

OREGON



WATER RESOURCES
DEPARTMENT

Best Practices in Community Engagement around Water Projects

(ORS 541.551)

Oregon Water Resources Department

Rules Advisory Committee Meeting

September 16th, 2024

Virtual Meeting Protocols

RAC Members

- Please stay on mute when you are not talking
- Please turn on video if possible
- If possible, use raise hand feature to speak
- Please limit use of chat feature

Members of the Public

- Please stay on mute and off camera until public comment period
- Public comment period will start around 10:50am

Meeting Agenda

Topic	Estimated Timing
Welcome and Introductions	9:00am – 9:10am
ORS 541.551: Background and Processes	9:10am – 9:20am
Rulemaking and Role of the RAC	9:20am – 9:40 am
Draft Rules and Timelines	9:40am – 9:55am
Break	9:55am – 10:00am
Draft Rules: Group Discussion	10:00am – 10:50am
Public Comment	10:50am – 11:00am

RAC Member Introductions

Please introduce yourself with your full name and why you are interested in community engagement.

** All RAC members will be representing their own experiences and do not speak on behalf of their organizations, professional positions, or groups of people.*

Rulemaking and Role of RAC

Role of RAC

[Handout](#)

- Follow the RAC General Operating Principles
- Prepare for, attend, and participate in meetings
- Provide feedback and perspectives regarding draft rules and potential fiscal impacts

Role of OWRD Staff

- Facilitate meetings
- Provide technical support and subject matter expertise
- Draft Final Rules



ORS 541.551: Background and Processes





ORS 541.551 Vision Statement

Through the collaborative development of Best Practices in Community Engagement, the named agencies aim to promote meaningful inclusion of disproportionately impacted communities in decisions related to the identification, planning, and implementation of water projects.

If agencies make support available for the development and implementation of community engagement plans for water projects, those resources are dedicated to plans that follow Best Practices for Community Engagement.



State of Oregon
Department of
Environmental
Quality



ORS 541.551 Mandates

- Requires agencies to *develop best practices for community engagement for water projects.*
- Requires each agency to adopt rules recognizing best practices for *use by the provider, local organizations, and local governments.*
- States agencies **MAY** make water project support (including funding) available to develop and implement community engagement plans related to a water project.
 - **IF SUPPORT IS PROVIDED**, requires that supported community engagement plans utilize best practices developed by the agencies.

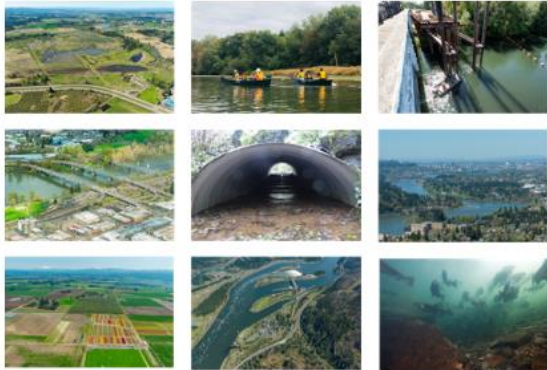
Development of Best Practices



Best Practices Document

09.02.2024 _ Final Version

10 BEST PRACTICES *in Community Engagement around Water Projects*



A Resource for Local Organizations and Local Governments for
developing and implementing Community Engagement Plans for water projects.

Page 1 of 14

Outlines 10 Best Practices in Community Engagement that may be used by local organizations and local governments in water projects.

This document is a guidance document which will be referenced by each of the agencies named in ORD 541.511.



Rulemaking and Role of the RAC

Rulemaking and Role of RAC

[Handout](#)

Statute, Rule, and Guidance

STATUTE: The Oregon Revised Statutes (ORS) are the codified laws passed by the legislature signed by Governor.

RULE: Oregon Administrative Rules (OAR) are laws created by agencies to implement and interpret statutes from the Legislature.

GUIDANCE: Are policies and procedures put in place by an agencies to implement OARs.

Rulemaking and Role of RAC

Statute, Rule, and Guidance

STATUTE: ORS 541.551 across 6 listed agencies

RULE: OWRD's OAR 609-601-001 – 609-601-006

GUIDANCE: Grant and loan guidelines specific for OWRD programs AND the 10 Best Practices Document.



