

OREGON



WATER RESOURCES
DEPARTMENT

Place Based Water Planning Rulemaking

Oregon Water Resources Department

Rules Advisory Committee Meeting

November 15, 2024

Virtual Meeting Protocols

RAC Members

- Stay on mute when you're not talking
- 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 10:45am – please indicate in chat if you would like to participate

Meeting Agenda

Topic	Estimated Timing
Welcome	9:00am – 9:05am
RAC #3 Summary & Expanded Scope Discussion Wrap-up	9:05am – 10:05am
Break	10:05pm – 10:10pm
Racial Equity Impacts, and Economic & Fiscal Impacts Discussion	10:10am – 10:45am
Public Comment <i>(note: if there is limited/no public comment, RAC will continue discussion until 11am)</i>	10:45am – 11:00am

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 beige outlines.

RAC #3 Summary

Summary of Changes in version 11/1

(9) “Facilitator” means a neutral party that works to ensure a collaborative process and supports consensus building.

Summary of Changes in version 11/1

(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.**

Summary of Changes in version 11/1

For all grant types:

“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;”

Summary of Changes in version 10/3

Post-Plan Coordination Grants

(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.

Summary of Changes in version 10/3

Post-Plan Coordination Grants (cont'd)

(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

Summary of Changes in version 10/3

Post-Plan Coordination Grants (cont'd)

- 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.

Summary of Changes in version 10/3

(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 shall** 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.”

Summary of Changes in version 11/1

“(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 place-based integrated water resources planning, follows the process, content, and structure provided by the Department,** and upon recommendation by the Director.”

Summary of Changes in version 11/1

“(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.

Summary of Changes in version 11/1

“(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.”

Summary of Changes in version 11/1

(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.

Summary of Changes in version 11/1

“(3) The Department **shall** ~~may 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.**”

“(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.”

Summary of Changes in version 11/1

Removed: “(3) No geographic area may be served by more than one grant from the Fund at a time.”

Added: “(3) The Grantee must:

- (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.
- (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”.

Summary of Changes in version 11/1

(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 ~~30~~**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 ~~30~~**45**-day public comment period **and report all public comments received to the Commission for consideration.**

Any additional feedback?

- 690-602-0002: Definitions
- 690-602-0004: Eligible Grant Types
- 690-602-0006: Grant Evaluation Criteria
- 690-602-0007: State Recognition of Plans
- 690-602-0005: Match Requirements
- 690-602-0003: Grant Application Process
- 690-602-0008: Grant Agreement and Conditions
- 690-602-0009: Public Notice and Comment

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Expanded Scope Discussion

New Rules for Consideration

Rules to clarify the Department's authority to contract directly for services.

Related Statute

ORS 537.873 (6) “In addition to disbursing moneys in the fund as described in subsection (2) of this section, the Water Resources Director may use moneys in the fund to further place-based integrated water resources planning by entering into agreements or contracting for the following...”

- (a) Efforts related to interagency coordination.
- (b) Situation assessments.
- (c) The collection or development of data, data inventories or other technical information necessary for planning.

New Rules for Consideration

Rules to clarify the Department's authority to contract directly for services.

Related Statute ORS 537.873 (6) (cont'd)

- (d) Technical assistance.
- (e) The development of guidelines and best practices.
- (f) Providing opportunities for public participation.
- (g) The development or provision of training and learning opportunities.
- (h) Holding events and gatherings.
- (i) Evaluations to identify lessons learned and areas for improvement.
- (j) Consultation with Indian tribes.
- (k) Other actions in support of place-based integrated water resources planning that benefit a specific area in this state or the state as a whole.

New Rules for Consideration

Rules to clarify the Department's authority to contract directly for services.

Potential Language

“The Department shall periodically identify ways it may use moneys in the fund to most effectively further place-based integrated water resources planning as described in ORS 537.873(6).”

New Rules for Consideration

Rules around Provision of Technical Assistance

Potential Language

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

New Rules for Consideration

Rules around Program Evaluation and Improvement

Potential Language

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



Break





Economic & Fiscal Impacts and Racial Equity Impacts Discussion

Statement of Fiscal Impact (ORS 183.335(2)(b)(E))

(1) What state agencies, units of local government and the public may be economically affected by the proposed rules and what are those effects likely to be?

(2) Will there be significant economic effect of proposed rules on businesses?

Statement of Fiscal Impact (ORS 183.335(2)(b)(E))

(3) What will the cost of compliance on small businesses* be (ORS 183.336)?

- How many small businesses will be subject to these rules? What types of industries will these small businesses belong to?
- What are the expected reporting, recordkeeping and administrative activities required for compliance with the proposed rules, including costs of professional services?
- What types of equipment, supplies, labor and increased administration are required for compliance with the proposed rules?

* Small business means “a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses and which has 50 or fewer employees” (ORS 183.310(10)(a))

Statement of Fiscal Impact (ORS 183.335(2)(b)(E))

Preliminary Impacts Identified:

(1) What state agencies, units of local government and the public may be economically affected by the proposed rules and what are those effects likely to be?

- Staff time/capacity in administration of grant fund (*OWRD*)
- Provision of information/technical assistance and planning support (*State Agencies, Local Government, Public*)
- Staff time/capacity as grantees and/or convening Planning Collaboratives (*Local Government, Public*)

Statement of Fiscal Impact (ORS 183.335(2)(b)(E))

Preliminary Impacts Identified:

(2) Will there be significant economic effect of proposed rules on businesses?

- Consultants as project managers, facilitators, technical writers, technical assistance providers, grantees

Statement of Fiscal Impact (ORS 183.335(2)(b)(E))

Preliminary Impacts Identified:

(3) Cost of Compliance on Small Businesses

- Consultants as project managers, facilitators, technical writers, technical assistance provider, grantees
- Depends on contract with grantee; Reporting, recordkeeping and administrative activities required with normal grant administration and implementation progress reports

Racial Equity Impacts

Racial Impact Statement (ORS 183.335 (2)(b)(F))

- Who could be affected by the draft rules?
- How could the draft rules affect racial equity?

Racial Impact Statement (ORS 183.335 (2)(b)(F))

Preliminary Impacts Identified:

- All grants will be evaluated on their proposals for engagement of environmental justice communities.
- All grant types may support building the capacity of a community to engage in relevant planning where 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.”

Racial Impact Statement (ORS 183.335 (2)(b)(F))

Preliminary Impacts Identified:

- In practice, these rules are anticipated to foster more inclusive and equitable water resource management, ultimately leading to better outcomes for impacted communities.
- Consideration of state recognized Place-Based Plans in the development of the Oregon Integrated Water Resources Strategy offers the opportunity for diverse voices to have a further reaching impact into statewide planning efforts.
- No unintended adverse consequences on racial equity are expected from the rule.



Next Steps

Next Steps

- **TODAY, Nov. 15:** Last day for feedback to be considered in draft of rules published in the Notice of Proposed Rulemaking.
- **Dec. 2, 2024:** Notice of Proposed Rulemaking Published; Public Comment Period Begins
- **Jan. 15, 2025:** End of Public Comment Period
- **March 13-14, 2025:** Water Resources Commission Meeting where draft rules will be considered for adoption

Next Steps

Email Lili Prah (lili.k.prahl@water.oregon.gov) any additional input regarding today's discussion by **5pm TODAY, November 15.**

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

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Public Comment

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