

OFFICE OF THE SECRETARY OF STATE

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CHERYL MYERS
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AND TRIBAL LIAISON



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 690
WATER RESOURCES DEPARTMENT

FILED

11/25/2024 2:06 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rulemaking for the administration of the Place-based Water Planning Fund and state recognition process.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/15/2025 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: Margo Mashkovskaya
503-507-7313
margo.a.mashkovskaya@water.oregon.gov

725 Summer St NE A
Floor 3
salem,OR 97301

Filed By:
Margo Mashkovskaya
Rules Coordinator

HEARING(S)

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

DATE: 01/07/2025

TIME: 11:00 AM - 12:00 PM

OFFICER: Margo Mashkovskaya

IN-PERSON HEARING DETAILS

ADDRESS: North Mall Office Building, 725 Summer St NE A, Room 124B, Salem, OR 97301

SPECIAL INSTRUCTIONS:

All hearings will be recorded and available for viewing within 48 hours of each hearing on the rulemaking website:
<https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/Place-Based-Water-Planning.aspx>

For all hearings, auxiliary aids for persons with disabilities will be available upon advance request. Please email WRD_DL_rule-coordinator@water.oregon.gov or call (503) 507-7313 as soon as possible, but at least 48 hours in advance of the hearing for which an aid is needed.

In addition to presenting oral comments at the hearings, anyone may submit written comments until 5 P.M. on January 15, 2025, which is the close of the public comment period. Written comments should be sent to "Margo Mashkovskaya" at Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301 or by email to WRD_DL_rule-coordinator@water.oregon.gov.

Comments received after 5 P.M. on January 15, 2025 will not be reviewed or considered by the agency unless the agency decides to extend the public comment period for everyone.

This hearing will be hybrid, providing an opportunity to give oral testimony. Each person attending the hearing who wishes to comment will be asked to sign in on a sign-up sheet upon arrival. Oral testimony will be taken in the order reflected on the sign-up sheet. The hearing will close no later than 12:00p.m.

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 253-215-8782

CONFERENCE ID: 86708893823

SPECIAL INSTRUCTIONS:

To attend virtually, please click on the URL link provided above and complete the registration steps. Alternatively, you may email WRD_DL_rule-coordinator@water.oregon.gov no later than noon (12:00 p.m.) on January, 3, 2025 to receive the registration link.

To attend by phone, please email WRD_DL_rule-coordinator@water.oregon.gov no later than noon (12:00 p.m.) on January, 3, 2025 to receive the conference ID and passcode for the phone number provided above.

Each person attending the hearing virtually or by phone who wishes to comment will be asked to identify themselves so their names may be added to the virtual sign-up sheet. During the hearing, the hearing officer will alternate between those commenting in person, virtually, and by phone, proceeding in the order in which attendees have registered to comment. The hearing will close no later than 12:00 PM PST.

Close captioning will be enabled for virtual participants.

In addition to presenting oral comments at the hearings, anyone may submit written comments until 5 P.M. on 01/15/2025 which is the close of the public comment period. Written comments should be sent to "Margo Mashkovskaya" at Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301 or by email to WRD_DL_rulecoordinator@water.oregon.gov. Comments received after 5 P.M. on 01/15/2025 will not be reviewed or considered by the agency unless the agency decides to extend the public comment period for everyone.

NEED FOR THE RULE(S)

Oregon Revised Statutes 537.872 and 537.873 establish the Place-Based Water Planning Fund and authorize the Oregon Water Resources Department (Department) to award place-based water planning grants and develop rules for the administration of place-based water planning.

This rulemaking is necessary to provide a coordinated and transparent framework for the implementation of place-based integrated water resources planning, supporting collaboration among diverse water partners and promoting the development of equitable water resource solutions. These rules advance state water management goals, are in alignment with statutory authority, and balance both in-stream and out-of-stream water interests.

Water is crucial to Oregon's economic vitality. In 2023, over 48% of the state's total economic output and nearly 44% of its employment were directly linked to water. (Pilz et al. 2023) Water's value extends across various sectors, including housing, infrastructure, health, manufacturing, agriculture, energy, recreation, and the food and beverage industries (Pilz et al. 2023). As drought conditions in Oregon intensify and population centers grow, water scarcity concerns increase. Inclusive place-based water project solutions are essential to address these challenges.

