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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**DOA 7-2024**

CHAPTER 603

DEPARTMENT OF AGRICULTURE

**FILED**

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ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Grasshopper and Mormon Cricket general fund grant allocation rules

EFFECTIVE DATE: 04/24/2024 THROUGH 10/20/2024

AGENCY APPROVED DATE: 04/24/2024

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NEED FOR THE RULE(S):

The need for emergency rules to implement a grasshopper and Mormon cricket general fund allocation grant program stems from the urgency of addressing an immediate threat posed by these pests to agriculture. Grasshoppers and Mormon crickets are known to cause significant damage to crops, rangelands, and natural habitats, particularly during outbreaks. Their outbreaks pose an immediate threat to the livelihoods of farmers and ranchers, as well as the food supply and ecosystem health.

The grant program aims to provide financial assistance to affected individuals for supporting pest management initiatives that mitigate the impact of grasshoppers and Mormon crickets on agricultural crops as directed by HB 5701, Section 408 (2024).

JUSTIFICATION OF TEMPORARY FILING:

In the case of pest outbreaks, swift action is essential to prevent or minimize economic losses and environmental damage. Emergency rules allow for a faster response, enabling the Oregon Department of Agriculture (ODA) to deploy resources promptly.

By implementing emergency rules, ODA demonstrates its commitment to protecting the public interest by addressing urgent threats to agriculture and the environment. These rules enable ODA to act decisively in times of crisis, safeguarding the state's agricultural economy and natural resources.

ODA must expedite the implementation of the grant program. These rules will allow ODA to quickly allocate funds to counties to support farmers, ranchers, and other partners in managing grasshopper and Mormon cricket infestations. Overall, emergency rules for a grasshopper and Mormon cricket general fund allocation grant program are justified by the need for swift and effective action to mitigate the impact of current grasshopper and Mormon cricket outbreaks on Oregon's agriculture and environment.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

- HB 5701 2024 – OR Legislative Information Website – [oregonlegislature.gov](http://oregonlegislature.gov)

RULES:

603-007-0200, 603-007-0205, 603-007-0210, 603-007-0215, 603-007-0220, 603-007-0225, 603-007-0230, 603-007-0235, 603-007-0240

ADOPT: 603-007-0200

RULE TITLE: Definitions

RULE SUMMARY: Definitions for allocation rules

RULE TEXT:

As used in 603-007-0205 to 603-007-0240, unless the context requires otherwise:

(1) "Department" means the State Department of Agriculture.

(2) "Fund" means the Grasshopper and Mormon cricket general fund allocation grant per House Bill 5701 (2024 HB 5701).

(3) "County Program" means an established county government program meeting all of the requirements established under this rule.

(4) "Agricultural producer" means a person primarily responsible for the growing, raising, and the harvesting agricultural products to the point at which the products are ready for sale to a consumer.

STATUTORY/OTHER AUTHORITY: HB 5701 (2024), Sec. 408, ORS 561.240

STATUTES/OTHER IMPLEMENTED: HB 5701 (2024), Sec. 408

ADOPT: 603-007-0205

RULE TITLE: Purpose

RULE SUMMARY: Purpose for the allocation rules

RULE TEXT:

The purpose of these rules is to provide criteria and procedures for implementation and administration of the fund. Grant funds will be awarded to county programs for supporting pest management initiatives that mitigate the impact of grasshoppers and Mormon crickets on agricultural crops.

STATUTORY/OTHER AUTHORITY: HB 5701 (2024), Sec. 408, ORS 561.240

STATUTES/OTHER IMPLEMENTED: HB 5701 (2024), Sec. 408

ADOPT: 603-007-0210

RULE TITLE: Eligible Applicants

RULE SUMMARY: Establishes eligible applicants.

RULE TEXT:

The following five (5) counties, namely Baker, Harney, Klamath, Lake, and Malheur, are hereby designated as recipients of a grant totaling \$100,000 each. These counties have been designated recipients due to documented historical surveys demonstrating established economic infestations of grasshopper and Mormon Cricket populations within their jurisdictions.

(1) Furthermore, an additional sum of \$425,000 shall be apportioned among counties demonstrating need, contingent upon successful grant applications.

(2) Eligibility for grant consideration extends to county governments situated within areas affected by either grasshopper or Mormon cricket infestations, provided they are equipped to evaluate applications from eligible producers seeking grant assistance within their jurisdiction.

STATUTORY/OTHER AUTHORITY: HB 5701 (2024), Sec. 408, ORS 561.240

STATUTES/OTHER IMPLEMENTED: HB 5701 (2024), Sec. 408

ADOPT: 603-007-0215

RULE TITLE: Standards to Determine Grant Award Eligibility

RULE SUMMARY: Establishes standards to determine grant award eligibility.

RULE TEXT:

(1) The Department will consider applications for funds from county programs that meet the stated purpose of this rule and contain the elements specified in this section.

