

DIVISION 5 - OWEB GRANT PROGRAM

695-005-0010

Purpose

1 These rules guide the Oregon Watershed Enhancement Board in accepting applications and considering
2 grant proposals for funding under the provisions of ORS 541.890, et seq. The Board grant program
3 includes grants described in ~~Chapter 695, Divisions 10-47695-005-0020 et seq.~~ for watershed restoration,
4 ~~technical assistance,~~ monitoring, ~~watershed assessment and action planning,~~ ~~watershed council~~
5 ~~support~~ ~~operating capacity,~~ ~~watershed education and outreach~~ ~~stakeholder engagement,~~ land and water
6 acquisition, ~~and small grants,~~ ~~and other grant programs initiated by the Board.~~ ~~In addition, the Board may~~
7 ~~from time to time, as funds are available, request proposals for technical assistance and research.~~

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History:

OWEB 1-2017, f. & cert. ef. 5-2-17

OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-005-0020

8 Definitions

9 (1) "Board" means the Oregon Watershed Enhancement Board created under ORS 541.900.

10 (2) "Director" means the Executive Director of the Oregon Watershed Enhancement Board or the
11 Executive Director's designee.

12 (3) "Grant Agreement" is the legally binding contract between the Board and the grant recipient. It
13 consists of the conditions specified in these rules, the notice of grant award, special conditions to the
14 agreement, a certification to comply with applicable state and federal regulations, the project budget and
15 the approved application for funding the project.

16 (4) "~~Technical~~Regional Review Team" is a team, ~~appointed by the Director,~~ of designated personnel
17 with ~~regional knowledge and~~ interdisciplinary expertise drawn from agencies represented on the
18 Board and other entities to evaluate ~~regional~~ grant applications based on evaluation criteria. ~~The~~
19 ~~Director may change the composition of regional review teams.~~

20 (5) "Partners" are non-governmental or governmental persons or entities that have committed funding,
21 expertise, materials, labor, or other assistance to a proposed project.

22 (6) "Match" is any contribution to a project that is non-Board funds. Match may include:

23 (a) Cash on hand or cash that is pledged to be on hand prior to commencement of the project;

24 (b) Secured funding commitments from other sources;

25 (c) Pending commitments of funding from other sources. In such instances, Board funding will not be
26 released prior to secured commitment of the other funds. ~~Pending commitments of the funding must be~~
27 ~~secured within 12 months from the date of the award;~~ or

28 (d) The value of in-kind labor, equipment rental and materials essential to the project, based on local
29 market rates.

30 (7) "OWEB" means the Oregon Watershed Enhancement Board state agency.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History:

OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

31 **695-005-0030**

32 **Application Requirements**

33 (1) Applications must be submitted on the most current form prescribed by ~~OWEBthe Board. Current~~
34 ~~applications are available on the OWEB website.~~ An explanation must accompany the application if any of
35 the information required on the application cannot be provided. ~~In addition to the information required~~
36 ~~in the application, and the required attachments, an applicant may submit additional information that~~
37 ~~will aid the Board in evaluating the project.~~

38 ~~(2) All applicants for Board grants shall supply the following information:~~

39 ~~(a) Names, physical and email addresses, and telephone numbers of the applicant contact person(s) and~~
40 ~~the fiscal officer(s);~~

41 ~~(b) Name and address of involved landowner(s);~~

42 ~~(c)(a) The name and location of the proposed project as directed in the application. The location~~
43 ~~shall be described in reference to the public land survey, latitude and longitude using decimal degrees,~~
44 ~~North American Datum 1983, county, watershed, and stream mile, if appropriate;~~

45 ~~(d) Estimated line item budget for the project using the most current budget form prescribed by the~~
46 ~~Board. Current budget forms are available on the OWEB website;~~

47 ~~(e) Identification of specific project elements for which Board funds will be used;~~

48 ~~(f) A list of any non-Board funds, services or materials available or secured for the project and any~~
49 ~~conditions which may affect the completion of the project;~~

50 ~~(g) If the project is part of a multi-year project, and a new funding request continues a previously Board-~~
51 ~~funded activity, a description of the previous project accomplishments and results as well as an~~
52 ~~accounting of past expenditures and revenues for the project;~~

53 ~~(h) Identification of volunteers and partners and the contribution they will make to the project;~~

54 ~~(i) A project schedule including times of project beginning and completion; and~~

55 ~~(j) Any information requested that is necessary to evaluate the project based on the evaluation criteria~~
56 ~~for that project type.~~

