

Chapter 690

Division 602

PLACE-BASED WATER PLANNING

690-602-0001

Purpose

OAR 690-602-0001 to OAR 690-602-001~~39~~ establish procedures for the Oregon Water Resources Department's administration of the Place-Based Water Planning Fund and the process and consideration of state-recognized place-based integrated water resources plans 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 state agencies identified in ORS 537.873(7) or invited by the Department with relevant knowledge or expertise, 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 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.
- (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 state agencies identified in ORS 537.873(7) or invited by the Department with relevant knowledge or expertise, that have 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) Applications shall be submitted on the most current form provided by the Department.
- (3) The Department shall review applications based on the evaluation criteria in 690-602-0006 and may use an application review team to assist in conducting this review.
- (4) The Department shall provide an opportunity for public comment on funding recommendations prior to the Directors funding decision.
- (5) The Director shall make grant funding decisions based on the grant evaluation criteria in 690-602-0006 and any associated recommendations of an 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 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 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 support implementation coordination of a state-recognized place-based integrated water resources plan.
- (4) Eligible Plan Update Grants 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

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 must be secured within ~~18~~ 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 match funds 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) 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 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. Commitment to a neutral process may be demonstrated through the use of neutral facilitator;
 - (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 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:
 - (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 Grant previously, its application may be given priority by the application review team preference and shall be evaluated on:-
 - A. Demonstration of plan strategies and actions that represent a balance of instream and out-of-stream water interests and a commitment to collaboration and place-based planning principles;
 - B. The proposed approach to public participation and engagement of environmental justice communities; and
 - ~~(a)~~C. 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.
 - (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;

- 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. The Plan Review Team ~~shall~~ 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, 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 current Integrated Water Resources Strategy.
- (5) The Department, in consultation with other relevant state agencies, shall identify, document, and communicate to collaboratives which Plan strategies 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, critical issues, or individual strategies emerging from state-recognized Plans into updates and any associated workplans, consistent with the Department's agency missions, 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) 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)~~(d) _____ Ensure a collaborative process and adherence to the definitions principles of a place-based integrated water resources plan and place-based integrated water resources planning and principles of the state's Integrated Water Resources Strategy.
 - ~~(f)~~(e) _____ 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".

DRAFT RULES (v. 12/2/2024)

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

- (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 45-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 45-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, ORS 537.873](#)

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

690-602-0011

Agreements or Contracts

- (1) The Department, in consultation with other relevant state agencies, shall produce and publish a report at least every 4 years that:
 - (a) Identifies specific purposes for which the Department may consider entering into agreements or contract to support of place-based integrated water resources planning during the upcoming reporting period.
 - (b) Documents how funding was spent through contracts and agreements since the previous report.

(2) The Department may use moneys in the fund to further place-based integrated water resources planning for purposes consistent with ORS 537.873(6).

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

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

690-602-0012

Provision of Technical Assistance

The Department, in consultation with other relevant state agencies, shall develop, maintain, and communicate a system for receiving, prioritizing, and responding to requests for technical assistance to support place-based integrated water resources planning.

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

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

690-602-0013

Program Evaluation

The Department, in consultation with other relevant state agencies, collaboratives, and other interested parties, shall periodically conduct a program evaluation and if necessary, may implement strategies for improvement.

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

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