

DRAFT RULES (10/3/2024)

NOTE: Red-line edits in this version reflect changes made from the previous version ([Draft Rules Version 9/3/2024](#)).

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 Water Resources Department's 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 pursuant to ~~under the provisions of~~ ORS 537.872 through 537.873.

Commented [PLK*W1]: Suggestion from the RAC to expand the scope of the rules from those described here. This will be revisited in the third RAC meeting.

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

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

690-602-0002

Definitions

- (1) "Application Review Team" means all state agencies identified in ORS 537.873(7) and any other ~~invited~~ state agency invited by the Department with relevant knowledge or expertise ~~that have and~~ 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 instream and out-of-stream water interests to undertake place-based water planning; ~~ensure~~ ensure an open, equitable, and transparent process; ~~and~~ impartially guide and support the planning and implementation processes.
- (3) "Collaborative" means the balanced representation of instream and out-of-stream water interests from the community that develop, implement, or update a place-based integrated water resources plan consistent with their shared governance agreement.
- (4) "Commission" means the Oregon Water Resources Commission.
- (5) "Community" means the people impacted by the water resources of the planning area, entities with an interest or obligation ~~related~~ related to water ~~resources or and~~ ecosystems in or impacted by the planning area, and federal, state, local, and tribal governments.
- (6) "Department" means the Oregon Water Resources Department.
- (7) "Director" means the director of the Oregon Water Resources Department or the director's designee.
- (8) "Environmental Justice Community" as referenced in ORS 537.873(1) and defined in ORS 182.535.
- (9) "Fund" means the Place-Based Water Planning Fund.

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- (10) "Grant Agreement" means the legally binding contract between the Department and the funding recipient. It ~~may consist~~ 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, the scope of work to be performed, and the budget.
- (11) "Grantee" means the recipient of the grant funding.
- (12) "Match" is any contribution to a project that is non-Department funds.
- (13) "Place-based integrated water resources planning" as defined in ORS 537.873(1).
- (14) "Place-based integrated water resources plan" as defined in ORS 537.873(1).
- (15) "Plan" means place-based integrated water resources plan.
- (16) "Plan Review Team" means all state agencies identified in ORS 537.873(7) and any other ~~invited~~ state agency ~~invited by the Department or state government entity~~ with relevant knowledge or expertise ~~that have~~ and the capacity to participate in plan review.
- (17) "Planning area" means a shared hydrologic area that is within hydrologic and size limitations defined by the Department.
- ~~(17)~~(18) "Shared Governance Agreement" means a written document adopted by a collaborative through consensus that governs the collaborative's organizational structures, decision-making processes, roles, commitments, communications, and other provisions needed to support group governance or collaboration.
- ~~(18)~~(19) "State agency" means any officer, board, commission, department, division or institution in the executive or administrative branch of state government.
- ~~(19)~~(20) "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.

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

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

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Grant Application Process

- (1) The Department shall periodically announce deadlines for submitting applications for grant funding, dependent upon the availability of Place-Based Water Planning funds and state agency capacity to support ~~grantees and planning processes~~ planning groups.
- (2) Match requirements shall be included in the announcement for each grant offering. Match requirements shall not exceed 50% of the application request.
- (3) Applications shall be submitted on the most current form provided by the Department.
- (4) The Department may use an application review team to review applications based on the evaluation criteria in 690-602-0006.
- (5) The Department shall provide an opportunity for public comment on funding recommendations prior to the Directors funding decision.
- (6) The Director may make grant funding decisions based on the recommendations of the application review team, availability of fund resources, Department capacity to support grantees, and received public comments.

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

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

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Eligible Grant Types

The Place-Based Water Planning Fund may fund the costs of any action supporting place-based integrated water resources planning as outlined in ORS 537.873(2) through the administration of ~~Capacity Building~~[Planning Readiness Evaluation and Preparation](#) Grants, Planning Grants, ~~Implementation-Post Plan~~ Coordination Grants, and Plan Update Grants.