57 ~~(3)(2) All applicants shall demonstrate a matching contribution ~~at least 25% match is being sought~~~~
58 ~~at the time of application, on a form prescribed by the Board, based on the total Board grant~~
59 ~~request, at the time of application. Match requirements will be included in the announcement for~~
60 ~~each grant offering. Match requirements shall not exceed 25% of the application request.~~

61 ~~(4)(3) All applications that involve physical changes or monitoring on private land must include~~
62 ~~certification from the applicant that the applicant has informed all landowners involved of the existence~~
63 ~~of the application and has also advised all landowners that all monitoring information obtained on their~~
64 ~~property and submitted to OWEB is a public record. If contact with all landowners was not possible at the~~
65 ~~time of application, explain why.~~

66 ~~(5)(1) Applications will be considered complete as submitted. Clarification of information may be~~
67 ~~sought by OWEB from the applicant during the evaluation process but additional, new information not~~
68 ~~requested by OWEB will not be accepted after the application deadline.~~

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History:

OWEB 1-2017, f. & cert. ef. 5-2-17

OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-005-0040

69 **Application Processing**

70 (1) Project applications will be reviewed based on application completeness and the evaluation criteria
71 adopted by the Board for each grant type in these rules.

72 (2) A ~~regular~~ grant applicant may be any tribe, watershed council, soil and water conservation district,
73 not-for-profit institution, school, ~~Oregon community college, state~~ institution of higher education,
74 independent not-for-profit institution of higher education, or political subdivision of this state that is
75 not a state agency. A state agency or federal agency may ~~partner with an eligible entity~~ apply for funding
76 ~~under this section only as a co-applicant with one of the other eligible entities. Any of these applicants~~
77 ~~or co-applicants may also serve as a fiscal agent for grants.~~

78 ~~(3) The Board and OWEB may require additional information to aid in evaluating and considering~~
79 ~~a proposed watershed project.~~

80 ~~(3) The Board and OWEB may use a regional technical review team or other technical team to review~~
81 ~~grant applications and make funding recommendations to the staff or Board.~~

82 (4) Applications will be considered complete as submitted. Clarification of information may be sought by
83 OWEB from the applicant during the evaluation process but additional, new information not requested
84 by OWEB will not be accepted after the application deadline.

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86 ~~(4) The Board, OWEB, and technical review teams may rank projects in selecting projects for funding.~~

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History:

OWEB 1-2017, f. & cert. ef. 5-2-17

OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-005-0050

87 **Grant Agreement Conditions**

88 (1) ~~The Board~~ OWEB will enter into new agreements with prior Grantees only if all reporting
89 obligations under earlier agreements have been met.

90 (2) If the grant agreement has not been fully executed by all the parties within one year of Board or
91 Director approval, funding shall be terminated. The money allocated to the grant shall be available for
92 reallocation by the Board or Director.

93 (3) The Director shall establish grant agreement conditions for each grant type. Grantees shall comply
94 with all grant agreement conditions.

95 (4) The Grantee shall comply with all federal, state and local laws and ordinances applicable to the work
96 to be done under the agreement.

97 (5) All project activities must demonstrate, to the extent possible, consistency with local community
98 workforce and economic development plans and policies.

99 (6) Following project completion, equipment purchased with Board funds shall reside with the Grantee or
100 another approved entity. These entities will make the equipment available to others at no cost, other

101 than nominal operation and maintenance costs.
102 (7) Upon notice to the Grantee in writing, the Director may terminate funding for projects not completed
103 in the prescribed time and manner. The money allocated to the project but not used will be available for
104 reallocation by the Board.

105 (8) The Grantee will account for funds distributed by the Board, using project expense forms provided.

106 (9) The Grantee will obtain the necessary permits, ~~approvals, or and~~ licenses from local, state or
107 federal agencies or governing bodies and provide ~~a copy~~ evidence to ~~the Board~~ OWEB.

108 (10) ~~The Board~~ OWEB may place additional conditions in the Grant Agreement as necessary to carry
109 out the purpose of the watershed enhancement program. Such conditions ~~may~~ include, but are not
110 limited to:

111 (a) A commitment by the landowner for continued access for monitoring the project after completion, not
112 to exceed five years following OWEB approval of a final project completion report;

113 (b) A commitment by the Grantee to maintain the project for a period of time as deemed appropriate ~~-~~
114 by the Board for the practice to be effective;

115 (c) A commitment to supply future reports on the project as required; and

116 (d) Such other conditions as ~~the Board~~ OWEB deems appropriate to the particular circumstances of the
117 project.