Rulemaking and Role of RAC

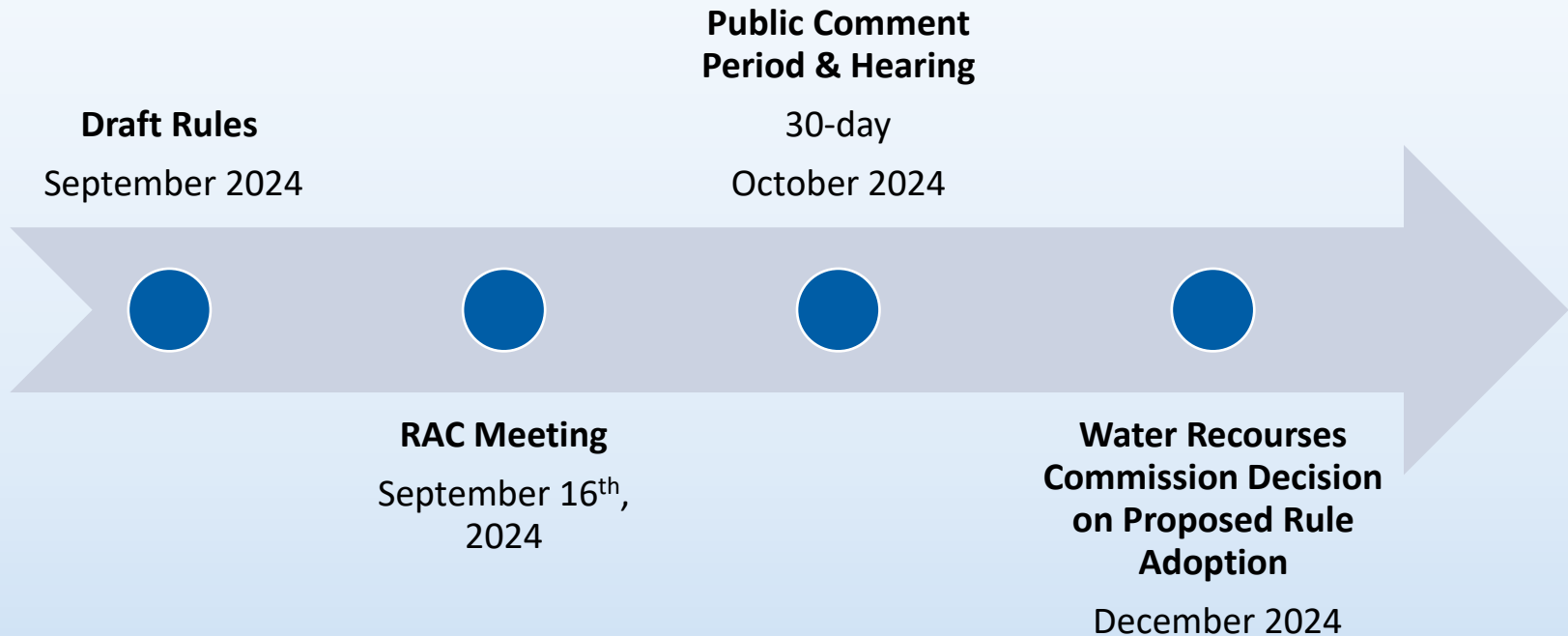
As a RAC member, you will provide input that will help OWRD consider various perspectives to develop rules that are fair, practical, and consistent with the intent of the House Bill 3293 (2021; ORS 541.551).

The RAC will also help OWRD gain a better understanding of the fiscal impacts and costs of compliance associated with the proposed rules.

Statement of Fiscal Impact requirements & purpose:

- I.D. state agencies, units of local government and the public that may be economically affected
- Estimate economic impact on those entities
- Use available information to project significant economic effect of proposed rules on businesses, including cost of compliance effects on small businesses
- The department will consider input from RAC

Rulemaking Timeline





Draft Rules





Purpose *690-601-0001*

OAR 690-601-0001 to OAR 690-601-0006 establishes rules to support meaningful involvement of disproportionately impacted communities in the development, implementation, or development and implementation of community engagement plans for water projects supported by authorized Oregon Water Resources Department grants and loans.

Disproportionately Impacted Communities*

Meaningful Involvement*

Community Engagement Plan Grantee

Community Engagement Plan Applicant

Department

Community Engagement Plan

Water Project

Best Practices

** Denotes draft proposed rule definitions*

Funding 690-601-0003

- (1) The Department may provide funding for community engagement plan development, implementation, or both to increase participation by representatives of disproportionately impacted communities in water projects supported by grants or loans through OAR 690-600 or OAR 690-093.
 - A. For the purposes of grants and loans pursuant to OAR 690-093 ...
cont. ...
 - B. For the purposes of OAR 690-600, Water Conservation, Reuse, and Storage Grant Program ... *cont. ...*
- (2) Community engagement grantees shall follow all laws and guidelines for water projects that are supported by grants or loans issued pursuant to OAR 690-600 or OAR 690-093.