- (1) Eligible ~~Pre-Planning~~ [Readiness Evaluation and Preparation](#) Grants must prepare for or assess a community's readiness to engage in Place-Based Integrated Water Resources Planning for a proposed planning area.
- (2) Eligible Plan ~~Development~~[ing](#) Grants must:
 - (a) Develop a shared governance agreement adopted by the collaborative; ~~and~~
 - (b) Develop a place-based integrated water resources plan for a planning area; ~~and~~
- (3) Eligible ~~Implementation-Post Plan~~ Coordination Grants must support ~~the~~ implementation [coordination](#) 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.

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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.

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

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

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Grant Evaluation Criteria

- (1) ~~Capacity Building~~[Planning Readiness Evaluation and Preparation](#) Grants shall be evaluated on:
 - (a) The expected ability of the grantee to effectively engage a balance of instream and out-of-stream water interests on place-based water resources issues;
 - ~~(b) The need for the community to assess its readiness or prepare for place-based water planning clear and immediate need for capacity to be built; and~~

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- ~~(b)~~
- ~~(c) The proposed approach to public participation and engagement of environmental justice communities; and Cost effectiveness.~~
- ~~(d) Strategic priorities determined by the Director.~~
- (2) Plan ~~Development~~ing Grants shall be evaluated on:

 - ~~(a) A collaborative's readiness to engage in planning, which includes but is not limited to:~~
 - ~~(A) The convener and potential collaborative members ability to meaningfully engage and collaborate in a neutral process over multiple years with a balanced representation of instream and out-of-stream water interests, the public, Tribes, local governments, and state agencies;~~
 - ~~(B)(a) The history of collaboration in the planning area and among collaborative members.~~
 - ~~(C)(b) The proposed data, technical information, and planning tools that would support planning in the area;~~
 - ~~(D)(c) The proposed approach to public participation and engagement of environmental justice communities;~~
 - ~~(b) Cost effectiveness;~~
 - ~~(e) Strategic priorities determined by the Director; and~~
 - ~~(d) The value of place-based integrated water resources planning in the planning area and the demonstration of a clear and immediate need for a Plan; and~~
 - ~~(e)~~
 - ~~(f) State agency capacity to support the proposed planning process.~~
- (3) ~~Implementation-Post Plan~~ Coordination Grants shall be evaluated on:

 - ~~(a) If a Collaborative's Plan has received state-recognition for the first time within the last 2 years and it has not received a Post Recognition Grant previously, its application may be given priority by the application review team. Time elapsed since state recognition of a Plan or Plan update, prioritizing collaboratives that have more recently received state recognition;~~
 - ~~(b) If the Collaborative's Plan received state-recognition two or more years before the application deadline, its application shall be evaluated on:~~

 - ~~(b)A. Demonstration of the pursuit of Plan strategies and actions that continue to represent a balance of instream and out-of-stream water interests and a commitment to collaboration and place-based planning principles; and~~
 - ~~A. Progress made towards Plan implementation, including how progress aligns with the Plan's implementation strategies and continues to represent a balance of in-stream and out-of-stream water interests.; and~~
 - ~~B.~~
 - ~~C. The proposed approach to public participation and engagement of environmental justice communities; and Cost effectiveness.~~
 - ~~(e)D. Strategic priorities determined by the Director.~~
- (4) Plan Update Grants shall be evaluated on:

 - (a) Demonstration of the pursuit of Plan strategies and actions that continue to represent a balance of instream and out-of-stream water interests and a commitment to collaboration and place-based planning principles;

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- (b) Demonstration of a need to update or develop new planning strategies and/or demonstration of significant changes in local conditions, data availability, or climate change information that would impact the Plan; ~~and~~
- (c) The proposed approach to public participation and engagement of environmental justice communities; and Cost effectiveness.
- ~~(e)(d)~~ Strategic priorities determined by the Director.
- (5) Additional evaluation criteria for Place-Based Water Planning grants may be added ~~by the Commission~~ to reflect lessons learned by the Department through the administration of the grant program. Fund solicitation and application materials must reflect any new evaluation criteria before the commencement of a grant application cycle.