The purpose of place-based water planning is to help communities plan for a secure water future through consideration of water quantity, water quality, and ecosystem needs and identification of actions that promote and sustain a healthy economy, environment, and society. Place-based water planning is a voluntary, locally-led process, through which a balanced representation of water interests work in partnership with the state to understand and meet their instream and out-of-stream water needs. Place-based water planning is rooted in the concept that local context matters, water

management activities should be integrated and coordinated, and planning helps Oregonians collectively envision and chart a path towards a balanced and secure water future.

In 2015, the Department received legislative authority (ORS 536.220) and initial funding to begin a place-based water planning pilot phase. In 2016, four planning areas were selected to receive funding and pilot the 2015 Draft Planning Guidelines. In addition to grant funding, the Department and other state agencies provide programmatic, planning, and technical assistance to support planning collaboratives as they develop and implement their place-based water plans. In 2021, the Department contracted with the National Policy Consensus Center at Portland State University to conduct an independent evaluation of the pilot phase.

Additionally, the State-Supported Regional Planning and Management Work Group, created in 2021 by House Bill 5006, developed a set of recommendations for the future of place-based water planning. Legislative authority for the pilot phase sunset in June 2023.

ORS 537.872, ORS 537.873, and this rulemaking are the culmination of a multiyear effort to advance, study, and support place-based water planning. This rulemaking aims to ensure a clear, consistent, and effective process for the funding, development, recognition, and implementation of place-based integrated water resources plans.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

This is an abbreviated list of the principal documents relied upon for the proposed rulemaking. Please contact the Oregon Water Department for a complete list of documents relied upon and the location(s) of those documents.

ORS 537.872 and 537.873, available at:
(https://www.oregonlegislature.gov/bills_laws/ors/ors537.html)

Oregon's Place-Based Integrated Water Resources Planning Program: A Participatory Evaluation (2022) available at:
(<https://www.oregon.gov/owrd/Documents/McLain%20et%20al%20april%2027%202022%20place%20based%20planning%20evaluation.pdf>)

Draft Guidelines A Tool for Conducting Place-Based Integrated Water Resources Planning in Oregon (2015), available at:
(https://www.oregon.gov/owrd/WRDPublications1/2015_February_Draft_Place_Based_Guidelines.pdf)

Pilz, D., et al. (2023) The Business Case for Investing in Water in Oregon. Available at
(https://www.oregon.gov/owrd/WRDPublications1/230721_FINAL_Business_Case_for_Water_in_OR_Exec_Summ.pdf)

Report of the Work Group on State-Supported Regional Water Planning & Management (2022), available at:
([https://www.oregon.gov/owrd/Documents/HB%205006%20Work%20Group_FINAL%20REPORT.docx%20\(2\)%20\(2\).pdf](https://www.oregon.gov/owrd/Documents/HB%205006%20Work%20Group_FINAL%20REPORT.docx%20(2)%20(2).pdf))

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed rules, within the newly created Division 602, aim to increase the engagement of the "community" in Place-Based Water Planning. The rules define "community" as:

"[T]he people impacted by the water resources of the planning area, entities with an interest or obligation related to water resources or ecosystems in or impacted by the planning area, and federal, state, local, and tribal governments"

Centered in the proposed rules is the inclusion of balanced representation and community involvement, with an emphasis on "environmental justice communities" defined by ORS 182.535 as:

"[C]ommunities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, remote communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities"

The proposed rules have an intersection with racial equity, as they require that grant applications be evaluated on an applicant's proposed approach to public participation and engagement of environmental justice communities. Additionally, grants may assist with building the capacity of a community to engage in relevant planning. This approach helps create a more transparent, equitable, and effective place-based water planning process. Because of this, these rules are anticipated to foster more inclusive and equitable water resource management, ultimately leading to a more secure water future for impacted communities. Additionally, consideration of state recognized place-based water plans in the development of the Oregon Integrated Water Resources Strategy offers the opportunity for diverse voices to have a further reaching impact into statewide planning efforts.

The Rules Advisory Committee (RAC) included interests from Oregon's environmental and social justice organizations, local governments, and state agencies.