118 *Statutory/Other Authority:* ORS 541.906

119 *Statutes/Other Implemented:* ORS 541.890 - 541.969

120 *History:*

121 OWEB 1-2017, f. & cert. ef. 5-2-17

122 OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

123 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-005-0060

124 Distribution of Funds

125 (1) The Director may withhold payments to a Grantee in a situation where there are significant and
126 persistent difficulties with satisfying ~~Board~~ OWEB requirements.

127 (2) Prior to disbursement of Board funds, the Grantee must provide proof that the ~~25%~~ required match,
128 ~~based on the total Board award~~, has been secured.

129 (3) Prior to disbursement of Board funds for projects involving a private property ~~private lands~~, the
130 ~~Board~~ OWEB must receive ~~certification from the Grantee that they will obtain~~, ~~prior to expending~~
131 ~~Board funds on a property~~, a cooperative agreement from the landowner that, at a minimum,
132 includes:

133 ~~(a) Permission to access the private land, at times agreeable to the landowner, to implement the project,~~
134 ~~inspect the project, track the status of the project, or perform repairs or maintenance;~~

135 ~~(b) Permission for the Board or its representatives to access the private land for inspection and evaluation~~
136 ~~of the project; and~~

137 (a) Identification of the party responsible for repairs and maintenance of the project. Landowner's certification
138 that the landowner owns the land where the work will be carried out;

139 (b) Landowner's agreement to allow Grantee to carry out the work, or a portion of the work on the
140 Landowner's property;

141

142 (c) Landowner's agreement to maintain the Project, or allow maintenance of the Project, over a time
143 period consistent with the grant application;

144 (d) Landowner's agreement to allow the OWEB Board and its representatives access to the site where
145 the work is being carried out for inspection and evaluation; and

146 ~~(e)~~(e) Landowner's acknowledgment that he/she is aware of the application to OWEB and that information
147 relating to the work, including effectiveness monitoring data, is a public record.

148 (4) Prior to disbursement of Board funds for projects involving a public property OWEB must receive
149 evidence from the public agency that it concurs with the project.

150 ~~(4)~~(5) Funds shall not be disbursed on project elements that require permits or licenses until the Board
151 OWEB receives satisfactory evidence that the necessary permits or and licenses have been granted and
152 documents required by the Board have been submitted.

153 ~~(5)~~(6) Funds will be released upon presentation of a completed fund release request form, as
154 prescribed by OWEB, -accompanied by documents as determined by the Director, and proof of
155 completion of specific work elements of the project as identified in the Grant Agreement.

156 ~~(6)~~(7) Advance funds may be released upon presentation of a detailed estimate of expenses for up to
157 120 days. Within 120 days of the date of the advance check, receipts or invoices for the advance
158 must be submitted, a justification to extend the advance must be approved, or the unexpended
159 advance funds must be returned to the Board. Additional funds will not be released until receipts for
160 expenditures of previous fund releases are submitted, or an estimate of expenditures is approved by
161 the Director.

162 ~~(7)~~(8) All grant agreements authorized by the Board shall have a clause that requires the retention of
163 up to ten percent of project funds until the final report, as required in the grant agreement, has been
164 approved. Final reports are due within 60 days of project completion. Any unexpended Board funds must
165 be returned to the Board with the final report. Upon receipt of the final report, the Board shall have 90
166 days to approve the completed report or notify the Grantee of any concerns that must be addressed or
167 missing information that must be submitted before the report is considered complete and reviewed for
168 approval. Once the final report has been approved the final payment shall be promptly processed.

169 ~~(8)~~(9) All Grantees shall account for at least the required 25% in actual match, -or at least \$1 in actual
170 match for pass through grants, -on a form prescribed by the Board, based on the total Board grant
171 expenditures, upon project conclusion and final reporting.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History:

OWEB 1-2017, f. & cert. ef. 5-2-17

OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09

OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

695-005-0070

Waiver of Rules

172 The Director may waive the requirements of Division 5, unless they are required by statute, for individual
173 grants, when doing so will result in more efficient or effective implementation of the Board's grant
174 program. Any waiver granted shall be in writing and included in the permanent file of the individual grant
175 for which the waiver was granted.
176

177 *Statutory/Other Authority:* ORS 541.906

178 *Statutes/Other Implemented:* ORS 541.890 - 541.969

179 *History:*
180 OWEB 3-2008, f. 11-14-08, cert. ef. 1-1-09
181 OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05

182 **695-005-0080**

183 **Periodic Rules Review and Program Evaluation**

184 OWEB and The Board shall review the grant program and rules at least once every five years and make
185 changes as needed to carry out a high quality and effective program.

Statutory/Other Authority: ORS 541.906

Statutes/Other Implemented: ORS 541.890 - 541.969

History:

OWEB 4-2004, f. 11-2-04, cert. ef. 2-1-05