Oregon Watershed Enhancement Board

Rulemaking Advisory Committee (RAC) Virtual Meeting July 12, 2022, 1:00pm-3:00pm

Proposed/Potential Policy Changes in [Division 5 Rules](#)

Recording at: https://www.youtube.com/channel/UC0dl-TOwLt4Sp--i1KEa_OA

OWEB STAFF PRESENT	**OTHER**
Coby Menton	Amanda Gilbert
Denise Hoffert	Amanda Whitman
Eric Hartstein	Amy Horstman
Eric Williams	Brian Quick
Liz Redon	Haley Lutz
	Jason Kesling
	Sarah Reif
	Sarah Zwissler
	Shane Jimerfield

1. **OAR 695-005-0030(3), eliminating 25% match requirement**
    *   Required match would be announced at time of grant offering announcement
    *   Match requirement would not exceed 25%.
    *   For certain grant offerings (e.g., technical assistance, monitoring, stakeholder engagement, etc.), required match may be as little as $1.
    *   Eliminating 25% match requirement on certain grant offerings provides more opportunities to apply as match funding for these offerings is often challenging to obtain.
    *   Support for changing the requirement for 25% match
    *   Caution to be consistent with match requirements (e.g., don't bounce around on what is being required for various grant types)
    *   Give plenty of lead time to applicants
    *   Will board or staff set the match requirements?

2. **OAR 695-005-0050(9), providing copy of permits to OWEB**
    *   [ORS 541.932(10)](#) provides statutory language on permits, "…the board may not disburse funds to the applicant for any part of the project that requires the applicant to obtain a permit or license from a local, state or federal agency or governing body until the applicant presents evidence that the agency has granted the permit or license."
    *   Need for clarity on when OWEB funding is released for project elements that may not require a permit, but overall project will require a permit.
    *   At times, grantees struggle with covering cost of staging items while waiting for final permits
    *   Need to make clear what project elements funds can be released for without permits (i.e., those standalone activities that lead to restoration, like invasive species removal)

3. **OAR 695-005-0050(10)(a), landowner access for monitoring project after completion**
   - Need for clarity on timeline as it will help grantees and landowners understand commitment.
   - Firm dates would be challenging to implement.
   - Good to know what the purpose of "monitoring" post-project is
   - Post-implementation status reporting has cap ($3,500) and involves photo-points and qualitative report on how project is performing.
   - If an actual monitoring grant, data can be reported to external agencies as noted in the grant agreement
   - Transparency is important for grantees and landowners regarding the data collected and who it is shared with
   - OWEB staff should communicate with grantee on best post-implementation timeline for restoration grants
   - Should investigate statute to learn more about genesis of this rule

4. **OAR 695-005-0060(3), Distribution of funds and landowner agreements**
   - "Certification" landowner agreements obtained vs. submitting landowner agreements
   - Difficulty in tracking landowner agreements if project has numerous landowners (e.g., large invasive species control projects, landscape forest restoration projects, etc.)
   - Varies considerably based on the type of project. Flexibility is nice and needed. One landowner missing in an invasives grant, still can meet ecological objectives. One landowner missing in a culvert project, project can't move ahead.
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5. **OAR 695-005-0060(4), Distribution of funds and permits**
   - Discussed under bullet 2

Proposed Technical Adjustments to Division 5 Rules

1. **OAR 695-005-0010, Updating Purpose**
   - Ensure grant programs reflect current offerings
   - Adding "special grant" language to encompass new grant programs like drought relief and post-fire recovery

2. **OAR 695-005-0020, Updating Definitions**
   - Potential to add definitions on "Delegated Awards" (e.g., FIP project-level grants) and potentially "Board Awards" (e.g., Open Solicitation grants)
   - Change definition of "Regional Review Team" to "Technical Review Team" as many review teams are not regional review teams
   - While not changing definitions, ensure that "Board" and "OWEB" are being utilized correctly in rules
   - Need to revise language around "securing funding commitments from other sources"

3. **OAR 695-005-0030(5), Applications complete as submitted**
   - Update to reflect that certain grant offerings allow for application revisions (e.g., those that are delegated awards like FIP project-level grants)
   - For Open Solicitation grants, no new information can be included during grant application review and evaluation. Only during award new information can be included. Break this up in the definitions section. Applications can be revised during the award process. Nuance to this definition.
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4. **OAR 695-005-0030(6), Update Small Grant Program maximum request**
   - Small Grant Program maximum amount now $15,000, makes sense to strike out reference to dollar amount in these rules

5. **OAR 695-005-0040, Various technical changes to Application Processing**
   - Remove reference to "regular"
   - Revise language on state/federal agencies and partnering with eligible entities
   - Adding, "and OWEB" after "The Board"
   - Revise language on review teams from "regional" to "technical"

6. **OAR 695-005-0050(2), Update Grant Agreement Conditions to reflect delegated awards**
   - Deadline for grant agreement to be fully executed within one year of Board or *Director approval*
   - For delegated awards, determine how reallocation occurs (e.g., by the Board or back into holding account). Clarity in this section would be helpful.

Meeting adjourned – 2:51pm