No unintended adverse consequences on racial equity are expected from the rule. Further public comments on this rulemaking and its impact on racial equity in the state are encouraged throughout the posted public comment period.

Tribal Engagement:

Consistent with Government-to-Government coordination and consultation responsibilities, on July 16, 2024, the Department mailed and emailed formal letters to Oregon's nine federally recognized Tribes, inviting coordination and/or consultation on this rulemaking and other proposed rulemakings. These correspondences included an invitation to join the Rules Advisory Committee. The Department also provided rulemaking updates during quarterly Cultural Resources Cluster and Natural Resources Work Group staff-to-staff meetings (held January, February, July, and September of 2024), again offering to consult and/or coordinate with interested Tribes.

To date, none of the Tribes have requested to initiate formal consultation. However, representatives of the Burns Paiute Tribe and the Confederated Tribes of the Umatilla Indian Reservation served on the Rules Advisory Committee.

The proposed rule includes provisions that may affect tribes, recognizing federally recognized Tribes as eligible "convenors" and "community" members. The rule also includes Tribal notification provisions.

Public comments on this rulemaking and its potential impact on Tribes in the state are encouraged throughout the designated public comment period.

FISCAL AND ECONOMIC IMPACT:

Place-based Planning grants may be awarded to persons, public bodies, Indian tribes, and nonprofit organizations. These rules may positively impact the Oregon economy through the funding of eligible place-based planning collaboratives. Additionally, ORS 537.873(6) permits the Water Resources Director to use funds to further place-based integrated water resources planning by entering into specified agreements or contracts, potentially benefiting the Oregon economy.

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) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

(1) The proposed rules outline the requirements for persons (as defined in ORS 536.007), public bodies, Indian tribes, and nonprofit organizations applying for funding pursuant to ORS 537.872-873, otherwise known as the Place-Based Water Planning Fund. While applying for this funding is voluntary, eligible grantees who receive funding from the Department for Place-Based Water Planning must adhere to the requirements established by these rules. This may create costs related to reporting, administrative activities, and professional services. Awarded funds are intended to help cover compliance costs, ensuring that projects meet the proposed standards without placing an undue financial burden on the grantees.

In addition to grantees, participants in place-based water planning include “the people impacted by the water resources of the planning area, entities with an interest or obligation related to water resources or ecosystems in or impacted by the planning area, and federal, state, local, and tribal governments”. These groups may commit time and resources to support planning processes, which can include, but is not limited to, travel to meetings, meeting attendance, technical assistance, plan development, and organizational support.

OWRD may experience a fiscal impact through the administration of the Place-Based Water Planning Fund including impacts related to application and reporting review, contract drafting and administration, provision of technical assistance and planning support, program evaluation, interagency coordination, and public notice requirements.

The agencies identified in ORS 537.873(7) that have the capacity to participate or provide information and assistance may experience a fiscal impact related to participation in place-based water planning, provision of information and assistance to planning groups, interagency coordination, and serving on application/plan review teams.

The Department recognizes that these rules may have varying impacts on different governments, organizations, and members of the public, including non-profit organizations. Interested parties are encouraged to provide feedback on the anticipated fiscal impacts during the public comment period to help the Department refine and improve the proposed rules and impact analysis.

(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).

(2)(a) Eligible grant applicants include persons, public bodies, Indian tribes, and nonprofit organizations. Place-Based Water Planning grantees may contract with small businesses in pursuit of their planning efforts. However, the proposed rules do not dictate the elements of that contractual relationship.

(2)(b) The reporting, record keeping, and administrative activities required by the rules are principally borne by grantees that are voluntarily entering the program and are not likely to be small businesses.

(2)(c) Similar to section b, the cost of professional services, equipment, supplies, labor, and increased administration to

comply with the rules will be borne principally by grantees that are not likely to be small businesses.

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

A variety of nonprofit organizations, interest groups, and representatives of local government were invited to participate in the RAC. The RAC included trade groups that represented small business interests.

