

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on May 21, 2008 by the
Date prior to or same as filing date

Oregon Watershed Enhancement Board 695
Agency and Division Administrative Rules Chapter Number

Melissa Leoni 775 Summer Street NE, Suite 360, Salem, OR 97301 503-986-0179
Rules Coordinator Address Telephone

to become effective May 27, 2008 through November 18, 2008.
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Amends OWEB criteria for grants that enhance habitat and employ displaced commercial and sport fishers.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

695-007-0010
695-007-0020
695-007-0030
695-007-0040

SUSPEND:

Stat. Auth.: ORS 541.396

Other Auth.: Governor's Executive Order No. 08-10

Stats. Implemented: ORS 541.351 - 541.401

RULE SUMMARY

The amended rules in Division 7 of OAR 695 allow the Oregon Watershed Enhancement Board to apply award preferences for restoration, inventory and data collection, and project development grants that support priority salmon habitat enhancement and that are able to create work opportunities for fishers displaced by the 2008 limitations on ocean commercial and sport salmon fishing. These rules are in response to the Governor's Executive Order No. 08-10 declaring a state of emergency.

Authorized Signer

Printed name

Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Watershed Enhancement Board

695

Agency and Division

Administrative Rules Chapter Number

In the Matter of: 2008 Salmon Season State of Emergency Grants**Rule Caption:** (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Amends OWEB criteria for grants that enhance habitat and employ displaced commercial and sport fishers.

Statutory Authority: ORS 541.396**Other Authority:** Governor's Executive Order No. 08-10**Stats. Implemented:** ORS 541.351 - 541.401**Need for the Temporary Rule(s):**

In 2006, Executive Orders No. 06-06 and 06-07 declared a salmon season state of emergency due to Klamath River Basin conditions and subsequent limitations on ocean commercial and sport salmon fishing. In response, the Oregon Watershed Enhancement Board approved a delegation of authority to the Executive Director to enter into appropriate grant and interagency agreements to distribute funds for the purpose of funding immediate work opportunities for displaced fishers for project development, inventory and assessment activities, and restoration projects. The June 2006 Legislative Emergency Board allocated \$2.2 million in Measure 66 Lottery Funds to allow OWEB to carry out this effort. The Board adopted temporary rules in July of 2006 to provide a legal basis for exercising a preference for OWEB grants that hire displaced fishers to perform restoration and other related work.

OWEB made the temporary rules permanent in January of 2007. The permanent rules are tied specifically to the 2006 Executive Orders and the limitations to commercial salmon fishing. On April 10, 2008, the Governor issued Executive Order 08-10 declaring another state of emergency due to the limitations on ocean commercial and sport salmon fishing. OWEB would like to continue to offer funding for immediate work opportunities for displaced fishers and needs to amend existing rules in Division 7 of OAR 695 to be able to exercise the preference for grants that hire displaced fishers to perform restoration and other related work.

Documents Relied Upon, and where they are available:

GOVERNOR'S EXECUTIVE ORDER NO. 08-10
DETERMINATION OF A STATE OF EMERGENCY IN TILLAMOOK, LINCOLN, COOS, CLATSOP AND CURRY
COUNTIES AND COASTAL PORTIONS OF LANE AND DOUGLAS COUNTIES DUE TO LIMITATIONS ON OCEAN
COMMERCIAL AND SPORT SALMON FISHING

Document is available at http://governor.oregon.gov/Gov/exec_orders.shtml.**Justification of Temporary Rule(s):**

This effort is in response to the April 10, 2008 Executive Order No. 08-10 declaring a season state of emergency due to limitations on ocean commercial and sport fishing on the Oregon Coast. The emergency was declared in response to the serious economic and social impacts facing coastal communities due to significant commercial and sport fishing restrictions imposed this year. In response to this emergency, OWEB is implementing a special expedited grant process to create work opportunities for displaced fishers while at the same time advancing and accelerating salmon habitat restoration and recovery efforts. In order for displaced fishers to be employed as soon as possible, OWEB would like to announce new grant offerings as soon as possible. The failure to act on rules allowing OWEB to apply an award preference of hiring of displaced fishers will cause a delay in the funding of projects to employ those individuals affected by the season state of emergency.

Authorized Signer

Printed name

Date