(2) Grants are subject to available funding. A county becomes eligible for grant consideration if it maintains a county program meeting the following stipulations:

(a) The county must institute a protocol facilitating the submission of applications by producers encountering grasshopper or Mormon cricket infestations for grant funds allocated through the County Program.

(b) The county program must earmark the allocated funds explicitly for the implementation of pest management measures targeting grasshoppers and Mormon crickets.

(c) The county program must establish eligibility criteria for compensation to ensure, subject to funding availability, that grant program disbursements are distributed by the county program in a fair and impartial manner.

STATUTORY/OTHER AUTHORITY: HB 5701 (2024), Sec. 408, ORS 561.240

STATUTES/OTHER IMPLEMENTED: HB 5701 (2024), Sec. 408

ADOPT: 603-007-0220

RULE TITLE: Distribution of Grant Funds

RULE SUMMARY: Establishes how grant funds will be distributed.

RULE TEXT:

Grant funds received by a county program from the Department may only be used to reimburse for grasshopper or Mormon cricket suppression efforts that benefit producers in their county. Counties are empowered to disburse grant funds to eligible producers within neighboring counties when such distribution is deemed advantageous to the recipient county. Priority consideration for grant allocation shall be accorded to areas where grasshopper or Mormon cricket populations have precipitated extensive agricultural damage.

STATUTORY/OTHER AUTHORITY: HB 5701 (2024), Sec. 408, ORS 561.240

STATUTES/OTHER IMPLEMENTED: HB 5701 (2024), Sec. 408

ADOPT: 603-007-0225

RULE TITLE: Application Procedures

RULE SUMMARY: Establishes application procedures

RULE TEXT:

(1) Grant application forms will be made available and distributed by the Department.

(2) Each county shall submit its proposal for funding on the Department's application form, including attachments as necessary, by the date published by the Department.

STATUTORY/OTHER AUTHORITY: HB 5701 (2024), Sec. 408, ORS 561.240

STATUTES/OTHER IMPLEMENTED: HB 5701 (2024), Sec. 408

ADOPT: 603-007-0230

RULE TITLE: Application Review

RULE SUMMARY: Describes application review process.

RULE TEXT:

(1) The Department may process grant applications to evaluate the reasonableness of the amount of money requested. The Department may use formulas it may derive for allocating available funds equitably among grant requests.

(2) The Department will review each application for completeness, accuracy, and consistency with these rules. Incomplete applications may be returned for correction or completion. Applications not meeting the standards established in these rules may be denied. If an application is denied, the Department may identify standards necessary for approval of a future grant application.

STATUTORY/OTHER AUTHORITY: HB 5701 (2024), Sec. 408, ORS 561.240

STATUTES/OTHER IMPLEMENTED: HB 5701 (2024), Sec. 408



ADOPT: 603-007-0235

RULE TITLE: Grant Awards

RULE SUMMARY: Establishes how grant awards decisions will be made.

RULE TEXT:

After reviewing a county application, the Department will make one of the following decisions for each county's grant request:

- (1) Approval of grant award for the full amount requested;
- (2) Approval of grant award of partial amount requested. In this instance, the Department may elect to fund a portion of grant request;
- (3) Deferral of request for further consideration based upon submission of additional information;
- (4) Denial of request.

STATUTORY/OTHER AUTHORITY: HB 5701 (2024), Sec. 408, ORS 561.240

STATUTES/OTHER IMPLEMENTED: HB 5701 (2024), Sec. 408

ADOPT: 603-007-0240

RULE TITLE: Grant Administration

RULE SUMMARY: Describes how grants will be administered.

RULE TEXT:

(1) The Department and the recipient county will enter a grant agreement that includes but is not limited to the following:

- (a) A description of the county program and a description of the work elements for which grant funding is received.
- (b) A payment schedule as determined by the Department.
- (c) A condition requiring the participating county to prepare a report that specifies the actions taken, compensation paid, and financial assistance provided under the grant. This report will be due to the Department on March 31st of year following the grant expenditures.
- (d) A condition allowing, termination of the grant agreement if a county is consistently unable to meet performance standards as identified in the grant or as consistent with law.
- (2) A condition requiring counties to maintain any and all records necessary to allow the Department to monitor administration of the grant.
- (3) A condition specifying that grantees and the Department may amend timelines specified in the grant agreement provided such amendments are in writing and are mutually agreed to.
- (4) A condition specifying that unexpended grant funds not used by the grantee must be returned to the Department for reallocation.
- (5) A condition specifying that as part of its duty to monitor the county programs, the Department may audit and review county program grant application documents, subsidiary record documentation, and source documents, including but not limited to, invoices, cost computations by the county and all other instruments and documents upon which expenditure of grant funding was determined and which the Department ascertains is necessary to determine compliance with a county program.
- (6) A condition specifying that any grant moneys disbursed to a county that remain unobligated or unexpended as of the termination date of a grant agreement must be returned to the Department.

STATUTORY/OTHER AUTHORITY: HB 5701 (2024), Sec. 408, ORS 561.240

STATUTES/OTHER IMPLEMENTED: HB 5701 (2024), Sec. 408