

Division 601: Best Practices in Community Engagement for Water Projects

690-601-0001

Purpose

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

Statutory/Other Authority: ORS 536.027, ORS 541.551

Statutes/Other Implemented: ORS 541.551

690-601-0002

Definitions

For the purposes of Oregon Administrative Rules Chapter 690, Division 601:

- (1) “Disproportionately Impacted Communities” means:
 - A. Rural communities;
 - B. Communities of color;
 - C. Tribal communities;
 - D. Coastal communities;
 - E. Areas with above-average concentrations of:
 - a. historically disadvantaged households,
 - b. residents with low levels of educational attainment,
 - c. high unemployment,
 - d. high linguistic isolation,
 - e. low levels of homeownership or high rent burden,
 - f. sensitive populations;
 - F. Other communities that face barriers to meaningful involvement in public processes.
- (2) “Meaningful Involvement” means that members of disproportionately impacted communities have appropriate opportunities to participate in and impact the outcomes of water projects that will likely affect their communities’ environment, economy, or health
- (3) “Community Engagement Plan Grantee” means eligible local governments or local organizations that receive funding for a Community Engagement Plan for water projects that are supported by grants or loans pursuant to OAR 690-600 or OAR 690-093.
- (4) “Community Engagement Plan Applicant” means eligible local governments or local organizations that apply to receive grants or loans from OAR 690-600 or OAR 690-093 for a water project Community Engagement Plan.

- (5) "Department" means the Oregon Water Resources Department.
- (6) "Community Engagement Plan" means a plan to meaningfully engage and provide suitable access to decision-making processes for disproportionately impacted communities, underrepresented communities, tribal communities and all persons regardless of race, color, national origin or income in planning for water projects using identified best practices.
- (7) "Water Project" mean projects eligible for funding by grants or loans through OAR 690-600 or OAR 690-093.
- (8) "Best Practices" include goals, approaches, and strategies used in the development and implementation of a community engagement plan to increase meaningful involvement of disproportionately impacted communities in decisions related to the identification, scoping, design, or implementation of a water project.
- (9) "Local Government" has the meaning given to that term in ORS 174.116.
- (10) "Local Organization" means a special government body as defined in ORS 174.117, a federally recognized Indian tribe, a nonprofit organization, or other organization identified who operates in an area affected by a water project and is eligible to receive grants or loans pursuant to OAR 690-600 or OAR 690-093.

Statutory/Other Authority: ORS 536.027, ORS 541.551

Statutes/Other Implemented: ORS 541.551

690-601-0003

Funding for Community Engagement Plans

- (1) The Department may provide funding for community engagement plan development, implementation, or both to invite and support meaningful involvement 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, Water Supply Development Account, a community engagement plan for a water project may be funded if the plan is used to inform the identification, planning, development, or implementation of a water resource projects funded by the account.
 - B. For the purposes of OAR 690-600, Water Conservation, Reuse, and Storage Grant Program, a community engagement plan for a water project may be funded if the plan is used to inform project identification and project planning studies funded by the program that are performed to evaluate the feasibility of developing a water conservation, reuse, or storage project.
- (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.

- (3) Community engagement grantees, using Department recognized best practices, and approved alternative best practices, shall expend grant or loan funds for the purposes of inviting and supporting meaningful involvement of disproportionately impacted communities in decisions related to the identification, scoping, design, and implementation of water projects.
- (4) Community engagement grantees shall follow all applicable state and federal funding and procurement laws and guidelines for reimbursable 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, design and facilitation of meetings and eligible associated costs, development and distribution of outreach and meeting materials, and compensation of disproportionately impacted communities for meaningful involvement in community engagement opportunities.