Funding 690-601-0003

- (3) Community engagement grantees shall follow all applicable state and federal funding and procurement laws and guidelines for ineligible and eligible costs and activities.
- A. Ineligible costs and activities are not reimbursable, these include but are not limited to, spending funds on the acts of lobbying and fundraising.
 - B. Eligible costs and activities that may be reimbursable, if conditions of the granting agreements are met, include but are not limited to, facilitation of meetings, meeting materials, meeting venues, and compensation of disproportionately impacted communities for meaningful involvement in community engagement opportunities.



Best Practices for Water Projects for Use in Community Engagement Plans *690-601-0004*

(1) The Department recognizes ten best practices to support meaningful involvement of disproportionately impacted communities in water projects supported by grants or loans pursuant to OAR 690-600 or OAR 690-093. Department recognized best practices for use in the development, implementation, or development and implementation of community engagement plans include:

Sections A. through G. lists best practices for community engagement as listed in the 10 Best Practices guidance document.

Best Practices for Water Projects for Use in Community Engagement Plans *690-601-0004*

(2) Community engagement plans for water projects supported by grants or loans pursuant to OAR 690-600 or OAR 690-093 shall:

- A. Be designed to promote meaningful involvement of disproportionately impacted communities.
- B. Be conducted using the Departments recognized best practices. Plans shall include, but are not limited to, the following components:
 - a. A framework for how the water project will engage with and provide meaningful involvement of disproportionately impacted communities.
 - b. Metrics to evaluate the community engagement plans for participation by disproportionately impacted communities.



Application Requirements

690-601-0005

- (1) Community engagement plan applicants shall comply with all application requirements associated with OAR 690-600 or OAR 690-093.

Application Requirements

690-601-0005

- (2) Community engagement plan applicants may propose to not incorporate one or more of the Department recognized best practices in community engagement plans for a water project. If a community engagement plan applicant requests to the Department not to incorporate one or more Department recognized best practices, then:
- A. The community engagement plan applicant shall provide evidence to the Department explaining why the recognized best practice does not meet the community engagement plans desired outcomes or advances disproportionately impacted community involvement.
 - B. The Department shall determine whether the recognized best practice should be used, waived, or replaced with an alternative best practice proposed by the community engagement plan applicant.

Application Requirements

690-601-0005

- (3) Community engagement plan applicants may propose alternative practices not recognized by the Department for use in community engagement plan. If an alternative practice is proposed to the Department, then:
- A. The community engagement plan applicant shall provide evidence to the Department showing that the proposed alternative meets the community engagement plans desired outcomes or advances disproportionately impacted community involvement.
 - B. The Department shall determine whether these alternative practices can replace a Department recognized best practice in the community engagement plan. In assessing alternatives, the Department may consider, but is not limited to, size and scope of the water project and the identified needs of the disproportionately impacted community.



Grant Agreement and Reporting on Community Engagement Plans 690-601-0006

- (1) Community engagement plan grantees shall comply with all grant agreement conditions and reporting requirements associated with OAR 690-600 or OAR 690-093.

- (2) Community engagement plan grantees shall submit progress and final reports to the Department on a form provided by the Department. The reporting frequency will be specified in the grant agreement and will align with the timing of other related funding program reporting requirements. Reports shall include but are not limited to the following:



Grant Agreement and Reporting on Community Engagement Plans 690-601-0006

- A. Progress made toward the use of Department recognized best practices and approved alternative practices, and the success of these best practices in increasing meaningful involvement of disproportionately impacted communities in water projects.
- B. A description of when and how disproportionately impacted communities were engaged and considered during the development, implementation, or development and implementation of the community engagement plans.
- C. Any feedback received from disproportionately impacted communities through a community engagement plan, and how the feedback has been or will be incorporated into the water project.



Break (5min)





Group Discussion



Start of Group Discussion



Next Steps

For additional input regarding today's draft rules discussion, email Charlotte Whitefield (Charlotte.m.regula-whitefield@water.oregon.gov) any by **September 20th, 2024**.

For questions regarding the rulemaking process, email Margo Mashkovskaya (Margo.A.MASHKOVSKAYA@water.oregon.gov)

Public comment period on draft rules will begin October 1st, 2024



Public Comment