

OREGON



WATER RESOURCES
DEPARTMENT

Place Based Water Planning Rulemaking

Oregon Water Resources Department

Rules Advisory Committee Meeting

August 19, 2024

Virtual Meeting Protocols

RAC Members

- Stay on mute when you're not talking
- Turn on video if possible
- Use raise hand feature to speak
- 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 11:45pm

RAC Members

1. Name
2. Interest or Experience with Place-Based Water Planning

**Over half of the RAC members have been associated with place-based water planning groups. They will be representing their own experiences and do not speak on behalf of their planning collaboratives.*

Meeting Agenda

Topic	Estimated Timing
Welcome and Introductions	10:00am – 10:15am
Place Based Water Planning: Context and Background	10:15am – 10:25am
Rulemaking and Role of the RAC	10:25am – 10:30 am
Introduction to Draft Rules	10:30am – 10:40am
Draft Rules: Purpose and Definitions	10:40am – 11:00am
Break	11:00am – 11:10am
Draft Rules: Grant Types	11:10am – 11:45am
Public Comment	11:45am – noon

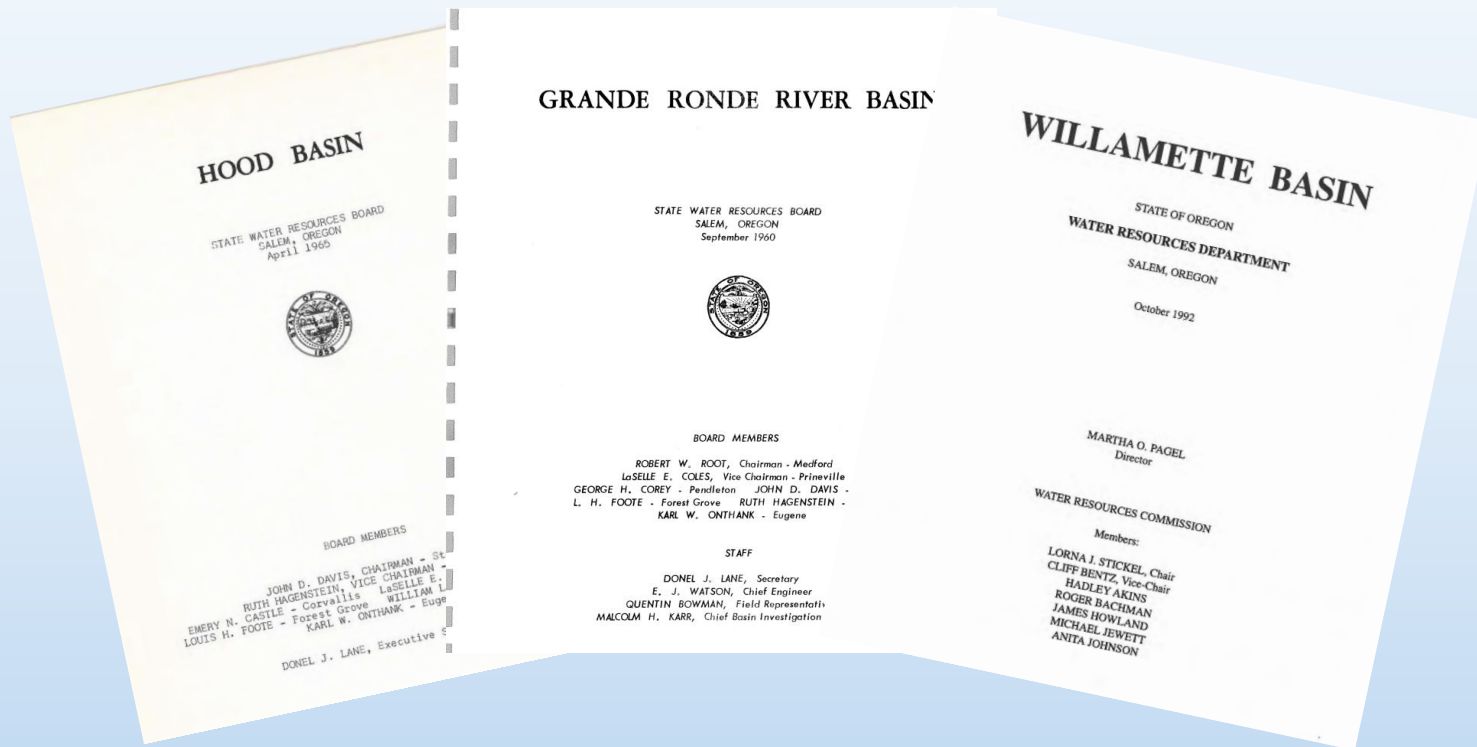


Place-Based Water Planning: Context and Background



Timeline

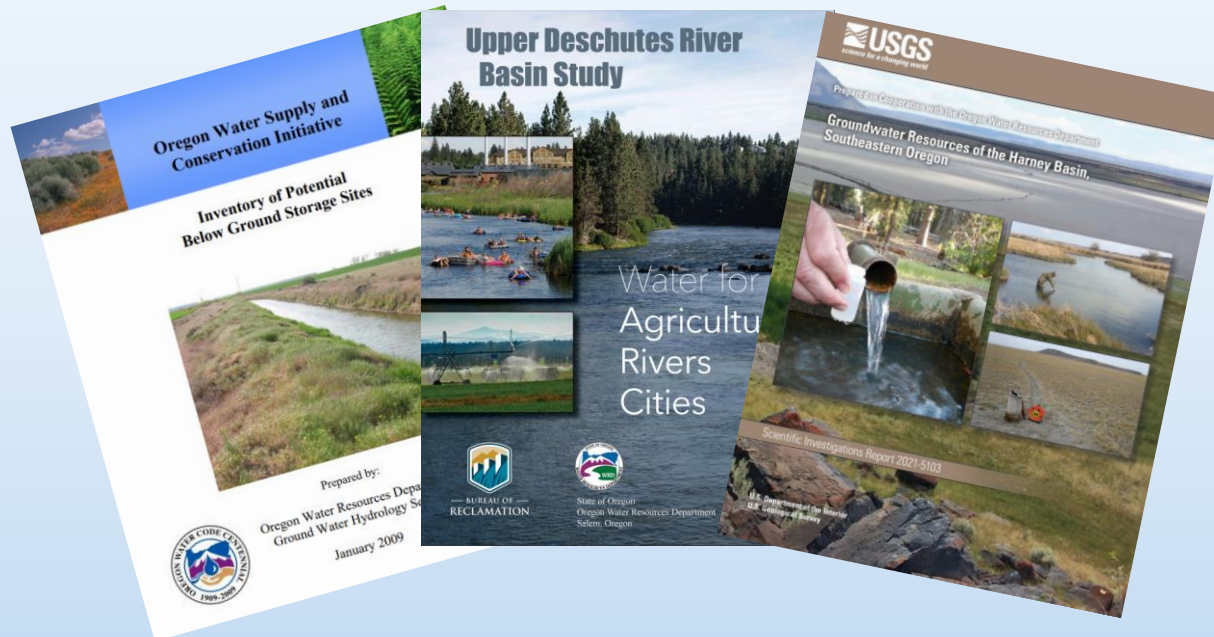
1950's – 1990's: Basin Assessments



Timeline

1950's – 1990's: Basin Assessments

1990's – today: Ad-Hoc Planning



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2012/2017: PBP was an IWRS Recommended Action