Small businesses and others are encouraged to provide feedback on the anticipated fiscal impacts and cost of compliance during the public comment period and help the Department refine and improve the proposed rules and impact analysis.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

690-602-0001, 690-602-0002, 690-602-0003, 690-602-0004, 690-602-0005, 690-602-0006, 690-602-0007, 690-602-0008, 690-602-0009, 690-602-0010, 690-602-0011, 690-602-0012, 690-602-0013

ADOPT: 690-602-0001

RULE SUMMARY: This new rule describes the purpose and applicability of OAR Chapter 690 Division 602.

CHANGES TO RULE:

690-602-0001

Purpose

OAR 690-602-0001 to OAR 690-602-0013 establish procedures for the Oregon Water Resources Department's administration of the Place-Based Water Planning Fund and the process and consideration of state-recognized place-based integrated water resources plans by the Department and in Oregon's Integrated Water Resources Strategy pursuant to ORS 537.872 through 537.873.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0002

RULE SUMMARY: This new rule defines terms used in OAR Chapter 690, Division 602.

CHANGES TO RULE:

690-602-0002

Definitions

- (1) "Application Review Team" means state agencies identified in ORS 537.873(7) or invited by the Department with relevant knowledge or expertise, that have the capacity to participate in application review.¶
- (2) "Convener" means the persons, public bodies, Indian tribes, or nonprofit organizations that bring together a balanced representation of instream and out-of-stream water interests to undertake place-based water planning; ensure an open, equitable, and transparent process; and impartially guide and support the planning and implementation processes. ¶
- (3) "Collaborative" means the balanced representation of instream and out-of-stream water interests from the community that develop, implement, or update a place-based integrated water resources plan consistent with their shared governance agreement.¶
- (4) "Commission" means the Oregon Water Resources Commission.¶
- (5) "Community" means the people impacted by the water resources of the planning area, entities with an interest or obligation related to water resources or ecosystems in or impacted by the planning area, and federal, state, local, and tribal governments.¶
- (6) "Department" means the Oregon Water Resources Department.¶
- (7) "Director" means the director of the Oregon Water Resources Department or the director's designee.¶
- (8) "Environmental Justice Community" as referenced in ORS 537.873(1) and defined in ORS 182.535. ¶
- (9) "Facilitator" means a neutral party that works to ensure a collaborative process and supports consensus building. ¶
- (10) "Fund" means the Place-Based Water Planning Fund.¶
- (11) "Grant Agreement" means the legally binding contract between the Department and the funding recipient. It may consist of the conditions specified in these rules, the notice of funding award, special conditions to the grant agreement, a certification to comply with applicable state and federal regulations, the scope of work to be performed, and the budget.¶
- (12) "Grantee" means the recipient of the grant funding. ¶
- (13) "Match" is any contribution to a project that is non-Department funds. ¶
- (14) "Place-based integrated water resources planning" as defined in ORS 537.873(1).¶
- (15) "Place-based integrated water resources plan" as defined in ORS 537.873(1).¶
- (16) "Plan" means place-based integrated water resources plan.¶
- (17) "Plan Review Team" means state agencies identified in ORS 537.873(7) or invited by the Department with relevant knowledge or expertise, that have the capacity to participate in plan review. ¶
- (18) "Planning area" means a shared hydrologic area that is within hydrologic and size limitations defined by the Department. ¶
- (19) "Shared Governance Agreement" means a written document adopted by a collaborative through consensus that governs the collaborative's organizational structures, decision-making processes, roles, commitments, communications, and other provisions needed to support group governance or collaboration. ¶
- (20) "State agency" means any officer, board, commission, department, division or institution in the executive or administrative branch of state government.¶
- (21) "State-recognized place-based integrated water resources plan" as defined in ORS 537.873(1), means a place-based integrated water resources plan that has been reviewed by the Water Resources Commission and recognized by a commission resolution stating that the completed place-based integrated water resources plan adheres to applicable requirements.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873, ORS 182.535

ADOPT: 690-602-0003

RULE SUMMARY: This new rule outlines the Department's Place-Based Water Planning grant application process.