Statutory/Other Authority: ORS 536.027, ORS 541.551

Statutes/Other Implemented: ORS 541.551

690-601-0004

Best Practices of Water Projects for use in Community Engagement Plans

- (1) The Department recognizes ten best practices to invite and 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 both, of community engagement plans include:
 - A. Identifying and inviting disproportionately impacted communities interested in engaging in water project planning.
 - B. Defining the water project's purpose and goals, including what will be done to meaningfully involve disproportionately impacted communities.
 - C. Developing new, or assessing current, decision-making processes to identify opportunities to enhance access to the project decision-making process for disproportionately impacted communities.
 - D. Inviting tribal communities in Oregon to participate in the water project, acknowledging their preferences and capacity for collaboration, regardless of whether tribal members are represented in the community demographics.
 - E. Co-creating water project capacity opportunities that are inclusive, including to disproportionately impacted communities, with the community and across water project participants.
 - F. Building collaborative relationships with disproportionately impacted communities.

- G. Coordinating with the community and across water project participants to leverage resources, staff, and data.
 - H. Ensuring water project communications and information are shared in a timely, transparent manner, and in languages, and formats commonly used or preferred by disproportionately impacted communities.
 - I. Evaluating the effectiveness of community engagement before, during, and after the water project, based on the purposes, goals, and capacities of communities' and projects.
 - J. Striving to monitor and document the positive and negative impacts of the water project on disproportionately impacted communities and their environments.
- (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. Plans shall include, but are not limited to, the following components:
 - a. A description of how disproportionately impacted communities will be identified using established systems.
 - b. A framework for how the water project will engage with communities including disproportionately impacted communities, which includes:
 - i. Goals for equitable participation of disproportionately impacted communities in water projects.
 - ii. Realistic and achievable approaches for use in meeting those goals.
 - c. A set of metrics and timelines to evaluate the community engagement plan progress and success in increasing meaningful participation of disproportionately impacted community in water projects.
 - B. Be conducted using the Departments recognized best practices.

Statutory/Other Authority: ORS 536.027, ORS 541.551

Statutes/Other Implemented: ORS 541.551

690-601-0005

Application Requirements and Evaluation of Community Engagement Plans

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

- (2) Community engagement plan applicants, within loan or grant applications, may propose not to incorporate one or more of the Department recognized best practices in community engagement plans for a water project. If a community engagement plan applicant seeks 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 advance 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. If the Department determines that the recognized best practice shall be replaced by an alternative best practice, 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.
- (3) The Department shall evaluate the community engagement plan applications according to evaluation criteria in OAR 690-600 or OAR 690-093, and community engagement plan components described in OAR 690-601-0004(1) and OAR 690-601-0004(2).
- (4) The Department may evaluate the community engagement plan applications on additional criteria including but not limited to:
- A. Significance and impact of the water project and community engagement plan on local communities and disproportionately impacted communities.
 - B. Appropriateness of the budget and the resources involved in the community engagement plan to increase meaningful involvement on local communities and disproportionately impacted communities in the water project.
 - C. Expertise, qualifications, and level of community connections held by the local governments or local organizations involved in the community engagement plan.

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Statutes/Other Implemented: ORS 541.551

690-601-0006

Funding Agreement and Reporting on Community Engagement Plans

- (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 OAR 690-600 or OAR 690-093 funding program reporting requirements. Reports shall include but are not limited to the following:
 - A. Progress made toward the use of Department recognized best practices and approved alternative best practices, and the success or failure of these best practices in increasing meaningful involvement of disproportionately impacted communities in water projects. Progress should include specific updates on plan metrics and timelines that have been achieved by the community engagement plan grantee and a justification for unachieved framework goals, timelines, or evaluation metrics.
 - B. Specific information on when and how disproportionately impacted communities were involved the development, implementation, or both of the community engagement plans and water project.
 - C. Any feedback received from disproportionately impacted communities through their involvement in a community engagement plan development, implementation, or both, and how the feedback has been or will be incorporated into the community engagement plan and water project.
- (3) The Department may impose other community engagement plan specific conditions onto the grantee by noting the conditions during plan evaluation and including the condition in the funding agreement for the community engagement plan.
- (4) The Department may terminate, reduce, or delay funding for a community engagement plan if the Community Engagement Plan Grantee fails to comply with any provision of subsections (1), (2), and (3) of this section.

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