Timeline

1950's – 1990's: Basin Assessments

1990's – today: Ad-Hoc Planning

2012/2017: PBP was an IWRS
Recommended Action

2015: Draft PBP Guidelines Developed



Draft Guidelines

A Tool for Conducting Place-Based
Integrated Water Resources Planning in Oregon

Timeline

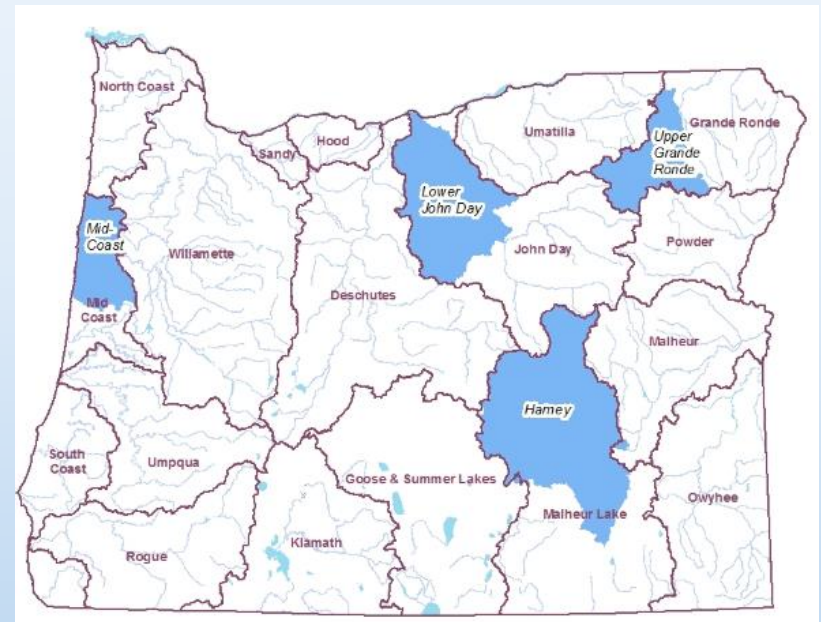
1950's – 1990's: Basin Assessments

1990's – today: Ad-Hoc Planning

2012/2017: PBP was an IWRS Recommended Action

2015: Draft PBP Guidelines Developed

2016: Four Groups began Piloting PBP



Timeline (cont.)

2022:

- First Place-Based Water Plans get state-recognized
- Independent Evaluation of PBP Pilot
- State-Supported Regional Water Planning and Management Workgroup

2023: HB 2010 passes, which:

- Establishes a Place-Based Water Planning Fund
- Defines how OWRD may use the fund to support Place-Based Water Planning

“A Place-based integrated water resources plan means a plan that:

- A. Is developed for a planning area associated with waters from sources within a shared hydrologic boundary;
- B. Is developed in collaboration with a balanced representation of interests;
- C. Addresses current and future in-stream and out-of-stream needs;
- D. Includes the development of actions that are consistent with the state water resources policy and other state laws concerning the water resources of this state;
- E. Is developed using an open, equitable and transparent process that fosters public participation and meaningful engagement with environmental justice communities, consistent with the requirements of ORS 182.545;

“A Place-based integrated water resources plan means a plan that:

- F. Is developed in consultation with the Water Resources Department and other relevant state agencies;
- G. Facilitates implementation of local water resources solutions and supports the knowledge and relationships needed to implement the solutions;
- H. Assesses actions that are compatible with local comprehensive plans;
- I. Strives to integrate solutions to cost-effectively achieve multiple benefits;
- J. Is consistent with the guiding principles of the integrated state water resources strategy; and
- K. Complies with the rules of the Water Resources Commission, including any rules regarding the development of place-based integrated water resources plans.

“A Collaborative and inclusive process that is designed to:

- A. Gather information to develop a shared understanding of water resources and identify critical issues and knowledge gaps;
- B. Examine the existing and future in-stream and out-of-stream water needs for people, the economy and the environment;
- C. Identify and prioritize strategic, integrated solutions to understand and meet instream and out-of-stream water needs; and
- D. Develop, implement and update a place-based integrated water resources plan.”



Rulemaking and Role of the RAC

What is an Oregon Administrative Rule?

Administrative Rules are developed by agencies and boards and commissions to implement and interpret their statutory authority.

Water Resources Department

Chapter 690

^ Division 1 - RULEMAKING; ATTORNEY GENERAL'S MODEL RULES

^ Division 2 - PROTESTS AND CONTESTED CASES

^ Division 3 - PUBLIC RECORDS ACCESS AND REPRODUCTION

^ Division 4 - PROCEDURAL RULES FOR MEDIATION COMMUNICATIONS

^ Division 5 - COMPLIANCE WITH STATEWIDE PLANNING GOALS, COMPATIBILITY WITH COMPREHENSIVE PLANS, AND COORDINATION ON LAND USE MATTERS

^ Division 6 - STATUTORY GROUNDWATER TERMS

⋮

^ Division 522 - DESCHUTES BASIN WATER MANAGEMENT

^ Division 600 - WATER CONSERVATION, REUSE AND STORAGE GRANT PROGRAM

^ Division 601 - Best Practices in Community Engagement for Funded Water Projects

^ Division 602 - PLACE-BASED WATER PLANNING

There are no rules to display.

Statute, Rule, and Guidance (Example)

[Handout](#)

Statute: ORS 537.873

(3) In awarding grants, the department may require cost matching by applicants.