CHANGES TO RULE:

690-602-0003

Grant Application Process

(1) The Department shall periodically announce deadlines for submitting applications for grant funding, dependent upon the availability of Place-Based Water Planning funds and state agency capacity to support grantees and planning processes. ¶

(2) Applications shall be submitted on the most current form provided by the Department. ¶

(3) The Department shall review applications based on the evaluation criteria in 690-602-0006 and may use an application review team to assist in conducting this review. ¶

(4) The Department shall provide an opportunity for public comment on funding recommendations prior to the Directors funding decision. ¶

(5) The Director shall make grant funding decisions based on the grant evaluation criteria in 690-602-0006 and any associated recommendations of an application review team, availability of fund resources, Department capacity to support grantees, and received public comments.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0004

RULE SUMMARY: This new rule describes the types of Place-Based Water Planning grants.

CHANGES TO RULE:

690-602-0004

Eligible Grant Types

The Place-Based Water Planning Fund may fund the costs of any action supporting place-based integrated water resources planning as outlined in ORS 537.873(2) through the administration of Planning Readiness Evaluation and Preparation Grants, Planning Grants, Post Plan Coordination Grants, and Plan Update Grants.¶¶

(1) Eligible Planning Readiness Evaluation and Preparation Grants prepare for or assess a community's readiness to engage in Place-Based Integrated Water Resources Planning for a proposed planning area.¶¶

(2) Eligible Plan Development Grants develop a place-based integrated water resources plan for a planning area consistent with a shared governance agreement, using place-based integrated water resources planning, and following the process, content, and structure provided by the Department.¶¶

(3) Eligible Post Plan Coordination Grants support implementation coordination of a state-recognized place-based integrated water resources plan.¶¶

(4) Eligible Plan Update Grants support updates to a state-recognized place-based integrated water resources plan.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0005

RULE SUMMARY: This new rule outlines the match requirements for the Place-Based Water Planning grants.

CHANGES TO RULE:

690-602-0005

Match Requirements

- (1) Match requirements shall be included in the announcement for each grant offering. Match requirements shall not exceed 50% of the application request. ¶
- (2) All applicants must demonstrate the required matching contribution has been secured or is being sought at the time of application. Department funding may not be released prior to secured commitment of the other funds. Pending match funds must be secured within 18 months from the date of the place-based water planning award. ¶
- (3) Match contributions may include: ¶
 - (a) Associated and documented expenditures that were incurred prior to an award and approved by the Department for match purposes; ¶
 - (b) Cash on hand; ¶
 - (c) Secured funding commitments from other sources; ¶
 - (d) Pending match funds from other sources; or ¶
 - (e) The value of in-kind labor, equipment rental and materials essential to the planning process, based on local market rates.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0006

RULE SUMMARY: This new rule describes the Place-Based Water Planning grants application evaluation criteria.

CHANGES TO RULE:

690-602-0006

Grant Evaluation Criteria

(1) Planning Readiness Evaluation and Preparation Grants shall be evaluated on:[¶]

(a) The commitment and expected ability of the grantee to effectively engage a balance of instream and out-of-stream water interests on place-based water resources issues;[¶]

(b) The need for the community to assess its readiness or prepare for place-based water planning;[¶]

(c) The proposed approach to public participation and engagement of environmental justice communities; and[¶]

(d) Strategic priorities identified in the state's Integrated Water Resources Strategy, the Department's strategic plan, or by the Director, and included in grant solicitation materials.[¶]

(2) Plan Development Grants shall be evaluated on:[¶]

(a) The convener and potential collaborative members ability to meaningfully engage and collaborate in a neutral process over multiple years with a balanced representation of instream and out-of-stream water interests, the public, Tribes, local governments, and state agencies. Commitment to a neutral process may be demonstrated through the use of neutral facilitator;[¶]

(b) The proposed data, technical information, and planning tools that would support planning in the area;[¶]

(c) The proposed approach to public participation and engagement of environmental justice communities;[¶]

(d) Strategic priorities identified in the state's Integrated Water Resources Strategy, the Department's strategic plan, or by the Director, and included in grant solicitation materials;[¶]

(e) The value of place-based integrated water resources planning in the planning area and the demonstration of a clear need for a Plan; and[¶]

(f) State agency capacity to support the proposed planning process.[¶]

(3) Post Plan Coordination Grants shall be evaluated as follows:[¶]

(a) If a Collaborative's Plan has received state-recognition for the first time within the last 2 years and it has not received a Post Plan Coordination Grant previously, its application may be given preference and shall be evaluated on:[¶]