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

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

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State Recognition of Plans

- (1) A collaborative is eligible to apply for state-recognition of their Plan after it is adopted by the collaborative through consensus as defined in the collaborative's shared governance agreement.
- (2) The Plan Review team shall review the Plan according to the evaluation metrics provided by the Department and make a recommendation to the Director about state recognition of the Plan within 120 days of plan submission. If the Plan Review Team requires changes to recommend the Plan for state recognition, the Collaborative will be given an opportunity to amend its plan before a final recommendation is made.
- (3) A Plan may be recognized by the Commission if it meets the definition of a place-based integrated water resources plan in ORS 537.873(1)(e) and upon recommendation by the Director.
- (4) To maintain Plan state recognition, the collaborative must submit biennial reports on progress made towards Plan implementation on a form provided by the Department. Plans may lose state recognition if:
 - (a) Reporting requirements are not met;
 - (b) Reporting or other information received by the Department indicates that progress made towards implementation does not align with the Plan's implementation strategies or represent a balance of in-stream and out-of-stream water interests; or
 - (c) The Collaborative is no longer demonstrating a commitment to collaboration and adherence to principles of place-based integrated water resources planning and the state's Integrated Water Resources Strategy.
- (5) The Department, in consultation with other relevant state agencies, shall support implementation of state-recognized Plans appropriate to their mission, authorities, and priorities, as capacity allows. The Department shall document and communicate to collaboratives which Plan strategies may be supported by the Department according to the Department's mission, authorities, priorities, and capacity.
- ~~(6)~~ Plans that achieve state recognition before the Department begins updating the state's next Integrated Water Resources Strategy shall be considered in the update, following ways:

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- ~~(a)~~—The Department ~~shall~~~~may~~ identify and ~~may~~ incorporate common themes or strategies emerging from state-recognized Plans into updates; and
- ~~(b)~~(6) ~~Agencies may incorporate strategies from state-recognized Plans into the Integrated Water Resources Strategy and~~ any associated workplans, as appropriate to ~~each agency's~~ the Department's mission, authorities, and priorities, and as capacity allows.

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

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

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Grant Agreement and Conditions

- (1) The Director or designee shall establish conditions for each grant agreement.
- (2) The Department shall only enter into new agreements or amendments to existing agreements with prior grantees of the Place-Based Water Planning Fund if all reporting obligations and conditions under existing or earlier grant agreements from this Fund have been met.
- (3) No geographic area may be served by more than one grant from the Fund at a time.
- (4) The Grantee must:
 - (a) Submit a report every 6 months to the Department on a form provided by the Department that provides information regarding the expenditure of program and match funds, progress toward completion, compliance with special conditions and requirements in the grant agreement and any other information required by the Department.
 - (b) Comply with all federal, state, and local laws and ordinances applicable to the work to be done under the grant agreement.
 - (c) Account for funds distributed by the Department, using expense forms provided by the Department.
 - (d) Pursue state-recognition of any Plan or Plan update resulting from the collaborative's work.
- (5) Upon notice by the Department to the Grantee in writing, the Director may terminate funding for collaboratives not complying with the grant agreement conditions. The money allocated to the collaborative but not used may be available for reallocation by the Department.

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

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

690-602-0009

Public Notice and Comment

- (1) Prior to the award of Place-Based Water Planning funding, the Department shall provide public notice as follows: ~~of applications for funding and, if applicable, associated application review team recommendations. After p~~
 - (a) Public notice with a minimum 30-day public comment period for submission of written comments.
 - (b) Written notice to county and tribal governments within the proposed planning boundary of an application.
- (2) Prior to state recognition of a plan, the Department shall provide public notice with a minimum 30-day public comment period.

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Statutory/Other Authority: [ORS 536.027](#), [ORS 537.873](#)
Statutes/Other Implemented: [ORS 537.872](#) - [ORS 537.873](#)

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Distribution of Funds

- (1) The Director may withhold payments to a Grantee if the Grantee is not in compliance with grant agreement requirements and conditions.
- (2) Prior to disbursement of Department funds, the Grantee must provide the Department satisfactory proof that the required match, based on the total award, has been secured.

Statutory/Other Authority: [ORS 536.027](#), [537.873](#)
Statutes/Other Implemented: [ORS 537.872](#) - [537.873](#)

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