP: The minimum and maximum federal share are established by the National Park Service. ¶

(3) Projects Eligible for Funding: ¶

(a) Projects eligible are acquisition, development and major rehabilitation projects that are consistent with the outdoor recreation goals and objectives contained in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and the Implementation Program, and recreation elements of local comprehensive plans. ¶

~~(b) Marine, and which satisfy the requirements of the federal LWCF Program.~~ ¶

(b) Marine facility and related support facility development requests are eligible for funding. Projects which use funds from the federal Dingell-Johnson funds Act may not be used as match ~~with L&WCF.~~ ¶

(4) Local Agency Requirements. Local agencies participating in the LWCF funding assistance program must show that: ¶

(a) There is a current park master plan in effect and that the project is consistent with the local comprehensive land use plan and SCORP; or ¶

(b) There is not a current park master plan in effect, but the project is consistent with the local comprehensive land

use plan or a current local planning document and SCORP.

(5) State Agency Requirements. State agencies participating in the fund assistance program must ~~show~~identify that the project is in their legislatively approved biennial budgets ~~or~~is mandated by legislation, or has support from agency leadership.

(6) Application Form; Procedure.

(a) All applications for funding assistance for outdoor recreation projects must be submitted on in a forms supplied prescribed by the Department. All applications must be consistent with the Oregon Application Procedures Manual and at a minimum, each application must contain the following information:

(aA) Program; project narrative;

(bB) Environmental assessment; resources survey;

(cC) Vicinity map; Maps;

(d) Project LWCF boundary map;

(e) Park master plan;

(f) Civil Rights compliance;

(g) Local Council of Governments review; ii) Site Plan;

(iii) Urban growth boundary map; and

(iv) Vicinity Map.

(hD) State agency review;

(iE) Property deed or lease;

(j) Estimate of development costs and schedule;

(k) Preliminary title report (acquisitions only);

(l) Documented Americans with Disabilities Act Compliance Plan specific to projects;

(m) Other documentation that may be required by the Department.

(7) Local Project Time Line;

(a) All applications for funding must be submitted to the State Parks and Recreation Department in a complete agreement. The Department will not approve development of facilities on leased land except for property either:

(i) Leased from the Federal Government with no less than 25 years remaining on the lease and is not revocable at will; or

(ii) Leased from consistent with section (6) of this rule, no later than January 1 for funding in the next federal fiscal year which begins October 1. Incomplete applications will not be considered for funding assistance. The Department Grants Program staff shall perform a technical review of all applications and forward eligible applications to the Oregon Outdoor Recreation Committee (OORC). Project sponsors will be contacted about missing documentation, which must be submitted to the Department within 10 days. On or about April 1, OORC will meet to recommend funding priorities to the Director for all eligible projects submitted public agency to another for 25 years or more, provided that safeguards are included to adequately ensure the perpetual use requirement of the LWCF Act. Such safeguards may include joint sponsorship of the proposed project or other agreement whereby the lessor land-owning agency would provide assurances that it would assume compliance responsibility for the LWCF boundary area in the event of default by the lessee or expiration of the lease, and these assurances are explicitly reflected in the project agreement.

(bF) By October 1 of each year, sponsors whose projects have been prioritized Estimate of project costs and are scheduled for funding assistance must submit to the Department the following project information:

(G) Documented Americans with Disabilities Act Compliance Plan specific to projects;

(AH) Certification by project sponsor applicant of availability of local match;

(BI) All required permits and certifications as identified in the Department Oregon Applications Procedures Manual;

(CJ) Preliminary plans and specifications (for construction projects); Land Use Compatibility Statement completed by the appropriate planning department;

(K) Other documentation that may be required by the Department.