(A) Demonstration of plan strategies and actions that represent a balance of instream and out-of-stream water interests and a commitment to collaboration and place-based planning principles;[¶]

(B) The proposed approach to public participation and engagement of environmental justice communities; and[¶]

(C) Strategic priorities identified in the state's Integrated Water Resources Strategy, the Department's strategic plan, or determined by the Director, and included in grant solicitation materials.[¶]

(b) If the Collaborative's Plan received state-recognition two or more years before the application deadline, its application shall be evaluated on:[¶]

(A) Demonstration of the pursuit of Plan strategies and actions that continue to represent a balance of instream and out-of-stream water interests and a commitment to collaboration and place-based planning principles; and[¶]

(B) Progress made towards Plan implementation, including how progress aligns with the Plan's implementation strategies and continues to represent a balance of in-stream and out-of-stream water interests;[¶]

(C) The proposed approach to public participation and engagement of environmental justice communities; and[¶]

(D) Strategic priorities identified in the state's Integrated Water Resources Strategy, the Department's strategic plan, or determined by the Director, and included in grant solicitation materials.[¶]

(4) Plan Update Grants shall be evaluated on:[¶]

(a) Demonstration of the pursuit of Plan strategies and actions that continue to represent a balance of instream and out-of-stream water interests and a commitment to collaboration and place-based planning principles;[¶]

(b) Demonstration of a need to update or develop new planning strategies and/or demonstration of significant changes in local conditions, data availability, or climate change information that would impact the Plan;[¶]

(c) The proposed approach to public participation and engagement of environmental justice communities; and[¶]

(d) Strategic priorities identified in the state's Integrated Water Resources Strategy, the Department's strategic plan, or determined by the Director and included in grant solicitation materials.[¶]

(5) Additional evaluation criteria for Place-Based Water Planning grants may be added to reflect lessons learned by the Department through the administration of the grant program. Fund solicitation and application materials must reflect any new evaluation criteria before the commencement of a grant application cycle.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0007

RULE SUMMARY: This new rule describes the Place-Based Water plan state recognition process, how to maintain state recognition, agency support mechanisms, and Integrated Water Resources Strategy considerations.

CHANGES TO RULE:

690-602-0007

State Recognition of Plans

(1) A collaborative is eligible to apply for state-recognition of their Plan after it is adopted by the collaborative through consensus as defined in the collaborative's shared governance agreement. ¶

(2) The Plan Review Team shall review plans for adherence to the definition of a place-based integrated water resources plan, place-based integrated water resources planning, and the related process, content, and structure provided by the Department. The Plan Review Team shall make a recommendation to the Director about state recognition of the Plan within 120 days of plan submission. If the Plan Review Team requires changes to recommend the Plan for state recognition, the Collaborative will be given an opportunity to amend its plan before a final recommendation is made. ¶

(3) A Plan may be recognized by the Commission if it meets the definition of a place-based integrated water resources plan, was developed using place-based integrated water resources planning, follows the process, content, and structure provided by the Department, and upon recommendation by the Director. ¶

(4) To maintain Plan state recognition, the collaborative must submit biennial reports on progress made towards Plan implementation on a form provided by the Department. Plans may lose state recognition if: ¶

(a) Reporting requirements are not met; ¶

(b) Reporting or other information received by the Department indicates that progress made towards implementation does not align with the Plan's implementation strategies or represent a balance of in-stream and out-of-stream water interests; or ¶

(c) The Collaborative is no longer demonstrating a commitment to collaboration and adherence to principles of place-based integrated water resources planning and the state's current Integrated Water Resources Strategy. ¶

(5) The Department, in consultation with other relevant state agencies, shall identify, document, and communicate to collaboratives which Plan strategies are consistent with an agency's mission, authorities, and priorities, and whether and how they may be supported by those agencies as resources and capacity allow. ¶

(6) Plans that achieve state recognition before the Department begins updating the state's next Integrated Water Resources Strategy shall be considered in the update. The Department, in consultation with other relevant state agencies, shall identify, and may incorporate common themes, critical issues, or individual strategies emerging from state-recognized Plans into updates and any associated workplans, consistent with the agency missions, authorities, and priorities, and as capacity allows.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0008

RULE SUMMARY: This new rule describes the Place-Based Water Planning grant agreement and conditions.