Related Draft Rules

690-602-0003

Grant Application Process

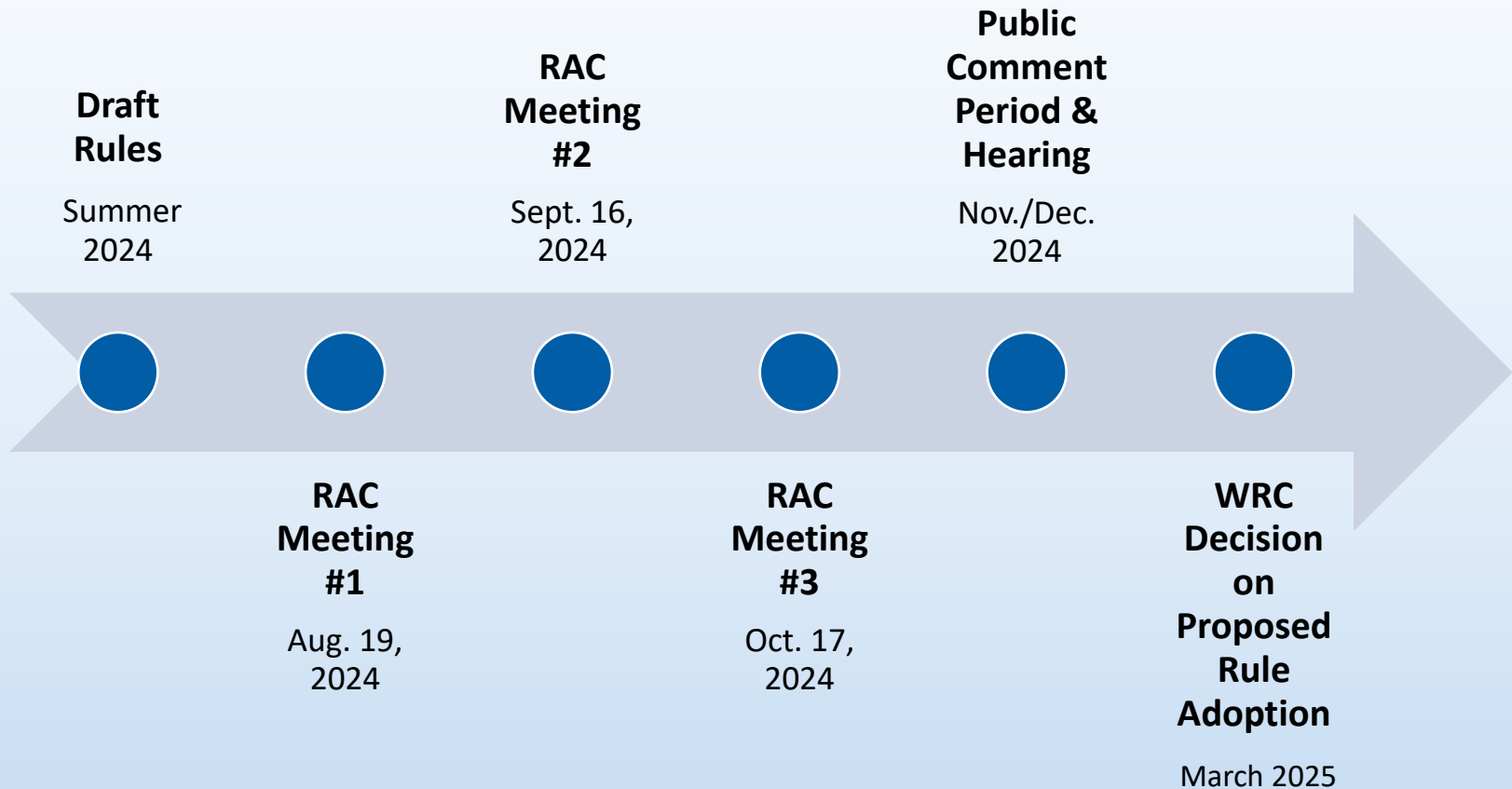
(2) Match requirements shall be included in the announcement for each grant offering. Match requirements shall not exceed 50% of the application request.

690-602-0005

Grant Application Requirements

- (1) 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 commitments of funding must be secured within 12 months from the date of the award.
- (2) 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 commitments of funding 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.

Rulemaking Timeline



RAC Role

[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

OWRD Role

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



Draft Rules



How were these rules drafted?