(Db) Appraisal additional requirements for acquisition projects;

(A) Appraisal. Appraisals must conform to the Uniform Appraisal Standards for Federal Land Acquisitions;¶  
(eB) The Department will remove those project applications from the priority list (as outlined in subsection (b) of this section) that are unable to provide the required documentation.¶¶  
(d) The amount of federal funding assistance available within the federal fiscal year (October 1 to September 30), will determine the projects to be funded;¶¶  
(e) If additional federal monies become available throughout the current funding year, projects on the priority list will be funded in priority order;¶¶  
(f) Reapportionment account will be requested on or about March 31 of each year to assure that the State does not lose the availability of those funds. All reapportionment monies received will be allocatedAppraisal Review;¶¶  
(C) Preliminary title report; and¶¶  
(D) Proof of willing seller or donor.¶¶  
(7) Application Process:¶¶  
(a) The Department shall announce through a variety of media the availability of, procedures for, deadlines, and other information for applying for LWCF or ORLP funding assistance. The Department shall not consider incomplete applications or applications submitted after the deadline set by the Department. The Department Grants Program staff shall perform a technical review of all applications and forward eligible applications for LWCF funding assistance to the OORC. The OORC will meet to evaluate the applications and make recommendations to the current funding cycle.¶¶  
(8) Project administration:¶¶  
(a) A signed state/local agreement shall constitute project authorization. It shall be executed 30 days after federal approval. Projects not authorized within this time frame will be cancelled. Funds recovered from cancellations will be reassigned to other projects on the priority list. No project may begin without a signed state/local agreement from the Department;¶¶  
(b) Final documentation (permits, plans and specifications) must be submDirector for Oregon Parks and Recreation Commission approval for all eligible projects submitted.¶¶  
(b) ORLP: Applications submitted for ORLP funding assistance will be submitted to the Oregon Parks and Recreation Commission for approval to apply to National Park Service.¶¶  
(8) Project administration:¶¶  
(a) A signed state/local agreement shall constituted to the Department prior to project authorization;¶¶  
(c) In the event that the funding assistance available cannot fully fund the last priority project, the sponsor will be given the option of reducing the scope of the project or the Department will pass the available funds to the next priority project;¶¶  
(d) The project authorization. No project may begin without a signed state/local agreement from the Department;¶¶  
(b) The project sponsor shall have one year from the date of authorization to begin substantial work (i.e., the award of contracts or to complete at least 25 percent of the work, if done by force account). Force account ¶ work on a development project with the forces and resources of the project sponsor. Projects not conforming to this schedule will be cancelled, unless substantial justification warrants an extension. Extensions in such cases will be made for a six month period only. In no situation will ¶¶  
(c) The Department may grant an extension for a six month period. Further extensions may be granted.¶¶  
(e) Projects that do not receive with substantial justification and contingent upon the Department having received sufficient funding, assistance for the federal fiscal year submitted will be returned to ppropriations, limitations, allotments, or other applicant without prejudice;uthority. ¶¶  
(fd) All projects shall be completed and billed within two years from the authorization date. Projects will be inspected and audited by the Department, or its designee prior to final grant payment. Partial payments up to 90 75 percent of the grant amount may be billed during the project for work completed.¶¶  
(ge) Project amendments that increase the federal share will generally not be allowed. Project amendment requests based on extraordinary circumstances will, however, be reviewed on a case-by-case basis. Requests for time extensions must be approved by the Department prior to expiration of the approved project period as set

forth in the state/local agreement.¶¶

~~(h) Time Line Summary:¶¶~~

~~(A) January 1 - Complete application due;¶¶~~

~~(B) April 1 - Priority selection by OORC;¶¶~~

~~(C) September 30 - Project certification;¶¶~~

~~(D) October 10 - Revise list;¶¶~~

~~(E) October 10 - Formal application submitted for federal obligation.~~

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

AMEND: 736-008-0050

RULE SUMMARY: Updates process for selecting members and calling a meeting of the grant review committee.

CHANGES TO RULE:

736-008-0050

Oregon Outdoor Recreation Committee ¶¶

(1) ~~The Oregon Outdoor Recreation Committee (OORC)~~ shall be composed of nine members appointed by the ~~State Parks and Recreation Department Director~~. ~~The Committee~~OORC membership, to serve nonconcurrent four-year terms, shall represent the following interests:¶¶

- (a) Counties east of the Cascade Mountains;¶¶
- (b) Counties west of the Cascade Mountains;¶¶
- (c) Cities under 15,000 people;¶¶
- (d) Cities over 15,000 people;¶¶
- (e) Park and Recreation Districts, Metropolitan Service District or Port Districts;¶¶
- (f) State Parks and Recreation Department;¶¶
- (g) People with Disabilities;¶¶
- (h) Minorities member of a historically underrepresented community; or Representatives from Tribal Governments; and¶¶
- (i) The public at large;¶¶
- (j) The chair shall ~~appe~~be nominated by the Director from the committee membership, considering the recommendations of the committee and selected by the members of the OORC.¶¶