CHANGES TO RULE:

690-602-0008

Grant Agreement and Conditions

- (1) The Director or designee shall establish conditions for each grant agreement.¶
- (2) The Department shall only enter into new agreements or amendments to existing agreements with prior grantees of the Place-Based Water Planning Fund if all reporting obligations and conditions under existing or earlier grant agreements from this Fund have been met.¶
- (3) The Grantee must:¶
 - (a) Submit a report at least every 6 months to the Department on a form provided by the Department that provides information regarding the expenditure of program and match funds, progress toward completion, compliance with special conditions and requirements in the grant agreement and any other information required by the Department.¶
 - (b) Comply with all federal, state, and local laws and ordinances applicable to the work to be done under the grant agreement.¶
 - (c) Account for funds distributed by the Department, using expense forms provided by the Department.¶
 - (d) Ensure a collaborative process and adherence to the definitions of a place-based integrated water resources plan and place-based integrated water resources planning and principles of the state's Integrated Water Resources Strategy. ¶
 - (e) Follow the process, content, and structure provided by the Department and necessary to meet the definitions of a "Place-Based Integrated Water Resources Plan" and "Place-Based Integrated Water Resources Planning".¶
 - (f) Pursue state-recognition of any Plan or Plan update resulting from the collaborative's work.¶
- (4) Upon notice by the Department to the Grantee in writing, the Director may terminate funding for collaboratives not complying with the grant agreement requirements and conditions. The money allocated to the collaborative but not used may be available for reallocation by the Department.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0009

RULE SUMMARY: This new rule identifies the public notice and comment process for the Place-Based Water Planning funding and state recognition.

CHANGES TO RULE:

690-602-0009

Public Notice and Comment

(1) Prior to the award of Place-Based Water Planning funding, the Department shall provide notice as follows: ¶

(a) Public notice with a minimum 45-day public comment period.¶

(b) Written notice to county and tribal governments within the proposed planning boundary of an application. ¶

(2) Prior to a decision of state recognition of a plan, the Department shall provide public notice with a minimum 45-day public comment period and report all public comments received to the Commission for consideration.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0010

RULE SUMMARY: This new rule describes the conditions for grant fund distribution.

CHANGES TO RULE:

690-602-0010

Distribution of Grant Funds

(1) The Director may withhold payments to a Grantee if the Grantee is not in compliance with grant agreement requirements and conditions.

(2) Prior to disbursement of Department funds, the Grantee must provide the Department satisfactory proof that the required match, based on the total award, has been secured.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0011

RULE SUMMARY: This new rule requires the Department to periodically identify uses of contract funds to further Place-Based integrated water resources.

CHANGES TO RULE:

690-602-0011

Agreements or Contracts

(1) The Department, in consultation with other relevant state agencies, shall produce and publish a report at least every 4 years that:

(a) Identifies specific purposes for which the Department may consider entering into agreements or contract to support of place-based integrated water resources planning during the upcoming reporting period.

(b) Documents how funding was spent through contracts and agreements since the previous report.

(2) The Department may use moneys in the fund to further place-based integrated water resources planning for purposes consistent with ORS 537.873(6).

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0012

RULE SUMMARY: This new rule assigns the Department the responsibility of developing a technical assistance intake, prioritization, and response system to support Place-Based integrated water resources planning.

CHANGES TO RULE:

690-602-0012

Provision of Technical Assistance

The Department, in consultation with other relevant state agencies, shall develop, maintain, and communicate a system for receiving, prioritizing, and responding to requests for technical assistance to support place-based integrated water resources planning.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873

ADOPT: 690-602-0013

RULE SUMMARY: This new rule requires the Department to conduct periodic program evaluation and update of the Place-Based Water Planning program.

CHANGES TO RULE:

690-602-0013

Program Evaluation

The Department, in consultation with other relevant state agencies, collaboratives, and other interested parties, shall periodically conduct a program evaluation and if necessary, may implement strategies for improvement.

Statutory/Other Authority: ORS 536.027, ORS 537.872 - ORS 537.873

Statutes/Other Implemented: ORS 536.027, ORS 537.872 - ORS 537.873