[Handout](#)

ORS 537.872 – 537.873

Independent Evaluation
of PBP Pilot

Recommendations from
Workgroup

OWRD Staff Expertise

Interagency Consultation

DRAFT RULES (8/6/2024)

[Chapter 690](#)

Division 602

PLACE-BASED WATER PLANNING

690-602-0001

Purpose

OAR 690-602-0001 to OAR 690-602-0010 establish procedures for the Oregon Department of Water Resources administration of the Place-Based Water Planning Fund and the process and integration of place-based integrated water resources planning in Oregon's Integrated Water Resources Strategy under the provisions of ORS 537.872 through 537.873.

Statutory/Other Authority: [ORS 536.027, 537.873](#)

Statutes/Other Implemented: [ORS 537.872 – 537.873](#)

690-602-0002

Definitions

- (1) "Application Review Team" means all state agencies identified in ORS 537.873(7) 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 interests to undertake place-based water planning.
- (3) "Collaborative" means the group of interested parties developing, implementing, or updating a place-based integrated water resources plan.
- (4) "Commission" means the Oregon Water Resources Commission.
- (5) "Department" means the Oregon Water Resources Department.
- (6) "Director" means the director of the Oregon Water Resources Department or the director's designee.
- (7) "Environmental Justice Community" as referenced in ORS 537.873(1) and defined in ORS 182.535.
- (8) "Fund" means the Place-Based Water Planning Fund.
- (9) "Grant Agreement" means the legally binding contract between the Department and the funding recipient. It consists 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, and the budget.
- (10) "Grantee" means the recipient of the funding.

Draft Rules

RAC #1

- Purpose/Definitions (*690-602-0001; 690-602-0002*)
- Grant Types/Eligibility (*690-602-0004*)

RAC #2

- How grant applications will be evaluated (*690-602-0006*)
- State Recognition (*690-602-0007*)

RAC #3

- Match Requirements & Grant Administration (*690-602-0003; 690-602-0005; 690-602-0008; 690-602-0009; 690-602-0010*)

Draft Rules: Purpose

690-602-0001

OAR 690-602-0001 to OAR 690-602-0010 establish procedures for the Oregon Department of Water Resources administration of the Place-Based Water Planning Fund and the process and integration of place-based integrated water resources planning in Oregon's Integrated Water Resources Strategy under the provisions of ORS 537.872 through 537.873.

Draft Rules: Definitions

690-602-0002

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Draft Rules: Definitions

690-602-0002

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- 9) "Grant Agreement" means the legally binding contract between the Department and the funding recipient. It consists 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, and the budget.
- 10) “Grantee” means the recipient of the funding.
- 11) "Match" is any contribution to a project that is non-Department funds.

Draft Rules: Definitions

690-602-0002

- 12) "Place-based integrated water resources planning" as defined in ORS 537.873(1).
- 13) "Place-based integrated water resources plan" as defined in ORS 537.873(1).
- 14) "Plan" means place-based integrated water resources plan.
- 15) "Plan Review Team" means all state agencies in ORS 537.873(7) that have the capacity to participate in plan review.
- 16) "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.

Recommendations/Lessons Learned

[Handout](#)

Recommendation M: The Place-Based Planning grant program should be accessible to basins with different levels of capacity and resources and be structured to provide onramps for groups through different tiers of support. Examples of these tiers include:

- **Small Capacity Grants** to help groups, especially those in underserved areas, prepare and assess their readiness to engage in the Place-Based Planning process.
- **Planning Grants** to help support groups in following the Place-Based Planning guidelines to develop a plan and achieve state recognition.
- **Implementation Coordination Grants** to help support continued engagement of planning groups as they move a state-recognized plan into action.

Consensus Vote: (20 support/neutral; 4 serious concerns; 0 actively block)

Recommendations/Lessons Learned

[Handout](#)

Recommendation P: At a minimum, the Place-Based Planning grant program should enable:

- (1) Support for meaningful community engagement, at the outset and ongoing. This would include resources for broad outreach, education, multiple channels for engagement and capacity building throughout the process.
- (2) Capacity support specifically to tribal and other under-represented or marginalized communities for meaningful engagement in place-based planning.
- (3) Support for capacity and/or funding for professionals to help prepare for and execute planning according to the Place-Based Planning Guidelines. Examples include capacity for project management, creation of governance agreements, DEIJ trainings, technical plan writing, and foundational expertise in water science, ecology and biology, climate science, and water law.
- (4) Support for professional independent third-party facilitation with subject matter expertise.
- (5) Support for continued engagement of planning groups to move a state-recognized plan into implementation. This would provide capacity to planning groups to:
 - Refine plan actions and strategies,
 - Identify, prepare, and apply to funding opportunities to implement plan actions and strategies,
 - Coordinate with the interagency support team as needed,
 - Ensure that the pursuit of strategies and actions continue to represent a balanced representation of instream and out-of-stream water interests, and
 - Complete biennial reports to the Water Resources Commission on the status of implementation.
- (6) Support for planning groups to update plans when significant changes in local conditions, data availability, or climate change information indicate the need for a plan update.

Consensus Vote: (24 support/neutral; 0 serious concerns; 0 actively block)

Recommendations/Lessons Learned

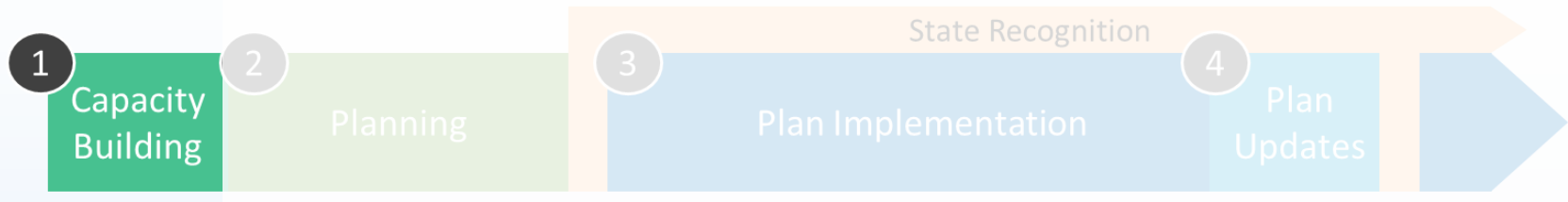
[Handout](#)

Related PBP Independent Evaluation Key Lessons Learned (OWRD contracted with the National Policy Consensus Center at Portland State University and Oregon State University's Cooperative Extension Program to conduct a joint independent [participatory evaluation](#) of the pilot place-based planning program.)

Key Lesson #1: The state's place-based integrated water planning model can be a useful tool for water resources management in some places, but the state's guiding framework requires adjustment.

Key Lesson #4: A situational assessment of prospective place-based planning areas needs to be done to scope out the prospective planning area's water situation as well as its collaborative and technical capacity.

Draft Rules: Grant Eligibility

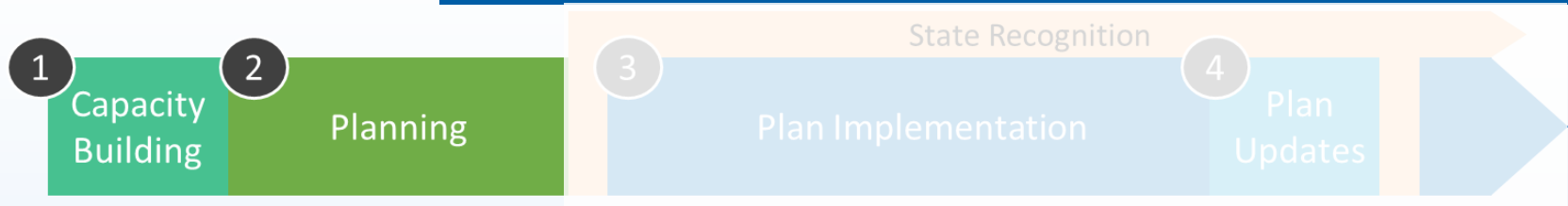


690-602-0004 (Grant Eligibility)

The Place-Based Water Planning Fund may fund Capacity Building Grants, Planning Grants, Implementation Coordination Grants, and Plan Update Grants.

- 1) Eligible Capacity Building Grants must prepare for or assess readiness to engage in Place-Based Integrated Water Resources Planning.