(2) Selection of committee members shall be from a list of not less than two candidates for each position to be supplied by:¶¶

- (a) County representation shall be from lists supplied by the Oregon Recreation and Parks Association's Counties & Outdoor Recreation Section (CORS) and the Association of Oregon Counties;¶¶
- (b) City representation shall be from lists supplied by the Oregon Recreation and Park Association and the League of Oregon Cities;¶¶
- (c) Park and Recreation District, Port District or Metropolitan Service District representation shall be from a list supplied by the Special Districts Association of Oregon;¶¶
- (d) Representatives for People with Disabilities, Tribal Governments, Minorities member of a historically underrepresented community, Public at Large, and Parks Department shall be selected by the Director.¶¶
- (e) The Department may consult with other appropriate organizations not otherwise listed in subsections (a) to (d) for committee membership candidates.¶¶

(3) The travel, meals and lodging expenses of all members of the Committee will be reimbursed by the Department according to the rates established by the Department of Administrative Services and approved by the Director.¶¶

(4) Function of OORC:¶¶

- (a) ~~The Committee~~OORC shall meet in ~~April of every even year, starting in 1996, and at other times upon the call of the Director. The committee or designee.~~ The OORC will establish a priority order of eligible local government projects for Land and Water Conservation FWCF funding assistance or provide other assistance as requested by the Department. The meeting will assure full and open project selection processes that will include an outreach to all citizens of the state.¶¶
- ~~(b) In order to assure full citizen participation in the selection of local projects to be prioritized for funding, all projects submitted must be consistent with the recreation element of the local comprehensive land use plan. The prioritization process will provide the opportunity for the citizens of the state to address the degree to which each project meets the outdoor recreation needs of the state and local community. The Department will provide public notice of all projects to be presented to the OORC at least 30 days prior to their meeting.~~¶¶
- ~~(c) Each sponsor~~¶¶
- (b) Each applicant shall be allowed to make a presentation under a procedure established by the Department.¶¶

- (5) Priority Selection Criteria. Projects shall be prioritized by the OORC based on at least the following:¶¶
- (a) Department review and recommendations, including a technical ~~scoring~~review of each project that will include the extent to which projects satisfy basic outdoor recreation needs and ~~or~~ urgent needs identified in SCORP, the extent the project meets the recreation needs identified in the local comprehensive land use plan, and ~~sponsor~~ applicant's past performance in their ability to complete and bill projects, maintain existing facilities, and whether there are any outstanding conversions;¶¶
  - (b) The ~~committee~~OORC shall review all applications using project selection criteria, including but not limited to the following:¶¶
    - (A) Extent the project demonstrates user benefits, public interest and support;¶¶
    - (B) Extent the project demonstrates conformance with local and state planning guidelines, the ~~Statewide Comprehensive Outdoor Recreation Plan (SCORP)~~ and local Park Master Plans; all projects must be identified in local comprehensive plans and current park master plans or a current local planning document;¶¶
    - (C) Financial considerations, including cost/benefit ratio;¶¶
    - (D) Environmental ~~assessment as defined in Oregon Application Procedures Manual~~survey;¶¶
    - (E) Extent the project increases outdoor recreation opportunity in the service area.¶¶
    - (F) How well the project's design accommodates people with disabilities.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180

AMEND: 736-008-0055

RULE SUMMARY: updates language to be more accurate.

CHANGES TO RULE:

736-008-0055

Emergency Procedure ¶

(1) Under extreme conditions such as severe cut backs of federal funds or complete elimination of these funds an emergency procedure may be initiated at the discretion of the ~~State Parks and Recreation Department~~ Director. ¶

(2) The emergency procedure will establish new time lines and funding strategies to coincide with the time delay created at the federal level. The Director may delay or abolish time lines, and fund projects on the existing priority list with underruns and cancellations until either projects or money is exhausted. ¶

(3) Under the emergency procedure the Director will notify prospective ~~sponsor~~ applicants of any anticipated time changes and assure ~~sponsor~~ applicants of adequate lead time in developing new time lines.

Statutory/Other Authority: ORS 390.180

Statutes/Other Implemented: ORS 390.180