

Relating to a water planning fund; declaring an emergency.

SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS 536.~~220~~541.

SECTION 2. As used in sections 3 and 4 of this act:

(1) "Implementation coordination" means:

- (a) facilitation services pertaining to meetings regarding implementation of state-recognized place-based integrated water resource plans;
- (b) stipends to encourage sustainable participation in meetings regarding implementation of state recognized place-based integrated water resources plans; and
- (c) any other coordination action, as defined by rule, that occurs after state recognition of a place-based integrated water resources plan.

(2) "Place based integrated water resources planning efforts" means:

- (a) Pre-planning work;
- (b) Community capacity building to facilitate participation in current or future place-based integrated water resources planning efforts through education, outreach, and financial support, including to environmental justice communities as defined in ORS 182.535*;
- (c) Actions taken during and in support of development of a place-based integrated water resources plan; and
- (d) Implementation coordination;

(3) "Place-based integrated water resources plan" means a plan that:

- (a) Is developed in collaboration with a balanced representation of interests;
- (b) Equally evaluates and considers current and future in-stream and out-of-stream needs;
- (c) Includes the development of actions that are consistent with the existing state laws concerning the water resources of this state and state water resources policy;
- (d) Facilitates implementation of local solutions;
- (e) Is developed utilizing an open, equitable, and transparent process that fosters public participation;
- (f) Is developed in partnership with the Department and other state agencies as defined in rule;
- (g) Strives to integrate solutions to cost-effectively achieve multiple benefits;
- (h) Follows the guiding principles of the state integrated water resources strategy;
- (i) Addresses water quantity, water quality, and ecosystem needs within a basin or subbasin geographic area; and
- (j) Complies with rules of the Commission regarding development of place-based integrated water resources plans.

(4) "Pre-planning situational assessments" means an assessment that evaluates:

- (a) a community's a basin or subbasin's readiness and capacity to engage in development of a place-based integrated water resources planning;
- (b) potential gaps in state and local capacity and data for the planning area needed to complete a place-based integrated water resources plan; or
- (c) actions that should be undertaken before development of a place-based integrated water resources planning is started to ensure timely completion development of the place-based integrated water resources planning effort plan once started.

(5) "Pre-planning work" means work that is done prior to development of a place-based integrated water resources plan to:

Commented [HB*W1]: Program authority sunset date: July 1, 2023

Commented [HB*W2]: Suggesting to place this with other funding statutes; this is ultimately decided upon by Legislative Council but we can make suggestions.

Commented [HB*W3]: Moved definitions for implementation coordination, PBP integrated water resources planning efforts, PBP integrated water resources plans, pre-planning situational assessments, pre-planning work, and state recognized

Commented [HB*W4R3]: Are these at the appropriate level for statute or should we leave these more broad?

- (a) fill gaps in ~~local and state agency core competencies~~ in capacity, knowledge, and skill sets;
- (b) developing data and associated analyses tailored to the planning area;
- (c) ~~creating training materials to fill gaps in local core competencies local capacity, knowledge, skill sets;~~
- (d) build relationships between state agencies and ~~communities people~~ in ~~or interested in a~~ planning area; ~~and~~
- (d) any other work done prior to development of a place-based integrated water resources plan as defined by rule.

(6) "State recognized" means that a place-based integrated water resources plan has been reviewed and recognized by resolution of the Oregon Water Resources Commission that a completed plan adheres to the guidelines of a place-based integrated water resources plan as defined in subsection 1 of this section and relevant rules and planning guidelines.

SECTION 3. The Water Place-Based Water Planning Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Place-Based Water Planning Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Water Resources Department for the purpose of carrying out the program purposes described in section 4 of this 2023 Act. The fund shall consist of any moneys designated for deposit in the fund or for carrying out the program purposes, including but not limited to appropriations or other provisions of moneys by the Legislative Assembly and public or private moneys from gifts, grants or donations. The purpose of this fund is to establish a means for state government to support water place-based integrated water resources planning efforts planning.

SECTION 4.

- (1) Moneys in the Water Planning Fund may be disbursed under authority of the Water Resources Director as authorized in subsections (2) and (3) of this section to fund eligible place-based integrated water resources planning efforts and pre-planning situational assessments, ~~that:~~
 - (a) increase understanding of water resources and challenges;
 - (b) develop local strategies or solutions to increase water resiliency to sustainably meet water needs ~~meet current and future instream and out of stream needs~~; or
 - (c) coordinate implementation of strategies or solutions.

Commented [HB*W5]: Removed other types of planning that are not place-based integrated water resources planning efforts

Commented [HB*W6R5]: Moved definitions to section 2

- (2) The Department may issue grants consistent with subsection (1) to provide financial assistance for eligible place based integrated water resources planning efforts eligible planning efforts as specified in subsection (5):
 - (a) To persons as defined in ORS 536.007, Indian tribes as defined in ORS 391.802, and nonprofit organizations;
 - (b) As cost-sharing with other programs that support place-based integrated water resources planning efforts; and
 - (c) For costs of administering grants;

~~(3) The Department may enter into contracts or agreements or contract for direct services to carry out the purposes provided in subsection 4 of this section.~~

Commented [HB*W7]: Removed to streamline language; see subsection 3

- (3) The Oregon Water Resources Department, the Oregon Department of Fish and Wildlife, the Oregon Department of Environmental Quality, and the Oregon Department of Agriculture may provide technical assistance and information to, and enter into contracts ~~or agreements~~ with, a person or an Indian tribe for pre-planning situational assessments, data development, technical assistance, and other support that advances place-based integrated water resources planning efforts. Prior to funding actions to

Commented [HB*W8]: Contracting authority now includes pre-planning situational assessments

develop a place-based integrated water resources plan within a basin or subbasin, the Water Resources Department shall seek concurrence from the Directors of ODFW, ODEQ, and ODA to ensure state agency capacity to engage.

(4) Financial assistance provided under subsection (2) of this section may not exceed 75 percent of the costs of eligible place based integrated water resources planning efforts.

(7) The Department shall consider state-recognized plans funded under this section in each update of the integrated state water resources strategy as required under ORS 536.220.

Commented [HB*W9]: Moved to subsection 5

(5) The Water Resources Commission may adopt rules to implement this section, including but not limited to rules that:

- (a) Further define expenditures allowable under this fund for a purpose described in this section.
- (b) Prioritize the issuance of the funding for purposes described in subsections (16) of this section.
- (c) Establish requirements for engagement of environmental justice communities as defined in ORS 182.535.
- (d) Define the criteria and process for state-recognition of a place-based integrated water resources plan.

(e) How the state will consider state-recognized place based integrated water resources plans in updates of the integrated state water resources strategy as required under ORS 536.220.

* ORS 182.535 as amended by [HB 4077](#) in 2022): “*Environmental justice community*” includes communities 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.