

## **DRAFT RULES (11/1/2024): Red-line version**

**NOTE:** Red-line edits in this version reflect changes made from the previous version ([Draft Rules Version 10/3/2024](#)).

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### 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 consideration integration of state-recognized place-based integrated water resources planning by the Department and in Oregon's Integrated Water Resources Strategy pursuant to ORS 537.872 through 537.873.

**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 state agency or~~ 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 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 to water resources or 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.

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- (9) "Facilitator" means a neutral party that works to ensure a collaborative process and supports consensus building.
- (10) "Fund" means the Place-Based Water Planning Fund.
- (11) "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.
- (12) "Grantee" means the recipient of the grant funding.
- (13) "Match" is any contribution to a project that is non-Department funds.
- (14) "Place-based integrated water resources planning" as defined in ORS 537.873(1).
- (15) "Place-based integrated water resources plan" as defined in ORS 537.873(1).
- (16) "Plan" means place-based integrated water resources plan.
- (17) "Plan Review Team" means ~~all~~ state agencies identified in ORS 537.873(7) ~~and any other state agency or~~ invited by the Department with relevant knowledge or expertise, ~~that have and~~ the capacity to participate in plan review.
- (18) "Planning area" means a shared hydrologic area that is within hydrologic and size limitations defined by the Department.
- (19) "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.
- (20) "State agency" means any officer, board, commission, department, division or institution in the executive or administrative branch of state government.
- (21) "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](#)

**690-602-0003**

**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.
- ~~(2) Match requirements shall be included in the announcement for each grant offering. Match requirements shall not exceed 50% of the application request.~~
- ~~(3)~~(2) Applications shall be submitted on the most current form provided by the Department.
- ~~(4)~~(3) The Department ~~may shall use an application review team to~~ review applications based on the evaluation criteria in 690-602-0006 ~~and may use an application review team to assist in conducting this review.~~

Commented [LP1]: Moved to -0005 Match Requirements.

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~~(5)~~(4) The Department shall provide an opportunity for public comment on funding recommendations prior to the Directors funding decision.

~~(6)~~(5) The Director ~~shall~~may make grant funding decisions based on the grant evaluation criteria in 690-602-0006 and any associated recommendations of ~~an~~the application review team, availability of fund resources, Department capacity to support grantees, and received public comments.

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

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

**690-602-0004**

**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 Planning Readiness Evaluation and Preparation Grants, Planning Grants, Post Plan Coordination Grants, and Plan Update Grants.

- (1) Eligible 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 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 consistent with a shared governance agreement, using a place-based integrated water resources planning process, and following the process, content, and structure provided by the Department.
- (3) Eligible Post Plan Coordination Grants ~~must~~ support 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.

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

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

**690-602-0005**

**Grant Application Match Requirements**

- (1) Match requirements shall be included in the announcement for each grant offering. Match requirements shall not exceed 50% of the application request.
- (2) 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 ~~match funds commitments of funding~~ must be secured within 12 months from the date of the place-based water planning award.
- (3) 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~~ match funds from other sources; or

**Commented [LP2]:** Moved from -0003 Grant Application Process

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- (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](#)

**690-602-0006**

**Grant Evaluation Criteria**

- (1) Planning Readiness Evaluation and Preparation Grants shall be evaluated on:
  - (a) The commitment and 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;
  - (c) The proposed approach to public participation and engagement of environmental justice communities; and
  - (d) Strategic priorities identified in the state's Integrated Water Resources Strategy, the Department's strategic plan, or -determined by the Director, and included in grant solicitation materials.
- (2) Plan Development Grants shall be evaluated on:
  - (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) The proposed data, technical information, and planning tools that would support planning in the area;
  - (c) The proposed approach to public participation and engagement of environmental justice communities;
  - (d) Strategic priorities identified in the state's Integrated Water Resources Strategy, the Department's strategic plan, or determined by the Director, and included in grant solicitation materials;
  - (e) The value of place-based integrated water resources planning in the planning area and the demonstration of a clear need for a Plan; and
  - (f) State agency capacity to support the proposed planning process.
- (3) Post Plan Coordination Grants shall be evaluated as follows~~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 Plan Coordination-Recognition Grant previously, its application may be given priority by the application review team.
  - (b) If the Collaborative's Plan received state-recognition two or more years before the application deadline, its application 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; and
    - B. 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;

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- C. The proposed approach to public participation and engagement of environmental justice communities; and
  - D. Strategic priorities identified in the state's Integrated Water Resources Strategy, the Department's strategic plan, or determined by the Director, and included in grant solicitation materials.
- (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;
  - (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;
  - (c) The proposed approach to public participation and engagement of environmental justice communities; and
  - (d) Strategic priorities identified in the state's Integrated Water Resources Strategy, the Department's strategic plan, or determined by the Director and included in grant solicitation materials.
- (5) Additional evaluation criteria for Place-Based Water Planning grants may be added 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](#)

690-602-0007

**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 plans for adherence to the definition of a place-based integrated water resources plan, place-based integrated water resources planning, and the related process, content, and structure provided by the Department. review the Plan according to the evaluation metrics provided by the Department and The Plan Review Team will 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, was developed using the process of place-based integrated water resources planning, follows the process, content, and structure provided by the Department, -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:

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- (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 identify,~~ document, and communicate to collaboratives which Plan strategies ~~may be supported by the Department according to the Department's~~ are consistent with an agency's mission, authorities, and priorities, and whether and how they may be supported by those agencies as resources and capacity allow.
- (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. The Department, in consultation with other relevant state agencies, shall identify, and may incorporate common themes or individual strategies emerging from state-recognized Plans into updates and any associated workplans, ~~as appropriate to~~ consistent with 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](#)

690-602-0008

**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)~~(3) The Grantee must:
  - (a) Submit a report at least 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) Use a neutral facilitator for plan development;
  - (e) Ensure a collaborative process and adherence to principles of place-based integrated water resources planning and the state's Integrated Water Resources Strategy.

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~~(e)~~(f) Follow the process, content, and structure provided by the Department and necessary to meet the definitions of a “Place-Based Integrated Water Resources Plan” and “Place-Based Integrated Water Resources Planning”.

(g) Pursue state-recognition of any Plan or Plan update resulting from the collaborative’s work.

~~(e)~~

~~(6)~~(4) Upon notice by the Department to the Grantee in writing, the Director may terminate funding for collaboratives not complying with the grant agreement requirements and 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 Application Review Team making a recommendation for the award of Place-Based Water Planning funding, the Department shall provide notice as follows:

(a) Public notice with a minimum ~~3045~~-day public comment period.

(b) Written notice to county and tribal governments within the proposed planning boundary of an application.

(2) Prior to a decision of state recognition of a plan, the Department shall provide public notice with a minimum ~~3045~~-day public comment period and report all public comments received to the Commission for consideration.

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

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

**690-602-0010**

**Distribution of Grant 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](#)