



## Background

This document is intended to explain OWEB's Focused Investment Partnership (FIP) – Open Solicitation (OS) project overlap rule and to provide clarity on interpreting and applying the rule for OWEB staff and external stakeholders.

## The Project Overlap Rule

FIP Administrative Rule 695-047-0100(4)

“Projects in the defined geographic area of the Initiative, and focused on the programs and actions identified in the Initiative’s proposal, are ineligible for the grant types listed in OAR 695-047-0110(8) that are offered outside of the Focused Investment Partnership program.”

Grant types listed in OAR 695-047-0110(8) include: Restoration, Stakeholder Engagement, Monitoring, Technical Assistance, Land Acquisition, and Water Lease and Transfer.

### The Project Overlap Rule Serves Two Purposes

1. The project overlap rule prevents FIP partners from applying for project funding through both the FIP and OS programs (i.e. “double-dipping”).
2. When OWEB invests in a FIP, OWEB is investing both in the partnership’s conservation actions and the partnership’s process for identifying, prioritizing, and sequencing projects in the FIP initiative geography. In this way, OWEB is able to make high priority investments in the partnership’s FIP initiative geography. If a project is proposed to OS and the project occurs in the FIP initiative geography and would pursue the same conservation actions covered by the FIP, then OWEB assumes that the project has not been vetted through the partnership’s prioritization process. In this case, the degree to which the project is a priority for OWEB investment is unclear.

### Additional Context

According to OWEB policy, a FIP initiative is “complete” when the partnership has obligated all of its FIP funding in project grant agreements. That funding does *not* need to also have been spent for the initiative to be complete, as the partners may implement projects and spend those grant funds for years to come. Once an initiative is complete, the project overlap rule no longer applies.

Conservation actions refer to actions described in the FIP initiative proposal that the OWEB Board has selected for funding. Conservation actions include but are not limited to: juniper treatment, fish passage remediation, in-stream habitat improvements, irrigation efficiency, prescribed burning, and acquiring interest in land or water.

A number of other OWEB grant offerings are not included in the project overlap rule as the rule applies only to OS grant offerings, as noted in OAR 695-047-0110(8). Such grant offerings

include: Small Grants, Weed Grants, Strategic Implementation Area (SIA) grants, and Forest Collaborative Grants, among others. Note that according to Small Grant rules (OAR 695-035-0060(1)(f)), OWEB cannot fund Small Grant and FIP projects at the same project location.

## **Interpreting and Applying the Project Overlap Rule**

**Interpretation of the overlap rule involves two filters: 1) FIP initiative geography, and 2) FIP initiative conservation action(s). If a project is proposed to OS and both of these filters are applied in the affirmative, then the project overlaps with the FIP and is ineligible for OS.**

To make the determination described above:

1. FIP initiative geography – The OS project geography can be compared against the FIP geography as outlined in the FIP initiative application, in the webmap viewer in the application review module (ARM), or in the [FIP Boundaries webmap](#) on the OWEB website.
2. FIP initiative conservation actions – Details on conservation actions for FIP initiatives can be found in the FIP initiative application, as well as the Partnership Agreement for initiatives awarded after 2020.

If a project appears to be ineligible for OS, OWEB staff will alert the applicant to discuss and confirm the geography and conservation actions of the proposed project. If the project is determined to be ineligible for OS, the applicant has several options. The applicant can engage with the FIP partnership to discuss the possibility of the partnership sponsoring the project and partnering with the applicant to fund and implement the project. The FIP Coordinator can facilitate this connection and the subsequent discussion, as needed. In some cases, partnerships will have an established process for considering proposals from non-partner entities, including evaluating the newly proposed project in the partnership's prioritization framework and weighing it against other prioritized projects scheduled for FIP funding. Based on these discussions, the partnership will assess whether the project merits FIP funding and the partnership and applicant will determine how to structure a FIP project proposal.

If the partnership opts not to allocate FIP funds to the project, then the applicant can modify the project such that it no longer meets one of the two filters detailed above and can subsequently apply to OS. The applicant can also choose to wait to pursue OWEB funding through OS when the FIP initiative is complete.

In some cases, it can be difficult to discern whether the project overlap rule applies to monitoring applications. Applications proposing to monitor the effectiveness of FIP actions in the FIP geography are not eligible for OS funds. Discussions of the FIP-OS project overlap rule relative to monitoring applications should include OWEB's Effectiveness Monitoring Coordinator.

## Proposed Changes to the Scope or Geography of a FIP Initiative

There have been a few instances in which a partnership has sought to adjust the geography or conservation actions covered by its FIP initiative. Doing so requires a board action, as the board awarded each FIP initiative based on the geography and conservation actions proposed with the original initiative application. An adjustment to a FIP initiative will have implications on non-partner entities in the context of the project overlap rule. Any FIP partnership considering an adjustment to its initiative is responsible for conducting thoughtful and thorough outreach to non-partner entities in their area, particularly those that may be affected by the project overlap rule.

## Case Study Examples

1. A FIP initiative is focused on aquatic habitat restoration in the Haigbrown watershed, including the following conservation actions: fish passage, in-stream habitat restoration, and in-stream flow restoration. One of the FIP partners wants to pursue juniper treatment in an upland area of the Haigbrown watershed and plans to apply to OS for funding for that project.

Does the juniper treatment project constitute overlap with the FIP? No. While the geography is the same, the conservation actions are different and thus the project is eligible in OS.

2. A FIP initiative is focused on fish passage in the Walton watershed. A non-partner entity wants to apply to OS to pursue a project focused on in-stream habitat restoration in the same watershed.

Does the in-stream habitat restoration project constitute overlap with the FIP? No. While the geography is the same, the conservation actions are different and thus the project is eligible in OS.

3. A FIP initiative is focused on aquatic habitat restoration in the Scott watershed, including in-stream flow restoration through water leasing. The partnership has proposed to do temperature, macroinvertebrate, and fish habitat use monitoring under the FIP initiative. A non-partner entity wants to apply for funding to OS for a monitoring project that will assess the impacts on in-stream flows related to a reduction in the use of water from groundwater wells.

Does the monitoring project constitute overlap with the FIP? No. While the monitoring project is evaluating the effectiveness of using reductions in groundwater wells to increase in-stream flows, the FIP initiative has not proposed that type of monitoring, nor does the initiative propose reducing the use of groundwater wells as a restoration action.

4. A FIP initiative is focused on treating invasive annual grasses in the Wagner watershed. A partner entity wants to apply to OS to treat Medusahead rye primarily in the Wright watershed, but with some treatments in the Wagner watershed.

Does the invasive annual grass treatment project constitute overlap with the FIP? Yes, for those elements of the project in the Wagner watershed, the conservation actions and geography overlap. These treatments should be covered in the FIP initiative. The elements of the project in the Wright watershed are not in the FIP geography and are eligible for OS.

## Questions?

We encourage you to contact a FIP partnerships coordinator to discuss the FIP-OS overlap rule.

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