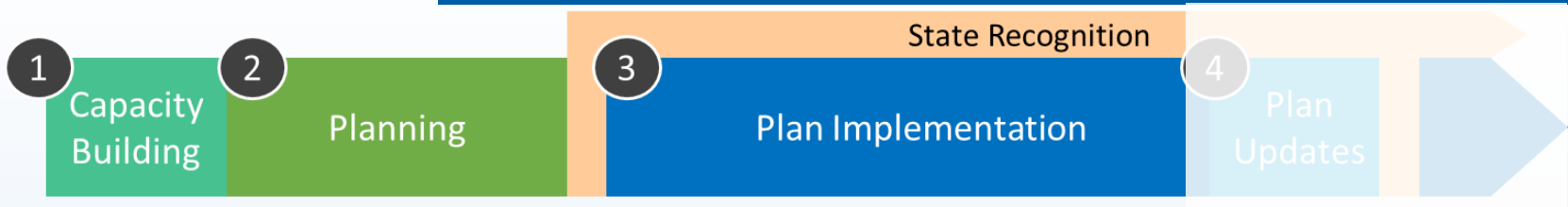
Draft Rules: Grant Eligibility



690-602-0004 (Grant Eligibility; cont.)

- 2) Eligible Planning Grants must
 - a) Develop a place-based integrated water resources plan;
 - b) Be within hydrologic and size boundaries defined by the Department; and
 - c) Be open to any interested parties that live, work, or recreate within the planning area.

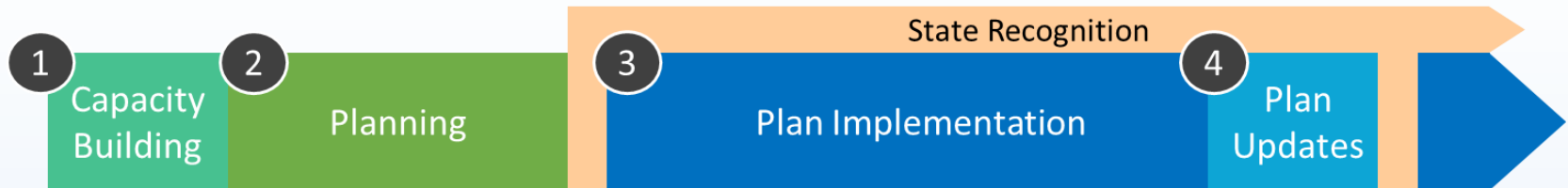
Draft Rules: Grant Eligibility



690-602-0004 (Grant Eligibility; cont.)

- 3) Eligible Implementation Coordination Grants must support the implementation of a state-recognized place-based integrated water resources plan.

Draft Rules: Grant Eligibility



690-602-0004 (Grant Eligibility; cont.)

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

Draft Rules: Grant Eligibility

690-602-0004 (Grant Eligibility)

The Place-Based Water Planning Fund may fund Capacity Building Grants, Planning Grants, Implementation Coordination Grants, and Plan Update Grants.

- 1) Eligible Capacity Building Grants must prepare for or assess readiness to engage in Place-Based Integrated Water Resources Planning.
- 2) Eligible Planning Grants must
 - a) Develop a place-based integrated water resources plan;
 - b) Be within hydrologic and size boundaries defined by the Department; and
 - c) Be open to any interested parties that live, work, or recreate within the planning area.
- 3) Eligible Implementation Coordination Grants must support the implementation of a state-recognized place-based integrated water resources plan.
- 4) Eligible Plan Update Grants must support updates to a state-recognized place-based integrated water resources plan.

Draft Rules: Grant Eligibility

690-602-0004

Discussion Questions:

1. Are these the appropriate grant types to offer to achieve the goals of PBP? Are there gaps based on the list of allowable costs in statute that aren't covered by these grant types?
2. Are these eligibility criteria clear? Are there other eligibility criteria that are not already outlined in the Statute that we should consider for each of the grant types?
 - Capacity Building Grants
 - Planning Grants
 - Implementation Coordination Grants
 - Plan Update Grants

Next Steps

Email Lili Prah (lili.k.prahl@water.oregon.gov) any additional input regarding today's draft rules discussion by **August 26, 2024**.

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

Next RAC Meeting

- **When:** Monday, September 16, from 12pm-2pm
- **Where:** Virtual
- **What:** Grant Evaluation Criteria (690-602-0006); State Recognition of Plans: Process, Agency Support, Consideration in the IWRS (690-602-0007)

The background features a stylized landscape. The top portion shows brown mountains with white snow-capped peaks and white, fluffy clouds against a light blue sky. The middle section is a solid blue horizontal band. The bottom portion consists of rolling green hills with light tan outlines.

Public Comment

OREGON



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